



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## AGENDA

**19 JUNE 2024**



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# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



### **Welcome**

*Welcome to this Meeting of the Port Phillip City Council.*

*Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision-making process of Council.*

### **About this meeting**

*There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.*

*Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.*

### **Public Question Time and Submissions**

*Provision is made at the beginning of the meeting for general question time from members of the public.*

*All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.*

*If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:*

[Request to speak at a Council meeting - City of Port Phillip](#)



# MEETING OF THE PORT PHILLIP CITY COUNCIL 19 JUNE 2024



## MEETING OF THE PORT PHILLIP CITY COUNCIL

### To Councillors

Notice is hereby given that a **Meeting of the Port Phillip City Council** will be held in **St Kilda Town Hall and Virtually via Teams** on **Wednesday, 19 June 2024 at 6:30pm**. At their discretion, Councillors may suspend the meeting for short breaks as required.

### AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**  
*Minutes of the Meeting of the Port Phillip City Council 5 June 2024.*
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PUBLIC QUESTION TIME AND SUBMISSIONS**
- 5 **COUNCILLOR QUESTION TIME**
- 6 **SEALING SCHEDULE**  
*Nil*
- 7 **PETITIONS AND JOINT LETTERS** ..... 6
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  - 7.2 *Frank's Sculptures*..... 7
- 8 **PRESENTATION OF CEO REPORT**  
*Nil*
- 9 **INCLUSIVE PORT PHILLIP**
  - 9.1 *Multicultural Advisory Committee Annual Report 2023* ..... 10
- 10 **LIVEABLE PORT PHILLIP**
  - 10.1 *PDPL/00264/2023 - 427 City Road, South Melbourne*..... 40
  - 10.2 *St Kilda Foreshore Upgrade - Completion of Statutory Road Closure Process* ..... 90
  - 10.3 *49 Pakington Street, St Kilda - PDPL/00142/2024*..... 99
  - 10.4 *Waste Review Management Action Plan*..... 113
- 11 **SUSTAINABLE PORT PHILLIP**  
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	<i>The information contained in the following Council reports is considered to be Confidential Information in accordance with Section 3 of the Local Government Act 2020.</i>	
17.1	<i>Pound Services Contract</i>	
	<i>3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i>	
	<b>Reason</b> - Paper includes recommendation for successful tenderer for Pound Services Contract, if made public this would compromise awarding the contract.	
17.2	<i>Shrine to Sea Masterplan Advocacy and Implementation</i>	
	<i>3(1)(c). land use planning information, being information that if prematurely released is likely to encourage speculation in land values</i>	
	<i>3(1)(e). legal privileged information, being information to which legal professional privilege or client legal privilege applies.</i>	
	<b>Reason</b> - While Council have endorsed the draft Masterplan, the final Masterplan is yet to approved by the Minister for public release. This is expected to be in the next few months.	
17.3	<i>Legal matter</i>	
	<i>3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released</i>	
	<i>3(1)(e). legal privileged information, being information to which legal professional privilege or client legal privilege applies</i>	



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*3(1)(g(ii)). private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

**Reason -** Includes legal advice and commercially sensitive information relating to a lease dispute.

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### 1. APOLOGIES

### 2. MINUTES OF PREVIOUS MEETINGS

#### RECOMMENDATION:

That the minutes of the Meeting of the Port Phillip City Council held on 5 June 2024 be confirmed.

### 3. DECLARATIONS OF CONFLICTS OF INTEREST

### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

### 5. COUNCILLOR QUESTION TIME

### 6. SEALING SCHEDULE

Nil

### 7. PETITIONS AND JOINT LETTERS

7.1 *Submission for installation of traffic calming devices adjacent to Gill Reserve 6*

7.2 *Frank's Sculptures..... 7*

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## **Item 7.1 Submission for installation of traffic calming devices adjacent to Gill Reserve**

A Petition containing 15 signatures, was received from local residents.

### **The Petition states the following:-**

*We, the undersigned, are residents and/or owners of premises adjacent Gill Reserve.*

*Due to frequent excessive speeding and high traffic volumes on Evans Street giving rise to risks to safety of residents and users of Gill Reserve, we request our Council make arrangements for the installation of traffic calming devices adjacent Gill Reserve on Evans Street.*

*We note that speed humps have been installed on the western end of Evans Street, and also on the opposite side of North Port Station. We propose speed humps be installed adjacent the North Port Hotel.*

*In the event our request is to be considered by our Councillors during a meeting of our Council, we request that reasonable notice be given to all the undersigned, in order that we may attend and be heard in respect of this request. Otherwise, we look forward to advice from you as to how Council intends to proceed to satisfy our reasonable request.*

### **OFFICER RECOMMENDATION**

That Council:

1. Receives and notes the Petition.
2. Requests officers to bring the petition back for response at a future Council meeting.
3. Thanks the petitioners for their petition on this matter.

### **ATTACHMENTS**

Nil



### **Item 7.2 Frank's Sculptures**

A Petition containing 734 signatures, was received from local community members.

#### **The Petition states the following:-**

*This Petition of the following named citizens draws the attention of the Council to a complaint made by a one person to the placement of sculptures on Council land in Danks Street between Mills Street and Kerferd Road.*

*Noting that these artistic sculptures:*

- 1. Are not affixed to any council structure and are easily moved by one adult person*
- 2. Are only placed outside dwellings where residents have given their permission*
- 3. Are carefully located away from all traffic so as to avoid loss or injury to persons*
- 4. Have been on display for up to ten years*
- 5. Are created from discarded materials destined for landfill and all collected from within the city of Port Phillip boundaries*
- 6. Are regularly maintained*
- 7. Enhance the local amenity and create a unique arts precinct that differentiates the area from surrounding localities*
- 8. Generally create a sense of community*
- 9. Are admired by most who pass by, are frequently photographed and are great conversation pieces*

*While we accept that love of art is not universal, the complainant has not, to our knowledge, demonstrated any significant injury.*

*We therefore request that Council rejects the complaint and allows the ongoing display of Mr Frank Artuso's generally valued art.*

#### **OFFICER RECOMMENDATION**

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioner for the petition.
3. Requests officers to place the request to remove the sculptures on hold while an investigation into this matter takes place, including whether the sculptures are permissible under the Nature Strip Guidelines or Public Art Policy.
4. Requests officers to bring a report back to a future Council meeting.

#### **ATTACHMENTS**

Nil

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## 8. PRESENTATION OF CEO REPORT

Nil

## 9. INCLUSIVE PORT PHILLIP

9.1 *Multicultural Advisory Committee Annual Report 2023*..... 10

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### 9.1 **MULTICULTURAL ADVISORY COMMITTEE ANNUAL REPORT 2023**

**EXECUTIVE MEMBER:** TARNYA MCKENZIE, INTERIM GENERAL MANAGER,  
COMMUNITY WELLBEING AND INCLUSION

**PREPARED BY:** EWA ZYSK, DIVERSITY, EQUITY & INCLUSION SENIOR ADVISOR  
TENEILLE SUMMERS, COORDINATOR DIVERSITY, EQUITY AND  
INCLUSION

#### 1. **PURPOSE**

- 1.1 To present the City of Port Phillip Multicultural Advisory Committee Annual Report for 2023.

#### 2. **EXECUTIVE SUMMARY**

- 2.1 The purpose of the Multicultural Advisory Committee is to provide Council with advice and feedback on issues that affect residents of multicultural, refugee and asylum seeker backgrounds in the City of Port Phillip.
- 2.2 The Committee was established, with inaugural Committee members appointed in October 2019. The Committee members' cultural, linguistic, and religious backgrounds, as far as possible, represent the diversity within the Port Phillip community, including representatives from established communities, newly emerging communities, people seeking asylum, former refugees, and young people.
- 2.3 The 2023 Annual Report (attachment 1) represents the fourth full year of activities of Multicultural Advisory Committee, the delivery of their action plan, and highlights the breadth and depth of their work and achievements.
- 2.4 The annual committee report has been developed and endorsed by the Multicultural Advisory Committee, with a message from the Chairperson.

#### 3. **RECOMMENDATION**

That Council:

- 3.1 Note the City of Port Phillip Multicultural Advisory Committee 2023 Annual Report.

