



ORDINARY MEETING OF COUNCIL

MINUTES

15 JULY 2020



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE PORT
PHILLIP CITY COUNCIL HELD VIRTUALLY ON 15 JULY 2020**

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; Lili Rosic, General Manager City Strategy and Sustainable Development; Tony Keenan, General Manager Community and Economic Development; Lachlan Johnson, General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO, Kirsty Pearce, Coordinator Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Samuel Yeo, Executive Assistant to the Mayor, Mary McGorry, Manager Diversity and Inclusion, Joanne McNeill, Manager Asset Management and Property, Emma Murdoch, Head of Property and Workplace Operations, Anthony Traill, Manager Open Space and Recreation Services, George Borg, Manager City Development, Simon Gutteridge, Planning Team Leader Fishermans Bend, Patricia Stewart, Fishermans Bend Urban Renewal Senior Planner.

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 Simic/Copsey

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 1 July 2020 be confirmed.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally during the virtual council meeting and can be listened to in full on our website <http://webcast.portphillip.vic.gov.au/archive.php>
A copy of written submissions has also been made available on the website.

7.1 *Petition - Request to access the St Kilda Peanut Farm Pavilion and Oval Lighting by the Dog Owners Group of St Kilda*

- Terence Glenane
- David Wingate

9.2 *Multicultural Advisory Committee update and "All One Together" Anti-Racism Campaign*

- Georgina Tsolidis
- Mireille Kayeye

14.2 *Proposed Tenancy Agreement - Port Melbourne Soccer Club*

- Rachel from Port Melbourne
- Annette Maloney
- Russell Abotomey
- Darren Hose
- John Turnbull
- Kamal Ibrahim
- Giulio Avian
- Amanda Moore

The following submissions were submitted prior to the meeting and were read out in summary by the Coordinator Governance. The full submissions can be found on the website <http://www.portphillip.vic.gov.au/july-2020-meetingagendas.htm>

Public Question Time

- Adrian Jackson: While accepting that the Corona Virus has/is disrupted sporting club activities recently and perhaps forever as the corona virus is here to stay in my view, why are ratepayers loaning funds for sporting clubs in the first place for kitchens and cool rooms of all things? Surely, beside the playing facilities, these clubs only need toilets and change room facilities. If they want to socialise after the games and eat and drink let the go to a nearby cafe or hotel and support local businesses instead now that we don't have 6 o'clock hotel closing times anymore. Many clubs, sporting and otherwise, were set up to get around the former 6 o'clock closing legislation for hotels of the past but that is history now. Why don't sporting clubs review membership fees if funds are needed as Port Phillip is now an affluent middle class municipality?



Anthony Traill, Manager Open Space and Recreation Services, advised that Council resolved on the 4th of March to loan JL Murphy Pavilion \$50,000 to install additional kitchen infrastructure after they had already contributed \$200,000 to the pavilion project originally. Sporting pavilions will play an important role for our communities, not just sport, to be socially connected and raise funds from community programming. The pavilion has already been a fantastic support in other essential food services from this facility while sport has been able to operate during the COVID-19 pandemic. Sporting clubs will play an important role for our community recovery process when COVID restrictions are relaxed in the future.

- Adrian Jackson: A decade ago, I suggested a few times that 40 KPH should be the norm in all built up area residential street. Nothing came of it until a few years ago when the government introduced these limits. In Port Phillip, it is working well in Middle Park and environs. This 40 KPH limit was also imposed on the coastal road between Fitzroy St and Luna Park too even though this is a Victoria Roads road I think which is great. 40 KPH limits are also needed in Kerferd Rd Albert Park and Canterbury Rd Middle Park. Kerferd Rd is only about a short section but has a few uncontrolled crossings, like Richardson St, so there is no need to travel any faster. Canterbury Rd is longer but has 3 or 4 pedestrians crossing and a tram turning light at Mills St, that slows or stops car traffic as do the light at Fitzroy St and Kerferd Rd. Councillors impose a 40 KPH speed limit in these two roads.

