



ORDINARY MEETING OF COUNCIL

MINUTES

1 JULY 2020



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD VIRTUALLY ON 1 JULY 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 City Strategy and Sustainable Development; Tony Keenan, General Manager Community and Economic Development; Lachlan Johnson, General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO, Kirsty Pearce, Coordinator Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Donna D'Alessandro, Manager Safety and Amenity, Anthony Traill, Manager Open Space and Recreation, Marc Fusco, Coordinator Parks, Mary McGorry, Manager Diversity and Inclusion, John Bartels, Head of Major Transport Projects – Domain Precinct, Joanne McNeill, Manager Asset Management and Property, Emma Murdoch, Head of Property and Workplace Operations, Kelly White, Head of City Policy, Damian Dewar, Manager Strategy and Design.

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 Copsey/Gross

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 17 June 2020 be confirmed.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

CONDOLENCE MOTION – LESLEY GREAGG

The Mayor read out the following statement:

Lesley Greagg was a key member of Linking Neighbours and the Older Persons Consultative Committee. Mrs Greagg was a strong speaker at our Council meetings that endorsed the Older Persons Consultative Committee's response to the Aged Care Royal Commission.

Mrs Greagg had been a recipient of Council's Community Support Services before her needs escalated to requiring a home care package, and she was very appreciative about the Services she received from Council.

Council would like to express its sincere condolences to Mrs Greagg's family and the members of the Older Persons Consultative Committee.

Moved Crs Gross/Brand

That Council

- Expresses its deep regret on the passing of Lesley Greagg.
- Offers its sincere condolences to her family and the members of the Older Persons Consultative Committee.
- Places on record its appreciation for her service to the City Of Port Phillip Council.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor adjourned the meeting for a break at 6.40pm to address technical difficulties.

The meeting resumed at 6.45pm.



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.

7.1 Petition Response – Request for removal of Tree, Wordsworth Street, St Kilda

- Anne Gawenda

7.2 Petition Response - Request – Traffic Safety issues at Intersection of Kerferd Road, Montague Street and Herbert Street, Albert Park

- John Sutherland

9.1 Acceptance of the Older Persons Consultative Annual Report 2019 and Extension of Membership

- Georgina Tsolidis

13.1 Delegation to the CEO - Reactivation of Public Space to Support Community & Economic Recovery

- Paul Littman

12.1 Planning Scheme Amendment C741 Port (Extension to HO8 – Tiuna Grove, Elwood) – Consideration of Panel Recommendations and Adoption of Amendment

- Jarrad Gray

The following submissions were submitted prior to the meeting and were read out in summary by the Coordinator Governance. The full submissions can be found on the website <http://www.portphillip.vic.gov.au/july-2020-meetingagendas.htm>

Public Question Time

- Adrian Jackson: Will the proposed palm trees outside the Palais hinder the view of the Palais and Luna Park and photo opportunity for tourists and new residents from the embankment near the tram line? Also, possums in palm trees were a concern for some councillors in nearby Catani Gardens in the past. Are we creating a further problem were a possum catcher (killer) will be used and ugly bits of tin placed around the tree trunks to stop or hinder these animals from climbing these new palms? Will little children be in tears as the terrified possum is dragged from the palms by the possum catcher? Also, promoting crowds is a health problem currently and in the future to as the Corona Virus is here forever and is unlikely to be cured just like the flu is every Winter. Also, can the proposed cost to ratepayers be included in all council project promotions that appear on the website?

Anthony Traill, Manager Open Space and Recreation, advised that preservation of the view of the Palais and Luna Park is paramount and underpins the design process of this project. Heritage Victoria have been actively engaged throughout the design and are supportive of what we are doing. The palms have been chosen to specifically have height and not block



those views. Council no longer uses a possum catcher and the Council and State cost towards this project can be included on our website for this particular project.

- Adrian Jackson: Last week state MP's were caught out using public servants for party political tasks. This resulted, quite correctly, in the sacking of three state Cabinet Minister by the Premier. Why is at least one Port Phillip Council staff member allegedly telling residents that they can't put a political issue poster on their front fences because of bogus heritage overlays claims and that a permit is required. In the 40 years, I have lived in Port Phillip I have not heard of such draconian and probably illegal interference in the democratic process. Before and during elections posters appear on fences and shop windows promoting candidates and issues. The government and media would be interested in hearing about this dodgy overbearing behaviour. Please explain.

