



# ORDINARY MEETING OF COUNCIL

## MINUTES

15 APRIL 2020

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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD 15 APRIL 2020 IN PORT MELBOURNE TOWN  
HALL**

The meeting opened at 8:00pm.

**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, Rebecca Purvis, Governance Officer, George Borg, Manager City Development, Simon Gutteridge, Planning Team Leader Fishermans Bend, Nick McLennan, Planning Coordinator Canal Ward.

*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.*

**MOTION TO DEVIATE FROM ORDER OF BUSINESS**

**Moved Crs Pearl/Bond**

That Council deviates from the order of business and accepts an additional item to exclude in-person attendance of members of the public at tonight's Meeting.

**A vote was taken and the MOTION was CARRIED.**

**COUNCIL DECISION TO EXCLUDE IN-PERSON ATTENDANCE OF MEMBERS OF THE  
PUBLIC AT TONIGHT'S SPECIAL MEETING**

**Moved Crs Pearl/Gross**

That Council notes:

- A) that in accordance with its obligations under the occupational health and safety act 2004, tonight's special meeting of council will not be open to inperson attendance by members of the public, and instead will be open and accessible to the public by livestream via council's website and facebook page;
- B) that members of the public can submit a statement online to an agenda item, which may be read out at the chair's discretion.

**A vote was taken and the MOTION was CARRIED unanimously.**



## 1. APOLOGIES

Nil.

## 2. CONFIRMATION OF MINUTES

### **MOVED Crs Simic/Baxter**

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 18 March 2020 be confirmed.

That the minutes of the Special Meeting of the Port Phillip City Council held on 19 March 2020 be confirmed.

That the minutes of the Special Meeting of the Port Phillip City Council held on 25 March 2020 be confirmed.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

## 4. PETITIONS AND JOINT LETTERS

### **Item 4.1**

Joint Letters containing a total of 77 signatures received from residents of Bridge Street, Port Melbourne and Glover Street, South Melbourne

### **MOVED Crs Crawford/Copsey**

That Council:

1. Receives the Joint Letters and notes the safety concerns raised by the signatories.
2. Requests that Council officers investigate these safety concerns and provide a response to Council at the Council Meeting on 6 May 2020.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 5. SEALING SCHEDULE

Nil.



## 6. PUBLIC QUESTION TIME

### Campbell Spence – Ratepayers of Port Phillip Inc

The Ratepayers of Port Phillip Inc. are concerned that the City of Port Phillip's current 2019-20 budget is likely to now have a large deficit. Since the COVID-19 emergency has hit Australia, council non-rates revenues from sectors such as parking fees, fines, childcare and asset leases will be significantly reduced. It's also possible that some ratepayers may be unable to pay their rates for some time.

At the same time, council has been silent on how it will manage its expenditure to address the fall in revenue. We were shocked to see no mention of this incredibly important topic in the 15 April meeting agenda. The time to address this issue is fast disappearing.

If council's revenue has fallen and expenditure stays the same, the only way to meet the shortfall will be by commensurately increasing debt.

- How big is the forecasted deficit in the current 2019-20 accounts?
- Will this be met by increasing debt?
- What is the impact on the 2020-21 Budget?

We expect to see a detailed action plan for how the CEO is proposing to address declining revenues and the cost base for both the 2019-20 and 2020-2021 financial years. Currently the Council has been silent, and we are therefore concerned about whether there is a plan at all.

- Have Councillors demanded from the CEO a full report on council finances?

If the CEO and his staff cannot present a clear plan to balance the books without increasing rates or relying on debt, Councillors must use their powers to address management competency.

We remind the Councillors that you represent residents and ratepayers. You cannot allow council to borrow its way out of this budget mess. This will only defer the problem and extend it out to future generations.

*Mayor Bernadene Voss stated that like all businesses, Council is not immune to the impacts of COVID-19. Council have been receiving weekly detailed budget briefings from the CEO & officers on the impact to Council's finances as a result of COVID-19.*

- *At this point we estimate the impact is likely to be \$40M, of which \$20M will be felt in 2019/20 and \$20M in 2020/21. Significant savings have already been identified for the remainder of this financial year and Council is working on finding additional savings for FY21.*
- *Our total Council budget is around \$230M each year so the impact is significant.*
- *This impact is the result of a decline in revenue from a range of sources for example permits and events, increasing costs that were occurring prior to COVID-19 e.g. landfill levy and cost shifting from other tiers of government*
- *We were in the final stages of preparing our draft 20/21 budget when COVID-19 started to assert itself. Unfortunately, the financial impact of the pandemic on Council is significant, which means Council is unable to proceed with the budget it had planned for 2020/21.*



