



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

6 APRIL 2022



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 6 APRIL 2022 IN ST KILDA TOWN HALL

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Claire Stevens, General Manager Governance and Organisational Capability, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth & Development, Kirsty Pearce, Head of Governance, Emily Williams, Governance Officer, Merryn Shaw, Governance Officer, Lachlan Johnson, Executive Manager Construction Contracts and Operations, Joanne McNeil, Executive Manager Property and Assets, Che Sutherland, Acting Executive Manager City Planning and Sustainability.

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 Martin/Pearl

That the minutes of the Meeting of the Port Phillip City Council of the Port Phillip City Council held on 16 March 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Copsey declared a conflict of interest in Item 13.1 *Intention to sell 351 St Kilda Road, St Kilda: Considering submissions of response* due to living in the vicinity of the property.

Councillor Martin advised of an interest in item 13.5 *Implementation of DAMP Actions - Update of Council Order No 4*, Cr Martin noted that as a professional umpire he might from time to time work at some of the grounds affected by proposed amendments included in this item, but does not believe his association to be a conflict.

CONDOLENCE MOTION

MR RONALD WALSH

Mr Ronald 'Bunna' Walsh, former member for Albert Park passed away last week at the age of 88. Mr Walsh was born in Port Melbourne, and served the community all his life.

MOVED Crs Martin/Sirakoff

That Council

- Expresses its deep regret on the passing of Ronald Walsh.
- Offers its sincere condolences to Ronald's family and places on record its appreciation for Ronald's service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously.

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

- **Simon James:** My question relates to the Capital Agreement for 17 Eildon Road, St Kilda that was loaded to the Have Your Say site on 15 March. The Agreement between the State Government and 'then' City of St Kilda, was signed in May 1987. Clause 7.(2) and Clause 15 of the Agreement clearly indicate that the building is not to be sold without the permission of the Minister. Can Council officers please advise why this document was uploaded at this time? Also, given that the noted clause would prevent the sale of 17 Eildon Rd without the approval of the Minister, can Council advise if they have sought legal advice on this agreement, and elaborate on any advice received?

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Chris Carroll, General Manager Customer Operations and Infrastructure advised that Council officers have been diligently continuing to analyse the options and all available information. This document was found in archives and made available as soon as it was known. The Centre was also notified. The Commonwealth Department of Community Services, State Community Services Victoria contributed funding of \$229,000 in 1988 for conversion of and equipping the daycare centre. The centre has been operating for over three decades under this agreement. While the agreement permits the Minister to demand a refund of the grant if there is a failure to carry out our obligations, our obligations have been met with the centre operating for 3 decades. We'll consider this as part of our options analysis and ongoing discussions with the centre and VSBA regarding options and potential funding. While there's a proposal for sale no decision has been made. Legal advice is not necessary at this stage but we will keep the centre, community and Councillors informed as we continue to go through the analysis.

- **Rowena Fitzgerald:** The three Early Childhood Centres round of final facilitated sessions have commenced. Council are yet to confirm the level of government funding available for each centre, As the determination of the funding amounts may alter recommendations officers will be making to Councillors, will Council officers be doing further work on options to sale and engaging collaboratively with the centres once the funding amounts are confirmed?

Tony Keenan, General Manager Community Wellbeing and Inclusion advised that Council Officers are consulting currently with the three committees of management as requested by the Council, where 9 options are being considered along with any other options that may be put forward. There will be a process where all the feedback from the consultations, including Have Your Say, will be brought back to Council, likely in May. The next steps are to complete consultation on the current proposal. Once the consultation is complete there will be councillor engagement and officers will act on the direction of Council. If there is a proposal that is different from the original proposal, it would come into Council for approval to go out then for consultation.

- **Kasey Edwards:** I am a member of Port Secondary School Council and a parent of the school. My question is about traffic and particularly pedestrian safety around the school. Firstly I'd like to thank the Councillors from the Gateway Ward for coming to our school and engaging with some very concerned parents. I thank you for your attention and understanding about the urgency and the risk of this issue. Given the significant risk and numerous near misses at the corner of Graham Street and Williamston Road I refer to the budget request for a crossing supervisor and ask what action is Council planning to take to provide a crossing supervisor, and when?