Donna D'Alessandro, Manager Safety and Amenity, advised that Council's Planning Compliance unit were responding to a residents complaint and that was just about one particular sign. They investigated the matter and the sign did not fit into the exemption requirements contained in the planning scheme and therefore the property owner was happy to remove the sign. As with all compliance issues we take an educative approach when we deal with such signage matters. Officers are always happy to work with the property owner to advise them how such a sign can be compliant with the planning scheme, particularly with this important issue, and with the complexity of the exemptions. We have since worked with this particular community group and the complainant to understand the exemption requirements of the planning scheme to enable them to erect the signage that is compliant with the exemption provisions of the planning scheme and they don't require a planning permit.

Lachlan Johnson, General Manager Infrastructure and Amenity, added that it is very common for election signage to be put up in the lead up to an election. There are some specific exemptions under the planning scheme that enable this to happen. With regards to the timeframe the exemption reads that the sign must not be displayed longer than fourteen days after the event is held or for a period of three months, whichever is sooner. So the maximum period the sign can be displayed is three months meaning signage to be installed in the lead up to the election, if it complies with the exemption, must be installed no more than three months ahead of the election and must be removed within fourteen days of the election.

Council Report Submissions

Mark Richardson in relation to item 12.1 Planning Scheme Amendment C741 Port (Extension to HO8 – Tiuna Grove, Elwood) – Consideration of Panel Recommendations and Adoption of Amendment

Trevor White in relation to item 15.1 Notice of Motion Cr Gross - Amendment C171port – St Kilda Marina.

Peter Holland in relation to item 15.1 Notice of Motion Cr Gross - Amendment C171port – St Kilda Marina



5 COUNCILLOR QUESTION TIME

Councillor Bernadene Voss asked why there isn't any community consultation occurring on the Luna Park and Palais precinct revitalisation project?

Lachlan Johnson, General Manager Infrastructure and Amenity, advised that some details of the project have been published on Council's website making it available for the community to see what is proposed.

Anthony Traill, Manager Open Space and Recreation Services, advised that the project is primarily a hostile vehicle mitigation solution to our highest risk sites for concentrated gatherings of people. A lot of the design is ensuring that vehicles can't get into those particular spaces. In saying that, our webpage does provide opportunities for our community to make comment on this project and we are happy to engage anyone in our community to understand their views on this. This is the reason why we have been widely advertising this design and have details available for people to contact Council. We recommend that interested members of the community visit our webpage and contact us via the provided contact details.

Councillor Marcus Pearl asked for an update on the public design of Albert Reserve as part of the Anzac Precinct. When is the State government expected to provide residents with detailed plans?

John Bartels, Head of Major Transport Projects - Domain Precinct, advised that Council has been advised by Rail Projects Victoria and Cross Yarra Partnership who are responsible for the design and construction of Anzac Station, that they intend to release the updated designs for Anzac Station for community comment late in 2020. Once further information is available we will share that both publicly and with Councillors.

Councillor Marcus Pearl stated that he has been contacted by multiple residents in the area of the intersection at Bay and Graham Street, Port Melbourne. What efforts has Council made to consult with VicRoads to reduce the speed limit from 60 to 40 and to improve the safety of the local residents in this area?

Lili Rosic, General Manager City Strategy and Sustainable Development, took the question on notice.

Councillor Bernadene Voss asked officers to clarify the process in regards to sporting clubs returning to play and train with COVID-19 restrictions lifting and how do we go about allowing them use of pavilions in the municipality?

Tony Keenan, General Manager Community and Economic Development, advised that when COVID hit the community faced a significant issue of needing to provide emergency food. The J L Murphy pavilion facilities were used to provide space for the increased demand on community groups for food production. One organization that would usually provide approximately \$200,000 worth of emergency food each year has provided approximately \$300,000 between April and June. This indicates the increased demand for such services. With this particular location we have been working with the sporting group and the community group to discuss the facilities' use while they transition out and to try and find alternative arrangements. Given the nature of the pandemic, it is not possible to simply



vacate the premises at short notice without an alternative arrangement in place to provide food and essential items to residents. We are working with both parties to provide joint access until a more permanent arrangement can be found.

