



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

6 OCTOBER 2021



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD VIRTUALLY ON 6 OCTOBER 2021**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Brian Tee, Acting General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Organisational Capability. Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Lachlan Johnson, Executive Manager Construction Contracts and Operations, Donna D'Alessandro, Manager Maintenance and Operations, Greg Mitchell, Coordinator Parks, Che Sutherland, Manager Partnerships and Transport, Lisa Davis, Manager Safety and Amenity, Skye Peck, Acting Coordinator Local Laws and Animal Management, Lauren Bialkower, Manager City Growth and Culture, Joanne McNeill, Executive Manager, Property and Assets, Michelle Rysanek, Senior Property Project Manager.

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Sirakoff/Baxter

That the minutes of the Meeting of the Port Phillip City Council held on 15 September 2021 be confirmed.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Peter Smith, Chief Executive Officer, declared a material conflict in confidential item 17.4 CEO Employment Matters. Mr Smith advised that he would leave the meeting at the time of the item with Claire Stevens, Executive Manager People, Culture and Safety to assume his chair.

Cr Bond advised an interest in a confidential item and noted he would provide further information to the confidential meeting.

4 PUBLIC QUESTION TIME AND SUBMISSIONS

The following 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:

- **Alan Renshaw:** Regarding Council Expenditure, what is Council's process and how has it been implemented to allow Councillors to:
 - a) Fund services and infrastructure that are not required by most residents?
 - b) To allow Councillors to spend ratepayers' funds on the pet projects of Councillors, which are not required by most residents?
 - c) To pay themselves allowances over those covered by the legislation when they volunteered to sit on the council as volunteers, not paid employees?

Peter Smith, Chief Executive Officer advised that the process that supports Council decisions is that all of those expenditure decisions mentioned in Mr Renshaw's submission are made by Council as a whole and Council as a whole represents the whole community through the democratic process of an election. The decisions to fund different projects, officers work with Councillors through the budget process and at budget time we make large decisions around expenditure including the setting of rates, which Council voted as a majority to set the rates this year at the capped level. Projects put forward by individual Councillors are considered by Council as a whole, and the decision is made within the interest of the City and the community. Allowances such as childcare allowances are provided for under the Local Government Act, Council must set an Expenses Policy and they are entirely within their remit to set a policy that they see fit as a majority. Again the process is that the policy goes to a Council meeting and the Council as a whole vote on that policy.

Council Report Submissions:

Item 7.2 Joint Letter – Requesting attention and Improvements for a more Sustainable Streetscape on Alma Road, St Kilda'

- Nicolas Mims

Item 7.3 Petition – Access to Beaches for Dogs, Port Melbourne

- Rachel Eaves
- Brodie Mitchell
- Anne Landers (Montifeltro)
- Kerry McKendrick
- Sarah Matenson



The following submissions were read out in summary by an officer:

Public Question Time:

- **Trevor White:** Whilst not all City of Port Phillip staff are classified as ‘authorised workers’ by the DHHS, all Local Government staff are essential workers and have contact with the community, other staff and councillors. Will the City of Port Phillip make it compulsory for all staff to be COVID vaccinated like many employers including the Bass Coast Shire?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that all staff who fit into the named occupation categories for example early learning and construction or are approved authorised workers will be required to provide their supervisor or line manager with evidence and information in relation to their COVID19 vaccination status in order for this to be sighted and recorded in line with the time frames established by the State Government. With respect to all other staff, they are currently being encouraged to be vaccinated and within the next few days will be encouraged to provide vaccination evidence in order to assist with a planned return to office for non authorised workers in line with easing of restrictions in November. Council is currently working on a broader vaccination policy considering the safety of Councils customers and staff and as soon as this is developed we will communicate that broadly. In addition, Council has been working recently with representatives from local businesses, arts groups, sporting clubs, community groups and some of our iconic destinations in the municipality to establish a promotional campaign to encourage vaccination within our community. This will be distributed through Councils communication channels in the coming days.

