



ORDINARY MEETING OF COUNCIL

MINUTES

18 MARCH 2020

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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 18 MARCH 2020 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Voss (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl, Cr Simic.

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Kylie Bennetts, Director Office of the CEO, Kirsty Pearce, Senior Governance Advisor, Samuel Yeo, Executive Assistant to the Mayor, Marc Cassanet, Manager Environmental Sustainability, Chris Carroll, General Manager Customer and Corporate Services, Anthony Savenkov, Head of Property Projects, Lachlan Johnson, Interim General Manager Infrastructure and Amenity.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. 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 Bond/Pearl

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 4 March 2020 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Mayor Voss declared an indirect interest by way of close association in item 12.1 Trial of access to Gasworks Arts Park for School use.



MOTION TO CHANGE ORDER OF BUSINESS

MOVED Crs Pearl/Brand

That Council considers item 17.1 Urgent Business – Meeting Processes, prior to Petitions and Joint Letters

A vote was taken and the MOTION was CARRIED unanimously.

URGENT BUSINESS

17.1 URGENT BUSINESS – MEETING PROCESSES

MOVED Crs Voss/Baxter

That Council:

1. Notes that the Victorian Government has declared a State of Emergency in Victoria to combat the spread of coronavirus disease (COVID-19).
2. Notes that clause 11(2) of the council's meeting procedure local law 2/2019 allows council by resolution to alter the date, time and place of council and planning committee meetings and must provide reasonable notice of the changes to the public.
3. Notes that clause 68 of the meeting procedure local law 2/2019 states that where a situation has not been provided for in the local law, Council may determine the matter by resolution.
4. In the interests of the safety of the public and of Councillors and staff, acknowledges that changes to processes are required and resolves that:
 - A. Subject to availability and as determined by the CEO after consultation with the Mayor, until further notice all future council and planning committee meetings will be held in either the Port Melbourne Town Hall auditorium or in the St Kilda Town Hall auditorium.
 - B. The process for the public to have questions considered by council or the planning committee during public question time to be varied, until further notice, as follows.
 - i. Members of the public will be required to submit their question in writing by 4pm on the day of the council meeting.
 - ii. Any public question received will be read out by the chair on behalf of the member of the public and either responded to or taken on notice at that meeting.
 - iii. Members of the public who have submitted a question will not be able to address the meeting, however this variation to process will allow the question submitted to be considered during public question time without the need for the member of the public to attend the meeting.



- C. The process for the public to make statements or ask questions in relation to items on Council or Planning Committee agendas to be varied, until further notice, as follows.
- i. Members of the public will be required to submit their statement in writing on any item on the agenda by 4pm on the day of the council meeting.
 - ii. Any statement received will be read out by the chair on behalf of the member of the public and either responded to or taken on notice at that meeting.
 - iii. Members of the public who have submitted a statement or question will not be able to address the meeting, however this variation to process will allow the statement to be considered when the relevant item is discussed, without the need for the member of the public to attend the meeting.
- D. The above changes in process will be further reviewed by Council in the future as more information on COVID-19 is received.
5. Calls on the Minister for Local Government to urgently provide provisions that enable digital meetings of Council and associated committees.

A vote was taken and the MOTION was CARRIED unanimously.

4. PETITIONS AND JOINT LETTERS

Item 4.1 – Port Phillip Emergency Climate Action Network

A Joint Letter was submitted by eleven members of the Port Phillip Emergency Climate Action Network.

The following people submitted a statement prior to the meeting which was summarised by the Mayor, and these are available on councils website:

Trevor White
Justin Halliday
Peter Moraitis
Bryn Jepson
Rhonda Small
Bill O'Loughlin
Jack Halliday
Lynn Gunning
Judy Gunson

MOVED Crs Pearl/Simic

That Council receives the Joint Letter and requests that officers provide a response to a future Council Meeting.

A vote was taken and the MOTION was CARRIED unanimously.



5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

The following people submitted their questions prior to the meeting and they were read out by the Mayor for the purposes of livestreaming:

Sam McDonald

Why has the Council allowed a Ferris wheel to be erected on St Kilda Beach (beginning 17th of March) during a pandemic when this is a time of discouraging tourism? Can the Council justify this decision when this choice does not seem to prioritise the safety of local residents or the general public?