Joanne McNeill, Manager Asset Management and Property, advised that Council is working with the teams involved to identify alternative accommodation for this important service and we are looking at options to maintain the service and start to phase the sports clubs in. It is a balancing act to look at how we support preservation of existing services as well as supporting the ongoing food services which is obviously very important. We are looking to make sure nothing gets missed as we work through this transition.

Councillor Louise Crawford asked officers to clarify whether we were undertaking a heritage review of Elwood and remaining sections of the municipality. Please clarify whether this is going ahead and what is the timeframe for this review?

Lili Rosic, General Manager City Strategy and Sustainable Development, advised that we have a heritage program for the municipality where we are undertaking amendments. HO8 for Elwood is included in the draft Council budget endorsed for community consultation last week. The timeline for these projects can vary but can take approximately one to two years to complete depending on the feedback we get from the community and the panel process.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition Response – Request for removal of Tree, Wordsworth Street, St Kilda

A Petition containing 7 signatures, was previously received from St Kilda residents.

MOVED Crs Pearl/Bond

That Council:

- Thanks the community for their petition and accepts this as an appeal of the Tree Removal Assessment Panel determination.
- Denies the request for tree removal consistent with our Greening Port Phillip Strategy.
- Endorses the pruning of the tree to limit the impact of tree material falling into the private property.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Copsey, Pearl and Simic

AGAINST: Cr Brand

ABSTAINED Crs Crawford and Gross

A vote was taken and the MOTION was CARRIED.



Item 7.2 Petition Response – Traffic safety issues at intersection of Kerferd Road, Montague Street and Herbert Street, Albert Park.

A Petition containing 26 signatures was previously received from Albert Park residents.

MOVED Crs Bond/Copsey

That Council:

1. Notes that DELWP have provided in-principle agreement to fund the temporary works required to improve safety at the intersection of Herbert St, Montague Street and Kerferd Road, as detailed in point two (2) below, and leveraging of other external funding sources should these be offered prior to installation.
2. Installs temporary kerbing and any required regulatory signage as a trial at the intersection of Kerferd Road with Montague and Herbert Streets, subject to DELWP funding, with the purpose of deterring through traffic, speeding and improving safety for people walking and bike on these local streets. This trial will be for 18 months, with the potential to extend for a longer period.
3. Notes that the installation of this temporary kerbing will result in the following changes to traffic management at this intersection:
 - a. No right turns into Kerferd Road from Montague or Herbert Streets
 - b. No Through movements from Montague Street into Herbert Street
 - c. No Through movement from Herbert Street into Montague Street
 - d. Left in and left out vehicle movements only at the intersection of Kerferd Road and Montague Street.
 - e. Left in and left out vehicle movements only at the intersection of Kerferd Road and Herbert Street.
4. Notifies properties on Kerferd Road, Herbert and Montague streets within a street block either side of this intersection, prior to the installation of the above temporary works. As part of evaluating the impact of the trial, feedback will be able to be provided by the community via Council's website on the perceptions of the above traffic management measures, and the collection of pertinent traffic and speed data.
5. Delegates to the CEO and his Officers the ability to make minor adjustments to the design of the above temporary traffic management measures to respond to learnings or stakeholder feedback, where it is consistent with the purpose of point two (2) above.
6. Works in partnership with DEWLP as the lead agency for the Shrine to Sea project to consider other temporary treatments that could be installed along Kerferd Road to improve safety in line with Councils COVID-19 Transport response.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 67

Purpose

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

MOVED Crs Gross/Baxter

That Council:

- 3.1 Notes the CEO Report Issue 67 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in May 2020

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED.

9. PEOPLE AND COMMUNITY

9.1 Acceptance of the Older Persons Consultative Committee Annual Report 2019 and Extension of Membership

Purpose

- 1.1 To present to Council the Older Persons Consultative Committee (OPCC) Annual Report 2019. Refer to Attachment 1 Older Persons Consultative Committee 2019 Annual Report.
- 1.2 To seek an extension of the current term for OPCC members to 7 May 2021.
- 1.3 To seek endorsement for the OPCC to co-opt four new members on to the Committee until the proposed extension of the term.

