



# ORDINARY MEETING OF COUNCIL

## MINUTES

16 SEPTEMBER 2020



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD VIRTUALLY ON 16 SEPTEMBER 2020**

The meeting opened at 5:06pm.

**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; Tony Keenan, General Manager Community Wellbeing and Inclusion; Chris Carroll, General Manager Customer, Operations and Infrastructure; Kylie Bennetts, General Manager City Growth and Organisational Capability, John Bartels, Head of Major Transport Projects – Domain Precinct, Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Anthony Traill, Manager Open Space, Recreation and Community Resilience, Donna D'Alessandro, Manager Safety and Amenity, Joanne McNeill, Executive Manager Property and Assets, Damian Dewar, Manager City Strategy, Design and Sustainability, George Borg, Manager City Development, Lachlan Johnson, Executive Manager Construction Contracts and Operations.

*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/Baxter**

That the minutes of the Council Meeting of the Port Phillip City Council held on 2 September 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

Councillor Simic declared a conflict of interest by way of direct interest in confidential item 18.4 - *Outcomes of the Special Audit and Risk Committee Meeting of 9 September 2020 recommendation Parts 2 and 3.*

Councillor Baxter declared a conflict of interest by way of direct interest in confidential item 18.4 - *Outcomes of the Special Audit and Risk Committee Meeting of 9 September 2020 recommendation Part 3.*

The following Councillors advised of an interest in confidential item 18.4 - *Outcomes of the Special Audit and Risk Committee Meeting of 9 September 2020*, and noted that they would make a further statement at the time of consideration of the item.

- Councillor Pearl
- Councillor Bond
- Councillor Brand
- Councillor Copsey

### CONDOLENCE MOTION

#### TONY FLUDE

##### Moved Crs Baxter/Copsey

That Council

- Expresses its deep regret on the passing of Tony Flude.
- Offers its sincere condolences to his family and the members of the Friends of Westgate Park and the EcoCentre.
- Places on record its appreciation for his service to the City of Port Phillip.

**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.**

### 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.

#### Public Question Time

- **Mary Stuart:** Can Council confirm Cavell Street will continue to look like a road? And can Council confirm that any narrowing will not result in bottlenecks and impair normal traffic flow? Will Council review the issue of removing the curb to address concerns regarding child safety? Can Council seek further advice that addresses the behaviors of children and road crossings? Can Council confirm when works will commence?

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 16 SEPTEMBER 2020



*Anthony Traill, Manager Open Space, Recreation and Community Resilience, advised that the raised section of Cavell Street will be Charcoal coloured concrete similar to the asphalt either side which will be a direct contrast to the pedestrian plaza pavers either side of that road. With regards to the width of the road, the minimum width you can have for a road is 2.5 meters, but this design will be 3 meters to allow for truck movement and for it to feel more like a road through that section.*

*In regards to children accessing that area, the bollards that we will be installing as part of the hostile vehicle management act as a proxy kerb from benchmarking to other sites where people wait to cross the road and knowing that the coloured road is a different colour, they will see that as a contrast to know that that is a shared zone and road section. This is also an advantage for us around accessibility movement all through those areas.*

*In regards to the timing of works, I can confirm that they will not start before Easter and we will be engaging with all the traders around that area about ideal opportunities to deliver these works and explore whether there are some opportunities to start earlier based around COVID restrictions. As a minimum, they won't be impacted in the summer unless the traders feel it is advantageous for us to do so.*

- **Helen Halliday:** In relation to the recently released public space draft strategy, which identifies the historic deficit in the East St Kilda area of 5% open space only. This is the area East of Brighton Road and St Kilda Road. The solutions out of that report were both trivial and inconsequential, we need an immediate and long term plan for this area. It of course also beggars belief that our most prestigious major highway St Kilda Road and Brighton Road, in that area is not mentioned, the need to revive it from its current state must be apparent to all. In response to these apparent deficiencies, PECAN has put forward a proposal which we would like the officers and the Councillors to look at for their information and more importantly action. We have proposed the adoption of a green line as being a key component. This uses land alongside the railway line which is currently derelict or unused. As a matter of urgency, we would like the senior management to stop discouraging community effort in the first instance and offer your support to a staged approach to address this deficiency. It should be done now, and without delay, we would like to ask particularly the senior officer, or maybe the CEO to suggest ways in which this action can be taken, especially in the adoption of a green line proposal.

*Damian Dewar, Manager City Strategy, Design and Sustainability, advised that we have received PECAN's submission and we do acknowledge that in the Public Space Strategy that St Kilda East is an area which are particularly deficient in public space. Through the Public Space Strategy there are a number of potential new public spaces which are indicated within the action plan. Council also has a longer-term plan to look at land acquisition within there to address this deficiency, but we acknowledge that there is a process that we will need to go through to make any such purchase, and that this will take time.*

*In relation to the Green line, we have heard from PECAN and residents over a number of years, their keen interest in the rail reserve, we note that most of that land is outside of Council's control and there are operational and contamination issues that relate to that.*

*We have put members of PECAN in contact with VicTrack at various times in relation to proposals for that area, we will continue to have those conversations with them to try and see if we can come to a resolution.*

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- **Janet Rosenberg:** Representing the Acland Street, Fitzroy Street, & Port Melbourne Traders. We are again requesting Council help for businesses in our precinct to help us all survive this continued lockdown. We appreciate that Council has waived the Footpath trading fees until December 2020. We now request this help be extended with a further waiver of those footpath trading fees until June 2021. This will give some continued support to traders, and show the council is aware of the pain that businesses in our community are in. With regard to extending Footpath Trading spaces we are asking for a streamlined process for traders to be able to obtain the necessary permits to enlarge their Footpath Trading space. We need to be able to go to one single person or department in Council who has the power to simplify the process for our beleaguered traders to be able to quickly extend their trading space. This includes the liquor licensing requirements, we need a simple online process covering all the compulsory conditions to be able to start extended trading outside quickly, ideally this should be possible under one application. This will allow traders to increase their trade, maintain social distancing and at the same time let the community to feel safe so they are happy to patronise local businesses. As Dan Andrews said this week, we want as many seated and as quick as possible, utilising public space that has never been on offer previously. Both Council and traders will be given funding from the state government to introduce these outdoor programs, so I'm sure there will be many applications. It would be beneficial to both Council and traders if there was a process that was more simple and could make this happen more easily, than the current cumbersome time consuming system.