#### 4. **KEY POINTS/ISSUES.**

- 4.1 The 2021 Census records that 33.1 per cent of our residents were born outside of Australia and 21 per cent speak a language other than English at home (place of usual residence). Further characteristics of Port Phillip's multicultural community include:
  - 4.1.1 The City of Port Phillip is home to people from 164 different identified birthplaces speaking 126 different languages and dialects.
  - 4.1.2 The top five languages spoken at home other than English are Greek, Mandarin, Spanish, Italian and Russian.
  - 4.1.3 The largest non-English country of birth is India with 2.1 per cent (or 2,131 people) which is similar to 2016.
  - 4.1.4 The proportion of our residents who are Australian citizens increased from 73 to 78 percent from the years 2016 to 2021.

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- 4.1.5 More than 35,000 people born overseas are now living in our municipality. They have brought their many cultures and faiths, stories and experiences, food, and festivals.
- 4.2 The Multicultural Advisory Committee provides a valuable sounding board to Council through community consultation, programming and events, communication, and advocacy. Their representation in Council's planning, policies and strategies is part of the City of Port Phillip's inclusive practice and aligned to Council's Community Engagement Policy 2021.
- 4.3 Since its inception, the Multicultural Advisory Committee has advocated for new initiatives. Through the Committee's advocacy, Council became a "committed" member of the Welcoming Cities network in 2022. A "committed" Local Council publicly states their intent to champion the principles of welcoming and inclusion.
- 4.4 Welcoming Cities sets a National Standard for cultural diversity and inclusion policy and practice in local government. There are over 200 member municipalities across the world with 85 in Australia. The Multicultural Advisory Committee advocacy acknowledges that a local council's understanding of the complexity and diversity of its residents can play an important role in creating welcoming communities.
- 4.5 In 2023, Councillor Tim Baxter was appointed to represent Council, until April 2023 followed by Councillor Rhonda Clark for the remainder of 2023.
- 4.6 In 2023, the Multicultural Advisory Committee provided a multicultural and intersectional lens on matters relating specifically to Council engagement and consultation.
- 4.7 Highlights of the Multicultural Advisory Committee's achievements in 2023 include:
  - 4.7.1 Input into diverse programming for Cultural Diversity Week, Refugee Week and Welcoming Week.
  - 4.7.2 Input into a range of Council policies and plans and advocating for translation of key consultation and engagement documents.
  - 4.7.3 Formation of Welcoming Cities sub-committee to investigate opportunities and advocate to Council, about Welcoming Cities accreditation.
  - 4.7.4 Attendance of Welcoming Australia pre-symposium workshop at St Kilda Town Hall as part of the Welcoming Australia Symposium 2023. The workshop showcased on a national level City of Port Phillip's vision and aspiration to deepen and celebrate multiculturalism.
- 4.8 Another highlight for 2023 is that breadth of programming for Cultural Diversity Week, Welcoming Week and Refugee Week expanded. This programming and celebrations help to amplify the narrative of local multicultural communities and allow a space for diverse cultural expression. Additionally, Multicultural Advisory Committee members have used these opportunities to strengthen their profile and further engage with multicultural communities to understand their needs and aspirations.
- 4.9 The Multicultural Advisory Committee advocacy supported the delivery of improved communication and translations of changes to key Council services, and community engagement undertaken in languages other than English.



## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 The Multicultural Advisory Committee comprises up to fourteen residents from diverse backgrounds and representatives of cultural organisations which provides a range of cultural and linguistically diverse voices and experiences.
- 5.2 Attachment 1, *2023 Annual Report* outlines in more detail the contribution and advice provided to Council by the MAC, along with external parties, on issues impacting multicultural communities in the City of Port Phillip.
- 5.3 The Committee provided specific input into Council policies/plans including the following:
  - 5.3.1 Draft LGBTIQA+ Action Plan
  - 5.3.2 Draft Accessibility Action Plan
  - 5.3.3 Housing Strategy Phase 2
  - 5.3.4 Consultation on Council Plan and Budget
  - 5.3.5 Sustainability and Climate Change Community Survey
  - 5.3.6 Aged Care Reforms
- 5.4 General feedback was provided to Council regarding work directly related to Council business including translations and interpretation services and the featuring of diverse narratives in Council's communication.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 There are no known legal or risk implications.

## **7. FINANCIAL IMPACT**

- 7.1 Council's operational budget makes provision to support the running of the Multicultural Advisory Committee, including administration, light refreshments, events production, and translation/interpretation as needed.

## **8. ENVIRONMENTAL IMPACT**

- 8.1 Multicultural Advisory Committee meeting documentation is produced, circulated, and presented digitally.
- 8.2 Events are run with recycled or biodegradable materials.

## **9. COMMUNITY IMPACT**

- 9.1 The Multicultural Advisory Committee provides a direct civic engagement opportunity for our multicultural community. It provides Council and its officers with relevant community views, knowledge, and advice, and builds on its local strengths to keep people informed and connected.
- 9.2 It addresses Council's *Well-Governed* Strategic Direction. Through the Committee, Council recognises and encourages community leadership, and seeks to maximise community feedback in its decision-making process. It improves public confidence through demonstrating active community participation in the decision-making process.
- 9.3 It provides community engagement outcomes on issues impacting Council and multicultural communities.





- 9.4 The Annual Report demonstrates community engagement with issues faced by our multicultural communities around health, education, public safety, and human rights.
- 9.5 Further to this, it shows engagement with a culturally vibrant community and works to create a sense of belonging and sharing of cultural experiences through events, arts, and storytelling.

## **10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 The work of the Multicultural Advisory Committee delivers on the Council Vision: *Proudly Port Phillip: A liveable and vibrant City that enhances the wellbeing of our community.*
- 10.2 The Committee aligns primarily with the Council Direction of Inclusive: *A City that is a place for all members of our community, where people feel supported and comfortable being themselves and expressing their identities.*

## **11. IMPLEMENTATION STRATEGY**

### **11.1 TIMELINE**

- 11.1.1 The outcome of this report will be presented to the July 2023 meeting of the Multicultural Advisory Committee and recorded in the minutes.
- 11.1.2 An Annual Report on activities undertaken in 2024 will be presented to Council in 2025.