MOVED Crs Gross/Brand

That Council:

- 3.1 Receive and acknowledge the Older Persons Consultative Committee (OPCC) Annual Report 2019 and thank the Committee for their work and achievements.
- 3.2 Endorse an extension of the current OPCC members until 7 May 2021.
- 3.3 Endorse the OPCC to co-opt four new members on to the Committee until the proposed extension of term of May 2020.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

12.1 Planning Scheme Amendment C174port (Extension to HO8 - Tiuna Grove, Elwood) - Consideration of Panel Recommendations and Adoption of Amendment

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

Councillor Bond - A few months back Residents of Tiuna Grove had some concerns about some of the height limits in that particular area, they believed were incorrect which had reflected on the Heritage Overlay of that particular area. Have we revisited the resident's concerns of building heights within this particular amendment?

Lili Rosic, General Manager City Strategy and Sustainable Development, advised the amendment was not looking at height but took the question on notice for further response.

Purpose

- 1.1 To consider the report and recommendations of the independent Planning Panel appointed by the Minister for Planning to review Amendment C174port – Extension to Heritage Overlay 8 – Tiuna Grove, Elwood.
- 1.2 To determine whether to adopt Amendment C174port (with or without changes) and request Ministerial approval.

MOVED Crs Gross/Brand

That Council:

- 3.1 Adopts Amendment C174port to the Port Philip Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), with the changes reflected in the amendment documentation provided at Attachment 2.
- 3.2 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.
- 3.3 Submits the adopted Amendment C174port documentation, together with prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.
- 3.4 Advises the Minister for Planning that Council accepts the Panel's recommendations, for the reasons outlined in section 4.25 of this report.
- 3.5 Writes to all submitters to Amendment C174port to advise them of Council's decision and thank them for their participation in the amendment process.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

13.1 Delegation to the CEO - Reactivation of Public Space to Support Community & Economic Recovery

Purpose

- 1.1 That Council considers extending until 31 March 2021, the temporary process whereby Council delegates authority to the Chief Executive Officer to allow activities to be quickly considered and implemented within defined Public Space Activation areas (formally known as placemaking precincts). The short-term nature of activities that will be tested through this approach means that it can be easily executed and evaluated in a relatively low risk way. This has been occurring for 18 months through Council's placemaking program in three areas of the municipality, but this report seeks to extend these arrangements to other parts of the municipality. This arrangement is a way that Council could assist the community and was highlighted in the draft Council Plan and Budget as an initiative that could be progressed. The areas proposed to be covered by this Delegation are the eight public space activation areas as outlined in Attachment One.

ALTERNATIVE MOTION

MOVED Crs Crawford/Voss

That Council:

- 3.1 Delegates to the Chief Executive Officer (CEO) the authority to make any decision or to do any act or thing, on behalf of the Council, to achieve the objectives of the reactivation of public space program within the designated precincts between 1 July 2020 until 31 March 2021.
- 3.2 Notes that the CEO has the power under an Instrument of Delegation granted by Council to give directive to a member of Council staff to carry out any of the powers delegated to the CEO.
- 3.3 Determines that participants of the program, where assessed as appropriate by the CEO, may be exempt from the requirements for a permit to be issued under the Local Law.
- 3.4 Delegates to the CEO the specific ability to waive, fix or reduce charges and exempt permits for Footpath Trading within the designated public space activation precincts between 1 July 2020 and 31 March 2021.
- 3.5 Designates for the purposes of this delegation, the public space activation precincts of Acland Street, Bay Street, Carlisle Street, Elwood Village, Fishermans Bend, Fitzroy Street, South Melbourne and Waterfront Place, and determines that this authority may be executed within these precincts as outlined in Attachment 1.
- 3.6 Determines that this delegation expires on 31 March 2021, and notes that a report will be presented to Council in March 2021 detailing the progress of this trial.
- 3.7 Reserves the ability to withdraw this delegation, either in part or in full, at any time.
- 3.8 Requests that advocacy be undertaken with the Victorian Commission for Gambling and Liquor Regulation to request a broader definition of "Limited Licence" to enable



traders the ability to serve and consume alcohol in extended footpath trading areas without the need to obtain a planning permit.