- *Council is working diligently and with financial discipline to prepare a revised budget for 2020/21 which we look forward to talking with you about in more detail and engaging with you on as soon as possible.*
- *The Minister for Local Government has provided Councils with an extension by which it can finalise its budgets this year given the unprecedented circumstances until the end of August 2020.*
- *We want to ensure that certainty is provided to our ratepayers as soon as possible but also want to ensure that you have an opportunity to help shape the budget given these unprecedented circumstances so we are working as quickly as we can to get our community involved in the process.*

*The financial discipline we are applying includes:*

- *Not seeking an increase to the existing rate cap or additional borrowing*
- *Prioritising everything we are doing and looking carefully at all opportunities to save costs*
- *Ensuring that we protect the wellbeing of our community particularly the most vulnerable*
- *Minimising the impacts of service closures and reductions on the community*
- *Looking at ways to provide additional relief to impacted businesses and ratepayers.*
- *Retaining essential capacity to start up again and help our community recover as quickly as possible.*

*This is an immense challenge but one that is critical to the future of our municipality and we as Councillors are playing our part in ensuring that this significant piece of work is undertaken diligently, with great care and as quickly as possible.*

*We look forward to discussing this more with our community over the coming weeks.*

## **7. COUNCILLOR QUESTION TIME**

Councillor Pearl asked for an update on whether the State Government would allow Councils to meet online and how that would potentially affect the delegations passed by Council in the last few weeks.

*Peter Smith, Chief Executive Officer, stated that the Premier announced today that he is recalling Parliament to amend the Local Government Act to allow Councils to meet digitally. That decision would significantly relieve the Administration of the responsibility of carrying the delegations that Council has passed. I look forward to Council being able to fully exercise their powers and duties as the civic leaders of this community.*



## 8. PRESENTATION OF CEO REPORT

### 8.1 Presentation of CEO Report - Issue 64

#### Purpose

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

#### **MOVED Crs Copsey/Baxter**

That Council:

- 3.1 Notes the CEO Report Issue 64 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in February 2020.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 9. PEOPLE AND COMMUNITY

### 9.1 Community Grants Assessment Panel Reference Committee - Appointment 2020

#### Purpose

- 1.1 For Council to endorse the appointment of one community member to the Community Grants Assessment Panel Reference Committee, for the period April 2020 to December 2020.

#### **MOVED Crs Pearl/Gross**

That Council:

- 3.1 Notes that one community panel member has resigned from Community Reference Committee and formally thanks this committee member for their previous commitment and participation.
- 3.2 Appoints Jamie Brunton to the vacant position on the Community Grants Reference Committee from April 2020 until December 2020.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 10. TRANSPORT AND PARKING

Nil.



## 11. SUSTAINABILITY

### 11.1 Port Phillip Emergency Climate Action Network Joint Letter regarding Council's response to the Climate Emergency

The following people submitted a statement prior to the meeting which was read by the Mayor and is available on councils website:

[Port Phillip Emergency Climate Action Network](#)

#### Purpose

- 1.1 To provide a response to the joint letter from Port Phillip Emergency Climate Action Network (PECAN) that was presented at the 18 March 2020 Council meeting.

#### MOVED Crs Brand/Copsey

That Council:

- 3.1 Notes the Port Phillip Emergency Climate Action Network's (PECAN) members valuable contribution to raising awareness of the urgency of climate change and supporting local action.
- 3.2 Notes that Council has embedded environmental sustainability as one of the six strategic pillars in the Council Plan (2017-27) and established several key strategies to address climate change, such as the Act and Adapt (Environmental Sustainability) Strategy 2018-28, Don't Waste It Strategy 2018-28 and Move, Live Connect (Integrated Transport) Strategy 2018-28.
- 3.3 Notes that Council's resources are focused on responding to the immediate impacts of COVID-19 and that any new initiatives or projects will need to be considered as part of its 2020-21 annual budget and the next Council term.
- 3.4 Notes that the average annual rates expenditure on sustainability during this Council Plan (2017-27) has increased by approximately 153% from the previous Council Plan (2013-17).
- 3.5 Notes that Council will continue to advocate to other levels of government to reduce carbon emissions and mitigate the impacts of climate change.
- 3.6 Notes that Council officers will conduct community engagement via online forums, including sharing information on actions taken by Council to address the Climate Emergency and identifying opportunities for community action.
- 3.7 Writes to PECAN outlining these recommendations and advising that their request for a community decision making forum should be submitted for consideration after the next Council Election.