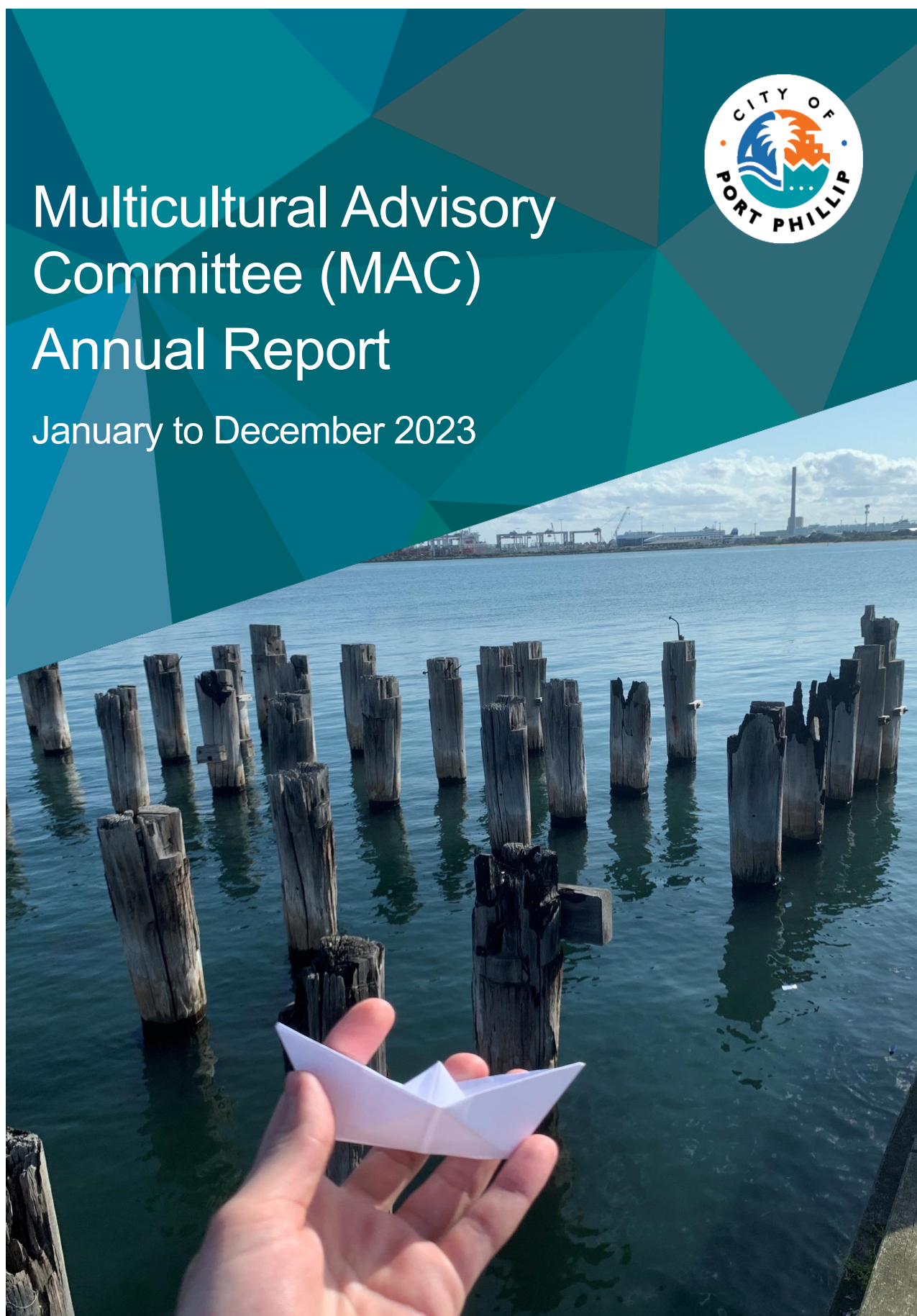
### **11.2 COMMUNICATION**

- 11.2.1 The outcome of this Council report will be communicated to the Committee and the 2023 Annual Report will be published on the Council website.

## **12. OFFICER MATERIAL OR GENERAL INTEREST**

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

**ATTACHMENTS**    1. Multicultural Advisory Committee Annual Report 2023  



City of Port Phillip Multicultural Advisory Committee  
2023 Annual Report

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Figure 1: Photo on front page, Station Pier in Port Melbourne. Between 1949 and 1966, an average of 61,000 passengers arrived here every year, reaching 110,802 at its peak in 1960.



## City of Port Phillip

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- Русский (Russian) 03 9679 9813

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TTY users, dial 133677, ask for 03 9209 6777.

Voice Relay users, phone 1300 555 727, then ask for 03 9209 6777.

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## Acknowledgement of Country

The City of Port Phillip Multicultural Advisory Committee (MAC) respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.



Figure 2 Welcome to City of Port Phillip postcards in different languages, a MAC initiative as part of Cultural Diversity Week 2023.



## About the Multicultural Advisory Committee (MAC)

The MAC was appointed by the City of Port Phillip Council in 2019 to assist Council by providing advice and feedback on all issues and opportunities that affect all multicultural communities in the City of Port Phillip.



*Figure 3: Members of the City of Port Phillip's Multicultural Advisory Committee as of March 2023. Left to right: Helene (Deputy Chair), Tina, Councillor Tim Baxter (to March 2023), Tanvi, James, Georgina (Chair up to April 2023), Keir, Alba, Alex. Not pictured: Naomi, Leo, and Ali.*

It also brings matters of concern within the community to the attention of the Council. This includes:

- Providing advice to Council on its policies, plans and services that impact our multicultural communities, including through communication, engagement, and consultation.
- Supporting the value of Council's membership to The Welcoming Cities Standard, the national standard for cultural diversity and inclusion policy and practice in local government to create communities where everyone can belong.
- Liaising with other organisations and networks that have a direct interest in multicultural communities including refugees and asylum seekers in City of Port Phillip.
- Providing advice to Council on key government initiatives, issues, programs, and reviews.
- Assisting Council to promote the benefits of cultural diversity, social cohesion, and inclusion of all residents within City of Port Phillip and beyond.

- Celebrating the achievements and needs of multicultural communities.
- Facilitating and encouraging opportunities for multicultural communities and community groups to work together on joint projects and initiatives.

## Message from the Chair (James Seow)

I am extremely pleased and proud to be sharing City of Port Phillip Multicultural Advisory Committee's achievements in 2023 in this report.

As tension rose in many parts of the world and exerted its impact on local communities, the Multicultural Advisory Committee (MAC) continued to advise the City of Port Phillip of the complex needs, changes, and emerging challenges faced by the city's migrants, international students, refugees, and asylum seekers.

We made a conscious effort to grow a spirit of welcome and forge community connections with our Cultural Diversity Week, Refugee Week and Welcoming Week events. The Welcoming Cities sub-committee was formed to influence key stakeholders, build support, and lay the groundwork for Council to become an accredited Welcoming Cities member in the coming years. Such accreditation signals to all residents, businesses, and visitors in the city that the Council upholds Australia's highest standards for inclusive Local Government practice to enhance and celebrate diversity.

2023 was a year of deep learning, extensive networking and exchanging ideas and experiences with other Councils across Australia, peak bodies, tertiary institutions, and grassroots organisations. MAC members were out in the field listening to stories and picking up the latest research to amplify the voices and meet the needs of Port Phillip's eclectic



Figure 4: MAC Chairperson, James Seow (from December 2023)

City of Port Phillip Multicultural Advisory Committee  
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multicultural communities more effectively. The Welcoming Australia workshop, Appraising Multiculturalism symposium and Joint Advisory Committee Meetings are just some of the several events MAC members attended to inform themselves and the Council of the latest opportunities and challenges in advancing multiculturalism.

The diverse lived experiences and backgrounds of MAC members are our biggest asset. They bring a valued perspective and empathy to the committee's work and aspirations. Coupled with our passion for social equity and community well-being, MAC is a strong advocate for anti-racism and intercultural understanding.


I want to express my heartfelt thanks to all MAC members, Councillors, Council staff and working partners for their support and commitment. We would not be able to celebrate our achievements without their trust and outstanding contributions.

## Our multicultural community

The City of Port Phillip is home to people from over 164 different identified birthplaces, speaking more than 126 different languages and dialects. One in three of Port Phillip's 103,507 residents was born overseas, 56 per cent have at least one parent who was born overseas and 21 per cent of Port Phillip residents speak a language other than English at home.

A higher proportion of the Port Phillip population was born overseas when compared with Victorians. In 2021, 33.1 per cent of Port Phillip residents were born overseas, compared to 30 per cent for the Victorian population.

In 2018, Council endorsed the establishment of a Multicultural Advisory Committee (MAC). Formally commencing in 2019, the MAC has been the peak advisory and advocacy body on issues affecting multicultural, refugee or asylum seeker communities within the Port Phillip municipality.



**Celebrate the global flavours of Port Phillip**

Come Southside and take your taste buds on a tour around the world.

Join us in celebrating Cultural Diversity Week with our online map of restaurants and cafes serving cuisine from across the globe. Visit old favourites and discover new flavours.

Support our multicultural communities and share the important role that food plays in preserving traditions.

This event is presented by City of Port Phillip's Multicultural Advisory Committee.

**Enter to win**  
Snap and share a photo of your favourite food spot to Instagram using **#SouthsideFlavours** and **#CulturalDiversityWeek** from 11 March to 9 April 2023 and you'll be in with a chance to win a meal.

**Scan the QR code**  
To open up a world of flavours on your doorstep

CULTURAL DIVERSITY WEEK 2023

Welcoming Cities

CITY OF PORT PHILLIP

Figure 5: Promotional poster for "Celebrate the global flavours of Port Phillip" as part of Cultural Diversity Week.



## Policy context

We live in an ever-increasing culturally diverse community, and MAC plays an important role in ensuring equity is upheld and that Council is meeting the diverse needs of our community in its policy and practice. Additionally, the work of the Committee is in line with best practice in terms of international, National, State and Local policies.

