



MEETING OF THE PORT PHILLIP COUNCIL

MINUTES

2 SEPTEMBER 2020



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD VIRTUALLY ON 2 SEPTEMBER 2020**

The meeting opened at 6:30pm.

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, Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Samuel Yeo, Executive Assistant to the Mayor, Donna D'Alessandro, Manager Safety and Amenity, Lachlan Johnson, Executive Manager Construction Contacts and Operations, Katrina Terjung, Manager Community Building and Inclusion, Gary Spivak, Affordable Housing Program Coordinator, Mike Coultas, Senior Project Manager Fishermans Bend, John Bartels, Head Major Transport Projects – Domain Precinct, Joanne McNeill, Executive Manager Property and Assets.

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 Gross/Simic

That the minutes of the Meeting of the Port Phillip City Council held on 19 August 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.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Simic declared a conflict of interest in item 9.5

Councillor Pearl declared a conflict of interest in item 9.6



CONDOLENCE MOTIONS

Alex Njoo

MOVED Crs Baxter/Bond

That Council:

- Expresses its deep regret on the passing of Alex Njoo;
- Offers its sincere condolences to his family;
- 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.

Georgie Fyfe Jamieson

MOVED Crs Copsey/Baxter

That Council:

- Expresses its deep regret on the passing of Georgie Fyfe – Jameson
- Offers its sincere condolences to her family and the members of the Port Phillip Bicycle Users Group.
- Places on record its appreciation for her 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.

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.

Council Report Submissions

7.3 Joint letter regarding inadequate vehicle parking - G12+ Domain Precinct Residents Group

- Fraser Read-Smith

9.1 Friends of Suai Covalima Friendship Agreement

- Megs Alston

MINUTES - MEETING OF PORT PHILLIP COUNCIL 2 SEPTEMBER 2020



9.3 In Our Backyard Implementation - Proposed Common Ground Project

- Joanne Holl
- Rhonda Small
- Leslie Rosenblatt
- Brenda Forbath

12.2 St Kilda Marina - Proposed New Lease Agreement - Review of Submissions

- Doug Whitby
- Alan Kaaden
- Adrian Cassar
- Vicki Grimley
- Peter Holland
- Ron Parker
- Michael Greaves

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>

12.2 St Kilda Marina - Proposed New Lease Agreement - Review of Submissions

- Mark Pugliese
- Peter Tanner

Public Question Time

- Adrian Jackson: Events and galleries that can't operate should be defunded, as should organisations that can't meet or carry out their mission. How is Council addressing this?

Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that council has written to all agencies that it provides funding to asking them to outline what alternative service provisions they would be providing. In most cases funding agencies have set up alternative provisions. Those that aren't, we are negotiating for a return of funds.

- Adrian Jackson: Can Council ban all smoking in shopping strips and outside stand-alone shops forever?

Donna D'Alessandro, Manager Safety and Amenity, advised that the Department of Health and Human Services (DHHS) guidelines allows people to smoke with their mask off and that Victoria Police are the correct authority to contact in relation to mask compliance. Councils environmental officers are authorised officers for the Victorian Tobacco Act and the Act currently has no offences or laws preventing smoking while utilising public seating or walking on footpaths in shopping neighbourhoods. It is an offence to smoke in restaurants and inside buildings or around children's playgrounds and these locations are monitored regularly by Councils authorised officers in accordance with the requirements of the full funded agreement with the DHHS. In regards to public spaces, smoking is not regulated. However, if

MINUTES - MEETING OF PORT PHILLIP COUNCIL

2 SEPTEMBER 2020



Council wished to regulate smoking in public spaces they may wish to consider this at our next local law review.

- Adrian Jackson: Sprayed graffiti has been an unsightly problem in Port Phillip for years and while council offers ratepayer funded paint removal products this does not stop the offenders. What are Councillors going to do to address this issue?

Lachlan Johnson, Executive Manager Construction Contracts and Operations, advised that in 2019 Council endorsed a Graffiti Management Plan for the municipality. This plan outlines extensive measures the Council has in place to deal with graffiti including offering paint removal products. The Graffiti Prevention Act of 2007 is the State Government legislation that sets out the legal authority to seek out and prosecute offenders. This authority is not granted to Councils. Council only has the legal authority to undertake graffiti removal. That being said, Council works collaboratively with local police to look at where areas of graffiti are a problem and we encourage anyone who has any concerns around graffiti or illegal activity to contact Victoria Police.