**A vote was taken and the MOTION was CARRIED unanimously.**



## 13. ARTS CULTURE & ECONOMIC DEVELOPMENT

### 13.1 Community Gardens Assessment Guidelines

#### Purpose

- 1.1 To consider feedback received through the public consultation period received through Have Your Say on the draft 'Community Gardens Assessment Guidelines'.
- 1.2 To present the Draft Final 'Community Gardens Assessment Guidelines'
- 1.3 Seek Council approve the adoption of the guidelines.

#### **MOVED Crs Copsey/Pearl**

That the item be deferred.

**A vote was taken and the MOTION was CARRIED unanimously.**

### 13.2 Library Action Plan - Draft for public consultation

The following people submitted a statement prior to the meeting which was read by the Mayor and is available on councils website:

Middle Park Library Action Group Inc.

Michael Sabada

#### Purpose

- 1.1 To present the draft Library Action Plan and seek approval to commence a period of community consultation and engagement.

#### **MOVED Crs Pearl/Bond**

That the item be deferred.

**A vote was taken and the MOTION was CARRIED unanimously.**





## 14. ORGANISATIONAL PERFORMANCE

### 14.1 Exercise of Delegation by the CEO during COVID-19 Emergency

#### Purpose

- 1.1 To present a summary of all decisions made by the Chief Executive Officer under resolution of the Council on 19 March 2020, and the Instrument of Delegation adopted by Council on 25 March 2020.

#### MOVED Crs Pearl/Bond

That Council:

- 3.1 Receives and notes the Register of Exercise of Delegation by the Chief Executive Officer during a declared State of Emergency – COVID-19, 2020 report (Attachment 1).

**A vote was taken and the MOTION was CARRIED unanimously.**

## 12. PLANNING

### 12.1 Statutory Planning Delegated Decisions - March 2020

#### Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

#### MOVED Crs Brand/Copsey

That Council:

- 2.1 Receives and notes the March 2020 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

**A vote was taken and the MOTION was CARRIED unanimously.**



## 12.2 332 Carlisle Street, Balaclava

The following people submitted a statement prior to the meeting which was read by the Mayor and is available on councils website:

Dr. Yury Shamis

James McGann

### Purpose

- 1.1 To consider and determine planning permit application P727/2018 for the use of land for a Rooming House and signage at 332 Carlisle Street, Balaclava.

### MOVED Crs Copsey/Pearl

- 3.1 That the Planning Committee adopt Recommendation “Part A” and “Part B”, that:
  - A. The Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
  - B. Authorise the Chief Executive Officer (or delegate) to instruct Council’s Statutory Planners and/or Council’s Solicitors on any VCAT application for review.

### RECOMMENDATION “PART A”

- 3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit for the use of land for a Rooming House and signage at 332 Carlisle Street, Balaclava subject to the following conditions:

#### 1. Amended Plans Required

Within 30 days of the date of the permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as TP-01 – TP-03, prepared by McGann Architects and dated 2 October 2019) but modified to show:

- a) Each of the eight proposed car spaces located within the rear setback of the site to be clearly line marked and dimensioned in accordance with the design standards for car parking at Clause 52.06-9 of the Port Phillip Planning Scheme. The plan is to clearly identify which car parks are allocated to the Rooming House and existing dwellings.
- b) The panel sign fixed to the wall of 330 Carlisle Street deleted.



- c) The home based business sign within the front yard to be deleted.
- d) Details of the existing and any proposed landscaping on the site.
- e) Any modifications as required by the Onsite Management Plan.
- f) Any modifications as required by the Waste Management Plan.

## 2. No Alterations

The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority unless the Port Phillip Planning Scheme exempts the new use from requiring a permit.

## 3. On-Site Management Plan

Within 30 days of the date of the permit, a management plan must be prepared to the satisfaction of the Responsible Authority. The plan must include, but not be limited to, the following:

- a) Procedures, and standards for residents to minimise amenity and parking problems in the neighbourhood.
- b) A process which ensures non-car owners are prioritised for occupation of the building over individuals who own a car.
- c) Establishment of a Complaints hotline for, and regular meetings with, adjacent residents.
- d) Standards for property maintenance, health and cleanliness including measures to be undertaken to ensure areas surrounding the establishment are kept clean of litter.
- e) Security against thefts and break-ins, including security of residents' belongings.
- f) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
- g) Establishment of house rules (to be displayed in a prominent location and clearly visible to residents in the premises at all times) regarding:
  - (i) Resident behaviour
  - (ii) Noise
  - (iii) Alcohol consumption in communal areas
  - (iv) Littering
- h) Appropriate management and security practices so as to prevent the congregation of residents and visitors in communal and outdoor areas after 10pm.