*Peter Smith, Chief Executive Officer, advised that in terms of the footpath trading fees, Ms Rosenberg is correct that we have waived fees until end of December 2020. We are aware of the trader's groups request to extend this further and when the new council forms, one of the first things we will do is a quarterly Budget review process with them and this request will be put into part of that process. In November, the trader's groups will have a decision from the new Council around the extensions of those footpath trading fees and those requests will be put alongside other emerging needs for economic assistance for our small businesses.*

*In relation to a streamlined process for outdoor dining and expanded use of public space, processes will be set up and communicated to all traders from early next week. There is an existing site 'Love my place' website where traders can go, and I will make sure that the link for this is available on the website to apply now for these sorts of permits. From next week, we will have a single point of entry and a single person who works with those traders to take these ideas through the approval process as quickly as we possibly can. And that would include working where necessary to gain liquor license permits, and we are indeed working with the State Government and other inner Metropolitan Councils to get a more streamlined liquor licensing approval process to support Outdoor dining.*

## **Council Report Submissions**

### **7.1 Response to Joint Letter regarding Inadequate Vehicle Parking - G12+ Domain Precinct Residents' Group**

- Fraser Read-Smith
- John Tabart

### **12.1 Amendment C161Port (Update Amendment) – Consideration of Submissions and Request to proceed to Independent Planning Panel**

- Leonie King



- Eugene Volovich
- 12.2 St Kilda Marina - Proposed New Lease Agreement – Response to Submissions**
  - Peter Holland
  - John Edgeley
- 13.2 Linden New Art 2020 Funding Deed**
  - Jeremy Blackshaw
  - Melinda Martin
- 13.3 Gasworks Art Inc 2020 Funding Deed**
  - Tamara Jungwirth
- 14.4 Proposed Tenancy Agreements (To Finalise) - Gasworks Arts Park**
  - Tamara Jungwirth
- 14.5 Proposed Tenancy Agreement (To Finalise) - Linden Art Gallery**
  - Jeremy Blackshaw
  - Melinda Martin
- 14.9 Annual Report of the Audit and Risk Committee 2020/21**
  - Brian Densem

The following submissions were submitted prior to the meeting and were read out in summary by the Head of Governance. The full submissions can be found on the website <https://www.portphillip.vic.gov.au/about-the-council/council-meetings/2020-meetings-and-agendas>

## Public Question Time

- **Adrian Jackson:** Can council give an update on the resident petitions from previous council meetings for playground equipment on nature strips?

*Lili Rosic, General Manager Development, Transport and City Amenity advised that Council Officers have sought legal advice in regards to what measures or actions we can take to enable swings on nature strip trees. That advice does support that with the current Local Law and Nature strip policy which is incorporated, we can't facilitate that activity at this stage. But Council has the opportunity to review its nature strip policy and local law and identify opportunities and conditions whereby we could potentially permit that activity and then make changes to the policy, which would require endorsement by Council and also the Local Law.*

*We have been working busily, and come up with a few opportunities which we will be presenting that to the new Council once we have explored those opportunities further.*

- **Adrian Jackson:** Councillors' images on the webcast are too small, distorted or dropping out. Can council fix it?

*Kylie Bennetts, GM Kylie Bennetts, General Manager City Growth and Organisational Performance advised that there are many factors that can impact the quality of video and audio of Council Meetings for members of our community. These factors can include Council's systems and equipment for live video streaming and the equipment and internet*



connection for each Councillor when they are dialing in, but also from each viewer and member of the community. With respect to the size of each Councillors' image, it's certainly very important that members of the community can clearly see each Councillor, but we also use a significant portion of the available screen to transmit details of the item being considered and the particular motion being debated by Councillors, and this impacts on the size that Councillors will appear on the screen.

## **Council Report Submissions**

### **7.1 Response to Joint Letter regarding Inadequate Vehicle Parking - G12+ Domain Precinct Residents' Group**

- David MacGowan

### **12.1 Amendment C161Port (Update Amendment) – Consideration of Submissions and Request to proceed to Independent Planning Panel**

- Daniella Greenwood
- Finlay MacRae
- Paul Simmonds

### **12.2 St Kilda Marina - Proposed New Lease Agreement – Response to Submissions**

- Peter Tanner

## **5. COUNCILLOR QUESTION TIME**

Councillor Voss – In relation to the recent tree swing petitions received by Council, can Officers provide further details around the timeline for this matter and why wasn't it possible for these petitions to come back to this Council for a decision? Are we being party poopers or are we trying to work with the community to come up with a solution?

*Lili Rosic, General Manager Development, Transport and City Amenity, advised that this matter has required Officers to obtain legal advice and hold internal discussions about the various issues, therefore we have been unable to bring the matters back to the Council for a decision. In relation to the timeframe going forward, options include reviewing changes to Council's nature strip policy and possibly Council's local law. These options would need to include community consultation, endorsement by Council, gazettal and of course consideration of our obligations under the Local Government Act. Council Officers will bring more information to the new Council including options and timelines.*

*We are trying to work with the community to come up with alternative solutions, however there are multiple risks involved within this matter including damage to Council assets, liability issues, health and safety issues and fulfillment of our obligations under the Local Government Act. Multiple areas across Council are looking at ways to activate public spaces and provide additional opportunities for the community to recreate in our local streets and neighbourhoods.*

Councillor Pearl – can I get an update on how we are progressing with de-greening the awnings on Bay Street in Port Melbourne?

*Lachlan Johnson, Executive Manager Construction Contracts and Operations, took the question on notice.*



Councillor Pearl – What is the current backlog of footpath trading permits that are awaiting consideration? What is the average decision time on footpath permits at the moment?

*Peter Smith, Chief Executive Officer, advised that council is currently managing around 30 requests for footpath trading, many of which have come in quickly since the Premier's announcement. We are setting some target times and hoping to get close to a 72 hour turnaround for approvals. Peter Smith took the question on notice to advise specific target times and advised that an update will also be provided through the CEO report.*

Councillor Crawford – In regards to Elsternwick Park North, can Officers provide an update on where our discussions are at with Bayside and Melbourne Water, in regards to achieving some of the outcomes we are supportive of, including flooding and mitigation in Elwood. Can I also confirm that there is money for this commitment in our 10-year budget?

