



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

18 OCTOBER 2023



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 18 OCTOBER 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX

The meeting opened at 6:31pm.

IN ATTENDANCE

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

Chris Carroll, Chief Executive Officer, Lauren Bialkower, Acting General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Peter Liu, Acting General Manager Operations and Infrastructure, Daniel Lew, Acting General Manager Governance Capability and Experience, David MacNish, Head Major Transport Projects – Domain Precinct, Nellie Montague, Manager Partnerships and Transport, Simon Hill, Executive Manager Waste and City Maintenance, William Gowans-Rief, Coordinator Planning Compliance, Siobhan Belmore, Manager Property and Assets, Karen Miller, Manager Project Delivery, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

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.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

MOVED Crs Baxter/Martin

That Council accepts the request to attend by electronic means received by Councillor Crawford.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

An apology was received from Councillor Pearl.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 4 October 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Chief Executive Officer, declared a potential perceived and general conflict of interest in relation to item 12.1 '*Presentation of Annual Report: Palais Theatre Year 6*' due to their wife's business interests and employment which sometimes sees them as a competitor of Live Nation. The CEO noted that they had not been involved in the preparation of the report.

Councillor Nyaguy declared a general conflict of interest in a matter that was considered at the 4 October Council meeting, being item 12.2 '*St Kilda Esplanade Market Strategy, Annual Report, Terms of Reference and Recommendations for the Reference Committee*' due to close association with one of the appointed Committee members. Councillor Nyaguy noted that although they were not part of the selection process, they failed to declare this conflict when the item was considered and were therefore present for the vote that approved the appointment of members to the Committee. Councillor Nyaguy stated they do not believe that this conflict of interest resulted in them acting in a manner that was contrary to the public duty, but that they were declaring it in the interest of transparency and intended to declare any other conflicts in the future.

CONDOLENCE MOTION – KEVIN DONOVAN

Kevin Donovan, well-known, local restaurateur, community member and philanthropist who sadly passed away on 3 October 2023.

MOVED Crs Bond/Cunsulo

That Council

- Expresses its deep regret on the passing of Kevin Donovan
- Offers its sincere condolences to their family and places on record its appreciation for their 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/archivephp>.

Public Question Time:

- **Vicky Ho:** Has there been any independent review on the new Park Street Bike Lane. What analysis has been completed regarding the effectiveness and safety of the new bike lane? What were the findings?

Nellie Montague, Manager Partnerships and Transport, advised that Council continues to monitor bike corridors including collecting transport counts on key routes which have shown an overall increase in people riding bikes and cargo bikes between winter last year and winter this year. Council continues to monitor and respond to crashes and reports from the community about concerns. In relation to the Park Street corridor, pre and post road safety audits were undertaken on this route in particular.

Nellie Montague undertook to meet with the community member to understand their concerns and whether there are particular treatments or locations to be addressed.

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- **Jenny Chandler:** For the past three years I have volunteered my time collecting rubbish on St Kilda West Beach every other day. The amount of rubbish on the beach has increased recently, and there is a smelly, toxic spill. How can the council better control the litter and toxic waste on this beach?

Simon Hill, Executive Manager Waste and City Maintenance, advised that St Kilda West Beach is cleaned of seaweed every day by a mechanical loader and then raked by a beach cleaner on at least a weekly schedule. Due to natural water movement and longshore drift activity we see a lot of seaweed and litter deposited along this section of the foreshore. Seaweed is stockpiled to allow draining of excess water before transporting it away to be deposited at an appropriate landfill site. The stockpile is removed daily. Council is not aware of any toxic waste in this location, but will investigate this further should there be more reports on the type of waste referred.

- **Helen Halliday:** In 2019, a proposal was put and agreed by VicRoads to plant 67 new trees into the median strip of Brighton Road. These trees were never planted as Council withdrew the agreement with VicRoads. Now that the Council has resumed its contractual arrangements with VicRoads could the Council advise when it will implement the plan to plant 67 trees in Brighton Road?

Simon Hill, Executive Manager Waste and City Maintenance, advised that to improve amenity outcomes Council has recently resumed grass maintenance along Brighton Road and other Department of Transport roads within the City of Port Phillip. At this point the arrangement does not include tree maintenance and as such there are no plans to plant new trees along the median strip in this area. Simon Hill undertook to follow up with the Department of Transport regarding the plan to plant 67 trees.

Councillor Crawford entered the meeting virtually at 6.47pm.

Council Report Submissions:

Item 10.2 Inkerman Safety Improvement Project

- | | | |
|-------------------|---------------------|------------------|
| • Jaz Bradley | • Peter Holland | • Hayden Lavigne |
| • Simon Baldwin | • Mathieu Cadet | • Ellen Martin |
| • Justin Halliday | • Julie Clutterbuck | • Yazi Medinne |

5. COUNCILLOR QUESTION TIME

- **Councillor Nyaguy:** I read in the media this week that Council has now resolved the contracts for the Marlborough Street Community Housing project. Can officers confirm if this is the case?