Council Report Submissions:

Item 10.1 St Kilda Marina – Use of Rental Funds for Approval by The Minister

- Trevor white

5. COUNCILLOR QUESTION TIME

- **Councillor Clark:** What percentage of residents in the City of Port Phillip own a dog?
Lisa Davis, Manager Safety and Amenity took the question on notice.
- **Councillor Cunsolo:** Can Officers provide an update on the proposed tree planting as part of a petition response at Centenary Reserve, Port Melbourne?
Tony Keenan, General Manager Community Wellbeing and Inclusion took the question on notice.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition Response – Request to remove Norfolk Island Hibiscus Trees on Park Street, South Melbourne

A Petition containing 46 signatures was received from local residents.

MOVED Crs Martin/Copsey

That Council:

1. Thanks the community for their petition.
2. Notes that Council policy is to retain healthy and structurally sound trees, and to only consider removal if there are no other viable options.
3. Denies the request for tree removal consistent with Council's Greening Port Phillip Strategy.
4. Notes that Council officers will assess the suitability of Norfolk Island Hibiscus trees and consider a long-term replacement strategy within the review of Greening Port Phillip Strategy.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.

Item 7.2 Joint Letter – Requesting attention and Improvements for a more Sustainable Streetscape on Alma Road, St Kilda

A Joint Letter containing 9 signatures, was received from local residents.

MOVED Crs Baxter/Pearl

That Council:

1. Receives and notes the Petition; and
2. Notes Officers will provide a response to the 3 November Council meeting.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.



Item 7.3 Petition – Access to Beaches for Dogs, Port Melbourne

A Petition containing 10 signatures, was received from local residents.

The following questions were taken on notice during discussion of the item:

Councillor Pearl: In relation to consultation on fixed changes, would the same level of consultation be required if a three month trial was proposed, as opposed to permanent changes?

Lisa Davis, Manager Safety and Amenity took the question on notice.

MOVED Crs Martin/Cunsolo

That Council:

1. Receives and notes the petition.
2. Notes that feedback from the consultation on the draft Domestic Animal Management Plan (DAMP) is currently being collated and that Officers will consider the merits of a review of the current dog restrictions on Port Melbourne beaches along with all other feedback, as there has also been feedback seeking beaches that are free of dogs. The final DAMP will be presented to Council in November for adoption.
3. Incorporates this petition as a submission to form part of the feedback currently being collated to inform the final DAMP report to be adopted by Council in November.
4. Notifies the petitioner of the outcome of this petition.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

10.1 St Kilda Marina - Use of Rental Funds for Approval by the Minister

Purpose

- 1.1 To seek endorsement to formally request the Minister to approve a list of proposed uses of the rental funds derived from the St Kilda Marina new lease for the term of the lease.



MOVED Crs Bond/Martin

That Council:

- 3.1 Endorse the proposed use of rental funds derived from the St Kilda Marina new lease for the term of the lease.
- 3.2 Notes that this will include the upgrade of the section of Bay Trail between Brookes Jetty and St Kilda Skate Park in Marina Reserve.
- 3.3 Sends a letter from the Mayor to the Minister requesting approval of the list of proposed uses of the rental funds derived from the St Kilda Marina new lease for the entire term of the lease without requiring specific approvals for each proposal.
- 3.4 Notes that this request is made on the condition that Council will submit an annual report to DELWP to ensure Council's expenditure of rent remains aligned with the Minister's approval. The initial report would address plans for expenditure for the inaugural year of the lease (2022), for annual as well as multi-year projects, and that at the end of that year Council would report on the actual spend as well as planned expenditure for the following year. This would be repeated for each year of the lease.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 Key Arts Organisations Funding - Guidelines and Criteria for endorsement

Purpose

- 1.1 To present the proposed guidelines and criteria for the Key Arts Organisations funding 2022-2025 for endorsement.

MOVED Crs Copsey/Crawford

That Council:

- 3.1 Endorses the Key Arts Organisations guidelines and criteria for the 2022-2025 funding period as outlined in Attachment 1 and authorises the Chief Executive Officer to make any minor amendments that do not alter the substantive intent of the document to enable publication.
- 3.2 Notes that a call for applications for the 2022-2025 funding period will be made prior to the conclusion of the 2021 calendar year.
- 3.3 Notes that officers will advise existing funding recipients of the competitive approach being adopted by Council for the 2022-2025 funding round in addition to promoting the funding opportunity through Council's communication channels.