*Lili Rosic, General Manager Development, Transport and City Amenity, advised that there have been a number of meetings between the CEO's of both Council and Melbourne Water in regards to the flooding and mitigation outcome we are hoping to achieve at the Elsternwick Park Nature Reserve. Bayside have indicated they are very committed to the project and that the designs for the first stage of works (Chain of ponds) is underway with site preparation works commenced and construction due to commence late this year or early next year. Works for additional stages including wetlands which would achieve the flood mitigation are dependent on further funding. From conversations with Melbourne Water, as the responsible authority for planning and delivery of flood management and drainage services across the region which includes the Elster Creek catchment, they've indicated that they recently completed a business needs case to progress some options for flood mitigation in that area, and they will be doing some further studies to develop a full business case and will continue to work with our Council and the other key stakeholders in the development of that business case to progress that for funding for the most preferred flooding mitigation option.*

*In terms of Council funding, Council has previously committed to co funding through Council's resolution, based on achieving the outcomes and Bayside providing an evidence based assessment of achieving those outcomes. Council's endorsed plan and budget 2020 includes \$1.16 million over four years to progress Council's efforts to reduce the impact of flooding and improve integrated water management in the Elster Creek catchment. This could include a contribution towards development and design of the Elsternwick Park Nature Reserve development.*

## **6. SEALING SCHEDULE**

Nil.

## **7. PETITIONS AND JOINT LETTERS**

### **Item 7.1 Response to Joint Letter regarding Inadequate Vehicle Parking - G12+ Domain Precinct Residents' Group**

Joint Letter signed by 13 people received from the G12+ Domain Precinct Residents' Group.





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

Councillor Brand – How many public car spaces are going to be lost in the area because of the two commercial parking stations going in?

*John Bartels, Head of Major Transport Projects – Domain Precinct, took the question on notice.*

## **MOVED Crs Voss/Brand**

1. Acknowledges the concerns raised by the signatories to the joint letter and the issues being experienced by residents of Albert Road.
2. Thanks, the G12+ Domain Precinct Residents' Group for the joint letter to Council and advises the head signatory of the joint letter of Council's resolution on this matter.
3. Requests Council officers to advocate to Rail Projects Victoria and Cross Yarra Partnership for the retention of as many on-street parking spaces as practical on Albert Road in the legacy design, without compromising the expanded Albert Road Reserve or safety for pedestrians and bike riders, and a staged approach to the reduction of on-street car parking as part of construction of ANZAC Station and surrounds.
4. Request Council officers to research and identify innovative solutions that enable underutilised parking in buildings to be accessed by visitors and trades people, subject to Council's resources and budget.
5. Notes that the forthcoming consultation by Cross Yarra Partnership on an amended development plan for the Domain Precinct provides an opportunity for the community to provide feedback on the parking provision and design of Albert Road.
6. Commits to regular patrols by parking enforcement officers of Albert Road on weekday mornings, once the Level 4 COVID-19 restrictions have been lifted and the Victorian Government has given approval for normal parking compliance activities to resume.
7. Notes that a review of all on-street car parking spaces and controls within the precinct, including loading zones, is planned for the 21/22 FY, to ensure the available spaces are used as fairly and effectively as possible. Having more effective on-street parking management is intended to encourage increased use of the existing parking bays within buildings for visitors, servicing and loading and helping to alleviate current parking pressures. This review is aligned to the implementation of the Domain Public Realm Master Plan and subject to funding through Council's annual budget process.
8. Requests that Council officers report the findings of the on-street parking review planned for 21/22, referred to in point 6, to Council as an opportunity to consider whether this review provides sufficient strategic justification to commence a planning scheme amendment process to require on-site loading facilities and vary visitor parking rates.
9. Notes that because the Ministerial Amendment VC148 to all municipal planning schemes (which removed the need for residential buildings with more than five dwellings to provide any visitor parking) only took effect in November 2018, seeking approval from the Minister for Planning to vary these parking rates in the Port Phillip Planning Scheme without sufficient strategic justification is unlikely to be supported.
10. Notes that Council resolved on 28 March 2018 to seek the discretionary requirements for on-site loading facilities be converted into mandatory built form controls in the Design and Development Overlay (DDO26) for the Domain Precinct. However, it was not approved by the Minister for Planning and is unlikely to be reconsidered. Instead Council officers will continue to work to secure the discretionary requirements for on-site loading through its statutory planning service.



11. Notes that since Council sought to introduce changes to Design and Development Overlay (DDO26), Council has been successful at the Victorian Civil and Administrative Tribunal (VCAT), with VCAT agreeing with Council's position on several occasions to ensure proposals meet discretionary built form controls, including on-site loading facilities.

## **AMENDMENT**

### **Moved Crs Pearl/Bond**

To amend part 3 as follows:

Requests Council officers to advocate to Rail Projects Victoria and Cross Yarra Partnership for the retention of *a minimum of 50 2P on-street visitor/resident/trader parking as many on-street parking spaces as practical* on Albert Road in the legacy design, ~~without compromising complementing~~ the expanded Albert Road Reserve or safety for pedestrians and bike riders, and a staged approach to the reduction of on-street car parking as part of construction of ANZAC Station and surrounds.

**The vote was taken under DIVISION.**

**FOR: Crs Bond, Voss, Crawford, and Pearl**

**AGAINST: Crs Baxter, Brand, Copsey, Gross and Simic**

**The AMENDMENT was LOST.**

## **SUBSTANTIVE MOTION**

1. Acknowledges the concerns raised by the signatories to the joint letter and the issues being experienced by residents of Albert Road.
2. Thanks, the G12+ Domain Precinct Residents' Group for the joint letter to Council and advises the head signatory of the joint letter of Council's resolution on this matter.
3. Requests Council officers to advocate to Rail Projects Victoria and Cross Yarra Partnership for the retention of as many on-street parking spaces as practical on Albert Road in the legacy design, without compromising the expanded Albert Road Reserve or safety for pedestrians and bike riders, and a staged approach to the reduction of on-street car parking as part of construction of ANZAC Station and surrounds.
4. Request Council officers to research and identify innovative solutions that enable underutilised parking in buildings to be accessed by visitors and trades people, subject to Council's resources and budget.
5. Notes that the forthcoming consultation by Cross Yarra Partnership on an amended development plan for the Domain Precinct provides an opportunity for the community to provide feedback on the parking provision and design of Albert Road.
6. Commits to regular patrols by parking enforcement officers of Albert Road on weekday mornings, once the Level 4 COVID-19 restrictions have been lifted and the Victorian Government has given approval for normal parking compliance activities to resume.
7. Notes that a review of all on-street car parking spaces and controls within the precinct, including loading zones, is planned for the 21/22 FY, to ensure the available spaces are used as fairly and effectively as possible. Having more effective on-street parking management is intended to encourage increased use of the existing parking bays within buildings for visitors, servicing and loading and helping to alleviate current parking pressures. This review is aligned to the implementation of the Domain Public Realm Master Plan and subject to funding through Council's annual budget process.