Kylie Bennetts General Manager City Growth & Development took the question on notice, advising that officers have raised a request for crossing supervision at this site with the Department of Transport in the context of other discussions about traffic management in this area. Once the outcome of these discussions and assessments are completed advice will be provided to Council.

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- **Anne Stout:** The School Council of Port Melbourne Secondary College has requested budget consideration for a crossing supervisor at Williamstown Road. Understanding that the council budget is not until June, and that road safety around the college has been under discussion since well before the college opened, what plans does council have to mitigate the significant road traffic risk for students in the immediate term?

Kylie Bennetts General Manager City Growth & Development advised that streets and roads around the school are declared roads and the responsibility of Department of Transport. Council officers have been in contact in relation to the current risk assessment for pedestrian safety, and actions to improve it. Council officers will work with Department of Transport to provide information on what has occurred and other actions going forwards. Kylie Bennetts took the question on notice to provide a detailed response.

- **Alex Darton :** 1. When was the decision made by the Council and why was it made, to halt the ongoing arrangement with VicRoads to plant and maintain the trees on Brighton Rd median strips?
2. Can the song BalACLava Lover Boogie by Amyl and the Sniffers be the official song of BalACLava? Maybe some street art in the form of a statue or mural be created to show recognition for the band? Something good, something fun, something local?

Lachlan Johnson, Executive Manager Construction Contracts and Operation advised that in relation to the first question, following community consultation Council resolved as part of the 2020/21 budget to cease subsidising the maintenance of Department of Transport assets under what was known as the municipal maintenance agreement or MMA. It was estimated it was costing Council and ratepayers \$200,000 to \$300,000 more to maintain these assets than Council was receiving. In October last year Council wrote to the Department advising Council would be withdrawing from the MMA and no longer maintaining Department of Transport assets. Council offered to work with the Department to ensure all costs would be covered. We gave six months' notice as required under the MMA when the notice period is nearing its end and Council will no longer be maintaining these trees on behalf of Department of Transport. The Council's Greening Port Phillip strategy is under review. Alex will be sent details of the review and encouraged to contribute.

Kylie Bennetts General Manager City Growth and Development undertook to refer the second question to the City Culture and Growth department to look into it, and follow up with Alex.

Council Report Submissions

Item 7.1 Joint Petition Response – Dangerous Hoon Driving, Excessive Noise and Toxic Fumes across Port Melbourne

- Bill Fisher

Item 9.2 Port Melbourne Life Saving Club – Outside Showers

- Ross Headifen

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The following submissions were read out in summary by a council officer:

Item 7.2 Community Petition

- Laura Hill

Item 7.1 Joint Petition Response – Dangerous Hoon Driving, Excessive Noise and Toxic Fumes across Port Melbourne

- Adrian Jackson

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide an update on current maintenance arrangements for Foundry Park Community Gardens in South Melbourne. Who is responsible for the management and upkeep of the park and has council assessed the safety, especially children's safety with the current planter boxes and overgrown vegetation at the site?

Lachlan Johnson, Executive Manager Construction Contracts and Operations advised that maintenance of trees, grass and planter box structures within the park is the responsibility of Council and is carried out by our open space contractor Citywide. Current attendance on site is on a fortnightly schedule. Community garden groups are responsible for upkeep and maintenance of the plants in the planter boxes. It is common at community gardens for vegetation to spill out of the planter boxes. The last assessment by officers was that this was not posing a hazard. We will arrange for a follow up review urgently of maintenance including removal of surplus materials and new furniture placed in addition to that provided by Council.

- **Councillor Cunsolo:** Is Council aware of a community consultation for a cement furnace off Lorimer Street? I realise this is not in the City of Port Phillip. Is Council aware and going to make a submission? The issue has been raised with me, due to proximity to our part of Fishermans Bend.

Kylie Bennetts, General Manager City Growth and Development advised that Council Officers are aware that EPA is undertaking consultation at the moment. Council is considering the request and will provide Councillors with advice soon on whether to make a submission through this process.

