



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

3 AUGUST 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 3 AUGUST 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Pearl (Chairperson), Cr Baxter, Cr Bond, Cr Crawford, Cr Cunsolo, Cr Martin, Cr Sirakoff.

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Kylie Bennetts, General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Claire Stevens, General Manager Governance and Organisational Capability, Joanne McNeill, Executive Manager Governance and Organisational Performance, Lachlan Johnson, Executive Manager Construction Contracts and Operations, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Emily Williams, Council Business Advisor, Merryn Shaw, Governance and Council Meetings Officer.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Councillor Clark is on leave from 28 July 2022 until 30 August 2022.

An apology was received from Councillor Copey.

2. CONFIRMATION OF MINUTES

MOVED Crs Baxter/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 20 July 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



CONDOLENCE MOTION

ARCHIE ROACH

Indigenous Australian singer-songwriter, guitarist and writer Archie Roach passed away on Saturday 30 July at the age of 66.

MOVED Crs Bond/Baxter

That Council

- Expresses its deep regret on the passing of Archie Roach
- Offers its sincere condolences to his family and places on record its appreciation for his service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public questions are summarised below. The submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **Sarah Jane Phillipson:** Why is council retaining the Eastern Road Reserve as a fenced dog park? The park is overpopulated and over used because it is fenced and there is an under- utilised off leash dog park only 400m away at Albert Park The current location in the middle of a heritage residential area with only a small gap to single glazed heritage homes. The noise of barking dogs is severely impacting the mental health of local residents. I am not opposed to a dog park, the issue is the location of the park is detrimental to surrounding residents. The dog park has been an ongoing issue for many years, I would like to know why Council is reluctant to deal with this issue?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that Council has committed to undertaking a review of dog off leash areas throughout the municipality, through the off-leash dog guidelines work. Community consultation will start in the coming months; Eastern Road Reserve will be part of that consultation. The best way to stay in touch with the outcomes of that review is to sign up for the Have Your Say page on the City of Port Phillip website. The review will include all dog parks, how they are being used, the hours being used and the usage itself. The review is not yet scheduled to come to Council.

- **Chris Zeiher:** I am here to raise concerns over continued unresolved discussions with Council over management and use of the Eastern Road Reserve Dog Park. The reserve being the only fenced off-leash dog park in Port Phillip has become incredibly popular with residents. The park is small, and is constantly divided, which is being done to regenerate the grass, but results in the park being half the intended size. As a resident we have been subjected to barking and other disruptions from dog owners not following park guidelines. I am not opposed to a dog park, the issue is the fenced dog park being in the wrong area. This is an issue that is within the Council's power to fix. I would request the following information: How many fines or warnings have been issued



to dog owners who have ignored the operational requirements of the park? How much has this park's maintenance cost the Port Phillip ratepayer since its establishment? How much has been allocated annually for park maintenance? And what is the plan for this space and when will it be available for public comment?

Lachlan Johnson, Executive Manager Construction Contracts and Operations took the questions related to the budget on notice. Mr Johnson acknowledged that it was problematic to maintain grass coverage in such an intensely used space. Council officers were working with contractors to give what grass remains the opportunity to regenerate. It is particularly difficult at this time of year when grass doesn't grow very well. In September this year it is proposed to undertake mechanical aeration of the densely packed surface in the park, and then fence off areas progressively to re-turf so the grass grows better. The whole park will be aerated but in sections. It will be done in stages so it can continue to be used.

- **Sally Apokis:** My home is situated about 50m from the Eastern Road off-leash dog park. It was established about 12 years ago. For then residents, who in their diversity really enjoyed the park as a green space. The off-leash dog park is simply not fit for purpose. It is solely used for dog owners. A number of owners do not comply with regulations. The unregulated dog barking has had a catastrophic impact on residents' mental health and wellbeing. Dog owners can take their dogs 400m down the road to Albert Park Reserve, which is a fit for purpose place for off-leash dogs. Will Council please return the park to a general green space for the recreational wellbeing and pleasure of intergenerational diverse community in the precinct, rather than prioritising the interests of a small, mono-cultural interest group?

The two previous responses from officers on this subject addressed this question.