Peter Smith, Chief Executive Officer, advised of an upcoming agenda item which responds to Federal and State Government guidelines on mass gatherings. Council is reviewing all outdoor events and events in the city in accordance with those guidelines. In terms of future action, Mr Smith took the question on notice for further response.

Celine Lee

What are the Council thoughts of kerbside gardening? Is it possible to legalize kerbside gardening? There are already several councils across Australia that have allowed this – can Port Phillip consider this suggestion with urgency.

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

Judith Klepner

While the change to meeting procedures is acknowledged, and appreciated, why is the 2nd item of business not an Urgent Business Item which outlines, even in the broadest terms, with any caveats acknowledging the volatility of the times, how the Council proposes to apply its disaster management plan to support the community, particularly those who are most vulnerable, to receive support services during the forthcoming period, including but not limited to lockdown?

Peter Smith, Chief Executive Officer, stated that the agenda for this meeting was published last week and Council has worked hard to convey information to the community as the situation quickly evolved. The Mayor has the authority to move the late report, which details Council's response to the pandemic, to an earlier stage of the agenda. Mr Smith acknowledged the need for increased public communication. Councils' priorities are two-fold, maintaining the health and wellbeing of the community in relation to our role alongside State and Federal authorities, and also maintaining the safety and wellbeing of staff under occupational health and safety responsibilities as CEO. Staff are needed to continue to deliver essential services to the community and maintain those services and play our role in the municipal emergency pandemic sub-plan which was well written and reviewed in August 2019. However, because of the fast moving nature of this pandemic we have had to regularly update that plan.



Heath Martin

In relation to the recent planning meeting regarding the development at 21 - 23 William Street, Balaclava I understand there is some consideration being given to the prioritisation of a design and development overlay for the area. Is there an update from Council on this matter?

Peter Smith, Chief Executive Officer, took the question on notice but advised that further information would be available later in the year once Council has deliberated on which planning reviews take priority.

Helen Halliday on behalf of BEST

In relation to street planting, how will Council achieve its canopy cover targets when, for instance, Gibbs, William and Nightingale streets were programmed for response this year but have had no new trees planted to date?

Kylie Bennetts, Director Office of the CEO, took the question on notice for further response and advised that Councils tree planting programme generally takes place between April to August. Gibbs Street is due to be planted out once the new season commences, whilst William and Nightingale Streets are currently in the planning stage. Given the current situation, works may be re-prioritised.

7. COUNCILLOR QUESTION TIME

Nil

8. PRESENTATION OF CEO REPORT

Nil.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

Mayor Voss declared an indirect interest in item 12.1 Trial of access to Gasworks Arts Park for School use, by way of close association. Mayor Voss vacated the Chair and left the chamber at 7.16pm.

Councillor Baxter assumed the Chair.



12.1 Albert Park College request to Utilise Gasworks Arts Park and Lemnos Square

The following people submitted a statement prior to the meeting, which were read out in summary by the Chair for the purposes of livestreaming. Statements are available on Council's website:

Christine Fetterplace

Kay Gibson

The following people presented to the meeting, without a microphone, and the Chair summarised their statements for the purposes of the live stream:

Catherine Thompson

Jane Gray

Oscar Pearce

Eloise Moses

Holly Pritchard

Purpose

- 1.1 To present a request from Albert Park Secondary College to formalise utilisation of Gasworks Arts Park and Lemnos Square during school hours.

MOVED Crs Bond/Gross

That Council:

- 3.1 Notes that considering school access of public space policy setting is highly complex and generates mixed views in the community.
- 3.2 Notes as the municipality grows so will demand and conflict with access to public open spaces.
- 3.3 Notes that any school access granted to public managed land should be non-exclusive or result in modifications to the existing landscape and infrastructure the serve the primary purpose of the public space.
- 3.4 Endorses a trial 'Option 3 – Approve a Licence to Grant Access to Lemnos Square & Gasworks Arts Park During Recess and Lunchtime Periods Only', subject to the following conditions:
 - the licence does not provide for exclusive use to the school
 - the licence covers the defined area in Gasworks Arts Park as per the Victorian Government Gazettal (Attachment 1), maintaining the majority of the park for other park uses.
 - the licence restricts access to lunchtime and recess periods only
 - the licence requires that appropriate teacher supervision be in place at all times.