- Adrian Jackson: Is Council considering cancelling activities like Pride March and foreshore athletic events because of the corona virus. In relation to the funds saved by cancelling the St Kilda festival this money should not be held aside for recovery purpose but returned to general revenue and used for residents' expensive council rates. What has council done about making other savings for things that can't happen like Linden Gallery and Gas Works Arts Park that will remain closed for this financial year.

Kylie Bennetts, General Manager City Growth and Organisational Capability, advised that with respect to pride march, this event is managed by MidSumma. Officers are working with MidSumma, and other event organisers, around COVID safe events in line with State Government requirements and health declarations. The State Government has indicated a desire for Major events to proceed wherever safety requirements can be met and the pride mark certainly remains an important event to many members of our community. With respect to the St Kilda Festival, Council as part of it's decision making for the 2020/21 Budget agreed to suspend the 2021 St Kilda Festival and quarantine the 1.7million dollar savings into a reserve for a one off spend on economic and cultural recovery activities. The way that those funds will be spent is to be determined by Council at a later date when impacts are better known and restrictions ease. Finally with respect to Linden and Gasworks, both have continued to operate in some format during the pandemic particularly via the provision of virtual programming and, in the case of Gasworks, the popular farmers market. I understand that they are both hoping to resume the programming as soon as restrictions lift sufficiently to allow this and are currently investigating ways of achieving this in a COVID safe manner.

- Adrian Jackson: Council want to spend a further \$75,000 on Fitzroy St. What will this money be used for?

Kylie Bennetts, General Manager City Growth and Organisational Capability, advised that Council as part of its decision making for the 2020/21 Budget made a decision to match \$75,000 of funding by the Fitzroy Street Traders Association for the reactivation of Fitzroy Street in the post COVID-19 recovery period by filling vacant stores on Fitzroy Street. Since the Council decision on the 19th of August Officers have entered into a Memorandum of Understanding with the Traders Association to progress this matter and outline roles and funding arrangements through that document. We have also completed procurement



requirements. The next step is to award a contract to a suitably qualified organisation to work with the Traders Association and Council and this action is imminent.

- Adrian Jackson: Push bikes use Richardson St with no problem. It has excellent 90 degree car parking which maximises parking availability. What would this bike proposal do to that useful arrangement? Why is Council installing electric car charging stations in public?

Lili Rosic, General Manager Development, Transport and City Amenity, advised that the Shimmy bike route that is proposed for that area has no impact to carparking that we are aware of. It will only involve some signage and some line marking which will allow less experienced riders to feel more safe travelling along Richardson Street and surrounds. In regards to the electric vehicle charging stations, Council is committed to prioritising electric vehicles and charging stations to support the uptake of electric vehicles in line with Councils Move Connect Live Strategy and also Council's and the Victorian Government's commitment to net zero emissions. As the price of electric vehicles decrease and battery technology improves, it is expected that more and more people in our municipality will transition to owning electric vehicles and it is expected that the majority of these users will charge their vehicles at home and at work. However there are many Port Phillip properties that won't have access to off street carparking so officers are exploring different models of installing charging infrastructure including partnering with a service provider to minimise costs to Council.

- Adrian Jackson: Do churches and religious groups pay rates?

Chris Carroll, General Manager Customer, Operations and Infrastructure, advised that under the Local Government Act and also under Council's current rating policy religious organisation using the land for specified purposes are non-rateable.

5. COUNCILLOR QUESTION TIME

Councillor Pearl: In relation to the maintenance of gutters on historical awnings particularly on Clarendon Street and Bay Street. There's some trees growing out of some of them in Bay Street, all be it, Council has a green strategy, we weren't intending to have grass and trees growing out of gutters on streets. Who is responsible for cleaning those gutters and ensuring they are clear of litter and tree debris? What can Council do to ensure that this takes place?

Lachlan Johnson, Executive Manager Construction Contracts and Operations: Generally speaking if it's an awning that comes out over the footpath of the property it's the property owner's asset, therefore the maintenance of that awning, the responsibility would sit with the property owner.