Siobhan Belmore, Manager Property and Assets confirmed that Council achieved settlement last week on Marlborough Street Housing Project.



6. SEALING SCHEDULE

Mayor Cunsolo advised there was one item for sealing being item '17.1 Amended Deed of Settlement – PCB Constructions and City of Port Phillip.' As the information contained in this report is considered to be Confidential Information in accordance with Section 3(1)e of the Local Government Act 2020, this item was considered during the Confidential Council meeting.

7. PETITIONS AND JOINT LETTERS

Nil.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

10.1 Sports Ground Playing Surfaces Maintenance

Purpose

- 1.1 To present the outcome of the procurement of sports ground playing surface maintenance services.
- 1.2 To recommend Council enter into Contract 000255 - Sports Ground Playing Surfaces Maintenance with GLG GreenLife Group Pty Ltd.

MOVED CRS Martin/Bond

That Council:

- 3.1 Does not execute the final two-year extension for Sports Ground Playing Surfaces only in Contract 2130 - Open Space Maintenance with Citywide Service Solutions Pty Ltd.
- 3.2 Council writes to Citywide Service Solutions Pty Ltd to notify them of the decision and thanks them for their service on Council's sports grounds.
- 3.3 Enters into Contract 000255 - Sports Ground Playing Surfaces Maintenance with GLG GreenLife Group Pty Ltd. at a date to be determined between 29 January 2024 and 1 April 2024, for an initial four-year term with an option of a further four-year extension.
- 3.4 Notes that the new estimated Contract sum is \$7,101,949.09 (excluding GST) for the full eight-year period.
- 3.5 Authorises the Chief Executive Officer, or their delegate, to execute the further four-year extension option as and when required, subject to satisfactory performance from GLG GreenLife Group Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.

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10.2 Inkerman Safety Improvement Project

Purpose

- 1.1 To seek Council endorsement to release draft concept designs for the Inkerman Safety Improvement (formally Inkerman Safe Travel Corridor) Project for community engagement.

MOVED Crs Martin/Baxter

That Council:

- 3.1 Endorses the release of the draft concept designs Option 1 and Option 3 for the Inkerman Safety Improvement Project Corridor for community engagement.
- 3.2 Requests a subsequent report be tabled at an ordinary Council meeting, as soon as practicable in 2024, for Council to consider the results of the community engagement and to determine whether to progress the project to detailed design and construction.

AMENDMENT

Moved Crs Sirakoff/Clark

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION:

That Council:

- 3.1 Endorses the release of the draft concept designs Option 1 and Option 3 for the Inkerman Safety Improvement Project Corridor for community engagement.
- 3.2 Requests officers to investigate if parking can be added to or reconfigured on streets nearby to Inkerman Street to offset any loss of parking spaces from Inkerman Street.
- 3.3 Requests a subsequent report be tabled at an ordinary Council meeting, as soon as practicable in 2024, for Council to consider the results of the community engagement and to present any findings from the work detailed in point 3.2, and to determine whether to progress the project to detailed design and construction.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 Presentation of Annual Report: Palais Theatre Year 6

Purpose

- 1.1 To present the Annual Report as required by the Lease for the activities undertaken by Live Nation at Palais Theatre for the period ended 31 March 2023.

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MOVED Crs Martin/Crawford

That Council:

- 3.1 Accepts and notes the Palais Theatre Annual Report and declares it is satisfied with the activities undertaken by Live Nation for the period ended 31 March 2023.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Presentation of the City of Port Phillip Annual Report 2022/23

Purpose

- 1.1 To present and endorse the City of Port Phillip's Annual Report 2022/23

MOVED Crs Martin/Sirakoff

That Council:

- 3.1 Endorses the Annual Report 2022/23 (Attachment 1) and presents the same to the public as a report on the implementation of the Council Plan 2021-31, in line with the legislative requirements of the *Local Government Act 2020*.
- 3.2 Authorises the Chief Executive Officer, or their delegate, to make amendments to the document to correct any minor drafting errors that do not materially alter the intent of the document.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Proposed discontinuance of road at rear of 182-192 and 200 Clarendon Street, South Melbourne

Purpose

- 1.1 To consider whether the road adjoining the properties at 182-192 and 200 Clarendon Street, South Melbourne VIC 3205 (**Adjoining Properties**), being the land remaining in Crown Grant 5106/1853 and being part of Crown Allotment 9, Section 2, Town and Parish of Melbourne South, as shown as Lot 1 on proposed title plan TP965753B attached as Attachment 1 to this report (**Road**), an excerpt of which is provided below, should be:
 - 1.1.1 discontinued pursuant to the *Local Government Act 1989* (Vic) (**Act**); and
 - 1.1.2 sold to the adjoining owner(s) of the Adjoining Properties.