<b>International</b>	<ul style="list-style-type: none"> <li>• Universal Declaration on Cultural Diversity (2001), UNESCO</li> <li>• Universal Declaration of Human Rights (1948), United Nations</li> </ul>
<b>National</b>	<ul style="list-style-type: none"> <li>• Australian Human Rights Commission Act (1986), Parliament of Australia (<i>Makes discrimination for reason of race unlawful</i>)</li> <li>• Racial Discrimination Act (1975), Parliament of Australia (<i>Enshrines equity in law, regardless of race, national or ethnic background</i>)</li> <li>• The People of Australia – Australia's Multicultural Policy (2013), Commonwealth of Australia (Commits the Australian government to respond to the needs of CALD communities).</li> <li>• Multicultural Access and Equity Policy (2015), Commonwealth of Australia (<i>Guides equitable access to government services</i>)</li> <li>• National Anti-Racism Partnership and Strategy (2012), Australian Human Rights Commission (<i>Aims to increase awareness and improve anti-racism practices</i>)</li> <li>• Services for All: Promoting Access and Equity in Local Government (undated), Australian Local Government Association (<i>Access and equity practice resource for local governments</i>)</li> </ul>
<b>State</b>	<ul style="list-style-type: none"> <li>• Multicultural Victoria Act (2011), Parliament of Victoria (<i>A framework of cultural diversity principles</i>)</li> <li>• Victorian Charter of Rights and Responsibilities (2006), Parliament of Victoria (<i>Provides a mechanism to measure actions and decisions made by an organisation</i>)</li> <li>• Racial and Religious Tolerance Act (2001), Parliament of Victoria (<i>Makes it illegal to vilify anyone on the grounds of race or religion</i>)</li> <li>• Victorian Equal Opportunity Act (2010) (<i>Holistically protects people's rights to equal opportunities</i>)</li> <li>• Victoria's Advantage: Multicultural Affairs and Citizenship Policy (<i>A whole of government commitment to culturally diverse communities with details on objectives and commitments</i>)</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>• MAV Statement of Commitment to Cultural Diversity (2012), Municipal Association Victoria (<i>Outlines the commitment and support the MAV provides to local government actions to positively influencing cultural diversity</i>)</li> <li>• Local Government Act (<i>Outlines the role and responsibilities of Local Governments in Victoria</i>)</li> </ul>
<b>City of Port Phillip</b>	<ul style="list-style-type: none"> <li>• City of Port Phillip Council Plan 2021-2031 (<i>Strategic Direction one, Inclusive Port Phillip</i>)</li> </ul>

City of Port Phillip Multicultural Advisory Committee  
2023 Annual Report

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- |  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Health and Well-being Plan</li> <li>• Child Safe Standards (<i>Standard 5: Equity is upheld, and diverse needs respected in policy and practice</i>)</li> </ul> |
|--|--|

## MAC membership 2023

The Committee membership aims to reflect the diversity of the City of Port Phillip, including representatives from established communities, newly emerging communities, people seeking asylum, former refugees, and older and young people. To be eligible, Committee members must work in, or be a resident of, the City of Port Phillip and need to be able to demonstrate:

- Community networks and linkages within local multicultural, refugee or asylum seeker communities.
- A good knowledge and understanding of the local issues that are of relevance to our multicultural communities and a commitment to multiculturalism, and the strengthening of a diverse community that encourages the participation and inclusion of all residents.
- An ability to represent a broad range of views that reflect the diversity of the community.
- An ability to facilitate, negotiate and influence outcomes and resolve conflict.

In 2023, Councillor Tim Baxter was appointed to represent Council until April 2023, followed by Councillor Rhonda Clark for the remainder of 2023. Georgina Tsolidis served as Chair until April



Figure 6: Members of the City of Port Phillip's Multicultural Advisory Committee as of September 2023. Left to right: Keir, Helene (Deputy Chair), Alex, Tanvi (Chair from April to November 2023), Vasileios, James, Tina. Not pictured: Councillor Clark, Alba, Ali.

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2023 Annual Report

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2023, and Tanvi Mor stepped up as Chair from April to November 2023. James Seow was elected Chair in December 2023 with Hélène Kammoun as Deputy Chair throughout 2023.

In 2023, the following community members sat on the MAC:

Current Members	Position
Alba Chliakhtine	Committee member and Chair of Welcoming Cities subcommittee
Alex Kats	Committee member
Tina Keen	Committee member
Altaf Ali Mohammed	Committee member
Vasileios Tsialtas	Committee member and Chair of the Events subcommittee
James Seow	Committee member
Keir Semenov	Committee member and Chair of the Arts and Education subcommittee
Naomi Sherborne	Committee member (on leave from August to December 2023)
Masi Perozi	Committee member until October 2023, and retiring member
Leonardo Pereira	Committee member (pool member) <sup>1</sup>
Joshua Goodman	Member of the Welcoming Cities subcommittee (pool member that has been co-opted by the Committee through special projects)
Office Bearers	Position
Georgina Tsolidis	Chair until April 2023, and retiring member
Tanvi Mor	Chair from April to November 2023, and retiring member
James Seow	Chair from December 2023
Hélène Kammoun	Deputy Chair (on leave from October 2023 to May 2024)
Council Representative	Ward
Cr Tim Baxter	Canal Ward (until April 2023)
Cr Rhonda Clark	Canal Ward (from May 2023)

<sup>1</sup> A pool of interested members was established in 2022 to help facilitate the work of the Committee through special projects and may also replace outgoing members. Pool members were formally endorsed by Council on 16 November 2022.

## MAC Action Plan

Each year the MAC develops an Action Plan in response to the objectives in its Terms of Reference and aligned to key outcomes outlined in the Council Plan 2021-2031 and the Welcoming Cities Standard.

MAC met in January 2023 to determine its priorities for 2023, which included the following:

- Provide advice on key Council policy and frameworks.
- Advocate key multicultural policies including Welcoming Cities Standard and Multicultural Statement of Commitment
- Input to Council's social and economic recovery response in relation to emerging needs and issues for multicultural communities.
- Promote intercultural exchange and social connection.
- Voice to Parliament referendum
- Anti-racism campaign "All One Together"
- Arts and education
- Children's cultural and language support
- Support for new migrants
- Visible multicultural signage

These priorities align with the Council Plan Directions of:

- **Inclusive:** A City that is a place for all members of our community, where people feel supported and comfortable being themselves and expressing their identities.
- **Vibrant:** A City that has a flourishing economy, where our community and local businesses thrive, and we maintain and enhance our reputation as one of Melbourne's cultural and creative hubs.
- **Well-Governed:** A City that is a leading local government authority, where our community and our organisation are in a better place because of our collective efforts.

### Subcommittees and Working Groups

The following MAC working groups/subcommittees were established:

- Welcoming Cities Subcommittee
- Events Subcommittee
- Arts and Education Subcommittee<sup>2</sup>

Below is a summary of Welcoming Cities subcommittee members in 2023:

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<sup>2</sup> The Arts and Education subcommittee met only once in 2023. Due to other priorities, the work of the subcommittee was put on hold. Keir Semenov was the appointed Chair alongside the following members: Georgina Tsolidis, Naomi Sherborne, and Vasileois Tsialtas. The focus of this subcommittee was program development, planning and partnerships.

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Current Members	Position
Alba Chliakhtine	Chair of Welcoming Cities subcommittee
Vasileios Tsialtas	Subcommittee member
James Seow	Subcommittee member
Joshua Goodman	Subcommittee member
Georgina Tsolidis	Subcommittee member (retiring member as of April 2023)
Tanvi Mor	Subcommittee member (retiring member as of November 2023)
Hélène Kammoun	Subcommittee member (on leave from October 2023 to May 2024)

Below is a summary of Events subcommittee members in 2023:

Current Members	Position
Vasileios Tsialtas	Chair of Events subcommittee
Alex Kats	Subcommittee member
Tina Keen	Subcommittee member
Keir Semenov	Subcommittee member
Naomi Sherborne	Subcommittee member (on leave from August to December 2023)
Georgina Tsolidis	Subcommittee member (retiring member as of April 2023)
Tanvi Mor	Subcommittee member (retiring member as of November 2023)
James Seow	Subcommittee member

## Welcoming Cities Standards

Council became a “committed” member of the Welcoming Cities network in 2022. In 2023, MAC explored the Welcoming Cities Standards and how they could support Council strengthening its capacity to work alongside the many cultural groups living within this community. MAC aimed to support a more cohesive approach to migration, settlement and belonging.

A “committed” local council publicly states their intent to champion the principles of welcoming and inclusion.

Committed local councils join a network of like-minded peers and gain the benefit of support and experience to chart their progress and identify the next steps towards becoming a Welcoming City.

The Standard establishes the framework for local councils to:

- Benchmark their cultural diversity, inclusion policies and practices across the organisation.
- Identify where and how further efforts could be directed.
- Evaluate progress over time.

The Standard allows Council to assess its current activity against six categories: Leadership, Social and Cultural Inclusion, Economic Development, Learning and Skills Development, Civic Development, and Places and Spaces. MAC incorporated these six categories into its Action Plan alongside the Council Plan Directions.