- **Councillor Pearl:** Can Council officers provide some background on discussions with Department of Transport about traffic safety issues around Port Melbourne Secondary College and any improvements that could be considered by Councillors as part of our responsibilities?

Peter Smith, Chief Executive Officer advised that it is important to note given the public questions received tonight that Council has been in discussions with Department of Transport about traffic around the school before it was built.

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Che Sutherland, Acting Executive Manager City Planning and Sustainability added that Council officers had been working with Department of Transport since before the school opened to ensure a safe environment for students attending the school. In August 2021 the Department undertook a road safety audit and have started to implement those actions. We will provide more information about that outside the meeting. And we continue to work with them to seek further funding for a signalized crossing at Beacon and Williamstown Roads and also to seek further improvements to safety along Plummer and Graham Streets.

- **Councillor Pearl:** How does the school crossing supervisor scheme work? Is it just for primary schools or for secondary schools as well?

Kylie Bennetts, General Manager City Growth and Development advised that through the program it is both primary and secondary but there are a range of thresholds that need to be met. Officers are working through this with the Department.

6. SEALING SCHEDULE

Nil

7. PETITIONS AND JOINT LETTERS

7.1 Joint Petition Response- Dangerous Hoon Driving, Excessive Noise and Toxic Fumes across Port Melbourne

Two Petitions were received as follows:

Petition 1: Petition regarding dangerous hoon driving, excessive noise and toxic fumes across Port Melbourne, containing 53 signatures, was received from local residents and considered by Council on 8 December 2021.

Petition 2: Petition requesting the creation of a by-law to enforce against hoon activity in Port Phillip, containing 199 signatures, was received from Josh Burns Federal MP for Macnamara.

MOVED Crs Clark/Martin

That Council:

1. Thanks, the petition organisers for their advocacy on behalf of our community.
2. Notes the activities undertaken by Council and key stakeholders to address hoon behaviour to date and further investigations undertaken as a result of the petitions.
3. Endorses the allocation of \$40,000 from the current 2021/22 financial year Council surplus for the purchase and installation of a temporary raised pedestrian crossing, at the existing pedestrian crossing on Waterfront Place, as a 12-month trial.
4. Endorses the spending of Council funds up to \$150,000 to immediately purchase a mobile CCTV trailer for use by Victoria police in the municipality to reduce hooning and notes that

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- this is outside of Council's established Public Places CCTV Policy. and requests the CEO to continue pursuing funding options for this purpose
5. Endorses the allocation of up to \$35,000 for an up to 6-month extension of the hire of the mobile CCTV trailer until the purchased trailer is received, expected to be approximately 12 weeks.
 6. Notes that speed humps at Station Pier and Waterfront Place are not considered an effective tool due to the layout of the car park and are not warranted at this time however officers will continue to monitor this situation and bring back advice to Council, if this became necessary at some point in the future.
 7. Notes that Council officers will investigate options with Victoria Police to collaborate in joint late-night enforcement of metered parking in the Station Pier carpark in response to hoons attending this area.
 8. Notes that any further investigation of automatic boom gates at the entrance/exit of Station Pier is not warranted at this time.
 9. Notes that as per previous Council resolution, a mobile CCTV trailer has been hired for six months and is used by Police to enforce against illegal hooning and anti-social behaviour.
 10. Notes that Parking Enforcement Officers patrol Station Pier and issue infringements to motorcyclists contravening the Road Safety Rules.
 11. Notes that Council officers have been accepted to join the Hooning Community Reference Group run by Victoria Police and Department of Transport.
 12. Notes based on this report and experience gained from other councils that implementing a new by-law based on those previously implemented in other municipalities may not be appropriate in addressing hooning and anti-social behaviour in Port Phillip.
 13. Notes the following three options available to Council with respect to a hoon by-law and the associated opportunities and risks: -
 - a. **Option 1** – Council does not develop a new hoon by-law (no financial cost to Council).
 - b. **Option 2** – Council notes the formal request from Victoria Police for the development of a by-law that assists Council and VicPol in addressing antisocial and/or inappropriate behaviours by persons in charge of motor vehicles on foreshore areas in CoPP, and considers a hoon by-law as part of the Local Law 2023 review (no additional financial cost to Council covered through review of Local Law).
 - c. **Option 3** – Council considers a hoon by-law independently of the Local Law review (additional cost to Council currently un-budgeted, approximately \$130,000).
 - 13.1 Resolves to pursue Option 2 and delegates to the Chief Executive Officer implementation of this option.