- **Oleg Roach:** What provision is there for the maintenance and upgrading of garden beds and nature strips, cleaning of streets and graffiti and parking signage in the St Kilda East and Balaclava Areas? What is the large kitty collected from developers for open space being used for?

Lachlan Johnson, Executive Manager Construction Contracts and Operations advised that Council's open space maintenance contractor maintains 'nature strips, centre medians and traffic management devices' that are contained within the road reserve. Which for Balaclava / St Kilda East, totals approx. \$29.2k per year (Yr 4 lump sum) Total spend – (whole municipality) = totals approx. \$444.6k (Yr 4 lump sum)

All streets in the city are cleaned once every four weeks. Major roads are cleaned more frequently. This increases during leaf season. Medium priority hotspot areas – Inkerman Street, Glen Eira Road, St Kilda Road and Mirka Lane. This involves regular proactive patrols. Carlisle Street between Westbury Street & St Kilda Road is patrolled daily. Reactive response is provided throughout the area in response to reports of graffiti. Council has budgeted \$253k for graffiti removal including \$153k for proactive work and \$100k for reactive response.

Council has a regular replacement program for parking signs. Each sign is inspected at least once per annum. Open Space contributions will be a key source of funding for the delivery of Council's Public Space Strategy which was adopted last year. This includes a number of projects in St Kilda East and Balaclava.

In relation to graffiti, Council does not have the authority to remove graffiti from third party assets, such as the VicTrack operated train line. Council works with owners such as

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VicTrack and Yarra Trams to be able to identify and remove graffiti where it is reported. It is a problematic area knowing who is responsible. We encourage the public to report graffiti.

The Mayor undertook to write a letter to the responsible authority about graffiti on the railway bridge.

- **Trish Mulhall:** Has the CEO written the Department of Transport (DoT) following the last council meeting? Has DoT acknowledged receipt of the CEO's letter? What progress has occurred with regards to reviewing the 'Pop Up' bike infrastructure around our neighbourhoods?

Peter Smith, Chief Executive Officer, advised that a letter signed by the Mayor was sent to DoT on 26 July, which included the resolution from the last Council meeting, including the request that DoT reinstate, remove and review some of the infrastructure. DoT responded to the Mayor on Friday last week, and officers met on 2 August to start to work through the issues raised by the community. Mr Smith further advised that he was in almost daily contact with the Regional Director of DoT to ensure progress is being made. DoT will be doing the safety assessments, looking at adjustments they can make as they have done in other local government areas, and will be coming back to Council through the working group with a series of recommendation in the next couple of weeks. He had been assured that once recommendations have been made they can be done very quickly.

Council Report Submissions:

Item 11.1 Nature Strip Guidelines

- | | | |
|---------------------|--------------------|-------------------|
| • Mishchka Beckmann | • Shelley Krycer | • Mary Fitzgerald |
| • Rose Mulready | • Glenn Birmingham | • Hanut Dodd |
| • Elizabeth Arter | • Paul Munn | • Jason Lee-Ryan |
| • Emma Cutting | • Michael Sabada | • Pamela Denton |
| • Greg Irvine | • Sarah O'Bryan | • Rajan Moorthy |
| • Penny Lewisohn | • Megan Hirst | |

The following submissions were read in summary by a Council officer:

Public Question Time:

- **John Brooksmith:** At the 2 March Council Meeting I asked a question on compliance re the above address and it was taken on notice. The question related to alleged breaches to do with the placement of rubbish bins on the public footpath despite Council requiring 'Rubbish bins to be returned to the property after emptying the bins and the Planning Permit requiring 'Rubbish bins to be stored at the rear of the leased land'.

There is so much rubbish stored on the footpath that it is difficult to access the Public Toilets and anyone with a disability is certainly precluded from using the Public Toilet.

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More waste containers have recently been added to the collection of waste containers increasing the problem of accessibility and breach of lease.

In the addenda of the council meeting 18th May the council responded to questions on notice and advised the question had been resolved and the matter was Confidential

I have taken this waste problem up with the Head of Property and Workplace operations and was advised that officers were meeting with the operator to discuss possible solutions and that there is no clear alternative location for the bins – relocating the bins to the other side (beach side) is not preferred.

In terms of the VCAT planning approval 1186/2000 variation dated 25.02.2015 a “Patron management plan” was to be lodged with Council within 3 months of that date. I have a copy of that plan and it clearly states the rubbish must be stored at the rear of the building.