- i) Prevention of alcohol consumption in the communal open space and communal rooms.
- j) No amplified sound or speakers to be permitted in the external areas at all times.
- j) Contact details of the relevant land manager being YSVG (Yury Shamis Venture Group).
- k) Details of how the door which provides access from the Rooming House to  
the first floor office associated with the Home Based Business will be  
permanently closed in accordance with relevant Building regulations.

Once to the satisfaction of the responsible authority, the management plan will be endorsed and form part of this permit. The management of the use must always be in accordance with the endorsed management plan to the satisfaction of the Responsible Authority.

#### **4. Waste Management Plan**

Before the use starts, a Waste Management Plan based on the City of Port Phillip's

Waste Management Plan Guidelines for Developments must be prepared by a

Waste Management Engineer or Waste Management Planner to the satisfaction of

the Responsible Authority and endorsed as part of this permit. The Plan must

include reference to the following:

- Land use type.
- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.



- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to

the satisfaction of the Responsible Authority.

#### **5. Landscaping Maintenance**

The landscaping as shown the endorsed Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

#### **6. Time for starting and completion**

This permit will expire if one of the following circumstances applies:

- a) The use is not started within two years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

#### **Permit Notes:**

##### **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

##### **Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary.
- b) Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).



### **Approval Required for Signs**

Unless no permit is required under the planning scheme, signs must not be constructed or displayed without a planning permit.

#### **RECOMMENDATION "PART B"**

- 3.3 Authorise the Chief Executive Officer or Delegate to instruct Council's Statutory Planners and/ or Council's Solicitors on the VCAT application for review.

**A vote was taken and the MOTION was CARRIED unanimously.**

### **12.3 245-247 and 249-251 Normanby Road , South Melbourne**

The following people submitted a statement prior to the meeting which was read by the Mayor and is available on councils website:

Angela Croome

#### **Purpose**

- 1.1 To provide a Council position on Ministerial Application 13/2015/MIN/B for 245-251 Normanby Road, South Melbourne to amend the existing permit under Section 72 of the *Planning and Environment Act 1987* to provide an additional level of car parking within the podium, reconfigure the apartment layouts to include dual-key apartment layouts, change the façade and schedule of materials and provide car parking in excess of the car parking rates of the Parking Overlay.

#### **MOVED Crs Pearl/Brand**

- 3.1 That Council advises the Department of Environment, Land, Water and Planning that:

#### **RECOMMENDATION – PART A**

- 3.2 Council supports the proposed amendments detailed in the without prejudice amended plans prepared by CHT Architects, Job No: 15060, Typical Levels (Level 5-39), TP2.01, TP2.02, TP 2.03, TP2.04 all Rev I, all dated 13/02/2020 and received by Council on 08/04/2020 generally detailing changes to façade articulation. Council also supports the proposed changes to the built form including an additional level of car parking within the podium, reconfiguration of the apartment and commercial tenancy layouts.
- 3.3 Council does not support the proposed amendments to introduce dual-key apartments and and provide car parking in excess of the car parking rates of the Parking Overlay for the reasons set out at Sections 11 and 14 of this report.

#### **RECOMMENDATION – PART B**

- 3.4 In the event the Minister determines to grant an amended planning permit, any permit granted should incorporate the suggested amended and new conditions attached to this report at Appendix F.

#### **RECOMMENDATION – PART C**



- 3.5 Authorise the Chief Executive Officer (or delegate) to negotiate an appropriate outcome for the proposal and to instruct Council's Statutory Planners and/ or Council's Solicitors on any future VCAT application for review.

**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 Gross/Pearl**

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 Transfer of Council Shareholding in Regional Kitchen P/L to Department of Health and Human Services**

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)(f). Legal advice.

**A vote was taken and the MOTION was CARRIED.**

The meeting was closed to the public at 8.39pm.

The meeting was reopened at 8.41pm.

As there was no further business the meeting closed at 8.41pm.

Confirmed: 6 May 2020

Chairperson \_\_\_\_\_