

## **6.2 Amendment C171port St Kilda Marina**

---

### **Question from Cr Voss**

Councillor Voss took up Trevor White's question relating to the Crown Land Reserves Act 'Even though Council has departmental advice, if the current head tenant is unsuccessful is Council ready for the potential appeal to the supreme court on the basis that the Council was not following the processes outlined in the Crown Land Reserves Act or other reasons like seeking the proposal for the developers proposals coming in now even though there is no planning scheme amendment in place.'

### **Response**

The St Kilda Land Act 1965 is a site-specific Act relating solely to the St Kilda Marina land. It authorises the leasing of the land subject to the Act and the proposed long term lease arrangement must comply with those requirements. Because these special leasing powers apply to the St Kilda Marina land, the generic leasing powers contained in the Crown Land (Reserves) Act 1978 are not applicable.

However, other than the leasing power, the provisions of the Crown Land (Reserves) Act 1978 do apply to the St Kilda Marina land. For example, the role which council undertakes in managing the land is as a committee of management under the Crown Land (Reserves) Act 1978.

City of Port Phillip has been working with the Victorian State Government (specifically DELWP) on this project. DELWP has had input to both the procurement and planning process and will continue to do so as both processes evolve.

The process being followed on this project is consistent with the Department's Leasing policy.

In terms of seeking proposals concurrently with a planning scheme amendment process, this approach has been adopted to:

1. Manage these two separate processes in a timely manner. The outcomes of the amendment process will inform the finalisation of the procurement process.
2. Achieve a balance in ensuring community involvement and providing a level of certainty to the market. It is fair to provide certainty to all stakeholders that proposals that are consistent with the agreed outcomes for the site will not be subjected to uncertain approval timeframes.

Similar concurrent processes have been used to facilitate other large projects in Victoria, including the Marysville Hotel redevelopment and the Ballarat Station redevelopment.

The proponents involved in the procurement process have been made aware of this approach. The State Government is aware of this approach.