Councillor Pearl: Is there a local law enforcement process we could take to ensure that that gutter is maintained?

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

Councillor Pearl: Can I get an update on a small project but one that is quite important to the residents around Lorne Street and Queens Lane, in the St Kilda Road Precinct. A



Heritage lamp that is in quite severe disrepair. The lamp is located adjacent to the Pullman Hotel, on the Lorne Street side near the Corner with Queens Lane. Council Officers have known about this for some years now. How is the project going to restore that lamp and when will it be complete?

John Bartels, Head Major Transport Projects - Domain Precinct, took the question on notice.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition Response - Requesting action on lack of drainage, causing water pooling and ongoing rising damp on properties on Clyde Street, St Kilda

A Petition containing 7 signatures, was received from Residents of Clyde Street, St Kilda and presented to a Council Meeting on 19 August 2020.

MOVED Crs Copsey/Baxter

That officers work with residents in this area to review their concerns, with a site assessment and a meeting with residents on site to occur when restrictions are lifted.

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 7.2 Petition - Request to stop the removal of a child sized tree swing on Page Street, Albert Park

A change.org petition containing 333 signatures was received and presented to Council.

MOVED Crs Brand/Copsey

That Council receives and notes the petition, and requests officers to bring a report to Council at the earliest opportunity that includes any legal and/or policy mechanisms that Council can implement to allow child swings in nature strip trees.

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 4.3 Joint Letter regarding inadequate vehicle parking - G12+ Domain Precinct Residents Group

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

MOVED Crs Pearl/Voss

That Council receives and notes the joint letter and provides a response at the next available Council Meeting.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

WITHDRAWAL OF REPORT

The Mayor advised the meeting that report 9.2 listed on the agenda, the Port Phillip Gathering Place Report 2020, has been removed from the agenda by the CEO following a request from the State Government to have further discussion on the scope of the project.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 69

Purpose

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

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

Councillor Voss – In relation to new dumped rubbish protocols, have you had people come to you and explain where the rubbish has come from?

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

MOVED Crs Copsey/Baxter

That Council:

- 3.1 Notes the CEO Report Issue 69 (provided as Attachment 1) including changes to project portfolio identified in July 2020.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.



9. PEOPLE AND COMMUNITY

9.1 Friends of Suai/Covalima Friendship Agreement

Purpose

- 1.1 To present the Friends of Suai/Covalima 2020-25 Strategic Plan (see Attachment 1) for endorsement and request on behalf of Friends of Suai/Covalima Community Reference Committee that Council reaffirm its Friendship with Covalima district, Timor-Leste through a third ten-year Friendship Agreement (see Attachment 2).

MOVED Crs Baxter/Brand

That Council:

- 3.1 Commit to continue in its important work of supporting the relationship agreement between Port Phillip and Covalima district, Timor-Leste through renewal of the Friendship Agreement for a further ten years.
- 3.2 Endorse the Friends of Suai/Covalima 2020-25 Strategic Plan.

The vote was taken under DIVISION.

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

AGAINST: Cr Pearl

The MOTION was CARRIED.

9.3 In Our Backyard Implementation - Proposed Common Ground Project

Purpose

- 1.1 To outline achievements to date in implementing the *In Our Backyard - Growing Affordable Housing in Port Phillip 2015 - 2025* strategy and detail new State funding opportunities available to deliver additional affordable housing projects in the City.
- 1.2 To consider delivery of a Common Ground facility at 28 Wellington Street St Kilda that targets rough sleeping in the City, through a partnership with St Kilda Community Housing Pty Ltd (St KCH) and a Council capital contribution of \$4 M to the project.

MOVED Crs Bond/Gross

That Council

- 3.1 Notes the achievements to date in implementing its IOBY strategy, including:
 - Contribution of land valued at \$7M to enable delivery of 46 new units through the Marlborough Street community housing project, with HousingFirst receiving State Government capital funding in May 2020 (project delivery expected by June 2022, subject to the current planning approval process).
 - Creation of secure housing for 30 older women who were experiencing homelessness, through facilitating delivery of the Lakeside 'pop-up' project in South Melbourne.