- the licence prohibits sporting games or the use of sporting equipment.
 - the licence requires appropriate public liability insurance to be in place.
 - the licence includes requirements for the school to reimburse Council for any maintenance works required due to school use.
 - the licence stipulates that the public amenities within the Gasworks Theatre and Café complex are not to be utilised by the school.
 - the licence have an end date of no later than 31 December 2020.
- 3.5 Notes that granting of the licence does not remove any usage rights currently enjoyed by dog walkers at Gasworks Arts Park, in particular their ability to walk dogs off leash.
- 3.6 Endorses the preparation of a policy for school access and use of Council managed public space.
- 3.6 Endorses a review be undertaken following the end date of the licence, that considers community feedback, and takes into account views of community members, in its assessment of the effectiveness of the trial and consideration future licences in-line with the school use policy.

A vote was taken and the MOTION was CARRIED unanimously.

Mayor Voss returned to the chamber at 8.07pm and resumed the chair.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Notice of Intention to Lease (Commence) - Lease with South Melbourne Life Saving Club

The following people presented to the meeting without a microphone and the Chair summarised their statements for the purposes of the livestream:

Dinah Boswell

The following question was taken on notice during the discussion of the item:

Councillor Crawford took up Ms Boswell's question asking for clarification of 'up to vs three days' in relation to use by Albert Park College, who was responsible for maintenance of the exterior of the building and why is permission required to rent out the community room.

Chris Carroll, General Manager Customer and Corporate Services, took the questions on notice.



Purpose

- 1.1 To seek Council's approval to commence the statutory procedures for the proposed new tenancy agreement to South Melbourne Life Saving Club Inc (**Tenant**) at 72B Beaconsfield Parade, Albert Park.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Resolves that the statutory procedures be commenced under section 190 of the *Local Government Act 1989* (Vic) (**Act**) by publishing a notice in the local newspaper inviting interested persons to make a submission under section 223 of the Act, on the proposed lease terms outlined below:

Tenant	South Melbourne Life Saving Club Inc
Premises	72B Beaconsfield Parade, Albert Park
Permitted Use	Lifesaving and ancillary activities
Commencement Date	1 August 2020
Term	Five (5) years
Rent	\$145,000 per annum plus GST discounted to \$104 per annum plus GST to help support the continuous provision of lifesaving services and water safety programs to the community

- 3.2 Notes that the tenancy agreement will be subject to defined club and facility specific community benefits, including an agreed level of non-club related activities and maximum use by Albert Park College of up to 3 days per week;
- 3.3 Notes that the Tenant will be responsible for the payment of all outgoings including reimbursement of the building insurance premium and any on-going general maintenance costs;
- 3.4 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; and
- 3.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

AMENDMENT

Moved Crs Gross/Bond

That the following change be made to 3.2 of the recommendation:



- 3.2 Notes that the tenancy agreement will be subject to defined club and facility specific community benefits, including an agreed level of non-club related activities and maximum use by Albert Park College of up to 3 5 days per week;

A vote was taken and the MOTION was CARRIED.

SUBSTANTIVE MOTION

That Council:

- 3.1 Resolves that the statutory procedures be commenced under section 190 of the *Local Government Act 1989* (Vic) (**Act**) by publishing a notice in the local newspaper inviting interested persons to make a submission under section 223 of the Act, on the proposed lease terms outlined below:

Tenant	South Melbourne Life Saving Club Inc
Premises	72B Beaconsfield Parade, Albert Park
Permitted Use	Lifesaving and ancillary activities
Commencement Date	1 August 2020
Term	Five (5) years
Rent	\$145,000 per annum plus GST discounted to \$104 per annum plus GST to help support the continuous provision of lifesaving services and water safety programs to the community

- 3.2 Notes that the tenancy agreement will be subject to defined club and facility specific community benefits, including an agreed level of non-club related activities and maximum use by Albert Park College of up to 5 days per week;
- 3.3 Notes that the Tenant will be responsible for the payment of all outgoings including reimbursement of the building insurance premium and any on-going general maintenance costs;
- 3.4 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; and
- 3.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.



