



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

21 OCTOBER 2020



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**MINUTES OF THE PORT PHILLIP CITY COUNCIL MEETING HELD  
VIRTUALLY 21 OCTOBER 2020**

The meeting opened at 6:31pm.

**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 Development Transport and City Amenity, Kylie Bennetts, General Manager City Growth and Organisational Capability, Rachel Russell, Manager Governance and Organisational Performance, Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Lauren Bialkower, Manager City Growth and Culture, George Borg, Manager City Development, Phillip Beard, Senior Planner, Michael Mowbray, Coordinator Statutory Planning Lake 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.*

**1. APOLOGIES**

Nil.

The Mayor advised that Cr Crawford was having technical difficulties accessing the meeting.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Bond/Baxter**

That the minutes of the Meeting of the Port Phillip City Council held on 16 September 2020 be confirmed.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**The MOTION was CARRIED.**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



## 4. SUSTAINABILITY

### 4.1 10-18 Jacka Boulevard St. Kilda

#### Purpose

- 1.1 To determine a planning permit application for the consolidation of two, existing on-premises liquor licences at two tenancies (Captain Baxter and Republica) into one, overall, on-premises licence at the Sea Baths complex.

#### MOVED Crs Baxter/Brand

- 3.1 That the Responsible Authority grant a Planning Permit.
- 3.2 That a Planning Permit be granted for the increase of the area that liquor is allowed to be consumed by the consolidation of two, existing on-premises liquor licences at two premises (Captain Baxter (being tenancies 10, 11, 11a, 11b, external lots 10 and 12) and Republica (being tenancies 1a to 1d inclusive plus external courtyard) into one overall on-premises licence at the Sea Baths complex at 10-18 Jacka Boulevard, St. Kilda.
- 3.3 That the decision be issued as follows:

#### General conditions Covering Both tenancies

##### Amenity & Noise levels

1. The activities at these tenancies must not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this approval relates during or immediately after the trading hours allowed under this permit. Additionally, noise levels must not exceed the permissible noise levels stipulated in the State and Environment Protection Policy N-1 (Control of Noise from Industry, Commerce and Trade), State and Environment Protection Policy N-2 (Control of Music Noise from Public Premises).

##### Alcohol service

2. Alcohol must only be served and consumed within the licenced area and must not be served/consumed off-premises.

##### Time for Starting and Completion

3. This permit will expire if one of the following circumstances applies:
  - (a) The sale and consumption of alcohol allowed by this permit is not started within one year of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use allowed by the permit has not yet started.

#### Ground Floor (Republica) Conditions

##### Predominant Activity

4. The predominant activity carried on the ground floor must be the preparation and serving of meals for consumption on the premises.

##### Tables and Chairs

5. Tables and chairs must be placed in position on the premises so as to be available for at least 75% of the patrons attending the premises at any one time.



**Background Music Only**

- 6 Music must be limited to background levels only, unless the music is part of a function that is held in an area of the premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests, and is attended only by those persons and their guests.

**Patron Limits**

- 7 Maximum patron numbers at any one time are not to exceed the following:
- (a) Overall/total Maximum patrons of 750
  - (b) Maximum patrons 180 internally at any one time
  - (c) Maximum patrons 700 externally at any one time

**Operating hours for Sale and Consumption of Liquor**

8. The sale and consumption of liquor may only operate between the hours of:
- Good Friday & Anzac Day: 12 noon and 1 a.m. the following morning.
  - Sunday: 10 a.m. and 1 a.m. the following morning.
  - On any other day: 7 a.m. and 1 a.m. the following morning

**First Floor (Captain Baxter) Conditions**

**Amplified Music**

- 9 Amplified and live music must only be played through a noise limiter and only after the noise limiter has been installed and operates to ensure compliance with State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) and in compliance with the conditions of this permit

**Noise limits (terrace and Retractable Roof)**

- 10 At any time the western terrace is operating with its permitted retractable roof open, patron noise is not to exceed background noise (Lgo) plus 10dB between opening of the premises and 10pm and must not exceed background noise (Lgo plus 5dB) between 10pm and close of the premises, both measured at the nearest dwellings to the subject premises.

**No Live Music**

- 11 Without the written consent of the responsible authority, no live music is to be played in the area beneath the retractable roof panels at first floor after 10:00pm at any time the retractable roof panels are open.

**Patron Limits**

12. No more than 385 patrons are permitted within the licenced area, with a maximum of 229 patrons internal and 156 external.

**Operating hours Sale and Consumption of Liquor**

13. The sale and consumption of liquor may only operate between the hours of:
- Good Friday & Anzac Day: 12 noon and 1 a.m. the following morning.
  - On any other day: 7 a.m. and 1 a.m. the following morning

**Marine and Coastal Act Consent conditions**

- 14 The use is to be carried out generally in accordance with:
- The planning permit application titled 'ST KILDA SEA BATHS, NO. 10-18 JACKA BOULEVARD, ST KILDA PLANNING PERMIT APPLICATION' dated 30 July 2020, prepared by Aliza Fischer Webberley, Urbis.



