



SPECIAL MEETING OF COUNCIL

MINUTES

25 MARCH 2020



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**MINUTES OF THE SPECIAL MEETING OF THE PORT PHILLIP CITY
COUNCIL HELD 25 MARCH 2020 IN PORT MELBOURNE TOWN
HALL**

The meeting opened at 8:30pm.

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; 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.

MOTION TO CHANGE ORDER OF BUSINESS

Moved Crs Pearl/Brand

That Council accepts item 1 and deviates from the order of business.

A vote was taken and the MOTION was CARRIED unanimously.

**1. COUNCIL DECISION TO EXCLUDE IN-PERSON ATTENDANCE
OF MEMBERS OF THE PUBLIC AT TONIGHT'S SPECIAL
MEETING**

MOVED Crs Gross/Pearl

1. That Council notes:

- a) that in accordance with its obligations under the Occupational Health and Safety Act 2004, tonight's Special Meeting of Council will not be open to in-person attendance by members of the public, and instead will be open and accessible to the public by livestream via Council's website and Facebook page;
- b) that members of the public can submit a statement online to an agenda item, which may be read out at the Chair's discretion.

A vote was taken and the MOTION was CARRIED unanimously.



2. APOLOGIES

Nil

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. ORGANISATIONAL PERFORMANCE

4.1 Additional delegations to the CEO

The following public statement was submitted online and read out by the Chair of the meeting:

Paul Littman

I have noticed that some service providers in City of Port Phillip are trading outside the governments guidelines in terms of corona virus. Could the Councils traffic officers take on an added responsibility and instruct those they see flaunting the laws to cease and desist immediately?

Peter Smith, Chief Executive Officer, advised that the Chief Health Officer has requested Council's Authorised Officers, including Environmental Health Officers and Local Laws Officers, help to enforce social distancing restrictions in public spaces and at businesses. What that means is, Local Laws Officers will continue to patrol our public open spaces to educate our community who continue to gather about the need to physically distance in terms of the social distancing requirements. Environmental Health Officers are patrolling our major activity centres where restaurants and cafes continue to place out their tables/chairs encouraging our community to dine in rather than takeaway in line with the COVID-19 requirements. Over the coming days, Environmental Health Officers will focus on beauty salons, hair dressers and tattoo parlours, again in line with the COVID-19 requirements. Environmental Health Officers have communicated electronically to all food businesses advising them of food safety tips and requirements as they move to take away food services. As many hairdressers also operate as a beauty premises, we will be communicating with them about the component of their business that can remain open and how to do so safely under the current requirements. Council's Environmental Health Officers respond to complaints and 'tip-offs' from members of the public. If members of the community have concerns, the best way to contact the Environmental Health Officers is to contact Council's ASSIST service.

Purpose

- 1.1 This report provides an update to Councillors and the community on the delegations that have been exercised by the CEO since the Special Council meeting held on 19 March 2020 to manage the State of Emergency related to COVID-19.
- 1.2 This report also contains a copy of the legal advice received, as requested by Council at its Special Council meeting held on 19 March 2020 and provides an update on advocacy efforts to enable Council and Committees of Council to meet digitally.



- 1.3 In light of the legal advice outlined in 1.2, this report seeks to confirm the 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 related to COVID-19 (or a State of Disaster, if activated) and where Council and/or the Planning Committee either cannot meet or if they can meet cannot maintain a quorum.
- 1.4 This report also seeks to confirm 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 for the period of the State of Emergency related to COVID-19 (or a State of Disaster, if activated).

MOVED Crs Brand/Crawford

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 (or a State of Disaster, if activated) and where Council and/or the Planning Committee 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.
 - 3.2.10 The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
 - 3.2.11 The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.

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- 3.2.12 The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
- 3.2.13 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.
- 3.2.14 The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.2.15 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.
- 3.2.16 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 as a result of COVID-19 State Emergency (or a State of Disaster, if activated), 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 (or a State of Disaster, if activated), if Council is, in the opinion of the CEO following discussion with the Mayor or Deputy Mayor or any Councillor acting in those capacities, incapable of forming a quorum at an Ordinary or a Special 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 Notes the register of use of additional delegations from 19 March 2020 to 24 March 2020 and the cost of legal advice related to quorum requirements.
- 3.9 The delegations above be incorporated into a new instrument of delegation, and that Council affix the common seal to such an instrument.



Cr Pearl called for the vote to be taken under a DIVISION.

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

AGAINST: Cr Bond

A vote was taken and the MOTION was CARRIED.

4.2 Covid 19 - Council Support Options

The following public statement was submitted online and read out by the Chair of the meeting:

Paul Littmann

I write as president of the Port Melbourne Business Association. Many of our members are small retailers possibly with one or two employees. They lease their premises and pay all permits rates and outgoings. The corona virus in many cases has already shut their business, they are now unemployed with leasehold rents and rate obligations that they cannot possibly meet. Can Council consider redirecting some expenditure items to assist these retailers and their families avoid the horrors of bankruptcy and waive their rate obligations for forthcoming periods.

The Mayor advised that a response for statement would be provided within the item being discussed.

Purpose

- 1.1 To seek approval to provide transparent, effective, efficient and affordable support to our community and economy, to enhance resilience to and recovery from the coronavirus (COVID-19) pandemic.
- 1.2 Inform Council of the support being provided to Council staff, whose roles may be impacted through service level reductions as a result of COVID-19.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Approves the immediate emergency relief measures for members of the community as outlined in Attachment 1 (as amended following distribution of the report) and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.
- 3.2 Approves the immediate emergency relief measures for community organisations as outlined in the amended Attachment 1 and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.
- 3.3 Approves the immediate economic relief measures as outlined in the amended Attachment 1 and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.



- 3.4 Delegates to the CEO the ability to amend the above immediate emergency measures in response to announcements from other tiers of Government to ensure that there is no duplication of support provided.
- 3.5 Delegates to the CEO the ability to develop eligibility criteria in line with the overarching principles outlined in this report.
- 3.6 Notes the support being provided to City of Port Phillip employees where service level changes are required in response to COVID-19.

AMENDMENT

Moved Crs Simic/Copsey

That the following change be made to 3.1:

- 3.1 Approves the immediate emergency relief measures for members of the community as outlined in Attachment 1 (as updated following distribution of the report), *with the following amendment 'Provide up to \$500k to provide increased services for people who are homeless'* and notes that further work will be undertaken on other options for consideration *to support the community more broadly* and that these will be brought back to Council at the earliest possible opportunity.

A vote was taken and the AMENDMENT was LOST.

SUBSTANTIVE MOTION

That Council:

- 3.1 Approves the immediate emergency relief measures for members of the community as outlined in Attachment 1 (as amended following distribution of the report) and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.
- 3.2 Approves the immediate emergency relief measures for community organisations as outlined in the amended Attachment 1 and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.
- 3.3 Approves the immediate economic relief measures as outlined in the amended Attachment 1 and notes that further work will be undertaken on other options for consideration and that these will be brought back to Council at the earliest possible opportunity.
- 3.4 Delegates to the CEO the ability to amend the above immediate emergency measures in response to announcements from other tiers of Government to ensure that there is no duplication of support provided.
- 3.5 Delegates to the CEO the ability to develop eligibility criteria in line with the overarching principles outlined in this report.
- 3.6 Notes the support being provided to City of Port Phillip employees where service level changes are required in response to COVID-19.

A vote was taken and the MOTION was CARRIED unanimously.

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As there was no further business the meeting closed at 8.56pm.

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 _____