## Consultation specific to Council business

Council recognises the value of community committees as noted in the Council Plan: *“We will partner with our Older Persons Advisory Committee, Youth Advisory Committee, Multicultural Advisory Committee, Multi-Faith Network, LGBTIQ+ Advisory Committee and establish other committees, where relevant, to ensure the diversity of our community’s experience is represented in decision-making.”*

The Committee provided input into the following Council documents:

- Draft LGBTIQ+ Action Plan
- Draft Accessibility Action Plan
- Housing Strategy Phase 2
- Consultation on Council Plan and Budget
- Sustainability and Climate Change Community Survey
- Aged Care Reforms

Below are general themes and issues raised by the committee:

- It is important that any specialised service provider in the aged care space is culturally sensitive, and diversity and equity are incorporated as part of its mission.
- Multicultural communities, especially newly emerging ones, may not be aware that services are available. Raising awareness in a culturally appropriate manner is important. There is a need to better connect with grassroots ethno-specific organisations.
- The needs of diverse communities need to be considered in any model of care; one size does not fit all.
- Bilingual General Practitioners, faith groups and clubs are a key link for many members from multicultural backgrounds. It is important that Council works to create awareness among these networks.
- Often there is stigma associated among multicultural communities with accessing aged care services. A solution would be to work with community leaders to build their capacity to understand the aged care system and address some of the community stigma.
- Multicultural communities access libraries, culturally appropriate shops, and cafes. Council can promote its services via these grassroots meeting places.
- MAC noted the intersectionality issues amongst migrants and refugees who left their home countries because of LGBTIQ+ oppression.



- MAC advocates for the needs of multicultural communities around communication and access to information.

## Advocacy

### Dispose of your Food and Garden Organics (FOGO)

In January 2023, Council began to deliver kerbside FOGO bins to eligible houses and townhouses. MAC advised that the FOGO rollout include information in six community languages commonly spoken in City of Port Phillip. This was noted and implemented by Council. See figure 7.

This message is about your new food and garden organics recycling service. To find out more in your language please call TIS on 13 14 50 and ask for the City of Port Phillip on 03 9209 6777.

Este mensaje le informa sobre el nuevo servicio de reciclaje de restos de alimentos y residuos orgánicos de jardín. Para obtener más información en su idioma, llame a TIS al 13 14 50 y pida que le comuniquen con la Municipalidad de Port Phillip (City of Port Phillip en inglés) en el 03 9209 6777.

本信息是关于您新的厨余和园艺有机垃圾回收服务。如需更多中文信息，请拨打 13 14 50 联系 TIS，要求与 City of Port Phillip 通话，电话：03 9209 6777。

Pesanan ini adalah tentang makanan perkhidmatan kitaran semula makanan dan bahan-bahan organik taman anda. Untuk mendapatkan maklumat lanjut dalam bahasa anda sila hubungi TIS di 13 14 50 dan minta untuk disambungkan ke City of Port Phillip di 03 9209 6777.

Эта информация о новых услугах по переработке пищевых и садовых органических отходов. Чтобы получить более подробную информацию на своем родном языке, позвоните в службу переводчиков TIS по тел. 13 14 50 и попросите соединить вас с муниципалитетом Port Phillip по тел. 03 9209 6777.

Αυτό το μήνυμα αφορά τη νέα σας υπηρεσία ανακύκλωσης τροφίμων και οργανικών απορριμμάτων του κήπου. Για περισσότερες πληροφορίες στη γλώσσα σας, καλέστε το TIS στο 13 14 50 και ζητήστε να σας συνδέσουν με το Δήμο Port Phillip στο 03 9209 6777.

זו הודעה על שירות מיחזור המזון ופסולת גינה החדש שכם. לפרטים נוספים בשפה העברית אנא התקשרו לשירות התרגומים (TIS) בטלפון 131450 ובקשו את העיר פורט פיליפ בטלפון 03 9209 6777

Figure 7: Translated FOGO information in six languages.

### Community engagement with multicultural communities

MAC encouraged the use of in-language materials when engaging with multicultural communities, especially when targeting older persons. 44 per cent of residents aged 60 years and older in City of Port Phillip were born overseas.

As a result of MAC's feedback, the draft Positive Ageing Policy survey was translated into Greek, Russian and Polish. These in-language materials ensured greater uptake by multicultural groups during the consultation period.

In 2023, Council introduced a website widget for the Council's website that allows translations into Chinese (simplified), French, Greek, Hindi, Italian, Russian and Spanish. MAC advocated for more languages to be added to the widget based on census data. These included Hebrew, Portuguese, Japanese, German, Arabic, Indonesian, Polish and Malaysian. Additional languages were added in September 2023 following MAC's request.

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In addition, MAC facilitated the following to ensure that Council is inclusive when engaging with multicultural communities:

- Council collects data on the “language spoken” and “country of birth” to better understand the city’s demographics. This allowed Council to determine gaps in community engagement and more effectively plan for in-language materials.
- A statement in selected languages was included on the website and on surveys to explain why Council is consulting the community as some residents come from backgrounds where governments do not seek feedback.

#### International Holocaust Remembrance Alliance’s definition of anti-Semitism

Council sought feedback from the Committee about which definition of anti-Semitism it ought to adopt. MAC supported Council adopting the International Holocaust Remembrance Alliance’s definition of anti-Semitism:

*"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."*

#### All One Together anti-racism campaign

Council became a member of the All One Together anti-racism campaign in March 2022. All One Together is an anti-racism project which aims to support employers improving their diversity and inclusion approaches at work.

MAC provided feedback to the new CEO about reconfirming Council’s commitment to the campaign.

#### Mayoral Taskforce Supporting People Seeking Asylum

On 20 June 2018, Council passed a resolution to call on the Federal Government to reverse cuts to the Status Resolution Support Services (SRSS) program, highlighting the social impact of these cuts on local communities.

Following the endorsement, Council became a general member of the Local Government Mayoral Taskforce Supporting People Seeking Asylum.

Council sought advice from MAC about its membership tier in September 2023. MAC recommended Council taking up the General membership provided capacity and resources were available for the Taskforce. Otherwise, the current Supporter level would be sufficient. Council renewed its membership as per MAC’s advice.

#### Voice of Parliament referendum

MAC co-signed a letter to the Council with the LGBTIQA+ Advisory Committee to support the Yes vote.

## Welcoming Cities Subcommittee

The Welcoming Cities subcommittee supports the Council’s progress towards the Welcoming Cities Standard, the national standard for cultural diversity and inclusion policy and practice in local government to create communities where everyone can belong.

The subcommittee’s objectives:



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- Support a review of Council's current work aligned to the Welcoming Cities Standard.
- Meet with the Coordinator from Welcoming Cities.
- Meet with other accredited councils.
- Advocate for support of the Welcoming Cities Standard with other Council advisory committees.
- Develop a position for accreditation that will be presented to MAC for review and approval.

Figure 8 indicates the categories to be addressed at each level of accreditation. Council is a "committed" member. The subcommittee has been investigating opportunities for future advice to Council in working towards become an "established" member.

 Committed	 Established	 Advanced	 Excelling	 Mentoring
Council signed on to be a member of the Welcoming Cities Network	1. Leadership	1. Leadership	1. Leadership	Excelling, plus approval by Advisory Committee
		2. Social & Cultural Inclusion	2. Social & Cultural Inclusion	
		3. Economic Development	3. Economic Development	
			4. Learning & Skills Development	
			5. Civic Development	
			6. Places & Spaces	

Figure 8: Welcoming Cities Categories

The benefits of accreditation are:

- Increasing the impact of council initiatives to the whole community
- Providing a mechanism to plan for improvement and change.
- A positive and welcoming reputation.
- Opportunities for shared learning.

In 2023, the subcommittee met seven times. Below is a summary of the subcommittee's achievements.