A vote was taken and the MOTION was CARRIED.

Cr Baxter called for a DIVISION.

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

AGAINST: Crs Baxter and Copsey

The MOTION was CARRIED.



7.2 Community Petition: “Save community-run early childhood centres and kindergartens”

Councillor Crawford tabled a community change.org petition titled *Save your community-run early childhood centres and kindergartens* on behalf of the staff, Committees of Management and parents from Eildon Road, Elwood Children’s Centre and The Avenue. The petition has 3,140 signatures and was submitted in objection to Council’s proposal to sell three properties in its portfolio and reinvest in childcare facilities.

MOVED Crs Crawford/Baxter

That Council

1. Receives the petition as a submission to the ‘proposal to sell three properties currently operating as childcare centres and reinvest in childcare facilities’ and thanks the petitioners for their submission
2. Notifies, through the lead petitioner, the opportunity to present to Council in support of the petition at a public hearing of all submissions.
3. Responds to the petition through the Council report in May that considers officer analysis and recommendations in response to the consultation process and other relevant information.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report – Issue 84

PURPOSE

- 1.1 To provide Council with a regular update from the Chief Executive Officer regarding Council’s activities and performance.

MOVED Crs Martin/Copsey

That Council:

- 3.1 Notes the CEO Report Issue 84 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in February 2022.

A vote was taken and the MOTION was CARRIED unanimously.

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9.1 The State of Children's Services Within CoPP Annual Report 2021

PURPOSE

- 1.1 In line with the implementation of the Children's Services Policy, the State of Children's Services in CoPP Annual Report has been prepared to give a snapshot of Children's Services in the City.

MOVED Crs Martin/Baxter

That Council:

- 3.1 Notes the City of Port Phillip State of Childrens' Services Annual Report.
- 3.2 Notes that the Council's operation of childcare centres continues to meet the public interest due to the ongoing support provided for children and families experiencing disadvantage and vulnerability.

A vote was taken and the MOTION was CARRIED unanimously.

9.2 Port Melbourne Life Saving Club - Outside Showers

PURPOSE

- 1.1 To seek a decision from Councillors on proposed approach to the requested upgrade of one or more outdoor shower facilities located adjacent the Port Melbourne Life Saving Club and public toilets, along Beaconsfield Parade, to hot water.
- 1.2 Council noted that there were warm water showers at Hobsons Bay and that officers were having discussions with Port Melbourne Life Saving Club about the potential for sharing facilities.

MOVED Crs Cunsolo/Martin

- 3.1 That Council defers this item to a future meeting:

A vote was taken and the MOTION was CARRIED unanimously.

10.2 Fishermans Bend - Integrated Proposal for Open Space, Recreation and Water Management Planning

PURPOSE

- 1.1 To seek Council endorsement for officers to develop a detailed open space and recreation delivery plan for Fishermans Bend, building on the existing strategic work led by the State Government in recent years.

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- 1.2 To seek Council approval for \$51,500 of funding to be allocated in the current 21/22FY to fast-track the start of the integrated water management analysis and Open Space and Recreation planning.