Lili Rosic, General Manager City Strategy and Sustainable Development, advised that Council continues to progressively reduce speed limits on local streets across the municipality but that speed limits are major traffic control items that will require approval from the Department of Transport prior to installation therefore it isn't within Council's control. Canterbury Road is declared an arterial road which is managed by the Department of Transport. With regard to the Shrine to Sea project which is being led by the Department of Environment, Land, Water and Planning, it is intended to reduce the roads near Canterbury Road and Kerferd Road down from its posted speed limit from 50kmphs to 40kmphs subject to the Department of Transport review. Council officers will continue to work with the Department of Transport to progressively reduce speed limits on roads within the City of Port Phillip to improve safety in line with Council's Move Connect Live integrated strategy.

- Adrian Jackson: I just made an online submission for budget 20/21 concerning not funding activities that are closed or cancelled, like events and galleries, because of the Corona Virus. However, while most contact details were requested the address of the submitter was absent. Whether the submitter is a ratepayer or resident of Port Phillip is required. We don't want people not connected with Port Phillip making frivolous or dodgy demands for funding in the budget. Further council should not be funding and planning events in 2021 that won't happen, like sadly, the St Kilda Festival. Recently the St Kilda Film Festival had to go online when St Kilda theatres and the town hall could not be used.

Chris Carroll, General Manager Customer and Corporate Services, took the question on notice. Mr Carroll thanked Mr Jackson for his feedback on the budget which is currently out for consultation.



- Trevor White: Many ratepayers and residents of the City of Port Phillip have either lost money in their business, been put on job keeper or lost their job and now on job seeker. These people need support from the City. Will Council support ratepayers, businesses and community groups who are experiencing financial hardship due to the COVID-19 pandemic by giving rate waivers, rate relief or deferrals? Business and landlord rate relief should be extended to tenants, who do not directly pay rates, with the agreement of their landlord that any deferral or rebate will be directly passed on to the tenant. It is suggested that, to be eligible, ratepayers (direct or indirect, such as tenants) must be a Commercial and Community group ratepayers who have been required to close due to COVID-19 and are eligible for the Job Keepers payment. Residential ratepayers should be eligible for the Job Seeker or Job Keeper payment. Any other ratepayer experiencing financial hardship due to income dropping by 15 per cent or more. It's easy, Council can use existing documentation which has already been verified by the ATO, hence it's easy to implement. Many in the community were disappointed that the majority of Councillors voted against having a budget option prepared for review based on a no rate increase option. This is an opportunity to support ratepayers and tenants who have lost income in their business, on Job Keeper or lost their job and on Job Seeker. An example of this rate support can be found at the City of Mitcham in Adelaide which have adopted such support for residents and businesses.

The question was taken on notice by the Mayor and referred to Chris Carroll, General Manager Customer and Corporate Services, for further response.

5. COUNCILLOR QUESTION TIME

Councillor Voss - In regards to Statutory Planning and the exhibition of signs on properties, when will the signs on properties advertising a planning application re-commence?

Lili Rosic, General Manager City Strategy and Sustainable Development, advised that the intent is that when the State Government announces COVID-19 restrictions have relaxed and the town hall is able to re-open, we will recommence our services of providing signs and boards. In the interim, we will continue to fulfill our obligations under the Planning and Environment Act and make sure that we provide public notifications of our applications by sending out notices by letter in lieu of the onsite notices.

Councillor Voss - Is the reason for them not being produced at the moment is because someone has to go and pick them up and put them on the property and there's nowhere to pick them up currently?

Lili Rosic, General Manager City Strategy and Sustainable Development, advised that is correct as we want to limit peoples exposure to any risks in terms of picking up the virus so at the moment we are not encouraging people to come to the Town Hall and pick up the signs. As soon as it's safe to do so we will provide that service again.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

Item 7.1 Request to access the St Kilda Peanut Farm Pavilion and Oval Lighting By the Dog Owners Group of St Kilda

A Petition containing 238 signatures, was received from St Kilda Dog Owners Group of St Kilda.