Meeting with Welcoming Cities	The National Manager of Welcoming Cities presented to MAC on 4 July 2023 the different levels of accreditation.
Learning from other councils	<p>Welcoming Australia Symposium 2023</p> <p>On 9 May 2023, Alba Chliakhtine and James Seow from the subcommittee hosted a pre-symposium workshop at St Kilda Town Hall to discuss the following:</p> <ul style="list-style-type: none"> <li>• Bringing diverse groups together</li> <li>• Creating and maintaining influence through a Multicultural Advisory Committee</li> </ul>

	<p>Mayor Heather Cunsolo welcomed ten other local government representatives from Australia and overseas to City of Port Phillip on the day. The workshop showcased on a national level City of Port Phillip's vision and aspiration to deepen and celebrate multiculturalism.</p> <p>City of Bendigo City of Bendigo presented their Welcoming Cities accreditation experience to the subcommittee on 14 November 2023. City of Greater Bendigo was the first local government in Australia to achieve accreditation as a 'Welcoming City'.</p> <p>Darebin City Council The subcommittee consulted Darebin City Council about their accreditation process on 28 November 2023. Darebin City Council became a "committed" member in 2017. It is currently working towards accreditation.</p>
Influencing and advocating	<p>Alba Chliakhtine and Tanvi Mor introduced Welcoming Cities Standards to Council's other advisory committees on 10 August 2023.</p> <p>Additionally, Alba presented to the Prosperous Cities Business Advisory Committee on 19 September the economic benefits of Council becoming an accredited member.</p>
Self-audit on Welcoming Cities Standards	<p>A self-audit on the Welcoming Cities Standards was completed in October 2023. The process was overseen by the subcommittee and the results were presented to MAC on 3 October 2023.</p> <p>The self-audit determined that Council could meet the requirements for 60 per cent of the standards. Key gaps were identified for the following standards:</p> <ul style="list-style-type: none"> <li>• Economic development</li> <li>• Learning and skills development</li> <li>• People and Places</li> </ul>

## Welcoming Cities accreditation and moving forward.

The subcommittee will investigate opportunities in 2024 for Council's consideration of accreditation in subsequent years. A high-level project plan will be developed to illustrate how Welcoming Cities can intersect with existing Council initiatives. The subcommittee will review the self-assessment against the Welcoming Cities Standards and enhance engagement with other advisory committees and provide this advice to Council.

## MAC activities and engagement

### Launch of Scanlon Foundation's Australian Cohesion Index 2023

James Seow, Alba Chliakhtine, Alex Kats and Vasileios Tsialtas attended the launch of Australian Cohesion Index 2023 on 20 September 2023. The index provides a barometer of social wellbeing, measuring belonging, worth, participation, acceptance and rejection, social inclusion, and justice.

The report was presented at a MAC meeting on 3 October 2023. Insights from the report guided MAC in deliberating recommendations to strengthen and celebrate multiculturalism to Council.

### Appraising Multiculturalism: Politics, Policy and Practice

James Seow attended the symposium, Appraising Multiculturalism: Politics, Policy, and Practice, on 26 October 2023. This event presented research evidence to help advance multicultural policies and practices in Australia. Learnings from the symposium helped MAC to better understand the challenges and emerging issues in multicultural communities accessing mainstream and ethno-specific services and recommend more effective measures to Council.

### Premier's Multicultural Gala Dinner

Georgina Tsolidis, Alex Kats and Cr Baxter attended the Premier's Multicultural Gala Dinner on 18 March 2023 to commemorate Cultural Diversity Week. The event provided an opportunity for MAC to network with multicultural leaders and advocates across Victoria.

### Joint Advisory Committee Meeting and Advisory Committee End-of-Year Celebration

Georgina Tsolidis and Helene Kammoun attended the first Joint Advisory Committee Meeting on 21 March 2023. Tanvi Mor and Alba Chliakhtine attended the second meeting on 10 August 2023. At the August meeting, Tanvi Mor and Alba Chliakhtine presented collaboration opportunities for other advisory committees in the planned Welcoming Cities accreditation.

The end-of-year celebration for all advisory committees on 29 November 2023 acknowledged the dedicated service of members and celebrated their collective achievements. Tanvi Mor, Alex Kats and James Seow attended the event and found great community insights by networking with other advisory committee members and volunteers.



Figure 9: Tanvi Mor presenting at the Multicultural Peace Day on 11 March 2023



Figure 10: James Seow with Appraising Multiculturalism presenters, Glenda Ballantyne, Anthony Moran and Karen Farquharson, 26 October 2023

## MAC programming and events

An Events subcommittee was created in February 2023 to advise and support the programming for Cultural Diversity Week, Refugee Week and Welcoming Week. In 2023, MAC provided creative ideas and helpful feedback to enhance the following events.

### Cultural Diversity Week (18-24 March 2023)

MAC supported a program inspired by the Victorian Multicultural Commission's theme for Cultural Diversity Week 2023.

Below is a summary of Cultural Diversity week programming for 2023:

- **Global Flavours of the Southside** - Global Flavours of the Southside (11 March to 9 April) is an online map featuring 55 local cafes and restaurants serving cuisine from around the world. This campaign supported City of Port Phillip's multicultural traders and recognised the important role food plays in maintaining traditions and showcasing the diversity of migrant communities. Over 6,000 hits were registered on the map. The campaign invited people to snap and share a photo of their favourite food spots on Instagram using #SouthsideFlavours and #CulturalDiversityWeek as tags to be in the running to win a dining experience.



Figure 11: Mayor Heather Cunsolo (far left) and Georgina Tsolidis (far right) with leaders of multicultural seniors groups at Awards of Recognition, 15 March 2023.

- **Multicultural Peace Day** - On 11 March 2023, MAC supported the Multicultural Peace Day coordinated by the International Women's Peace Group. Tanvi Mor spoke at the event on behalf of MAC.
- **Awards of Recognition- Multicultural Seniors Groups** – On 15 March 2023, Mayor Heather Cunsolo presented awards to 21 multicultural seniors' groups to acknowledge their considerable contribution in enabling and supporting a dynamic diverse community. Georgina Tsolidis spoke at the event and presented the awards with the Mayor.
- **Jewish Immersion Program**- On 16 March 2023, a tour to St Kilda Synagogue was organised for Council staff to learn more about the history, culture, traditions, and food of the local Jewish community.
- **Library Services** hosted a wide variety of events featuring Nayran Tabiei (migrant and owner of café, Flavours of Syria) and various music and cultural activities during Cultural Diversity Week.

## Refugee Week (18-24 June 2023)

Refugee Week is an annual celebration of the many positive contributions by refugees to Australian society. The theme for Refugee Week 2023, Finding Freedom, aimed to help the broader community to understand the refugees' lived experience.

Port Phillip celebrated Refugee Week on 24 June 2023 with an afternoon of interactive activities at St Kilda Library. These included a choir performance by Lotus Choir, a henna workshop with Space 2b, and an African drumming workshop. Tina Keen led an interactive storytelling session involving songs about the refugee experience.

## Welcoming Week (8-17 September 2023)

Welcoming Week is an annual celebration of unity, diversity, and inclusivity. In 2023, Council organised four "Power of Port Phillip" events to celebrate Welcoming Week's 2023 theme, "Power of Place".

*"I absolutely loved Welcoming Week. I went into it not knowing what to expect but I came out enriched with so much creativity, new knowledge, and some delicious food. I loved attending the multicultural festival as a person of colour who has lived in the Council for the past few years. It really made me feel valued and represented as a person of colour living here."* Feedback by local resident who attended *Sharing Voices*.

Below is a summary of events held as part of Welcoming Week:

- **Jewish Immersion Experience** - On 6 September 2023, the Jewish Community Council of Victoria (JCCV) delivered a cultural immersion for Council staff and provided powerful insights to Port Phillip's Jewish community. The session included a visit to a local synagogue and attracted 21 staff. 85 per cent of the attendees agreed that the program greatly improved their understanding and appreciation of the Jewish community in City of Port Phillip.
- **Sharing Voices: Belonging, Harmony and Spirituality** - On 10 September 2023, the Port Phillip Multifaith Network hosted "Sharing Voices: Belonging, Harmony and Spirituality" at St Kilda Town Hall. James Seow emceed this community event celebrating Welcoming



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Week, the International Day of Peace, and the Season of Creation. Sharing Voices brought together 80 community members who participated in an interactive choir, First Nations music performance, ceramic painting, engaging conversations on the migrant experience, and African textile appreciation. Mayor Cunsolo opened the event, and Aunty Janet Galpin gave a heartfelt Welcome to Country.

- **Undeclared: Exploring the Migrant Experience in Australia** - On 14 September 2023, St Kilda Library hosted three authors of the autobiographical book “Undeclared” for a panel discussion. Mayor Cunsolo introduced the event by sharing her own migration journey. The session was moderated by Tanvi Mor and attracted an audience of 30 people.
- **Welcoming Week Walk** - On 17 September 2023, the rich multicultural heritage of Port Phillip was celebrated with a guided walk along the Immigration Trail. Led by urban historian Janet Bolitho, the walk commenced at Station Pier, and led 25 participants through key locations steeped in immigration history. Keir Semenov represented MAC in the walk.