MOVED Crs Martin/Cunsolo

That Council having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road being the land remaining in Crown Grant 5106/1853, shown as Lot 1 on proposed title plan TP965753B attached as Attachment 1 to this report (**Road**):

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- 3.1 Resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the following reasons:
 - 3.1.1 the Road is fully enclosed on the eastern, southern and western boundaries by walls of adjoining properties, and is only accessible on the northern boundary leading onto Ross Place;
 - 3.1.2 the Road is only used for pedestrian and vehicular access to the rear of the adjoining properties at 182-192 and 200 Clarendon Street; and
 - 3.1.3 the Road does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road.
- 3.2 Resolves to sell the discontinued Road for market value (which subject to an updated valuation, is estimated at \$700,000 plus GST) to the then current adjoining owner(s) of the properties at 182-192 and 200 Clarendon Street, South Melbourne VIC 3205;
- 3.3 Notes that proceeds from the sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
- 3.4 Directs that a notice pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) is published in the Victorian Government Gazette;
- 3.5 Authorises the Chief Executive Officer or their delegate to negotiate, approve, and enter into such documentation to complete the discontinuance, sale, and transfer of the Road as contemplated or described;
- 3.6 Directs that the Chief Executive Officer, or their delegate, signs an authorisation and does all other things reasonably necessary or desirable to enable Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the then current adjoining owner(s) of 182-192 and 200 Clarendon Street, South Melbourne VIC 3205;
- 3.7 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale of the Road; and
- 3.8 Directs that the then current adjoining owner(s) of 182-192 and 200 Clarendon Street, South Melbourne be required to consolidate the title to the discontinued Road with the title to adjoining owner's land (or such part of it approved by Council) within 12 months of the date of the transfer of the discontinued Road, at that owner's own cost and expense.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Nil.



15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin reported as the delegate to the Housing First Board. Housing First are delighted that Council has finalised settlement of Marlborough Street Community Housing site. It is wonderful to see the growth of our social and affordable housing network and I look forward to more developments. I am aware that our three local community housing funds all have projects in the pipeline to increase the stock of excellent social and affordable housing in port Phillip. Councillor Martin thanked the officers and the Housing first staff for getting this done.

Councillor Nyaguy reported as the delegate to the Municipal Association of Victoria (MAV). I attended the recent MAV state Council Meeting where a number of motions were passed including the response across Local Government to the recent housing statement by the State Government. There will be a further strategy and a lot of additional conversations to be had on this matter, but the MAV and Councils across Victoria have taken the approach of trying to constructively work with the State Government to find ways to better improve our planning system. We acknowledge that there are a lot of opportunities but we are quite concerned about some of the changes and how they might impact our communities negatively. We are very encouraged and excited to get involved in the process of trying to increase our housing supply and improve our planning system. There was a particular focus and note that the review of the planning act is long overdue and something that Council's across Victoria are excited to engage with the State Government on and we are firmly of the view that there are certainly significant opportunities in reviewing that Act for everyone across the community.

Mayor Cunsolo took the opportunity to acknowledge Councillor Bond receiving a 10 year award at the MAV service awards last week. Mayor Cunsolo acknowledged it was nice to have fellow Councillors come along and celebrate together.

Mayor Cunsolo reported as the Mayor representative to M9, the inner Melbourne Council alliance. The M9 recently met and discussed the recent State Government Housing announcements including how these developments would affect inner metro Councils and how we can move forward together.

Mayor Cunsolo reported as the panel member of the Quick Response Grant Program Assessment Panel. The panel met recently and supported some great projects. Councillor Cunsolo encouraged more participants to engage with the grants program.

Councillor Martin reported as the delegate to the Older Persons Advisory Committee (OPAC). OPAC have been working with Council officers to understand the latest commonwealth Government initiatives for in-home care. The Committee are having a special meeting next Friday with Council officers to discuss the Council initiatives so when the matter comes to the chamber Councillors will have a direct update from OPAC. Councillor Martin highlighted the excellent work that Council's advisory committees do.

16. URGENT BUSINESS

Nil.



17. CONFIDENTIAL MATTERS

MOVED CRS SIRAKOFF/NYAGUY

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

17.1 Amended Deed of Settlement – PCB Constructions and City of Port Phillip

3(1)(e) *legal privileged information, being information to which legal professional privilege or client legal privilege applies.*

Reason:

The Deed of Variation relates to proceedings at the Melbourne Magistrates Court.

17.2 South Melbourne Town Hall - Design Contract Variations

3(1)(a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

Reason:

Subject matter of report could influence ongoing commercial negotiations with the buildings tenant and main works contractor.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to members of the public at 8:02pm.

The meeting reopened at 8.26pm.

As there was no further business the meeting closed at 8.26pm.

Confirmed: 1 November 2023

Chairperson _____