Council has advised me they have no record of a Patron Management Plan

Documents provided with this submission include

1. Copy of the relevant VCAT Planning permit
2. Copy of the required “Patron Management plan”
3. Copy of the Site Plan of the leased area

Questions:

- 1) Why is the answer to this problem “CONFIDENTIAL”
- 2) Even though a patron management plan was required to be lodged within 3 months of 25.02.2015 – Why is it still not on Council files and being enforced?
- 3) The Council statement “Rubbish bins to be returned to the property after emptying the bins” allegedly is not being complied with?
- 4) Do the residents of this area allegedly have to look at a permanent unsightly rubbish dump, even though the State Government through VCAT says they should not have to?
- 5) Would the Council Officers care to comment again on this and all matters of compliance for this property?

I understand the Elected Councillors have been told this property is "Compliant"

Kylie Bennetts, General Manager City Growth and Development acknowledged the concerns raised and advised that the Manager of Safety & Amenity, Marc Jay will make contact with Mr Brooksmith to provide an answer to these questions and concerns as soon as possible.

- **Gillian Don:** When will the new Dog park be opening up?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience provided advice on the assumption that the question was in relation to the Moran Reserve, that the reserve was due to open at the end of August/ start of September

- **Adrian Jackson:** On the council website South Melbourne beach and Middle Park Beach are lumped together, why other than being post code 3206? They are separate beaches. While Middle Park beach is accurate the term South Melbourne beach is inaccurate and a hangover from pre amalgamation days This beach is next to Albert



Park suburb and should be renamed accordingly as Albert Park beach. What is council doing about changing this inaccurate South Melbourne beach naming? Also, Parks Victoria's, Albert Park, near the lake, should be called Albert Park Reserve not just Albert Park. Will council approach Parks Victoria to fix this name more accurately to stop it being confused with Albert Park suburb?

Claire Stevens, General Manager Governance and Organisational Capability advised that responsibility for preparing naming proposals and submitting them to the Registrar of Geographic Names can vary. She took the question on notice to seek advice from Geographic Names Victoria, noting that some of the question might be outside the jurisdiction of Council.

- **Adrian Jackson:** When council roads are both painted and resurfaced with bitumen periodically is this coordinated to ensure newly painted roads are not ripped up for resheeting shortly after? I remember in Erskine St, Middle Park, well over a decade ago this happened with freshly painted 90-degree car parking spots that had to be repainted after new bitumen was laid.

Lachlan Johnson, Executive Manager Construction Contracts and Operations advised that all Council's investment in infrastructure is guided by the asset management plans, which are informed by asset condition audits. The intent is that if a road is re-laid, line marking is put down after that, not before, where we have to re-line marked roads. Council does have an ongoing challenge with roads being reconstructed and then works being undertaken by other authorities on those reconstructed roads. Council is actively working with service authorities to ensure this doesn't occur.

- **Adrian Jackson:**
 - 1) Why is the state government sponsored Armstrong St, Middle Park, platform (near the palm tree) now fenced off with a mesh fence?
 - 2) Has the novelty worn off? Is it an OH&S problem?
 - 3) Is it unsightly and out of place after destroying the grass that was there?
 - 4) Will the two litter bins be returned to Armstrong St next to the footpath where they were more useful to passing pedestrians?
 - 5) Will the oversized concrete slab near the platform be removed?
 - 6) Councillors will you get this pocket park back to what it used to be like?

Kylie Bennetts, General Manager City Growth and Development advised the deck was being oiled to ensure longevity and freshen up the infrastructure in time for spring. The fence was in place for one day while the oil dried and has now been removed. There were no OHS problems identified. Ms Bennetts took questions 4 and 5 on notice.

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide information received from the State Government regarding the intention of which trams will run along the Park Street tram extension and the direction in which they will operate? Which end destination will they operate to?

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Kylie Bennetts, General Manager City Growth and Development advised on completion of the Park Street tram link, some tram routes that operate along St Kilda Road into the CBD will be able to be diverted along Park Street and into the CBD along Spencer Street. The Department of Transport are as yet unable to confirm the tram routes that will be diverted. Council officers understand that all new routes will operate in both directions.