MINUTES - MEETING OF PORT PHILLIP COUNCIL

2 SEPTEMBER 2020



- 20 temporary units associated with the 'pop-up' Common Ground facility.
 - 12 (net) units associated with the potential Wellington Street permanent Common Ground facility (subject to Council decision).
 - Support and / or facilitation of 105 net new units in four new housing projects that are completed or being delivered by local community housing organisations.
 - Extensive work in maximising the potential of the Victorian Planning System to deliver new social and affordable housing, including:
 - negotiation of 65 affordable housing units for delivery in Fishermans Bend under current permits.
 - detailed guidelines for implementing new planning controls at Fishermans Bend
 - a new model for private, affordable rental housing negotiated under voluntary planning agreements
 - advocacy to the State government for planning controls that mandate affordable housing delivery through private developments.
- 3.2 Endorse its support for the development of a Common Ground facility at 28 Wellington Street, St Kilda, which can be delivered by mid-2023, by:
- 3.2.2 Authorising the CEO to finalise and execute a Memorandum of Understanding with St Kilda Community Housing Pty. Ltd. for the delivery of a Common Ground facility at 28 Wellington Street, St Kilda, for the provision of supported housing to accommodate persons listed on the Port Phillip By-Name List, who are homeless and sleeping rough in Port Phillip.
- 3.2.3 Allocating \$4 million from the In Our Backyard Reserve to the development of a Common Ground project at 28 Wellington Street, St Kilda, based on the findings of a feasibility study led by St Kilda Community Housing and paid on conditions specified in the Memorandum of Understanding being met, including:
- i. St Kilda Community Housing securing operating subsidy funding from the Department of Health & Human Services for the provision of 10 years of support services and concierge services relating to the facility, with service delivery levels to be approved by Council officers.
 - ii. St Kilda Community Housing securing funding for the balance of the construction costs.
 - iii. Staged payment on completion of project milestones outlined in the Memorandum of Understanding:
 - a) \$1 million to St Kilda Community Housing within 14 days of St Kilda Community Housing entering into a contract approved by the Director of Housing and Council to deliver the redevelopment project.
 - b) Two payments of \$1 million each to St Kilda Community Housing when payment milestones agreed to by Council and specified in the contract have been reached.
 - c) \$1 million to St Kilda Community Housing within 14 days of receipt by Council of a certificate of practical completion of the redevelopment.



- 3.2.4 Contributing the Council laneway known as R3723 abutting and comprising the first half of the driveway at 28 Wellington Street, noting that St Kilda Community Housing has requested that Council initiate the procedures required to discontinue and sell the lane, at a nominal amount to the Department of Health & Human Services to provide space for access and car parking required by the development, by:
- i. Supporting St Kilda Community Housing's request and resolving to contribute the laneway known as R3723 for \$1 plus legal fees pending the successful completion of the statutory procedures required under the Road Management Act 2004 (Vic) and Local Government Act 1989 (Vic) to discontinue and sell the laneway.
 - ii. Entering into a section 173 Agreement under the *Planning and Environment Act 1987* requiring the market value of the lane to be paid to Council if the social housing use of the adjoining property ceases or the adjoining property is sold within 30 years of completion of the project.
- 3.2.5 Advocate to the Victorian Government for the provision of project funding, including by Council's formal support for:
- i. A funding application by St Kilda Community Housing, for the required gap in capital funding to construct the facility, under the Social Housing Growth Fund-Round 2 or an alternative State funding program or funding source.
 - ii. St Kilda Community Housing's application seeking to receive a 10-year operating subsidy from the Department of Health and Human Services, for the provision of support services and concierge services relating to the Common Ground facility.
- 3.3 Recognises new and emerging Government funding streams and supports directing the facilitation and brokerage functions of the IOBY program towards maximising the potential for delivery of new affordable housing projects in 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.

The Mayor adjourned the meeting for a break at 10.04pm.

The meeting resumed at 10.16pm.



9.4 Community Grants Program 2020-21 Recommendations for Funding

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the Community Grants 2020-2021 Program by the Community Grants Assessment Panel.
- 1.2 This report should be read in conjunction with two supplementary reports relating to the 2020-21 Community Grants Program which are presented for separate consideration at this meeting, to manage the interests of Councillors and ensure a quorum of Council is maintained.

