



# SPECIAL MEETING OF COUNCIL

## MINUTES

29 JANUARY 2020



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**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE PORT  
PHILLIP CITY COUNCIL HELD 29 JANUARY 2020 IN ST KILDA  
TOWN HALL**

The meeting opened at 6:30pm.

**PRESENT**

Cr Voss (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl.

**IN ATTENDANCE**

Peter Smith, Chief Executive Officer; Lili Rosic, General Manager City Strategy and Sustainable Development; Lachlan Johnson, Acting General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO; Joanne McNeill, Manager Asset Management & Property; Damian Dewar, Manager Strategy & Design, Kirsty Pearce, Senior Governance Advisor; Chantelle Hepworth, Governance Officer.

*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**

An apology was received from Councillor Simic.

The apology was noted and a leave of absence granted to Councillor Simic.

**2. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



**ACKNOWLEDGEMENT OF SERVICE BY FIONA BLAIR GENERAL  
MANAGER INFRASTRUCTURE AND AMENITY**

The Mayor, pursuant to Council's Meetings Procedure Local Law, added an item to the meeting to acknowledge the service of Fiona Blair, General Manager Infrastructure and Amenity who has resigned from the City of Port Phillip to take up the role of Executive Director Transport Planning in the newly formed Victorian State Government Department of Transport.

The Mayor advised that unfortunately Ms Blair was unable to attend the meeting, but said a few words in acknowledgement of Ms Blair's service to City of Port Phillip and was then followed by Councillors Gross and Crawford who also gave recognition of service.



### 3. PLANNING

#### 3.1 Planning Scheme Amendment C171port - St Kilda Marina

The following speakers made a verbal submission in relation to this item:

Christo Van Egmond:

Mr Van Egmond, representing Australian Marina Development Corp, spoke in support of the activation of the marina site for the community, highlighting the potential opportunities for the marina precinct.

Nayer Radly:

Mr Radly spoke in objection to the planning scheme amendment highlighting the boat shed capacity and the staged approach.

Peter Matthews:

Mr Mathews highlighted the weight of a 50 year lease of the marina and the concerns of the residents with regard to the lease, including proposed commercial space and proposed height of developments.

Trevor White:

Mr White spoke in objection to the planning scheme amendment highlighting the extensive community consultation with no notable changes based on community feedback of 139 submissions. Mr White also addressed the proposal to "remove 3rd party rights of appeal" and how this issue is of concern to many in the community.

Peter Holland:

Mr Holland spoke about the great opportunity this development presents for a possible marina bridge over the marina mouth to encourage people to walk to a vibrant marina village.

Roseanne Fedrick:

Ms Fedrick explained that she is not opposed to the redevelopment of the marina, and advised why she cannot support the proposed planning scheme amendment in its current form. Ms Fedrick highlighted the adverse impacts of the proposed size of this development including increased noise, litter and a concern for community safety after dark.

Anna Borthwick:

Ms Borthwick advised that she is a planning consultant and representative of a resident and other interest parties. Ms Borthwick highlighted their support for the master plan presented by Council. Ms Borthwick spoke in objection to the planning scheme amendment and recommended Council abandon the amendment in its current form and conduct further research.

Peter Tanner:

Mr Tanner highlighted sections of the planning scheme amendment he objected to including the 400 capacity boat shed.



Peter Meston-Watson:

Mr Meston-Watson advised he is disappointed by the litter and mess of the precinct. Mr Meston-Watson took the opportunity to commend Council for proposing to upgrade the Marina, made suggestions on development's heights, carparking and raised the question of further community consultation on this topic.

**Question on Notice**

Cr Brand asked with regard to the number of boats, what would happen if a tenderer decided that there was only market for 150 boats? Is there a lower limit, are we requiring 300 as a minimum?

*Joanne McNeill, Manager Asset Management & Property took the question on notice.*

Cr Pearl left the Council Chamber at 7:21pm and returned at 7:23pm.

**Purpose**

- 1.1 To consider written submissions received to Amendment C171port to the Port Phillip Planning Scheme during the public exhibition stage.
- 1.2 To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions to the Amendment.
- 1.3 To consider endorsing a response to issues raised in submissions, including recommended changes to the Amendment, to form the basis of Council position at the Panel hearing.

**MOVED Crs Gross/Baxter**

That Council:

- 3.1 Having formally considered all written submissions made to Amendment C171port to the Port Phillip Planning Scheme including the two late submissions, Council endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to the Amendment, outlined in Attachment 1, as the basis for Council's submission to the Panel.

**AMENDMENT**

**MOVED Cr Brand/Bond**

- 3.1 Having formally considered all written submissions made to Amendment C171port to the Port Phillip Planning Scheme including the two late submissions, Council endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to the Amendment, outlined in Attachment 1, as the basis for Council's submission to the Panel, with the following change:



- 3.1.1 Building height (DPO2): Retain the maximum allowable building height in DPO2 for built form envelope 1 as 12 meters.

**A vote was taken and the MOTION was TIED.**

**Cr Bond called for a DIVISION.**

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

**AGAINST: Crs Voss, Baxter, Copsey and Crawford**

**A vote was taken and the AMENDMENT was LOST on the casting vote of the chair.**

#### **AMENDMENT**

**MOVED Cr Crawford/Bond**

- 3.1.1 Delete the following 'activation of the end of the peninsula promenade adjacent to the Beacon via a kiosk / stand up paddleboard facility (DPO2):  
Allow the provision of a single storey kiosk of a maximum of 50sqm plus storage for stand up paddleboards / canoes at the end of the Peninsula Promenade adjacent to the Beacon, as long as views to the Beacon are protected'.

**A vote was taken and the MOTION was LOST.**

**Cr Brand called for a DIVISION.**

**FOR: Crs Bond, Baxter and Crawford**

**AGAINST: Crs Voss, Brand, Copsey, Gross and Pearl**

**A vote was taken and the AMENDMENT was LOST.**

#### **SUBSTANTIVE**

**MOVED Crs Gross/Baxter**

That Council:

- 3.1 Having formally considered all written submissions made to Amendment C171port to the Port Phillip Planning Scheme including the two late submissions, Council endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to the Amendment, outlined in Attachment 1, as the basis for Council's submission to the Panel.

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

**Cr Bond called for a DIVISION.**

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



**AGAINST: Crs Bond and Copsey**

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

**MOVED Crs Crawford/Gross**

- 3.2 Request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received to Amendment C171port, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 3.3 Refers all submissions to the Panel to be appointed by the Minister for Planning, including the two late submissions.
- 3.4 Writes to all submitters to inform them of Council's decision to refer the amendment to the Independent Planning Panel.

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

## **4. ORGANISATIONAL PERFORMANCE**

### **4.1 Outcomes of the Audit and Risk Committee Meeting 19 November 2019**

#### **Purpose**

- 1.1 To bring to the attention of Council the matters addressed at the 19 November 2019 Audit and Risk Committee meeting.

**MOVED Crs Crawford/Copsey**

That Council:

- 3.1 Notes the report outlining the matters addressed at the 19 November 2019 meeting of the Audit and Risk Committee.

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



## 5. CONFIDENTIAL MATTERS

### MOVED Crs Pearl/Gross

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), 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 89(2) of the Act, for the reasons indicated:

#### 5.1 Council Maintenance and Cleaning Contracts - Variance of CEO Delegation

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(d). Contractual matters.

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

The meeting was closed to the public at 8.33pm.

The meeting was reopened to the public at 8.37pm

As there was no further business the meeting closed at 8.37pm.

Confirmed: 5 February 2020

Chairperson \_\_\_\_\_