- 3.4 Notes that recommendations from the independent Cultural Development Fund Assessment Panel will be brought to Council for decision in the first half of 2022.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The **MOTION** was **CARRIED** unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 12 Little Tribe Street, South Melbourne and 12-14 Duke Street, St Kilda - Removal of Land from the Road Register

Purpose

- 1.1 The purpose of this report is to seek Council's approval to consider removing the following land parcels from Council's Register of Public Roads (**Register**), pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**):

- Land parcel R2489 (adjacent to 12 Little Tribe Street, South Melbourne); and
- Land parcel R3457 (adjacent to 12-14 Duke Street, St Kilda).

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Notes that the land parcel R2489 (Tribe Land) abutting 12 Little Tribe Street, South Melbourne (12 Little Tribe) forms part of 12 Little Tribe contained in Certificate of Title volume 6972 folio 214 but is listed on Council's Register of Public Roads (Register).
- 3.2 Notes that the land parcel R3457 (Duke Land) abutting 12-14 Duke Street, St Kilda (12-14 Duke) forms part of 12-14 Duke Street contained in Certificate of Title volume 3476 folio 091 but is listed on the Register.
- 3.3 Notes that although neither Tribe Land nor Duke Land is known to title as a 'road', by virtue of their inclusion on the Register, they are considered 'public roads' under the Road Management Act 2004 (Vic) (RMA). As they are 'public roads' under the RMA, they are 'roads' under the Local Government Act 1989 (Vic) (LGA). And as they are 'roads' under the LGA, Council has statutory powers over them.
- 3.4 Notes that at the time of placing the Tribe Land and Duke Land on the Register, it has been established that:
- they were not reasonably required for general public use as they were enclosed within the boundaries of the respective properties; neither of them was dedicated as a 'road' on any current or historic titles nor encumbered by any carriageway easements or other rights of way; and
 - they were not public highways at common law i.e. they were not expressly dedicated to the public for use as rights of way and were not accepted by the public as rights of way.
- 3.5 Acting under section 17(4) of the RMA, resolves that the Tribe Land and Duke Land listed on the Register as R2489 and R3457 respectively, be removed from the Register 2021 41 as they are no longer reasonably required for general public use, for the reasons set out in the above item 3.4.



- 3.6 Authorises the removal of the Tribe Land and Duke Land from the Register and Council's Intramaps application.
- 3.7 Notes that unlike other situations where a road, once discontinued, would then be sold by Council, in this case it is considered that the Tribe Land and Duke Land should not have been included on the Register in the first place. As they do not meet the common law test for being a 'public highway', they cannot be discontinued and sold.
- 3.8 Notes that once removed from the Register, the Tribe Land will revert to the Tribe Owner and the Duke Land will revert to the Duke Owner.

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.

13.2 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.

MOVED Crs Pearl/Sirakoff

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Councillors (attached).

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

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 Pearl/Cunsolo

That in accordance with the Local Government Act 2020, the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 3 of the Act, for the reasons indicated:

Report No.	Report Title	Confidential reasons
17.1	Reappointment of External Member to the Audit & Risk Committee.	(f) <i>personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</i>
17.2	Panel recommendation: 39- 47 Camden Street, Balaclava	(a) <i>Council business information that would prejudice the Council's position in commercial negotiations if prematurely released</i> (c) <i>land use planning information being information that if prematurely released is likely to encourage speculation in land values</i> (g(ii)) <i>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.</i>
17.3	Fishermans Bend – Montague Precinct Implementation Plan	(c) <i>land use planning information being information that if prematurely released is likely to encourage speculation in land values</i>
17.4	CEO Employment Matters	(f) <i>personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</i>

The Vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION was CARRIED unanimously.

As there was no further business the meeting closed at 7:51pm.

Confirmed: 20 October 2021

Chairperson _____