MOVED Crs Cunsolo/Pearl

That Council:

- 3.1 Undertake strategic and service planning work to understand community and club demand for open space and recreation and club facility priorities in Fishermans Bend.
- 3.2 Adopts the Sport and Recreation planning principles, detailed below:
- Facilitate a strategic approach to the provision of sport and active recreation facilities that promotes inclusiveness, is fair and equitable and accessible to all groups in the community now and in the future
 - Minimal impact to clubs with phasing that ensures new facilities are complete before current facilities are redeveloped
 - Impacted clubs experience an increased level of service after each phase
 - Ensure the community is supported through access and allocation of open space for both formal and informal recreation spaces as a priority over commercial elite sport.
 - All multi-purpose and flexible (ovals, rectangles and courts)
 - Facilitate shared club use and improved community access
 - Direct and legible active transport connections are prioritised
 - Space is provided for passive, community and informal sport uses
 - Consideration of synthetic and hybrid surfaces to increase hours of use
 - Managed risk of building within service easements
 - Continuance of some marginally undersized ovals (i.e. these ovals do not meet SSA Guidelines but can cater for junior level competition).
- 3.3 Endorses preparation of an additional Victorian Government election commitment for the early purchase, expansion and embellishment of open spaces and recreational facilities within Fishermans Bend.
- 3.4 Notes the Port Melbourne Soccer Club's proposal, for elite club sport facilities, will be considered as part of the service and strategic planning work including the proposal's alignment with the sport and recreation planning principles.
- 3.5 Approves the allocation of \$20,000 in the current 21/22FY to fast-track the commencement of the integrated water management consultancy.
- 3.6 Approves the allocation of \$31,500 in the current 21/22FY to fast-track the open space and recreation service planning for Fishermans Bend as soon as possible.

A vote was taken and the MOTION was CARRIED unanimously.



12.1 Funding Recommendations and Report 2021/22 Cultural Development Fund - Festivals and Events grant

PURPOSE

- 1.1 To present the recommended Cultural Development Fund- Festivals and Events grant recipients for 2021/22 for Council's approval.

MOVED Crs Copsey/Cunsolo

That Council:

- 3.1 Endorses the recommended successful applicants as proposed by the Cultural Development Fund Reference Committee for the Cultural Development Fund – Events and Festivals Grant 2021/22 as outlined in Confidential Attachment 1
- 3.2 Releases details on the successful recipients of the Cultural Development Fund – Events and Festivals grant 2021/22 from confidence, once all applicants have been advised of the outcome of their application and those successful have confirmed their ability to proceed with their application.
- 3.3 Thanks, the Cultural Development Fund Reference Committee for their work in assessing applications and making recommendations to Council.
- 3.4 Thanks, all applicants who participated in the 2021/22 fund round for the Cultural Development Fund Events and Festivals.

A vote was taken and the MOTION was CARRIED unanimously.

13.1 Intention to Sell 351 St Kilda Road, St Kilda: Considering Submissions of Response

Councillor Copsey declared a conflict of interest in Item 13.1 and left the meeting at 8:02 pm

PURPOSE

- 1.1 To consider submissions received in response to a notice published in accordance with section 114 of the *Local Government Act 2020* advising of City of Port Phillip's intention to sell its land at 351 St Kilda Road, St Kilda, and to recommend whether to proceed to sale.

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MOVED Crs Bond/Baxter

That Council:

- 3.1 Notes that it has received, heard and considered the submissions in response to its Notice of Intention Sell 351 St Kilda Road, St Kilda.
- 3.2 Resolves to sell 351 St Kilda Road, by expressions of interest.
- 3.3 Notes the opportunity to incorporate into the potential transaction terms, an incentive to provide social and/or affordable housing.
- 3.4 Directs the Chief Executive Officer to apply to the proceeds of sale to the acquisition of public open space.
- 3.5 Authorises Officers to do all things necessary to enable the sale and transfer of land, including affixing the Common Seal of Port Phillip City Council to the relevant documents.
- 3.6 Thanks the submitters for their submissions, and advises them of the decision to sell the land and the reason(s) for the decision.

A vote was taken and the MOTION was CARRIED.

Councillor Copsey returned to the meeting at 8:04pm.

The Mayor adjourned the meeting for a break at 8:04pm.

The meeting resumed at 8:12pm.