3.9 Notes that this delegated authority is subject to the following limitations and conditions:

3.9.1 In enacting any delegated power, the CEO (and any officer carrying out a directive of the CEO) must:

- Only make decisions that are legal and ethical;
- Make decisions that are affordable and financially realistic;
- Declare and effectively manage real, perceived and potential conflicts of interest;
- Maintain confidentiality and security of information.

3.9.2 Projects and activities implemented for testing by the program must:

- Be safe and low-risk to Council;
- Include no permanent capital works, unless these are part of the already scheduled Council asset renewal and maintenance approach;
- Be able to be quickly and easily reversed if there is significant community feedback, i.e. reversed within 24 hours.

3.10 Regular updates will be provided to Councillors on the implementation of activities, and the use of this delegation, through the life of the trial program.

3.11 Delegates to the CEO the ability to define and add additional activity precincts to the public space activation program at community request, following consideration of Council resources to support activity in these areas. This delegation is in place until 31 March 2021, and the CEO will consult with Councillors as part of considering community requests of this nature and will provide an update through the CEO report if this delegation is utilised.

AMENDMENT

Moved Crs Bond/Brand

That the following be added to 3.12 of the recommendation:

3.12 That Council writes to existing Footpath Trading Permit holders advising them of Councils Position for this year advising them of opportunities to increase their footpath trading areas and advising them of the Victorian Commission for Gambling and Liquor Regulation (VCGLR) of Temporary license fees for red line extensions, subject to Councils Budget adoption.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the AMENDMENT was CARRIED unanimously.

The AMENDMENT became the SUBSTANTIVE MOTION.



The **SUBSTANTIVE MOTION** was **PUT**.

The vote was taken under **DIVISION**.

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

AGAINST: Nil

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

14. ORGANISATIONAL PERFORMANCE

14.1 Proposed Sale of Drainage Reserve Abutting 115,117 and 119 Glen Huntly Road, Elwood

Purpose

- 1.1 To seek Council's approval to commence the statutory procedures pursuant to the *Local Government Act 1989 (Vic)* (**Act**) to sell the drainage reserve abutting 115, 117 and 119 Glen Huntly Road, Elwood (**Land**).

MOVED Crs Gross/Crawford

That Council acting under section 189 of the *Local Government Act 1989 (Vic)* (**Act**):

- 3.1 Resolves that statutory procedures be commenced to sell the drainage reserve abutting 115, 117 and 119 Glen Huntly Road, Elwood (**Land**) via a closed tender process whereby the owners of the properties located at 115, 117 and 119 Glen Huntly Road, Elwood will be invited to participate;
- 3.2 Directs that public notice of intention to sell the Land be done so at least 4 weeks prior to selling the Land;
- 3.3 Authorises the Chief Executive or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter;
- 3.4 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined at a later date; and
- 3.5 Notes that proceeds from the proposed sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio.

The vote was taken under **DIVISION**.

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

AGAINST: Nil

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



14.2 Notice of Intention to Lease (Commence) - South Melbourne Community Chest Inc Opportunity Shop

Purpose

- 1.1 To seek Council's approval to commence 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 Pearl/Copsey

That Council:

- 3.1 Resolves that the statutory procedures be commenced under section 190 of the *Local Government Act 1989* (Vic) (**Act**) by publishing a notice in *The Age* inviting interested persons to make a submission under Section 223 of the Act, on the proposed tenancy agreement with key terms outlined below:

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 undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act; and
- 3.3 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



14.3 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 Pearl/Copsey

That Council:

- 2.1 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

A vote was taken and the MOTION was CARRIED unanimously.

14.4 Public Transparency Policy - Adoption of draft policy for consultation

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

Councillor Voss - Dumped rubbish is talked about in the policy, it mentions information will be stored on the website. How will data be stored and will it be searchable by the Community?

Kylie Bennetts, Director Office of the CEO, took question on notice.

Purpose

This report presents to Council the proposed Public Transparency Policy required under section 57 of the Local Government Act 2020 and recommends commencing a community engagement process prior to the adoption of the Policy.