14.6 Australian National Academy of Music - Lease Proposal for South Melbourne Town Hall

The following people submitted a statement prior to the meeting, which were read out in summary by the Chair for the purposes of livestreaming. Statements are available on Council's website:

Nicholas Power

Jeannie Marsh

Anita Horvath

Nick Bailey

Glen Bermingham

Judith Klepner

The following people presented to the meeting, without a microphone, and the Chair summarised their statements for the purposes of the live stream:

Adair Bunnett

Carolyn Hutchens

Eva Colin

Michael Sabada

Pam Denton

Geoff Gowers

Purpose

- 1.1 To outline an assessment of a proposal from the Australian National Academy of Music (ANAM) to lease the South Melbourne Town Hall, and to recommend a response to that proposal.

MOVED Crs Brand/Gross

That Council:

- 3.1 Authorise relevant Officers to enter negotiations with ANAM for a new long term lease of the South Melbourne Town Hall.
- 3.2 Allow a maximum of one year for such negotiations, the outcome of which to subsequently be reported publicly to Council.
- 3.3 Any potential agreement reported to Council is to address the Principle Items of Negotiation identified in the table in section 10 of this report, including the items added by Recommendation 3.4
- 3.4 Adds to the Principle Items of Negotiation: "How the tenant's stewardship of the historic building and its heritage fabric is appropriately overseen" and "How ongoing use of the building is to be secured for community groups and events".



- 3.5 Notes that should a potential agreement for a new long term lease be reached, Council is to give public notice of its intention to lease, and hear and consider any submissions under section 223 of the Local Government Act before determining whether to lease.

A vote was taken and the MOTION was CARRIED.

14.2 Notice of Intention to Lease - "Decanters by the Bay" 174 Nott Street Port Melbourne

Purpose

- 1.1 To seek Council's approval to commence statutory procedures in relation to granting a new tenancy agreement to Teifal Pty Ltd (**Tenant**) for the premises known as "Decanters on the Bay" at 174 Nott Street, Port Melbourne.

MOVED Crs Pearl/Gross

That Council:

- 3.1 Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (**Act**) for the proposed lease with Teifal Pty Ltd (**Tenant**) at 174 Nott Street, Port Melbourne by publishing a notice in the local newspaper inviting persons to make a submission under Section 223 of the Act, with the proposed lease terms outlined below;
- 3.1.1 Proposed Tenant: Teifal Pty Ltd
- 3.1.2 Demised Premises: 174 Nott Street, Port Melbourne
- 3.1.3 Permitted Use: Retail and wholesale sale of liquor and associated products and services
- 3.1.4 Commencement Date: 1 March 2021
- 3.1.5 Term: 5 years
- 3.1.6 Commencement Rent: \$103,808 per annum plus GST
- 3.2 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.
- 3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.



14.3 Proposed Tenancy Agreements - Eildon Road Childrens Centre Inc, The Avenue Children's Centre Inc and The Elwood Childrens Centre Inc

Purpose

- 1.1 To seek Council's approval to commence the statutory procedures under the *Local Government Act 1989 (Vic) (Act)* for the granting of proposed new tenancy agreements (**Proposed Tenancy Agreements**) for:
- Eildon Road Childrens Centre Inc at 17 Eildon Road, St Kilda;
 - The Avenue Children's Centre Inc at 39 The Avenue, Balaclava; and
 - The Elwood Childrens Centre Inc at 46 Tennyson Street, Elwood.

MOVED Crs Crawford/Baxter

That Council:

- 3.1 Resolves that the statutory procedures be commenced under section 190 of the Local Government Act 1989 (Vic) (Act) for the proposed new tenancy agreements (Proposed Tenancy Agreements) summarised below by publishing a notice in the local newspaper inviting interested persons to make a submission under section 223 of the Act:

Tenant	1. Eildon Road Childrens Centre Inc 2. The Avenue Children's Centre Inc 3. The Elwood Childrens Centre Inc
Premises	1. 17 Eildon Road, St Kilda 2. 39 The Avenue, Balaclava 3. 46 Tennyson Street, Elwood
Permitted Use	Childcare centre
Commencement Date	1 July 2020
Term	To 31 December 2022
Rent	\$10 per annum plus GST (on-demand) to help support the continuous provision of child care services

- 3.2 Notes that any or all of the Proposed Tenancy Agreements may be terminated before the end of the lease term in the event that the premises, building fabric or other unexpected disaster is deemed to be a risk to any person;
- 3.3 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; and
- 3.4 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.