- The plans titled 'RED LINE PLAN – GROUND FLOOR AND LEVEL 1' dated 19 May 2020, prepared by Nathan Deeming.
- 15 Any modification to the proposed use will require further approval by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
- 16 The proposed liquor licencing changes should not facilitate either the head lessee or subtenant to inhibit free public movement within the facility, as allowable under conditions of the head lease.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**The MOTION was CARRIED.**

## **5. ORGANISATIONAL PERFORMANCE**

### **5.1 Statutory Planning Delegated Decisions - August and September 2020**

#### **Purpose**

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 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 Pearl/Simic**

That Council:

- 2.1 Receives and notes the August 2020 and September 2020 reports (Attachments 1 and 2) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 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.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**The MOTION was CARRIED.**



*Due to technical difficulties, Councillor Crawford joined the meeting at 6.49pm.*

## **5.2 Economic and Social Recovery - Live Love Local Update**

**The following points were made during discussion of the item and Councillors asked that they be minuted:**

Councillor Voss – In regards to rubbish that may occur at particular locations now that we have access to our beautiful public space, beaches, footpaths, parklets and parks etc. What mechanisms would be available to us to ensure that the cigarette butts, coffee cups, napkins etc are picked up by the venues each day and each evening, as part of the community benefit of having access to this space?

*Peter Smith, Chief Executive Officer, advised that there are standard conditions within our permits for the use of public space. Each permit holder will submit a waste management plan as part of the permit request process, which we send to our waste services area for approval. We can include additional requirements around cigarette butts and additional cleaning in those permits and where the activation is located. The standard conditions are to ensure that all waste is removed from site and correctly disposed of and that no waste associated with the activation would go into Council waste containers. We would also ask for waste minimalisation, recycling, waste management and encourage not to use single use plastic where we can require that and including recycling in the waste management plan that is a part of this. The other mechanism we've got is that Permits will be issued for three months. If there is non-compliance and the trader wants an extension, there is an encouragement to comply with all requirements in terms of waste management, removal of rubbish and cleaning etc. We can add in further detail around cigarettes and coffee cups etc. into those permits, and I'm happy to undertake to do that if that is Council's desire.*

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

Councillor Pearl – Of the \$500,000 we've received so far from State Government, can you give me some practical examples of where that money has been invested so far, and can we get an assurance from officers that that money will go to the people that need it most and how they get hold of it?

*Lauren Bialkower, Manager City Growth advised that we've allocated half of that money so far. \$250,000 to infrastructure around the business parklets so things like planter boxes and barriers that are required to keep the community safe and ensure that these parklets can go up. These will also help to create some aesthetically pleasing benefits around those parklets. The remaining \$250,000 we still have to utilise. There's a number of things we're looking at the moment and over the next couple of weeks as these areas start to go live, we will be hearing feedback from our existing traders who will be key to deciding how we chose to spend the remainder of that money.*

Councillor Pearl asked a follow up question to ask for some specific examples of infrastructure that has been built with money? Have businesses had the opportunity to apply for grants or infrastructure that they need?

*Lauren Bialkower, Manager City Growth took the question on notice to provide further detail of the purchases we have made so far, but advised one way we are contributing to making it possible for traders to build these parklets is by purchasing safety and traffic barriers to comply with safety requirements and ensure community safety around these activations.*



**Purpose**

- 1.1 To update Council on the implementation of economic and social recovery initiatives (Branded as the “Live Love Local” program of work) approved by Council prior to entering into caretaker period.
- 1.2 To update Council on work being done to progress new initiatives that will be brought back to the new Council for consideration, including the potential re-purposing of the \$1.7M of funds previously allocated to the St Kilda Festival.
- 1.3 To advise Council on operational plans being put into place for summer management.
- 1.4 To advise Council of planned communications to support the above.

**MOVED Crs Baxter/Simic**

That Council:

- 3.1 Notes the contents of this report.
- 3.2 Notes the commencement of a communication campaign to promote awareness and take up of Live Love Local initiatives within the community.
- 3.3 Notes that any new economic and social recovery initiatives that require a decision of Council will be brought back to the new Council for consideration prior to the end of the calendar year.

**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.**

**6. URGENT BUSINESS**

Nil.



## 7. CONFIDENTIAL MATTERS

### MOVED Crs Bond/Voss

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:

Report no.	Report title	Confidentiality reasons
7.1	41-49 bank street, south Melbourne	(e) legal privileged information;

The vote was taken under DIVISION.

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

**AGAINST:** Nil

The MOTION was CARRIED.

As there was no further business open to the public, the meeting closed at 7.23pm

Confirmed: 18 November 2020

Chairperson \_\_\_\_\_