8. Requests that Council officers report the findings of the on-street parking review planned for 21/22, referred to in point 6, to Council as an opportunity to consider whether this review provides sufficient strategic justification to commence a planning scheme amendment process to require on-site loading facilities and vary visitor parking rates.
9. Notes that because the Ministerial Amendment VC148 to all municipal planning schemes (which removed the need for residential buildings with more than five dwellings to provide any visitor parking) only took effect in November 2018, seeking approval from the Minister for Planning to vary these parking rates in the Port Phillip Planning Scheme without sufficient strategic justification is unlikely to be supported.
10. Notes that Council resolved on 28 March 2018 to seek the discretionary requirements for on-site loading facilities be converted into mandatory built form controls in the Design and Development Overlay (DDO26) for the Domain Precinct. However, it was not approved by the Minister for Planning and is unlikely to be reconsidered. Instead Council officers will continue to work to secure the discretionary requirements for on-site loading through its statutory planning service.
11. Notes that since Council sought to introduce changes to Design and Development Overlay (DDO26), Council has been successful at the Victorian Civil and Administrative Tribunal (VCAT), with VCAT agreeing with Council's position on several occasions to ensure proposals meet discretionary built form controls, including on-site loading facilities.

**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.**

## **8. PRESENTATION OF CEO REPORT**

Nil.

## **9. PEOPLE AND COMMUNITY**

### **9.1 St Kilda Esplanade Market's Annual Report**

#### **Purpose**

- 1.1 To present the June 2019 to July 2020 St Kilda Esplanade Market Annual Report to Council.

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 16 SEPTEMBER 2020



## **MOVED Crs Bond/Copsey**

That Council:

- 3.1 Accepts and notes the St Kilda Esplanade Market Annual Report June 2019 to July 2020.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**The MOTION was CARRIED.**

*The Mayor adjourned the meeting for a break at 7.02pm.*

*The meeting resumed at 7.17pm.*

## **9.2 North Port Oval Election Commitments and Funding Agreement**

### **Purpose**

- 1.1 To provide Council with an update on North Port Oval (NPO) Federal and State Election Commitments sourced by Port Melbourne Football Club.
- 1.2 To seek Council approval to enter into an agreement between City of Port Phillip and the Port Melbourne Football Club (PMFC) to allow the Club to deliver Election Commitment projects at NPO of broadcast lighting and female amenity enhancements.
- 1.3 To seek Council approval to delegate authority to the Chief Executive Officer to enter into a formal agreement with the Club aligned to agreed Principles (Attachment 1).
- 1.4 To seek approval to provide Councils budget of \$250,000 towards community level lighting at this site to the project. Subject to broad community access to sports lighting being maintained.

## **MOVED Crs Pearl/Voss**

That Council:

- 3.1 Enters into an agreement with Port Melbourne Football Club allowing them to project manage and deliver the Federal and State Election Commitments at North Port Oval of broadcast lighting and female amenity enhancements.
- 3.2 Allocates the Council budget of \$250,000 to deliver community level lighting at North Port Oval towards the clubs broadcast lighting project, if the design and delivery of infrastructure still allows broad community access at a fair and transparent rate.



- 3.3 Notes the Port Melbourne football club will be responsible for the broadcast lighting compliance to Australia standards, asset management, operational costs and maintenance.
- 3.4 Notes the Port Melbourne Football Club will be required to obtain all required planning and building permits, including engagement with the community prior to construction.
- 3.5 Authorises the Chief Executive Officer to finalise and execute an agreement consistent with principles in *Attachment 1* with the Port Melbourne Football Club.
- 3.6 Notes this resolution and agreement maximises the community benefit for Councils contribution and transparently sets the operating costs that are above the community standard with that user.
- 3.7 Notes the Port Melbourne Football Club and Port Melbourne Cricket Club have a long and proud history at North Port Oval since the 1800's.
- 3.8 Notes Councils ongoing commitment to enhance and encourage broad community access to North Port Oval outside sporting operations.
- 3.9 Delegates authority to the Chief Executive Officer to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policy.

**The vote was taken under DIVISION.**

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

**AGAINST:** Nil

**The MOTION was CARRIED unanimously.**

## 10. TRANSPORT AND PARKING

### 10.1 Wayfound Victoria: Wayfinding Guidelines V2.0

#### **Purpose**

- 1.1 To seek Council endorsement of *Wayfound Victoria: Wayfinding Guidelines V2.0*.

#### **MOVED Crs Brand/Voss**

That Council:

- 3.1 Adopts Wayfound Victoria: Wayfinding Guidelines V2.0 as an operational document.
- 3.2 Endorses the implementation of wayfinding signage, consistent with the Wayfound Victoria: Wayfinding Guidelines V2.0 document.

**The vote was taken under DIVISION.**

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

**AGAINST:** Nil

**The MOTION was CARRIED unanimously.**



## 11. SUSTAINABILITY

Nil.

## 12. PLANNING

### 12.1 Amendment C161Port (Update Amendment) - Consideration of Submissions and Request to proceed to Independent Planning Panel

#### Purpose

- 1.1 To consider written submissions received to Amendment C161port to the Port Phillip Planning Scheme during the public exhibition stage.
- 1.2 To consider endorsing a response to issues raised in submissions, including recommended changes to the Amendment.
- 1.3 To consider splitting Amendment C161port into two separate amendments (Part 1 and Part 2), and for Council:
  - To determine whether to adopt Amendment C161port - Part 1 and request Ministerial approval.
  - To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions to Amendment C161port - Part 2, with the endorsed response to submissions to form the basis of Council's position at the Panel hearing.

#### MOVED Crs Crawford/Baxter

That Council:

- 3.1 Having formally considered all written submissions made to Amendment C161port to the Port Phillip Planning Scheme including the eleven late submissions, Council:
  - 3.1.1 Splits Amendment C161port into two separate amendments, with Part 1 including the planning scheme changes associated with the proposals outlined in **Section 4.21** of this report and Amendment C161port – Part 2 including those changes associated with the proposals outlined in **Section 4.22**.
  - 3.1.2 Endorses the officers' response to the issues raised by the submissions relating to Amendment C161 - Part 1, as outlined in **Attachment 2**.
  - 3.1.3 Endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to Amendment C161port - Part 2, as outlined in **Attachment 2**, as the basis for Council's submission to the Panel.
- 3.2 Adopts Amendment C161port - Part 1 to the Port Philip Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), generally in accordance with the amendment documentation provided at **Attachment 3**.
- 3.3 Authorises the Chief Executive Officer (or delegate) to finalise the Amendment C161port – Part 1 documentation for Ministerial approval.