MOVED Crs Crawford/Copsey

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the Community Grants 2020-21 Program, as detailed in Attachment 1.
- 3.2 Makes public the list of successful applicants for the Community Grants 2020-21 Program on Council's website.
- 3.3 Endorses reallocation of the residual \$22,786 funding from the Community Grants 2020-21 Program for potential allocation under the COVID Quick Response Grants, established as part of Council's COVID Recovery Program.
- 3.4 Formally thanks the voluntary members of the Community Grants Assessment Panel for their valuable contribution to the community life of 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.

9.5 Supplementary Report 1 - Community Grants Program 2020-21 Recommendations for Funding

Councillor Simic declared a conflict of interest by way of close association as his child is a member of the Elwood Toy Library, and left the meeting at 10.22pm.

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the Community Grants 2020-21 Program by the Community Grants Assessment Panel.
- 1.2 This report should be read in conjunction with the item 'Community Grants Program 2020-21 Recommendations for Funding' which is presented for separate consideration at this meeting, to manage the interests of Councillors and ensure a quorum of Council is maintained.



MOVED Crs Copsey/Voss

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendation for the Community Grants 2020-21 Program as detailed in Attachment 1.
- 3.2 Makes public the list of successful applicants for the Community Grants 2020-21 Program on Council's website.
- 3.3 Formally thanks the voluntary members of the Community Grants Assessment Panel for their valuable contribution to the community life of the City of Port Phillip.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

Councillor Simic returned to the meeting at 10.23pm.

**9.6 Supplementary Report 2 - Community Grants Program 2020-21
Recommendations for Funding**

Councillor Pearl declared a conflict of interest by way of close association as he is a member of StarHealth and a donor of the SouthPort Community Centre, and left the meeting at 10.23pm.

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the Community Grants 2020-2021 Program by the Community Grants Assessment Panel.
- 1.2 This report should be read in conjunction with the item 'Community Grants Program 2020-21 Recommendations for Funding' which is presented for separate consideration at this meeting, to manage the interests of Councillors and ensure a quorum of Council is maintained.

MOVED Crs Crawford/Gross

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the Community Grants 2020-21 Program as detailed in Attachment 1.
- 3.2 Makes public the list of successful applicants for the Community Grants 2020-21 Program on Council's website.
- 3.3 Formally thanks the voluntary members of the Community Grants Assessment Panel for their valuable contribution to the community life of the City of Port Phillip.



The vote was taken under DIVISION.

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

AGAINST: Nil

The **MOTION** was **CARRIED** unanimously.

Councillor Pearl returned to the meeting at 10.24pm.

10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

12.1 Fishermans Bend - Status and Next Steps

Purpose

- 1.1 To provide Council with a status update on the Fishermans Bend Program, identify key risks and propose a partnership approach.

MOVED Crs Pearl/Voss

That Council:

- 3.1 Notes the achievements for Fishermans Bend within this term of Council;
- 3.2 Notes the work required to complete the precinct implementation plans to an acceptable level of quality;
- 3.3 Notes the impact and potential impact of the Covid-19 pandemic on Fishermans Bend and the escalation of risks to Council;
- 3.4 Notes the State Government's intent to establish longer term governance arrangements for Fishermans Bend and advocates for CoPP representation within the long-term governance arrangements;
- 3.5 Recommits to its vision of a diverse and vibrant community in Fishermans Bend; a community that provides equitable government services, affordable housing and where quality investment is underpinned by the early delivery of catalytic investment in projects like the tram;
- 3.6 Supports the advocacy approach outlined in the report covering precinct planning, transport outcomes including continued advocacy for
 - (a) An extension to the tram network, as the number one priority;
 - (b) Improvements to rail connections.
- 3.7 Supports the financial advocacy approach and requests the CEO to advocate for those outcomes subject to receiving up to date financial and other information;



- 3.8 Writes to the Minister, Deputy Secretary DJPR and Chair of the Fishermans Bend Development Board to request that:
- (a) given the escalation of risks to Council, current governance arrangements are strengthened through the development and implementation of a formal Partnership Agreement between the State and the City of Port Phillip and, (with their agreement), the City of Melbourne;
 - (b) Council officers are given immediate access to information so they can clarify the financial risk to Council; and
 - (c) Revised confidentiality arrangements are implemented that enable the full Council to be involved in decision making utilising the confidentiality provisions of the Local Government Act.
- 3.9 Endorses the content of the proposed Partnership Agreement and delegates to the CEO the authority to develop, negotiate and finalise a Partnership Agreement for formal endorsement by Council at a future Council Meeting;
- 3.10 Continues to leverage the opportunity of affordable housing in perpetuity and advocates for stimulus investment in affordable and social housing outcomes; and
- 3.11 Requests the CEO to report back to Council on the progress of these actions.