MOVED Crs Gross/Baxter

That Council receives and notes the petition and that officers provide a response at the next available Council Meeting.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously

The Mayor adjourned the meeting for a break at 7.47pm

The meeting resumed at 7.52pm.

8. PRESENTATION OF CEO REPORT

Nil.

9. PEOPLE AND COMMUNITY

9.1 Final NDIS report

Purpose

- 1.1 To Provide Council with a final status report on the NDIS transition for the City of Port Phillip.

MOVED Crs Crawford/Gross

That Council:

- 3.1 Receives and notes this report.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.



9.2 Multicultural Advisory Committee update and "All One Together" Anti-Racism Campaign

Purpose

- 1.1 To present an update to Council of the work of the Multicultural Advisory Committee (MAC) since its inception in 16 October 2019.
- 1.2 To seek Council support to join "All One Together" anti-racism racism campaign.
- 1.3 To seek an extension of the current term of MAC members to 7 May 2021.

MOVED Crs Crawford/Gross

That Council:

- 3.1 Receive and acknowledge the MAC update.
- 3.2 Endorse an extension of the current MAC members until 7 May 2021.
- 3.3 Endorse Council to take the "All One Together" pledge.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.

9.3 Victorian State Government Review into Decriminalisation of Sex Work Submission

Purpose

- 1.1 To endorse the written submission into the Victorian Government's Review into the Decriminalisation of Sex Work.

MOVED Crs Baxter/Copsey

That Council:

- 3.1 Endorses the written submission (as provided as Attachment 1) to the Victorian Government's Review into the Decriminalisation of Sex Work.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not alter the intent.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross and Simic

AGAINST: Nil

ABSTAINED Cr Pearl

The MOTION was CARRIED.



10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

Nil.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Notice of Intention to Lease (To Finalise) - 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 finalise 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 Gross/Baxter

That Council:

3.1 Not having received any submissions in response to a Notice of Intention to Lease the Premises identified below, resolves to conclude the statutory procedures under sections 190 and 223 of the *Local Government Act 1989* Vic (Act) and approves the following Proposed Tenancy Agreements with key terms summarised as follows:

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) each to help support the continuous provision of child care services

- 3.2 Authorises the Chief Executive or delegate to execute such tenancy agreements;
- 3.3 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;
- 3.4 Notes that whilst the previous market rental estimates were \$84,000 (exclusive of GST) for 17 Eildon Road, St Kilda, \$110,000 (exclusive of GST) for 39 The Avenue, Balaclava and \$122,500 (exclusive of GST) for 46 Tennyson Street, Elwood, a discounted rent of \$10 per annum plus GST (on-demand) for each will apply, reflected as an in-kind contribution by Council.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.

14.2 Proposed Tenancy Agreement - Port Melbourne Soccer Club

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

Councillor Pearl: What is the percentage size of the lease and license area of the total surface area of the Murphy reserve?

Emma Murdoch, Head of Property and Workplace Operations, took the question on notice.

Councillor Pearl: Is there any acknowledgement of the amount of ratepayers subsidy to the club? Are the club members aware of how much and do we get any branding benefits for that?

Anthony Traill, Manager Open Space & Recreation, took the question on notice and advised he would benchmark this across the clubs.

Councillor Pearl: In relation to Service Level Agreement (SLA) in the lease what are the minimum standards for community engagement/participation that the club must undertake? I understand that this has been included in other Sporting Clubs. What level of minimum requirements do the club require to ensure community service?

Anthony Traill, Manager Open Space and Recreation Services, took the question on notice.



Councillor Pearl - Are we saying there's nothing in the current proposed agreement along those lines?

Anthony Trill, Manager Open Space and Recreation Services, took the question on notice

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 a proposed new tenancy agreement (**Proposed Tenancy Agreement**) for Port Melbourne (Nea Ellas) Soccer Club Inc. trading as Port Melbourne Soccer Club (**PMSC**) at 430 Plummer Street, Port Melbourne (part of JL Murphy Reserve).