- 3.4 Submits the adopted Amendment C161port – Part 1 documentation, together with prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.
- 3.5 Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions related to Amendment C161port – Part 2 as outlined in **Attachment 2**, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 3.6 Refers those submissions that relate to Amendment C161port – Part 2 to the Panel to be appointed by the Minister for Planning.
- 3.7 Writes to all submitters to Amendment C161port to inform them of Council's decision.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**The MOTION was CARRIED unanimously.**

## **12.2 St Kilda Marina - Proposed New Lease Agreement**

### **Purpose**

- 1.1 To seek Council's approval to complete the statutory procedures for the proposed lease of the St Kilda Marina.
- 1.2 To seek Council's approval to recommend the lease with Australian Marina Development Corporation Pty Ltd to State Government for Governor in Council approval.

### **MOVED Crs Baxter/Crawford**

That Council:

- 3.1 Notes that the procurement process to secure a new long-term lease for the St Kilda Marina has been completed in accordance with the St Kilda Marina Project Approach approved by Council on 7 February 2018, with a modification approved on 5 June 2019, and the Procurement Plan also approved by Council on 5 June 2019.
- 3.2 Notes that a public notice inviting submissions about the proposed new lease was issued in The Age on Saturday 18 July 2020, the key terms of the lease including the redevelopment concept plans and perspectives were made public on Friday 19 July 2020, supported by various forms of media (an updated web-site, a video explanation by the Mayor filmed at the Marina, a press release, an article in The Herald Sun and a key summary document, St Kilda Marina Project Update - New Long Term Lease) and an on-line community drop in session held with the proposed tenant and Council officers.
- 3.3 Notes that 52 submissions were received by the closing date of 15 August 2020 (detailed in Attachments 1 and 2), 5 late submissions were also received, and 9 verbal submissions were made at the Council meeting on 2 September 2020.
- 3.4 Thanks all submitters for their interest in the new long-term lease for St Kilda Marina.



- 3.5 Resolves to conclude the statutory procedures under sections 190 and 223 of the *Local Government Act 1989* (Vic) (Act) having formally considered all written submissions, including the 5 late submissions, received pursuant to Section 223 of the Local Government Act 1989 at a Council meeting held on 2 September 2020.
- 3.6 Having considered all submissions, resolves to grant the lease for the St Kilda Marina to Australian Marina Development Corporation Pty Ltd as the tenant for a 35-year initial term, with an option for a further 15 years, subject to obtaining Governor in Council approval, on the terms set out in the public notice for the following reasons:
- 3.6.1 Council has worked with the community to develop a clear Site Vision and Objectives for the marina and detailed design criteria with the aim of achieving an outcome for the St Kilda Marina that supports its continued function as a working marina and that balances a range of social, cultural, environmental, economic and financial outcomes.
- 3.6.2 The proposal by Australian Marina Development Corporation Pty Ltd for the long-term lease of the St Kilda Marina was found to offer good value, successfully meeting or exceeding all the mandatory criteria within the St Kilda Marina Site Brief as well as also delivering a number of discretionary criteria.
- 3.6.3 The cumulative effect of Australian Marina Development Corporation's financial contribution to redevelopment (approximately \$25.3M for commercial and approximately \$5.4M for public realm for stage one works), asset maintenance and renewal (approximately \$68M), rental for a 35 year term with additional 15 year option (approximately \$60.9M including CPI increases) and a series of community benefits ranging to increased access to the site to specific opportunities to utilise/hire facilities at direct or no cost, over the lease period, is in the order of \$160M.
- 3.6.4 The overall redevelopment and management proposal will deliver significant benefits to marina users and the wider community, including:
- Community benefits:
    - Access for Council or a nominee of Council to activate or use an area or areas of open space on site for a minimum of 10 events/days at cost; 10 events/days at cost for the use by Council or a nominee of Council of the community facility (dates for both to be agreed 12 months in advance); and access to the community facility for a community use (as defined by Council) for a minimum 20 days/events per annum
    - Significant investment in public infrastructure through the provision of public open space to approximately 50% of the site, well in excess of the Site Brief requirement for a minimum of 20%.
    - The development of a fit for purpose facility for the Australian Volunteer Coast Guard as part of the proposal, with a tenure based on peppercorn rent.
    - Provision and maintenance of a public boat ramp and trailer parking.
    - A commitment to adopt the Victorian Social Procurement Framework to influence the Proponent's commercial dealings and sourcing of suppliers in the areas of design, construction and operations on site.





- A commitment to engage at least one supplier that employs Victorian Aboriginal people during each of the design, construction and operational phases.
  - A commitment to engage at least one supplier that employs Victorians with a disability.
  - A commitment to engage at least one supplier that employs Victorians experiencing disadvantage, and one Victorian social enterprise.
  - An endeavour to engage suppliers that have implemented a family violence policy.
  - A commitment to engage suppliers that have a gender equity policy and that all will attest to compliance with a code of conduct.
  - The provision of a comprehensive Sustainability Plan that addresses key initiatives highlighted for the site as part of the Site Brief for design, construction and operations that aligns with Council Policy
  - Commitments to undertake accreditation within the first 12 months of being awarded the lease for ISO 9001 (Quality Management) and ISO 14001 (Environmental Management System).
  - A commitment to provide a CSR Plan identifying and elaborating on specific targets within 120 days of lease award; and annual reporting of performance against the CSR Plan and a forecast setting out the details of the major activities to be undertaken for the upcoming 24 months.
  - Possible future amenities for the site funded by Council:
    - Conditions have been incorporated in the lease that enables the inclusion of a bridge in the future should Council elect to design and deliver it. They address future proofing the design to avoid precluding a bridge, consultation with the tenant during design, maintenance and repair requirements, insurance requirements, market rent valuation (i.e. bridge is not included) and methodology for determining compensation for impacts on the Marina business.
    - Lease provisions will enable expansion of public berthing at an agreed cost through the installation of floating pontoons on the Eastern and Northern edge should it be desired and funded by Council.
- 3.6.5 There will be opportunities for the community, including members of the Melbourne Trailable Yacht Club, to engage with Australian Marina Development Corporation to hear about their vision and design of the site and provide feedback on the look and amenity of certain elements in the development of detailed design, prior to the submission of a development application.
- 3.7 Notes that annual reporting will be provided to Council by Australian Marina Development Corporation, beginning at the end of the first 12-month period of the lease, to include the Tenant's performance for the preceding 12 month period against the Asset Management Plan (including the Building Improvement Sinking Fund), Environmental Management Plan and Corporate Social Responsibility Plan, and a forecast for the activities for the upcoming 24 month period for each plan. A marina utilisation report providing information about the monthly use of the storage



and launch facilities for the preceding 24 months should also be provided upon request by the Landlord.