- **Councillor Pearl:** Residents in Westbury Street have reported the installation of a CCTV camera alongside the bike path on a power pole. Can officers provide any details on who installed the camera and what the purpose of the camera is?

Kylie Bennetts, General Manager City Growth and Development advised that the Department of Transport (DoT) confirmed that it had CCTV on Westbury Street. It was understood that DoT intended to use the footage from the camera for various purposes as part of its monitoring and evaluation activities. DoT has told Council officers that the CCTV will be in place for 12 months. Footage is recorded and retained, but access is only retrospective.

Councillor Pearl: Would it be possible to find out if any houses or personal property that is in the vision of the CCTV is blanked as we have under standard policy, given the footage is being retained?

Kylie Bennetts, General Manager City Growth and Development advised that Council officers had contacted the Department of Transport (DoT) to obtain information about the CCTV policy and approach and its management of images. She undertook to convey the question to DoT so a response could be included with the other information requested.

Councillor Pearl: Were we aware of the CCTV, and is it being used for any law enforcement purposes?

Kylie Bennetts, General Manager City Growth and Development advised that Council officers were advised of the locations CCTV was proposed, and undertook to obtain further details about the purpose.

Councillor Cunsolo: Could we have a list of where the other CCTV locations are?

Kylie Bennetts, General Manager City Growth and Development undertook to obtain details of locations from the DoT.

- **Councillor Bond:** One of the elements of the motion passed on 20 July regarding the Department of Transport (DoT) pop-up bike lanes was that we would allow the trial to continue to its practical completion. Do we have a date for practical completion so we know all the infrastructure has been finalised, and what the final outcome will look like?

Peter Smith, Chief Executive Officer advised that he had asked for the completion date. He had also asked that where works are not complete for communication with local residents to be made so that when markers are put down ahead of chevrons being painted residents are aware the work is still in progress. He had requested that the Department of Transport (DoT), increase communication with residents but also to provide the practical completion date. Notwithstanding that, Council officers are working through all the issues raised by residents and Councillors with DoT, not waiting for the program to be completed to do the safety assessments, ask for the justification of the measures. He expected DoT to provide measures within two weeks and implementation to occur soon after.



- **Councillor Bond:** I have requested copies of all the permits that were issued by City of Port Phillip for all the Department of Transport (DoT) bike lane related works. When will I be in receipt of these permits?

Kylie Bennetts, General Manager City Growth and Development advised that the permits would be provided imminently. A response had been drafted.

- **Councillor Sirakoff:** Alongside the concrete blocks going up on designated pop up bike lanes, will the Department of Transport (DoT) also be putting up any other concrete blocks elsewhere alongside the yellow lines, which I've witnessed today?

Peter Smith, Chief Executive Officer took the question on notice.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Nil.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

11.1 Nature Strip Guidelines

Purpose

- 1.1 To present the *Nature Strip Guidelines* to Councillors for endorsement and adoption, following community engagement.

MOVED Crs Cunsolo/Crawford

- 3.1 Thanks the community for providing feedback on the development of the Nature Strip Guidelines.
- 3.2 Notes that the amendments to the guidelines provide clearer guidance to the community regarding planting on nature strips and increase options for planting while considering safety and access requirements.



- 3.3 Notes that the Guidelines apply to gardens which are planted after adoption, modifications to current nature strip gardens will only be requested if safety or access concerns are raised.
- 3.4 Notes that no permits or approvals are required if gardens are planted in line with these guidelines. Council officers are available to discuss requirements for other forms of planting in public space which these guidelines do not cover.
- 3.5 Notes that the website will be updated to include further information on gardening within public space.
- 3.6 Endorses and adopts the updated *Nature Strip Guidelines 2022-24 (Attachment 1)*, with the following amendments:
- Additional definitions for nature strip planting, low ground cover, natural gardening, offsets, key Boulevards and indigenous plants to be included.
 - Restricts planting within 50cm or 3 times the trunk diameter (whichever is larger) around trees. This does not apply to trees within tree plots.
 - Planting can occur within tree plots keeping plants 30cm away from the tree trunk and below 50cm in height, all other requirements will apply. Recommend the use of tube stock, hand tools and limit digging.
 - Access from the kerb to the footpath should be a minimum of 0.6m up to 1.2m to enable safe and accessible passage.
 - Remove the reference to Heritage Overlay and update to include a requirement to contact Council before planting nature strips on key Boulevards.
 - Retain the 1.5m exclusion around fire hydrants.
 - Provide a minimum of 30cm offset from storm water pits, service pits, service pillars and power poles. (Note- planting may be disturbed by utility companies when accessing utility sites).
 - Add further explanation around kerb and parking restrictions. These are in place to allow for safe and accessible access from the road to the footpath from car parking bays.
- 3.7 Notes that nature strip gardening and street gardening are vital to a Sustainable and Liveable Port Phillip, and further opportunities for street gardening and de-paving will be provided through the update of the Greening Port Phillip Strategy.
- 3.8 Notes that minor wording changes and updates to relevant diagrams will be made in line with these amendments within the Nature Strip Guidelines.
- 3.9 Authorises the Chief Executive Officer to make minor editorial updates to the adopted guidelines, if required in line with the amendments.
- 3.10 Directs the Chief Executive Officer to undertake a review of Gardens for Wildlife as part of Greening Port Philip Strategy and report back to Council.