ALTERNATIVE MOTION

MOVED Crs Pearl/Bond

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 summarised below by publishing a notice in The Age newspaper inviting interested persons to make a submission under section 223 of the Act:

Tenant	Port Melbourne (Nea Ellas) Soccer Club Inc. trading as Port Melbourne Soccer Club
Premises	430 Plummer Street, Port Melbourne (part of JL Murphy Reserve)
Permitted Use	Soccer and associated club activities
Commencement Date	1 July 2020
Term	Three (3) years expiring 30 June 2023
Rent	\$3,200 per annum plus GST in recognition of the Tenant's continuing support of the wider community.

- 3.2 Notes that the tenancy agreement will include exclusive use over the Pavilion and non-exclusive use over the three soccer pitches which will be operated on a seasonal permit. The seasonal permit for the pitches will be for an additional \$4,300 per annum plus GST.
- 3.3 Notes that the licence agreements will be on the standard seasonal permit template which requires all clubs to:
 - provide council with an operational report covering the operations of the club including financial performance, participation data, public liability insurance, liquor licenses and any other matters as may be stipulated in Council's "Sports Facilities, Grounds and Clubs Conditions of Use" handbook.



- use reasonable endeavours to develop and implement environmentally sustainable practices, including reducing landfill and litter within and around the tenancy area. These should be developed in consultation with the committee of Dig In Community Garden.
- 3.4 Notes that the Lease for the Pavilion will require the Port Melbourne Soccer Club to develop a partnership with the Sporting Club Governance Body at JL Murphy Reserve and report to council on the community activities provided for the exclusive use of the pavilion. This should include Port Melbourne Soccer Club being considered for Associate Membership or a similar membership level of the Body.
- 3.5 Authorises the Chief Executive Officer or delegate to undertake works to improve access for the public to all the grounds which is to be reported back to Council within 12 months from today.
- 3.6 Authorises the Chief Executive Officer or delegate to develop a long-term usage plan for the use of the site with a formal public consultation process which is to be reported back to Council within 12 months from today.
- 3.7 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.
- 3.8 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting; and
- 3.9 Resolves to consider future tenancy agreements for the pavilion, carpark and pitch 1 at a Council Meeting for decision.

AMENDMENT

MOVED Crs Voss/Crawford

That the following be added at item 3.10:

- 3.10 Instructs Officers to include in the lease the requirement for the toilets to be made reasonably available to the public at the cost of the club.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The AMENDMENT was CARRIED unanimously.

The AMENDMENT became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.



15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

MOVED Crs Copsey/Baxter

That Council considers an item of urgent business: 134-142 Ferrars Street, South Melbourne

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

The MOTION was CARRIED unanimously.

17.1 134-142 Ferrars Street, South Melbourne

Purpose

- 1.1 To provide a position on whether Council as a recommending referral authority to Ministerial Application 3/2013/MIN/B at the abovementioned address, should apply to the Victorian Civil & Administrative Tribunal to review the decision of the responsible authority to grant a Notice of Decision to Amend a Permit relating to Condition 18 (Affordable Housing).

MOVED Crs Copsey/Crawford

- 3.1 That Council authorise the Manager City Development to lodge an application for review with The Victorian Civil and Administrative Tribunal and instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review and/or any proceedings related to this application.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross and Simic

AGAINST: Cr Pearl

The MOTION was CARRIED.



18. CONFIDENTIAL MATTERS

MOVED Crs Crawford/Gross

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:

18.1 Sale of 8 York Street, St Kilda West - Reserve Price

The information in this report is considered to be confidential in accordance with the Local Government Act 2020 as it relates to:

- (a). Council business information.

18.2 Commercial Property Matter

The information in this report is considered to be confidential in accordance with the Local Government Act 2020 as it relates to:

- (a). Council business information.
- (f). personal information
- (l). information that was confidential information for the purposes of section 77 of the Local Government Act 1989

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.

As there was no further open business the meeting closed at 9.41pm.

Confirmed: 5 August 2020

Chairperson _____