Figure 12: Tanvi Mor (far right) with authors of “Undeclared” at St Kilda Library on 14 September as part of Welcoming Week events.

## Acknowledgement

This report was prepared and endorsed by the Multicultural Advisory Committee on 15 May 2024.

James Seow

Chairperson

Multicultural Advisory Committee



Figure 13: Alex, Mayor Cunsolo, Tanvi, Maria and James at the Advisory Committee End-of-Year Celebration, 29 November 2023.

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## MAC photo gallery 2023



Figure 14: Alba Chliakhtine and James Seow with participants at Welcoming Australia Symposium workshop, 9 May 2023



Figure 15: James Seow with migrant experience speakers, David Wang and Carla Fuentes, at Sharing Voices in St Kilda Town Hall, 10 September 2023



Figure 16: Tina Keen at Refugee Week 2023



## Attachment 1 – Retiring members

In 2023, the following MAC members retired from the committee:

Georgina Tsolidis

Masi Perozi

Tanvi Mor

Council and MAC thank the retiring members for their commitment and the wealth of knowledge and experience they brought to the committee. The retiring members have been exceptional advocates for the needs and aspirations of City of Port Phillip's multicultural communities.



Figure 17: Tanvi's last day as MAC Chair, 14 November 2023.





## 10. LIVEABLE PORT PHILLIP

10.1	<i>PDPL/00264/2023 - 427 City Road, South Melbourne</i>	40
10.2	<i>St Kilda Foreshore Upgrade - Completion of Statutory Road Closure Process</i>	90
10.3	<i>49 Pakington Street, St Kilda - PDPL/00142/2024</i>	99
10.4	<i>Waste Review Management Action Plan</i>	113

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



**10.1** PDPL/00264/2023 - 427 CITY ROAD, SOUTH MELBOURNE

**LOCATION/ADDRESS:** 427 CITY ROAD, SOUTH MELBOURNE

**EXECUTIVE MEMBER:** BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY:** PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER

### 1. PURPOSE

- 1.1 To consider and determine planning permit application PDPL/00264/2023 for use of the land as an adult lifestyle meeting place (which is not a defined planning land use) which includes a bar, live music entertainment and a sex on premises venue in an Industrial 1 Zone, use of the land for the sale and consumption of liquor (on-premises licence) and car parking to the satisfaction of the Responsible Authority.

### 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	16 or more objections
<b>APPLICATION NO:</b>	PDPL/00264/2023
<b>APPLICANT:</b>	BQ Architects
<b>EXISTING USE:</b>	Office
<b>ABUTTING USES:</b>	Office
<b>ZONING:</b>	Industrial 1 Zone
<b>OVERLAYS:</b>	None
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Decision is outside of statutory timeframe

- 2.1 The application seeks approval for the use of the land as an adult lifestyle meeting place, which is an innominate use under the Port Phillip Planning Scheme. It includes a bar, live music entertainment and a sex on premises venue.
- 2.2 The proposal also proposes use of the land for the sale and consumption of liquor (on-premises licence).
- 2.3 Key elements of the use include:
- 2.3.1 A maximum patron capacity of 20 from 10:00 am to 5:59 pm and 200 patrons from 6:00pm to 2:00am the following day.
- 2.3.2 Live music entertainment from 7:00pm to 12am.
- 2.3.3 The sale and consumption of liquor from 10:00am to 1:00am.

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



- 2.4 No dedicated car parking is proposed to be provided in association with the uses. Car parking for this use must be to the satisfaction of the Responsible Authority.
- 2.5 The application was advertised as the proposal was considered that it may result in material detriment. The notice was given to the owners and occupiers of surrounding properties pursuant to Section 52 of the *Planning and Environment Act 1987* (Act). A sign was also displayed on the site for 18 days. It was readvertised as concerns were raised about its visibility and to better describe the proposal.
- 2.6 A total of thirty three objections were received with key concerns relating to:
  - 2.6.1 The proposed land use and incompatibility with industrial zoning, draft South Melbourne Structure Plan 2024 and the Fishermans Bend Framework Plan.
  - 2.6.2 The clustering of adult entertainment venues and social considerations such as safety of residents and visitors from intoxicated patrons and antisocial behaviour.
  - 2.6.3 Amenity impacts, including noise and disturbance to nearby commercial, education, religious and residential uses.
  - 2.6.4 Zero car parking provision and the impact on parking availability for adjoining businesses and residents.
  - 2.6.5 Operational matters, including low staffing levels, patron management, possible gender based violence, public lighting and security to adjoining laneway and waste collection.
  - 2.6.6 Incorrect display of public notification board, incorrect and misleading use description, inequitable application material including inconsistent information between supporting reports for the application.
- 2.7 A consultation meeting was held on 9 April 2024. The meeting was attended by the Gateway Ward Councillors, the permit applicant and their representatives, eight objectors and Council planning officers. The meeting did not result in any changes to the proposal, however the permit applicant decided to provide a follow up written response to the objections.
- 2.8 Council received a response to the objections on 20 May 2024. This material was circulated to objectors on 23 May 2024.
- 2.9 The application was referred to Council's Traffic, Strategic Planning and Building Departments.
- 2.10 The Traffic Department recommends that patron numbers are reduced to 150 to minimise parking impacts on neighbouring residential streets. Council's Strategic Planning and Building Departments did not raise any concerns, acknowledging the *draft South Melbourne Structure Plan* has not been adopted by Council and is therefore not considered a seriously entertained document at the time of preparing this report. Should the site or current industrial zoning be changed to a Commercial 2 Zone (C2Z), the proposal would continue to require a planning permit.
- 2.11 Victoria Police were notified of the proposed uses for the venue and did not raise any concerns.
- 2.12 The planning policy framework is supportive of a range of uses, including live music and entertainment venues, that would contribute to the diversity of uses in the area. Policy direction is that new uses must not prejudice the operation of existing uses or



emerging land uses that support the purpose of the zone. The proposed uses would appropriately align with the strategic direction of the *Fishermans Bend Framework Plan* and Capital City Zone (CCZ1) where civic, commercial, industrial and entertainment uses are intended to coexist.

- 2.13 The planning policy framework is clear that uses with potential adverse off-site impacts, including live music, entertainment, and licensed premises, can be supported subject to minimisation of any amenity risks, specifically to residential areas.
- 2.14 The proposal would not prejudice the purpose of the Industrial 1 Zone or the orderly development of the area, including adverse amenity impacts on existing and emerging sensitive land uses. The following points are key to the support of the proposal:
- 2.14.1 The use would operate from within an existing venue which does not have any direct abuttal to sensitive land uses (i.e. dwellings, schools, childcare centres etc.)
- 2.14.2 All patrons attending the venue will have a pre-booking or ticket, allowing venue management to be prepared for peak times so as to minimise patron queuing on the footpath or adjoining laneway.
- 2.14.3 The operating hours are aligned with nearby public transport operations, which is an important factor in the effective dispersal of patrons as it will influence the length and time that patrons spend in an area after the venue closes. Patrons generally maintain better behaviour when they have a variety of transport options to get home.
- 2.14.4 The venue would not contribute to an existing cluster of licensed venues, where access to multiple licenced premises is often associated with lower levels of responsible liquor consumption.
- 2.14.5 An acoustic report demonstrates the uses can be effectively managed and achieve compliance with noise limits specified in the Environment Protection Regulations. Conditions of any permit issued would require evidence of compliance with noise standards, a three-month trial period, on-going monitoring, and a complaints management procedure.
- 2.14.6 Recommended conditions of permit impose a range of operating requirements to ensure amenity impacts from the uses are managed to an acceptable level through a Venue and Patron Management Plan. Requirements include, but not limited to, CCTV and security patrols of the adjoining laneway to monitor nuisance and anti-social behaviour.
- 2.14.7 Council's Traffic Department consider that a reduction in patron numbers to 150, should be considered based on a conservative estimate of the number of people likely to access the venue via private car. However, this outcome is not considered justified when all planning factors are considered, including the proximity to public transport, main transport hubs, availability of taxi or car ride services, and the permit applicants supporting traffic surveys which demonstrate there is high on-street parking capacity at peak operational times, which are outside typical business hours and not subject to on-street parking restrictions. On this basis and with consideration to integrated transport planning principles within the Scheme, it is considered that 200 patrons are acceptable and will not unreasonably impact on parking availability within the area.