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.

12.2 St Kilda Marina - Proposed New Lease Agreement - Review of Submissions

Purpose

- 1.1 To present and hear submissions received from interested parties, as required under Section 223 of the Local Government Act 1989, regarding Council's intention to provide a 35 year lease with a further term of 15 years (conditional on meeting performance criteria) to Australian Marina Development Corporation (AMDC), the successful proponent from the new lease procurement process, for the St Kilda Marina.

MOVED Crs Gross/Bond

That Council:

- 3.1 Notes that public notice has been issued under Section 190 of the Local Government Act 1989 (Act) inviting submissions from interested parties regarding the proposed long-term lease for the St Kilda Marina.
- 3.2 Notes the submissions received by the closing date of 15 August 2020 as required under Section 223 of the Local Government Act 2019 (detailed in Attachments 1 and 2).



- 3.3 Notes submissions from interested parties who spoke to Council at the meeting tonight and thanks those parties for their submissions.
- 3.4 Thanks submitters for their interest in the new long-term lease for St Kilda Marina.
- 3.5 Directs Officers to bring back to Council a report at the Council Meeting on 16 September 2020 for decision, that includes a response to the submissions received from interested parties regarding Council's intention to provide a 35 year lease with a further term of 15 years (conditional on meeting performance criteria) to Australian Marina Development Corporation (AMDC), the successful proponent from the new lease procurement process, for the St Kilda Marina.

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. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Delegations to Staff under the Local Government Act 2020

Purpose

- 1.1 To present to Council a new Instrument of Delegation from Council to Members of Council Staff in accordance with the provisions of the Local Government Act 2020.

MOVED Crs Crawford/Copsey

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation from Council to Members of Council Staff (at Attachment 1) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.
- 3.2 Affixes the common seal of Council to the Instrument of Delegation from Council to Members of Council Staff.
- 3.3 Notes that this Instrument of Delegation from Council to Members of Council Staff comes into force immediately the common seal of Council is affixed to that Instrument.
- 3.4 Notes that the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any policies of Council that it may from time to time adopt.

MINUTES - MEETING OF PORT PHILLIP COUNCIL 2 SEPTEMBER 2020



- 3.5 Confirms the previous resolution of Council dated 28 July 2015 delegating certain statutory planning powers relating to the Fishermans Bend Urban Renewal Area to members of Council staff (Attachment 2).
- 3.6 Confirms the previous resolution of Council dated 2 August 2017 delegating certain statutory planning powers relating to the St Kilda Road North Precinct to members of Council staff (Attachment 3).
- 3.7 Confirms the 'St Kilda Protocol' being that in relation to the St Kilda Seabaths that any major land use or major design matters are to be presented to Council for determination following an officer report that provides analysis on the topic (Attachment 4).

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 Property Policy - First Year Update

Purpose

- 1.1 To present an update on the implementation of the Property Policy after its adoption on the 18 September 2019.

MOVED Crs Copsey/Crawford

That Council:

- 3.1 Notes the activities undertaken by officers to date to implement the Property Policy.
- 3.2 Notes that the implementation of the policy requires ongoing work to assist in managing the impacts of change on affected community groups and appropriate transition arrangements are required to be entered on a case by case basis.
- 3.3 Notes that continued community engagement with an increased focus on the implementation of the Community Funding Policy has been placed on hold and will be restarted once appropriate to do so.