14.4 Investment & Management Policy

Purpose

- 1.1 To obtain Council approval of the revised Investment & Treasury Management Policy, which sets out the principles to be followed by Council officers when investing surplus funds with financial institutions to ensure we balance the security of investments with interest earning potential and support environmentally and socially responsible investing.

MOVED Crs Crawford/Voss

That Council:

- 3.1 Adopts the revised Investment & Treasury Management Policy as set out in Attachment 1 to this report.
- 3.2 Formally rescinds the current Investment Policy.

A vote was taken and the MOTION was CARRIED unanimously.

14.5 Assemblies of Council

Purpose

- 1.1 To The purpose of this item is to report to Council written records of Assemblies of Councillors at the City of Port Phillip as required by section 80A (2) (a) and (b) of the Local Government Act 1989.

MOVED Crs Gross/Pearl

That Council:

Receives and notes the written records of Assemblies of Councillors (attached) as required by section 80A (2) (a) and (b) of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED unanimously.

14.7 Placemaking Update

Purpose

- 1.1 To provide Councillors with a six-monthly update on the Placemaking Program and seek a variation of current placemaking delegation to facilitate placemaking opportunities as they arise in Fishermans Bend.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Notes this update.



- 3.2 Notes the resolution carried by Council on 18 September 2019 in relation to 'Delegation to the CEO – Placemaking Activities – 12 Month Review', recommendation 3.5 where it designated for the purposes of this delegation, the placemaking precincts of Fitzroy Street, South Melbourne and Waterfront Place.
- 3.3 Varies the above designation of precincts to which the CEO Placemaking Delegation applies to also include the precincts of Montague, Wirraway and Sandridge as defined in **Attachment 2**.

A vote was taken and the MOTION was CARRIED unanimously.

LATE REPORTS

The Mayor advised the addition of two late reports to the Agenda.

CEO UPDATE – COVID-19

MOVED Crs Pearl/Brand

That Council receives and notes the CEO update.

A vote was taken and the MOTION was CARRIED unanimously.

INTERIM VARIATIONS TO COUNCIL SERVICE LEVELS – COVID 19

MOVED Crs Voss/Pearl

That Council:

- 3.1 Notes this update.
- 3.2 Closes all City of Port Phillip libraries from 18 March 2020, until further notice and looks at ways to continue to provide access to resources/information services for the community.
- 3.3 Postpones the 'Arts and Creative Industries – Art and Heritage Programs' from 18 March 2020 and explores whether these programs can be rescheduled to later in 2020.
- 3.4 Reduces the 'Access Arts Service' from 18 March 2020, until further notice and explores options around online delivery options.
- 3.5 Suspends the 'Social Inclusion Service namely the Social Support Programs (Cora Graves Centre) and Linking Neighbours (community based) Program' from 18 March 2020, until further notice and explores other options to ensure community connection at this point in time.
- 3.6 Continues to provide 'Community Support Services' with increased measures to protect the health, safety and wellbeing of clients and staff and regular review of risks.



- 3.7 Continue the 'Delivered Meals and Café Meals Service' to meet the needs of existing clients and be ready to provide service to any at risk or isolated new clients and undertake regular reviews of risks.
- 3.8 Cancel the 'St Kilda Film Festival' in its current form, with officers to bring back options for consideration including postponing to later in 2020, hosting the Festival online and other options.
- 3.9 Continue the 'St Kilda Esplanade Market', at this point in time, with appropriate risk management initiatives put in place which includes implementing increased distance between stalls as well as each stallholder putting in appropriate measures to manage risk. This position will continue to be monitored and may need to be reviewed at short notice.
- 3.10 Closes Council managed community facilities until 13 April 2020 including the Town Hall Auditoriums and other bookable community facilities, with this date to be revised in line with further State announcements. These facilities are to be used only for priority Council activities that support key service provision. Refunds to be provided for events and programs that cancelled within this timeframe.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

Nil

18. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Bond

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), 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 89(2) of the Act, for the reasons indicated:

18.1 Water Sensitive Cities Strategy

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(d). Contractual matters.



18.2 St Kilda Marina Project - Stage 1 Evaluation Panel Report for Endorsement

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(d). Contractual matters.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting was closed to the public at 10.31pm

The meeting reopened to the public at 10.45pm

As there was no further business the meeting closed at 10.45pm.

Confirmed: 1 April 2020

Chairperson _____