A vote was taken and the MOTION was CARRIED unanimously.



12 VIBRANT PORT PHILLIP

12.1 Draft Creative and Prosperous City Strategy 2023-2026

Purpose

- 1.1 This report presents the draft Creative and Prosperous City Strategy 2023-2026 for release for public consultation.

MOVED Crs Baxter/Crawford

That Council:

- 3.1 Endorses the draft Creative and Prosperous City Strategy 2023-2026 for release to the public for consultation for a period of four weeks (Attachment 1).
- 3.2 Authorises the Chief Executive Officer to make any minor changes that do not alter the material intent of the draft Creative and Prosperous City Strategy 2023-2026 prior to the document being released for public consultation.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting adjourned for a break from 8:27pm to 8:36pm

13. WELL GOVERNED PORT PHILLIP

13.1 Proposed discontinuance of road abutting 50 Nimmo Street, Middle Park

Purpose

- 1.1 To seek Council's approval to:
 - 1.1.1 Remove the road abutting 50 Nimmo Street, Middle Park, being part of the land contained in Crown grant 1436 folio 082 and part of the land contained in certificate of title volume 6345 folio 984, being part of R1987 (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**); and
 - 1.1.2 Commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing the Road. If the Roads are subsequently discontinued, they are proposed to be sold to the adjoining owner for market value.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves that the road abutting 50 Nimmo Street, Middle Park, being part of the land contained in Crown grant 1436 folio 082 and part of the land contained in certificate of title volume 6345 folio 984, being part of R1987 (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report;
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (**Act**):
 - 3.2.1 resolves that the statutory procedures be commenced to discontinue the



Road;

- 3.2.2 directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
- 3.2.3 resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner of 50 Nimmo Street, Middle Park for market value;
- 3.2.4 notes that the current market value of the Road is currently assessed to be \$37,500 plus GST;
- 3.2.5 notes that proceeds from the proposed sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
- 3.2.6 authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
- 3.2.7 resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined later.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Financial Hardship Policy - Rates & Charges

Purpose

- 1.1 To seek Council approval of the Financial Hardship Policy in line with decisions made as part of the Budget 2022/23, proposed amendments Local Government Act 1989 contained within the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022, and other minor clarifications and edits.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Endorse the updated "Financial Hardship Policy – Rates and Charges (2022)"
- 3.2 Rescind the current "Financial Hardship Policy – Rates and Charges"
- 3.3 Delegate to the CEO the authority to make minor editorial changes and clarifications to the Policy as required.

A vote was taken and the MOTION was CARRIED unanimously.



13.3 Records of Informal Meetings of Council

Purpose

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance rules

MOVED Crs Pearl/Sirakoff

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Council (attached) as required by the Governance Rules

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Nil.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Bond/Cunsolo

That Council resolves to move that the meeting be closed to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

17.1 CONFIDENTIAL - Commercial Property Leasing Matter

- 3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- 3(1)(g(ii)). private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage
- 3(1)(l). information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED unanimously.

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The meeting closed to members of the public at 8:41pm.

The meeting reopened at 8:50pm

As there was no further business the meeting closed at 8:50pm.

Confirmed: 17 August 2022

Chairperson _____