- 3.8 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to execute the lease.
- 3.9 Writes to all submitters to thank them for their submission and inform them of Council's decision and the reasons for council's decision.

**The vote was taken under DIVISION.**

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

**AGAINST: Nil**

**ABSTAINED Cr Bond**

**The MOTION was CARRIED.**

## **13. ARTS CULTURE & ECONOMIC DEVELOPMENT**

### **13.1 South Melbourne Market Annual Report**

#### **Purpose**

- 1.1 To present the South Melbourne Market 2019/20 Annual Report to Council for adoption.

**MOVED Crs Pearl/Copsey**

That Council:

- 3.1 Receives the Annual Report for the operation of the South Melbourne Market in 2019-20 (Attachment 1).

**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.**

### **13.2 Linden New Art 2020 Funding Deed**

#### **Purpose**

- 1.1 To outline the proposed funding deed for Linden New Art Inc for 5+5 years from September 2020 to June 2030.

**MOVED Crs Brand/Baxter**

That Council:

- 3.1 Endorse the funding deed for Linden New Art Inc for ten years from September 2020 to June 2030.

**The vote was taken under DIVISION.**

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**FOR:** Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic  
**AGAINST:** Nil  
The **MOTION** was **CARRIED** unanimously.

## 13.3 Gasworks Arts Inc 2020 Funding Deed

### Purpose

- 1.1 To outline the proposed funding deed for Gasworks Arts Inc for 5+5 years from September 2020 to June 2030

### **MOVED Crs Bond/Crawford**

That Council:

- 3.1 Endorse the funding deed for Gasworks Arts Inc for ten years from September 2020 to June 2030.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the document that do not materially alter the intent.

**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.

## 13.4 Games Action Plan 2020-24 for endorsement

### Purpose

- 1.1 To present and seek endorsement of the City of Port Phillip Game Action Plan 2020-24.

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

That Council:

- 3.1 Endorses the City of Port Phillip Games Action Plan 2020-24.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the document that do not materially alter the intent.

**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. ORGANISATIONAL PERFORMANCE

### 14.6 In Principle Approval of the Annual Financial Statements 2019/20 and Performance Statement 2019/20

#### Purpose

- 1.1 To obtain Council's in principle approval of the annual financial statements and performance statement for the financial year ending 30 June 2020.

#### MOVED Crs Crawford/Baxter

That Council:

- 3.1 Gives in principle approval to the annual financial statements and performance statement (the statements) for the financial year ended 30 June 2020.
- 3.2 Authorises the Mayor, Councillor Bernadene Voss, and Councillor Tim Baxter or delegates to certify the annual financial statements and performance statement for the financial year ended 30 June 2020.
- 3.3 Approves the materiality threshold in the performance statement at +/- 10 percent of Council's 2018/19 result for the explanation of variances between the 2019/20 and 2018/19 result.
- 3.4 Delegates authority to the Chief Executive Officer to make amendments to correct any minor drafting errors that do not materially alter the intent of the document.

**The vote was taken under DIVISION.**

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

**AGAINST:** Nil

**The MOTION was CARRIED.**

### 14.7 Proposed Report of Operations for the Annual Report 2019/20

#### Purpose

- 1.1 To receive and consider the draft report of operations for the year ending 30 June 2020.

#### MOVED Crs Pearl/Voss

That Council:

- 3.1 Notes the draft report of operations (attachment 1) for the year ending 30 June 2020 which will form part of the Annual Report 2019/20.
- 3.2 Approves the Chief Executive Officer and Mayor to certify that the Governance and Management checklist fairly presents Council's governance and management arrangements, which is required in the report of operations.

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- 3.3 Notes that councillors will be kept updated on the progress of the Annual Report 2019/20 before submission to the Minister for Local Government by 30 November 2020.
- 3.4 Notes the designed Annual Report 2019/20 will be formally presented to Council on 18 November 2020.
- 3.5 Delegates authority to the Chief Executive Officer to make amendments to correct any minor drafting errors that do not materially alter the intent of the document.

**The vote was taken under DIVISION.**

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

**AGAINST:** Nil

**The MOTION was CARRIED.**

## **14.9 Presentation of the Audit and Risk Committee Annual Report 2019/20**

### **Purpose**

- 1.1 To present the Audit and Risk Committee Annual Report 2019/20.

### **MOVED Crs Gross/Voss**

That Council:

- 3.1 Notes the Audit and Risk Committee Annual Report 2019/20 which details the activities of the Committee for the year and how it has met its responsibilities within its Charter.

**The vote was taken under DIVISION.**

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

**AGAINST:** Nil

**The MOTION was CARRIED.**

## **EN BLOC MOTION**

### **MOVED Crs Crawford/Bond**

That Council moves the following items en bloc:

- 14.1 Assemblies Of Council
- 14.2 Notice Of Intention To Lease (Finalise) - Think Ots - Resolution Independent Pty Ltd

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- 14.3 Notice Of Intention To Lease (Finalise) - South Melbourne Community Chest Inc Opportunity Shop
- 14.4 Proposed Tenancy Agreements (To Finalise) – Gasworks Arts Park
- 14.5 Proposed Tenancy Agreement (To Finalise) - Linden Art Gallery
- 14.8 Change To Planning Delegations (22 October 2020 Until The First Sitting Of The New Planning Committee)

**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.**

## **14.1 Assemblies of Council**

### **Purpose**

- 1.1 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 Crawford/Bond**

That Council:

- 2.1 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.

**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 Notice of Intention to Lease (Finalise) - Think OTS - Resolution Independent Pty Ltd**

### **Purpose**

- 1.1 To seek Council's approval to complete the statutory procedures for the proposed tenancy agreement with Think OTS – Resolution Independent Pty Ltd ("**Tenant**") at

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Level 1, 200-202 Bank Street, South Melbourne along with ground floor storage and one car park.