EN BLOC MOTION

MOVED Crs Pearl/Bond

That Council moves the following items en bloc:

- 10.1 Proposal to Transition Parking Ticket Machines Payment to Card and Pay by Phone only
- 13.2 Proposed Discontinuance and Sale of Road Abutting 26 and 28 Wellington Street St Kilda
- 13.3 New Local Law - Principles & Scope
- 13.4 Records of Informal Meetings of Council
- 13.5 Implementation of DAMP Actions - Update of Council Order No 4
- 13.6 Palais Theatre and Luna Park Precinct Revitalisation – Construction Contract Tender Award

A vote was taken and the MOTION was CARRIED unanimously.



10.1 Proposal to Transition Parking Ticket Machines Payment to Card and Pay by Phone only

PURPOSE

- 1.1 To seek Council approval to transition all parking ticket machines to accept card and pay-by-phone payments only, and not coins.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Approves the transition of its fleet of just over 500 parking machines, by mid-to-late 2023, in the following manner: -
 - 3.1.1 Conversion of dual payment machines to card only;
 - 3.1.2 Conversion of coin only machines to card enabled; and
 - 3.1.3 Removal of coin functionality on machines that are currently pay by registration plate to enable card payment.
- 3.2 Notes that funding for the transition is contained in the current 2021-22 budget and the draft Council Plan and Budget to be considered by Council in April 2022.
- 3.3 Notes that full transition to coinless machines will take 12-15 months; will be communicated to the community through a comprehensive Communications Plan; and is expected to deliver significant customer benefits and financial savings.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Proposed Discontinuance and Sale of Road Abutting 26 and 28 Wellington Street St Kilda

PURPOSE

- 1.1 This report seeks Council's approval to:
 - 1.1.1 consider removing the road abutting 26 and 28 Wellington Street, St Kilda, known as R3723, being the land contained in Memorial Book 22 Number 809 and Memorial Book 298 Number 450 (Road), and shown as Lot '1' on the Title Plan attached as Attachment 1 to this report (Title Plan) from Council's Register of Public Roads (Register);
 - 1.1.2 commence statutory procedures pursuant to the Local Government Act 1989 (Vic) (Act) to consider discontinuing the Road. If the Road is discontinued, the Road is proposed to be sold to HHomes Victoria, the owner of the adjoining property at 28 Wellington Street, St Kilda (28 Wellington Street) for \$1 plus legal fees.

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MOVED Crs Pearl/Bond

That Council:

- 3.1 Acting under section 17(4) of the Road Management Act 2004 (Vic), resolves that the road abutting 26 and 28 Wellington Street, St Kilda, known as R3723, being the land contained in Memorial Book 22 Number 809 and Memorial Book 298 Number 450 (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 28 Wellington Street, St Kilda for a nominal amount of \$1 plus legal costs;
 - 3.2.4 authorises the Chief Executive 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
 - 3.2.5 resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined at a later date.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 New Local Law - Principles & Scope

PURPOSE

To seek Council's approval for the principles and outcomes Council seeks to achieve through the new Local Law 2023-2033 and provide a high-level overview on the scope and key milestones for this project.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Approves the high-level principles and high-level outcomes, outlined in part 5 of this report, to help guide the further development of a new Local Law 2023-2033.
- 3.2 Notes that work to complete the new Local Law has commenced, and that a draft document will be presented to Council late in 2022 for approval to undertake community consultation.
- 3.3 Notes the new Local Law is scheduled to be presented to Council for adoption in July 2023.

A vote was taken and the MOTION was CARRIED unanimously.



13.4 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/Bond

That Council

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

A vote was taken and the MOTION was CARRIED unanimously.

13.5 Implementation of DAMP Actions - Update of Council Order No 4

PURPOSE

- 1.1 To seek Council's approval of amendments to Council Order No. 4 (Attachment 1) to give effect to actions in the new Domestic Animal Management Plan (DAMP) and clarify the definition of 'effective control' as it applies to dogs.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Adopts Council Order No. 4 (Attachment 1) under section 10A, 25 and 26 of the Domestic Animals Act 1994 and authorises the Chief Executive Officer (or delegate) to make any minor editorial amendments to finalise Council Order No. 4 for gazettal.
- 3.2 Notes that Order No. 4 will be published in the Government Gazette and in a newspaper circulating in the municipal district of Council.
- 3.3 Notes that Council Order No. 4 will take effect, once published in the Government Gazette, and Council Order No. 3 will subsequently cease at that time.