MOVED Crs Copsey/Voss

That Council:

- 3.1 Endorses for community consultation the draft Public Transparency Policy required under section 57 of the Local Government Act 2020 (Attachment 1) and invites written submissions and community feedback on the draft Public Transparency Policy until 31 July 2020.
- 3.2 Receives a further report at the Ordinary Council meeting to be held on 19 August 2020 recommending the adoption of the Public Transparency Policy after considering the feedback received.
- 3.3 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, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



14.5 Governance Rules (incorporating the Election Period Policy) - Adoption of drafts for consultation

The following questions were taken on notice during discussion of the item:

Councillor Pearl - Under chapter 5 Disclosure of Conflicts of Interest, Sub section 3.2, The information that's provided to the CEO relating to the specifics of a conflict of interest, not only the nature of the Conflict of interest and detailing where gifts come from and the name of the person etc. Will this information be made publicly available? and if so how would members of the public access that information so they can find details of the conflict of interest that's been declared?

Councillor Bond - in regards to part 4.4.4.B 'False or misleading information or particulars' can officers clarify that false or misleading information with penalties is only in relation to Voter enrollers and not campaigners. And those penalty's only apply to Voter enrollment and not general campaigner materials?

Kirsty Pearce, Coordinator Governance took the questions on notice.

Purpose

- 1.1 This report presents to Council the proposed:
Governance Rules, required under section 60 of the Local Government Act 2020;
Election Period Policy, required under section 69 of the Local Government Act 2020, and
- 1.2 recommends commencing a community engagement process prior to the adoption of the Governance Rules and Election Period Policy.

MOVED Crs Copsey/Crawford

That Council:

- 3.1 Endorses for the purposes of community consultation:
 - 3.1.1 Draft Governance Rules, required under section 60 of the Local Government Act 2020 (Attachment 1);
 - 3.1.2 Draft Election Period Policy, required under section 69 of the Local Government Act 2020 (Attachment 2).
- 3.2 Invites written submissions and community feedback on the draft Governance Rules and draft Election Period Policy until 31 July 2020.
- 3.3 Receives a further report at the Ordinary Council meeting to be held on 19 August 2020 recommending the adoption of the Governance Rules and Election Period Policy after considering the feedback received.
- 3.4 Delegates authority to the Chief Executive Officer to make amendments to the document 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, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



15. NOTICES OF MOTION

Item 15.1 – Notice of Motion – Councillor Gross – Amendment C171Port (St Kilda Marina)

MOVED Crs Gross/Brand

That Council:-

1. Notes at the Council meeting of 17 June, Council considered the report and recommendations of the independent Planning Panel appointed by the Minister for Planning on the St Kilda Marina.
2. Notes it has adopted Amendment C171port to the Port Philip Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), with the changes reflected in the amendment documentation in Attachment 4 to the Council report.
3. Notes the Planning Panel recommended that the Amendment include a new requirement in DPO2 for a community consultation report as part of the preparation of the Development Plan. The purpose of this report is to outline the community consultation undertaken to inform the preparation of the Development Plan, with (but not limited to) the Officer of the Victorian Government Architect, Transport for Victoria and neighbouring owners and occupiers.
4. Notes at the meeting of 17 June, the Council's adoption did not include the community consultation recommendation alluded to in para. 3 above.
5. Notes that since that meeting, members of the community have expressed concern that the developer will not be required to undertake consultation prior to submitting the Development Plan and that Council now considers this to be a requirement.
6. Now writes to Minister Wynne who is considering both the Panel's Report and the Council decision of 17 June and informs him that because of the community's feedback, the Council now regards the additional community consultation as necessary, and advises the Minister for Planning that Council has made a subsequent resolution and now accepts all the Panel's recommendations, including the recommendation to include a requirement for a Community Engagement Report as part of the content of the Development Plan in DPO2.

The vote was taken under DIVISION.

FOR: Crs Brand and Gross

AGAINST: Crs Bond, Voss, Baxter, Copsey, Crawford and Pearl

ABSTAINED Cr Simic

A vote was taken and the MOTION was LOST.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.



17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

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:

18.1 331-335 St.Kilda Road, St. Kilda

The information in this report is considered to be confidential in accordance with the Local Government Act 2020 as it relates to:

- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies

The vote was taken under DIVISION.

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

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.

As there was no further open business the meeting closed at 9.31pm.

Confirmed: 15 July 2020

Chairperson _____