## **MOVED Crs Crawford/Bond**

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 agreement with key terms summarised as follows:

Tenant	Think OTS – Resolution Independent Pty Ltd
Guarantor	All company directors to guarantee the proposed tenancy agreement
Premises	Approximately 205 square metres at level 1, 200-202 Bank Street, South Melbourne with approximately 26 square metres of ground floor storage and one car space to the rear parking area
Permitted Use	Office for administration and design services
Commencement Date	22 November 2020
Expiry Date	21 November 2023
Rent	Commencement annual rent of \$52,997 plus GST with a 3% fixed increase on each anniversary of the Commencement Date
Bank Guarantee/ Security Deposit	Three months' rental inclusive of GST

- 3.2 Authorises the Chief Executive or delegate to execute such tenancy agreement.

**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.**

## **14.3 Notice of Intention to Lease (Finalise) - South Melbourne Community Chest Inc Opportunity Shop**

**Purpose**

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- 1.1 To seek Council's approval to complete the statutory procedures for the proposed tenancy agreement to South Melbourne Community Chest Inc ("**Tenant**") at the Ground Floor, 200-202 Bank Street, South Melbourne along with two car parks.

## **MOVED Crs Crawford/Bond**

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 agreement with key terms summarised as follows:

Tenant	South Melbourne Community Chest Inc
Premises	Ground floor of 200-202 Bank Street, South Melbourne and two car parks
Permitted Use	Office and shop for charitable purposes
Commencement Date	1 September 2020
Expiry Date	31 August 2025
Rent	\$69,300 per annum plus GST discounted to \$104 per annum plus GST to support the Tenant in its pursuit to provide community-based services endeavouring to give direct benefits to Port Phillip residents

- 3.2 Authorises the Chief Executive Officer or delegate to execute such tenancy agreement.

**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.**

## **14.4 Proposed Tenancy Agreements (To Finalise) - Gasworks Arts Park**

### **Purpose**

- 1.1 To seek Council's approval to complete the statutory procedures for proposed tenancy agreements to Gasworks Arts Inc ("**Tenant**") for the following premises known as Gasworks Arts Park:
  - portion of Council owned land at 21 Graham Street, Albert Park and



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- portion of Crown land at 1-35 Graham Street, Albert Park.

## **MOVED Crs Crawford/Bond**

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	Gasworks Arts Inc
Premises	1. Part of 21 Graham Street, Albert Park (Council freehold land) 2. Part of 1-35 Graham Street, Albert Park (Crown land)
Permitted Use	Arts related purposes
Commencement Date	1 July 2020 or grant and purpose approval date, whichever is later
Expiry Date	30 June 2030
Rent	\$530,000 and \$123,000 excluding GST for Council freehold land and Crown land respectively, discounted to \$104 per annum plus GST for each agreement to help support the provision of art, cultural and creative programs and services to the community.

- 3.2 Authorises the Chief Executive or delegate to execute such tenancy agreements;
- 3.3 Notes that the proposed tenancy agreements are dependent on the successful negotiation of a Funding Deed between the Tenant and Council;
- 3.4 Notes that whilst the previous market rental estimates were \$530,000 and \$123,000 excluding GST for Council freehold land and Crown land respectively, a discounted rent of \$104 per annum plus GST for each tenancy agreement will apply, reflected as in-kind contribution by Council.
- 3.5 Notes that the tenancy agreements will not be entered into until grant and purpose has been obtained from the Department of Environment, Land, Water and Planning (DELWP) for the proposed tenancy agreement on Crown Land

**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.**



#### 14.5 Proposed Tenancy Agreement (To Finalise) - Linden Art Gallery

##### Purpose

- 1.1 To seek Council's approval to complete the statutory procedures for the proposed tenancy agreement to Linden New Art Inc. ("**Tenant**") at 26 Acland Street, St Kilda.

##### MOVED Crs Crawford/Bond

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 agreement with key terms summarised as follows:

Tenant	Linden New Art Inc.
Premises	26 Acland Street, St Kilda
Permitted Use	Arts related purposes
Commencement Date	1 July 2020
Expiry Date	30 June 2030
Rent	\$340,000 per annum plus GST discounted to \$104 per annum plus GST to help support the continuous provision of art services to the community.

- 3.2 Authorises the Chief Executive or delegate to execute such tenancy agreement;
- 3.3 Notes that the proposed tenancy agreement is dependent on the successful negotiation of a Funding Deed between the Tenant and Council;
- 3.4 Notes that whilst the previous market rental estimate was \$340,000 per annum plus GST, a discounted rent of \$104 per annum plus GST for the tenancy agreement will apply, reflected as 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.**

#### 14.8 Change to Planning Delegations (22 October 2020 until the first sitting of the new Planning Committee)



## Purpose

- 1.1 To delegate to the Chief Executive Officer (including the power to on delegate), the power to enable specific planning activities to be undertaken during the period of time between the last Ordinary Council meeting being 21 October 2020 prior to the Council election until the first sitting of the new Planning Committee.

## MOVED Crs Crawford/Bond

That Council:

- 3.1 Delegates to the Chief Executive Officer (including the power to on delegate), effective for the period 22 October 2020 until the first sitting of the new Planning Committee only, the power to:
  - 3.1.1 determine an application where:
    - The application has not been refused under delegation and 16 or more objections are received.
    - The application raises strategic or substantive policy issues.
    - The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
    - The application involves non-compliance with residential parking requirements.
    - The application involves the total demolition of a building in a heritage overlay.
    - The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
    - The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
    - The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
    - The application exceeds six storeys in height in the area covered by Sub precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North precinct.
    - The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
  - 3.1.2 To provide comments to the Minister for Planning where the Minister is the Responsible Authority or Planning Authority for a statutory planning application or planning scheme amendment.
  - 3.1.3 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT, or an application for a planning scheme amendment or an application before an Advisory Committee.
  - 3.1.4 To determine planning permit applications or amendments or requests for extensions of time to planning permits within the Fishermans Bend Urban Renewal Area including applications comprising accommodation.



- 3.1.5 To determine planning permit applications that exceed six storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.
- 3.1.6 To determine all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.1.7 All determinations made during the period 22 October 2020 until the first sitting of the new Planning Committee will be reported to the Planning Committee in the January/February Statutory Planning Delegations Decisions Report or earlier as applicable.
- 3.2 This delegation does not preclude planning matters being considered by Council at its Ordinary Meeting of 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.**

## 15. NOTICES OF MOTION

### **Item 15.1 Councillor Bernadene Voss – Psychologically Safe Workplace**

**MOVED Crs Voss/Copsey**

That Council: -

1. Requests the CEO to prepare a draft policy for urgent consideration by the new Council on the creation and maintenance of a Psychologically Safe Workplace.