A vote was taken and the MOTION was CARRIED unanimously.



13.6 Palais Theatre and Luna Park Precinct Revitalisation - Construction Contract Tender Award

PURPOSE

- 1.1 To present the report of the Tender Evaluation Panel (TEP) for the Palais Theatre & Luna Park Precinct Revitalisation – Construction Contract and recommend awarding of the contract to Connell Design & Construction P/L.
- 1.2 Following an extensive community consultation and engagement process and the consideration of submissions, to present the formal closure of the Lower Esplanade for endorsement.
- 1.3 To request Council approval to allocate savings from other capital works projects to increase the funding allocated to the Palais Theatre and Luna Park Precinct Revitalisation project by \$268,984.23 to increase project contingency and allow for the provision of the hostile vehicle mitigation bollard sculptural sheaths.

MOVED Crs Pearl/Bond

That Council:

- 3.1. Approves the allocation of \$268,984.23 (ex.gst or \$295,882.65 inclusive of GST) to the Palais Theatre & Luna Park Precinct revitalisation project from savings from other capital works projects to fund the delivery of the project.
- 3.2. Notes the revised total project budget is \$4,536,061.45 (Inclusive of GST)
- 3.3. 2Awards the contract for the construction of the Palais Theatre & Luna Park Revitalisation to Connell Design & Construction Pty Ltd for \$3,708,570.97 (Inclusive of GST).
- 3.4. 2Authorises the CEO to approve variations to the contract value within the approved project budget.
- 3.5. Affixes the Common Seal of Port Phillip City Council to the contract between Council and Connell Design & Construction Pty Ltd.
- 3.6. Notes that the works are expected to take 28 weeks, with full access to the community to the site by November 2022.
- 3.7. Extends its gratitude to all tenders that made submissions to the public tender, noting the high quality of submissions received.
- 3.8. Having given consideration to the submissions from the community resolves to close the Lower Esplanade, St Kilda and to change the road function of the Lower Esplanade, converting from the current one-way configuration to a two-way roadway.

A vote was taken and the MOTION was CARRIED unanimously.



14. NOTICES OF MOTION

14.1 2022 Federal Election Campaign - Councillor Marcus Pearl

BACKGROUND

- 1.1 The next Federal Election is expected to be held in May 2022. The City of Port Phillip is a member of the Municipal Association of Victoria (MAV) and its national counterpart the Australian Local Government Association (ALGA). The ALGA has a national advocacy campaign "Don't Leave Local Communities Behind", to secure funding and policy commitments that will support every Australian council and community, and ensure all Australians have an equal opportunity to share in the benefits of Australia's post-pandemic recovery.
- 1.2 Councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.
- 1.3 The City of Port Phillip' has endorsed a range of Federal Advocacy priorities. Many of these priorities align with those of the ALGA, including measures to combat climate change, improve transport and community infrastructure and transition to a circular economy.

MOVED Crs Pearl/Martin

That Council:

1. Supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
2. Continues to advocate to the local Federal Member(s) of Parliament, election candidates in local Federal electorates on priorities of mutual importance by:
 - 2.1. Identifying priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - 2.2. seeking funding commitments from the members, candidates and their parties for identified local projects and programs

A vote was taken and the MOTION was CARRIED unanimously.

15. REPORTS BY COUNCILLOR DELEGATES

Councillor Cunsolo reported on a concert held in the St Kilda Town Hall Auditorium by 80 orchestra members from the Australian National Academy of Music to a full audience on Sunday 3 April. A free concert will be held in October.

Councillor Baxter foreshadowed the meeting of the Municipal Association of Victoria State Council on Friday 24 June. He will attend as Council's delegate. He acknowledged the MAV's important role in advocating for local government in the lead up to the Federal election.

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16. URGENT BUSINESS

Nil

17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8.18pm.

Confirmed: 4 May 2022

Chairperson _____