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 Proposed Lease "Decanters by the Bay" 174 Nott Street Port Melbourne - Completion of Statutory Procedures

Purpose

- 1.1 To seek Council's approval to complete the statutory procedures under Section 190 of the Local Government Act 1989 (Vic) "(Act)" and finalise the tenancy agreement with Teifal Pty Ltd (Tenant) for the premises known as "Decanters on the Bay" at 174 Nott Street, Port Melbourne.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Not having received any submissions in response to a Notice of Intention to Lease the property at 174 Nott Street, Port Melbourne, resolves to conclude the statutory procedures under sections 190 and 223 of the *Local Government Act 1989 Vic (Act)* and approves the proposed tenancy agreement to the Tenant.
- 3.2 Authorises the Chief Executive Officer or delegate to execute such tenancy agreement on the key terms outlined below:
 - 3.2.1 *Proposed Tenant:* Teifal Pty Ltd
 - 3.2.2 *Demised Premises:* 174 Nott Street, Port Melbourne
 - 3.2.3 *Permitted Use:* Retail and wholesale sale of liquor and associated products and services
 - 3.2.4 *Commencement Date:* 1 March 2021
 - 3.2.5 *Term:* 5 years
 - 3.2.6 *Commencement Rent:* \$103,808 per annum plus GST
 - 3.2.7 *Outgoings:* Paid by Tenant
- 3.3 Notes that, given the negative impacts upon business incomes and the resultant effects upon retail rentals caused by the Covid-19 pandemic since March 2020, a market rental review will occur in year 2 of the lease with adjustments in years 3, 4 and 5 by a fixed rate of 3%.

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 Awarding of Panel Contract for Painting Services

Purpose

- 1.1 To seek Council's approval to enter into Contract 2350 - Painting Services Panel with Sweeney Commercial Painting Pty Ltd ATF The Sweeney Family Trust and Quayclean Australia Pty Ltd.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Enters into Contract 2350 Painting Services Panel with Sweeney Commercial Painting Ltd ATF The Sweeney Family Trust and Quayclean Australia PTY Ltd for a three-year period commencing on 7 September 2020. A further option of two years is available (at Council's discretion).
- 3.2 Affixes the Common Seal of the Port Phillip City Council to Contract 2350 between Council and Sweeney Commercial Painting, ATF The Sweeney Family Trust and Quayclean Australia Pty Ltd.

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 South Melbourne Market Committee - Local Government Act 2020

Purpose

- 1.1 To ensure the South Melbourne Market Committee is compliant with the requirements of the new Local Government Act 2020 (the Act).

The Mayor advised that the motion would be taken in parts.

Part 1:

MOVED Crs Copsey/Crawford

That Council:

- 3.1 Notes the requirements of the Local Government Act 2020 as it relates to the South Melbourne Market.

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.

MINUTES - MEETING OF PORT PHILLIP COUNCIL 2 SEPTEMBER 2020



Part 2:

Moved Crs Voss/Simic

3.2 Resolves to: -

- Re-establish the South Melbourne Market Committee as an Advisory Committee of Council.
- Delegate to the Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation (Attachment 1).
- Affix the Common Seal of the Port Phillip City Council to the Instrument of Delegation, which:
 - comes into force once the seal is affixed; and
 - remains in force until Council determines to vary or revoke it.

The vote was taken under DIVISION.

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

AGAINST: Crs Bond and Pearl

The MOTION was CARRIED.

Part 3:

Moved Crs Pearl/Voss

- 3.3 Authorises the CEO to make the necessary amendments to the South Melbourne Market Committee Charter (Attachment 3) to reflect the decisions made by Council through resolution of this report, to take effect from 3 September 2020.
- 3.4 That officers work with the Committee, the new Council and the Audit and Risk Committee to undertake a review of the governance structure of the South Melbourne Market, with a report to be brought back to Council no later than September 2021.

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

Nil.



16. REPORTS BY COUNCILLOR DELEGATES

Councillor Voss reported that she has served on the South Melbourne Market Committee, along with Councillor Pearl, for the last four years. The market governance has changed and now consists of an independent Chair, two Councillors and two more independent community members who all bring skills and experience. This market is an invaluable jewel in the Port Phillip crown.

Councillor Voss also reported on recent attendance at the final IMAP meeting and it was great to have Minister Ben Carroll to join the IMAP Mayors and CEOs. I had the opportunity to put to him the IMAP project of an evidence based protected bike path solution and for once we will understand what an integrated and protected bike lane will mean in terms of use. This will go a long way to addressing these transport gaps in our municipality. Also the IMAP Annual Report will be released shortly and will include an impressive list of projects achieved in the last ten years.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 11.50pm.

Confirmed: 16 September 2020

Chairperson _____