



SPECIAL MEETING OF COUNCIL

MINUTES

19 MARCH 2020



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**MINUTES OF THE SPECIAL MEETING OF THE PORT PHILLIP CITY
COUNCIL HELD 19 MARCH 2020 IN ST KILDA TOWN HALL**

The meeting opened at 6:33pm.

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; Kylie Bennetts, Director Office of the CEO, Murray Chick, Coordinator Governance, George Borg; Manager City Development Samuel Yeo, Executive Assistant to the Mayor.

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. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

3. ORGANISATIONAL PERFORMANCE

3.1 Proposed additional delegations to the CEO

7.09PM *The Mayor adjourned the Meeting for a short break.*

7.25PM *The Meeting was resumed.*

Purpose

- 1.1 This report proposes additional planning delegations to be granted to the Chief Executive Officer (CEO) with the power for the CEO to on delegate to appropriate staff to enable specific activities to be undertaken whilst Victoria is in a declared State of Emergency and where Council and/or the Planning Committee either cannot meet or if they can meet cannot maintain a quorum.
- 1.2 The report also proposes the delegation of powers to the CEO to adjust service levels and make urgent decisions to respond to public health, occupational health



and safety as well as announcements from the Australian and Victorian Governments.

MOVED Crs Crawford/Simic

That Council:

- 3.1 Delegates to the CEO, including the power to on delegate, noting that these powers can only be used as a result of COVID-19 State Emergency, only until the time referred to in recommendation 3.8, and where Council and/or the Planning Committee either cannot meet or if they can meet cannot maintain a quorum, the following additional planning powers in relation to determining all planning permit applications or amendments to planning permits, as detailed in 3.2 and 3.3 where:
- 3.2 In relation to determining all planning permit applications or amendments to planning permits where:
 - 3.2.1 The application has not been refused under delegation and 16 or more objections are received.
 - 3.2.2 The application raises strategic or substantive policy issues.
 - 3.2.3 The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
 - 3.2.4 The application involves non-compliance with residential parking requirements.
 - 3.2.5 The application involves the total demolition of a building in a heritage overlay.
 - 3.2.6 The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
 - 3.2.7 The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.8 The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.9 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.
 - 3.2.6 The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
 - 3.2.7 The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.8 The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.9 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.



- 3.2.10 The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.2.11 The application requires comments to be provided to the Minister for Planning where the Minister is the Responsible Authority for a statutory planning application or a matter before an Advisory Committee.
- 3.2.12 The application requires the instruction of 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.
- 3.3 The power to object to an application within an abutting municipality.
- 3.4 Delegates to the CEO the ability to adjust Council service levels from 19 March 2020, as a result of COVID-19 State Emergency, only until the time referred to in recommendation 3.8, to enable the organisation to mitigate risks associated with COVID-19 or comply with Australian and or Victorian Government requirements. The CEO will arrange to pre-brief Councillors on the intention to exercise this delegation and seek advice from Councillors on each occasion prior to its use, wherever practicable, and will notify the Council on each occasion that this delegation is exercised as well as ensuring that any instance that this delegation is utilised is also placed on Council's website to ensure transparency of decisions made.
- 3.5 Delegates to the CEO the ability to make urgent decisions as a result of COVID-19 State Emergency, only until the time referred to in recommendation 3.8, and Council is incapable of forming a quorum at its Ordinary meeting to pass a resolution. The CEO will arrange to pre-brief Councillors on the intention to exercise this delegation and seek advice from Councillors on each occasion prior to its use, wherever practicable, and will notify the Council on each occasion that this delegation is exercised as well as ensuring that any instance that this delegation is utilised is also placed on Council's website to ensure transparency of decisions made.
- 3.6 Notes that all planning determinations made under this delegation, will be reported monthly to Councillors and also placed on Council's website to ensure transparency of the decisions made.
- 3.7 Makes these delegations and any further amendments to them by Council resolution or in the event that a quorum cannot be formed or maintained, then the delegations may be amended by agreement of both the Mayor and the CEO.
- 3.8 That Council requires the CEO to obtain urgent legal advice in relation to Section 85 of the Local Government Act 'Call of the Council', and that the CEO brings this legal advice back to a special or ordinary Council meeting at the earliest possible opportunity. As a result, the delegations to the CEO referred to in recommendations 3.1-3.7 apply from 19 March 2020 until the date of the special or ordinary Council meeting that this legal advice is presented to.

AMENDMENT

MOVED Crs Baxter/Bond

- 3.9 When bringing back the legal advice outlined in 3.8, that the costs of seeking this legal advice are disclosed.



A vote was taken and the AMENDMENT was CARRIED.

The Amendment became the Substantive Motion:

That Council:

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- 3.8 That Council requires the CEO to obtain urgent legal advice in relation to Section 85 of the Local Government Act 'Call of the Council', and that the CEO brings this legal advice back to a special or ordinary Council meeting at the earliest possible opportunity. As a result, the delegations to the CEO referred to in recommendations 3.1-3.7 apply from 19 March 2020 until the date of the special or ordinary Council meeting that this legal advice is presented to.
- 3.9 When bringing back the legal advice outlined in 3.8, that the costs of seeking this legal advice are disclosed.

A vote was taken and the MOTION was CARRIED.

Cr Bond called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

A vote was taken and the MOTION was CARRIED.

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As there was no further business the meeting closed at 7.43pm.

Section 89 (4) (b) of the Local Government Act 1989 (the Act), requires Council to give at least 7 days public notice of a Special Council meeting.

The Act also requires Council to record in the minutes if section 89(4) (b) is not complied with the urgent circumstances preventing Council from providing 7 days public notice of this Special Meeting of Council.

Council was prevented from providing 7 days public notice of this Special Meeting of Council as it was called under urgent circumstances, being the need to provide additional delegations to the CEO to enable specific activities to be undertaken whilst Victoria is in a declared State of Emergency under COVID-19.

Confirmed: 1 April 2020

Chairperson _____