This policy should consider the respective legal obligations that Council, individual Councillors and the CEO have under relevant legislation to create a workplace that supports the mental and physical health and wellbeing of individual Councillors, the CEO and all staff employed by the CEO. The policy should be considered alongside the Councillor Code of Conduct (Established by the Council) and the Employee Code of Conduct (Established by the CEO) to ensure standards of behaviour and conduct that create a psychologically safe environment and which, promote a healthy and productive working relationship between Councillors and between Councillors and the CEO and staff..

**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.**



**Item 15.2 Councillor Katherine Copsey – Recovery of Arts and Culture**

**MOVED Crs Copsey/Crawford**

That Council: -

1. Requests that officers prepare a report for urgent consideration by the new Council on the support available at Federal and State levels and the complementary role Council can play to best support recovery of arts and culture in the municipality. This report should be informed by feedback from industry and include options and expected benefits on the potential allocation of a proportion of the \$1.7M economic and social recovery reserve as a result of the one-off cancellation of the 2021 St Kilda Festival.

**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.**

**Item 15.3 Councillor David Brand – Recovery of Small Business**

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

Councillor Simic – do we have the resourcing level of expertise to answer point five of the amendment regarding additional data reporting?

*Peter Smith, Chief Executive Officer, took the question on notice in relation to which areas of data are provided through IMAP and advised that other data required by the amendment may require additional resourcing.*

**MOVED Crs Brand/Crawford**

That Council: -

1. Requests that officers prepare a report for urgent consideration by the new Council on the support available at Federal and State levels and the complementary role Council can play to best support recovery of small business and local traders in the municipality. This report should be informed by feedback from small business and trader communities and include options and expected benefits on the potential allocation of a proportion of the \$1.7M economic and social recovery reserve as a result of the one-off cancellation of the 2021 St Kilda Festival.

**AMENDMENT**

**Moved Crs Pearl/Bond**

**That the following parts be added to the motion:**

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2. Declares that the economic impact of the COVID 19 pandemic through the loss of jobs and business activity within the City of Port Phillip should be treated as an emergency.
3. Advocates to the Commonwealth Government the importance of JobKeeper and JobSeeker and that these programs should be continued in Port Phillip until we are in a more COVID normal environment.
4. Requests Officers to establish a survey mechanism, with advice from Council's Business Advisory Group, through Council's website to provide for better understanding of business owner sentiment and evaluation of current business support level and provide this together with economic scorecard information being developed with other inner metropolitan Councils through IMAP to State Government for review and implementation.
5. Requests Officers to enhance reporting to Councillors on local economic conditions in the monthly CEO Report to Council. This should include estimation of changes in Gross Local Product (GLP), local employment levels, business confidence data and tenancy vacancy rates in key shopping areas monthly or as and when key data is updated and becomes available and also be informed through the economic scorecard being developed with other inner metropolitan Councils through IMAP.

**The vote was taken under DIVISION.**

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

**AGAINST: Crs Baxter, Brand and Copsy**

**The AMENDMENT was CARRIED.**

## **SUBSTANTIVE MOTION**

**MOVED Crs Brand/Crawford**

That Council: -

1. Requests that officers prepare a report for urgent consideration by the new Council on the support available at Federal and State levels and the complementary role Council can play to best support recovery of small business and local traders in the municipality. This report should be informed by feedback from small business and trader communities and include options and expected benefits on the potential allocation of a proportion of the \$1.7M economic and social recovery reserve as a result of the one-off cancellation of the 2021 St Kilda Festival.
2. Declares that the economic impact of the COVID 19 pandemic through the loss of jobs and business activity within the City of Port Phillip should be treated as an emergency.
3. Advocates to the Commonwealth Government the importance of JobKeeper and JobSeeker and that these programs should be continued in Port Phillip until we are in a more COVID normal environment.
4. Requests Officers to establish a survey mechanism, with advice from Council's Business Advisory Group, through Council's website to provide for better understanding of business owner sentiment and evaluation of current business support level and provide this together with economic scorecard information being developed with other inner metropolitan Councils through IMAP to State Government for review and implementation.



5. Requests Officers to enhance reporting to Councillors on local economic conditions in the monthly CEO Report to Council. This should include estimation of changes in Gross Local Product (GLP), local employment levels, business confidence data and tenancy vacancy rates in key shopping areas monthly or as and when key data is updated and becomes available and also be informed through the economic scorecard being developed with other inner metropolitan Councils through IMAP.

**The vote was taken under DIVISION.**

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

**AGAINST: Cr Copsey**

**The MOTION was CARRIED.**

## **16. REPORTS BY COUNCILLOR DELEGATES**

Nil.

## **17. URGENT BUSINESS**

**MOVED Crs Bond/Pearl**

That Council considers an item of urgent business relating to Planning Permit PA20000882.

**The vote was taken under DIVISION.**

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

**AGAINST: Crs Baxter and Copsey**

**The MOTION was CARRIED.**

**MOVED Crs Bond/Pearl**

That Council:

1. Determines that should a request for Council's comments be received from the Department of Environment, Land Water & Planning (DELWP) in relation to the deletion of Condition 1(a) on Planning Permit PA2000882 issued by DELWP, that requires the retention of trees 2 & 3 (as identified in the arboricultural assessment and tree preservation strategy), that Council will support such a request, provided that two semi mature replacement trees will be planted in the planter box along the Bank Street frontage of the site.

**The vote was taken under DIVISION.**

**FOR: Crs Bond, Voss, Crawford, Gross and Pearl**

**AGAINST: Crs Baxter, Copsey and Simic**

**ABSTAINED Cr Brand**

**The MOTION was CARRIED.**

## **18. CONFIDENTIAL MATTERS**

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## MOVED Crs Pearl/Bond

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
18.1	Audit and Risk Committee - Appointment of Independent Member	<i>(f) personal information</i>
18.2	DCA Contract Extension (Appeals Administration)	<i>(g) Private Commercial Information</i>
18.3	MAV WorkCare Scheme	<i>(a) Council Business Information</i>
18.4	Outcomes of the Special Audit and Risk Committee Meeting of 9 September 2020	<i>(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989</i>

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.

As there was no further business open to the public the meeting closed at 10.43pm.

Confirmed: 7 October 2020

Chairperson \_\_\_\_\_