- 2.14.8 This is further supported by a condition of permit that requires the reclassification of two existing car parking spaces outside the venue from 1P parking spaces to a P-10 minutes or P-15 minutes to facilitate safe drop-off and pick-up of patrons from the venue.
- 2.14.9 A condition of permit would require a Waste Management Plan and private collection from within the short-term spaces mentioned above. Waste is required to be stored inside the venue and collection during daytime hours to minimise noise.
- 2.15 There is a balance to be struck between the uses that coexist adjacent to zones that have more amenity sensitive uses. The proposal, subject to conditions, would limit the off-site effects of the use to an acceptable level.
- 2.16 The proposal is recommended for approval, subject to the conditions outlined in the Recommendation.

### 3. RECOMMENDATION

That Council:

- 3.1 Being the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 Issues a Notice of Decision to Grant a Permit for Planning Permit Application Number PDPL/00264/2023 at 427 City Road, South Melbourne, subject to the following permissions and conditions:

Planning Scheme Clause No:	Description of what is allowed
Clause 33.01-1	To use land for a Section 2 use (adult lifestyle meeting place)
Clause 52.27	To use land to sell or consume liquor

#### Amended Plans Required

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by *BQ Architects, Project No: BQ23-001, Dated 2 November 2023, Drawing No: A01, A.02, A.03, A1.1, A1.2, A1.3, A2.1, A2.1 and A2.3* but modified to show:
  - a) Seating for a minimum of 100 patrons.
  - b) Designated internal queuing area in the reception / foyer area for a minimum of 20 patrons.
  - c) Acoustically treated doors between the ground floor reception / foyer area and the main bar / entertainment area.
  - d) Location of waste and recycling storage inside the building.





- e) A Public Works and Implementation Plan to reallocate two 1P car parking spaces in front of the site to two short-stay car parking spaces (ie. P-10 Mins or P-15 Mins).
- f) Any changes required by the Noise and Amenity Management Plan at Condition 8 of this permit.
- g) Any changes required by the Venue and Patron Management Plan at Condition 18 of this permit.
- h) Any changes required by the Waste Management Plan at Condition 24 of this permit.

**Layout Not to be Altered (Use)**

- 2. The layout and description of the uses including the licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Hours of Operation**

- 3. Unless with the prior written consent of the Responsible Authority, the use must operate only between the hours of 10:00am and 2:00am the following day.

**Hours for the Sale and Consumption of Liquor**

- 4. Unless with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only occur between the following times:
  - a) Monday to Sunday: 10am to 1am the following day.
  - b) Good Friday and ANZAC Day: 12pm to 1am the following day.

**Hours of Operation – Entertainment and/or live or amplified music**

- 5. Unless with the prior written consent of the Responsible Authority, live music or entertainment must only occur between the hours 7:00pm to 12am.

**Number of Patrons**

- 6. Unless with the prior written consent of the Responsible Authority, the number of patrons occupying the premises must not exceed:
  - a) 20 patrons between 10:00 and 5:59pm.
  - b) 200 patrons between 6:00pm and 2:00am.

**Number of Staff**

- 7. Unless with the prior written consent of the Responsible Authority, the number of staff occupying the premises must not be:
  - a) Less than 2 between 10:00am and 5:59pm.
  - b) More than 6 between 6:00pm and 2:00am.

**Noise Amenity Action Plan**

- 8. Prior to the commencement of the use, a *Noise and Amenity Action Plan* must be submitted to and approved by the Responsible Authority. When approved, the *Noise and Amenity Action Plan* will be endorsed and will then form part of the permit. The use must operate in accordance with the Noise and Amenity Action Plan to the satisfaction



of the Responsible Authority. The *Noise and Amenity Action Plan* must generally be in accordance on *The DDEG Acoustic Report, Project Number 201619-A Rev 1 dated 31/07/2023*, but amended to include the following information:\

- a) The identification of all noise sources associated with the uses on site (including, but not limited to, music and entertainment noise, patrons queuing, sex on premise venue, entries and exits to the premises and waste storage areas).
- b) Hours of operation for all uses on the premises.
- c) The identification of noise sensitive areas including residential uses and accommodation uses in close proximity to the licensed premises.
- d) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
- e) Details of staffing arrangements including numbers and working hours of all security staff.
- f) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority.
- g) Location of lighting within the boundaries of the site, security lighting outside the licensed premises and any overspill of lighting.
- h) Details of waste management including storage and hours of collection for general rubbish, bottles and recycling, and delivery times associated with the licensed premises.
- i) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- j) Any other measures to be undertaken to ensure minimal impacts from uses on the premises.

#### **Implementation of acoustic measures**

9. Prior to the occupation of the building, all acoustic measures required by the *Noise and Amenity Action Plan* must be implemented to the satisfaction of the Responsible Authority.

#### **Noise Limits**

10. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) and measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.

Noise Protocol means Publication 1826.4: *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.

Any works required to ensure and maintain the noise levels from the venue are compliant with the regulations must be limited to internal works and completed prior to the commencement of the use or occupation of the building and maintained thereafter, to the satisfaction of the Responsible Authority.



**Doors to remain closed and fitted with automatic closers**

11. The entry/exit door is to be fitted with an operating automatic closer. No doors are to be left open during operation hours to the satisfaction of the Responsible Authority.

Staff must be present at the entry/ exit door between 6:00pm and 2:00am. Staff must actively manage pass out requests to limit the number of patrons occupying the footpath and / or adjoining laneway.

**Pre commencement testing**

12. Prior to the commencement of the use the Responsible Authority requires noise vibration testing to be carried out. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the consultant to the Responsible Authority for endorsement, confirming that any testing carried out was representative of all impact sources of noise and vibration.

**Post commencement acoustic compliance testing**

13. At the end of a period of three months from the commencement of the approved use, an post commencement acoustic report must be prepared by a suitably qualified acoustic engineer and provided to the satisfaction of the Responsible Authority. The report is to assess the use of the venue as shown on the endorsed plans and must include:
- a) The time and date during which noise levels are measured.
  - b) The number of patrons present at the time which the noise levels are measured.
  - c) Measurements of the noise levels at the nearest residential building.
  - d) Conclusions and recommendations concerning compliance with the relevant State Environmental Protection Policies as they relate to noise emissions.
  - e) A statement confirming that the noise assessment is representative of typical operations.
  - f) A statement confirming that all acoustic measures have been implemented in accordance with the endorsed acoustic report and/or plans.

Prior to the continuation of the use of the venue, all noise and vibration issues identified in the acoustic report must be addressed by the operator to the satisfaction of the Responsible Authority.

**On-going noise testing**

14. At any time the Responsible Authority may request the occupier/owner of the land carry out noise and vibration testing. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the consultant to the Responsible Authority for endorsement,



confirming that any testing carried out was representative of all impact sources of noise and vibrations from within the venue.

**Noise-limiter**

15. Amplified music (including background music) is not permitted to be played other than through a Limiting Device installed and operating to ensure compliance with the Environmental Protection Regulations 2021 and EPA Publication 1826 (Noise Protocol) to the satisfaction of the Responsible Authority.

**Noise-limiter installation/certification/inspection**

16. Prior to commencement of the use, a suitably qualified acoustic consultant must install and calibrate a Limiting Device ('the Device') and confirm that it is operating and has all the following characteristics which are also operating:
- a) The Device limits noise levels to ensure compliance with the music noise limits according to the EPA Noise Protocol.
  - b) The Device includes a microphone incorporated into its own tamper-proof enclosure.
  - c) The Device controls are in a locked case or is password protected so that is not accessible by personnel other than a qualified acoustic consultant or technician nominated by the permit holder of the land and notified to the Responsible Authority.
  - d) The Device is installed to control all amplification equipment and associated loudspeakers.
  - e) The Device monitors noise levels at octave band frequencies between 63Hz and 4kHz or C-weighting.
  - f) The Device must be able to automatically store for a minimum of 30 days records of logged noise levels in 15-minute intervals.
  - g) The Device must be re-calibrated as necessary to maintain Noise Protocol compliance, and when any changes are made to the Device sensor position or the venue changes operating conditions, building works, sound system configuration or anything else that may necessitate re-calibration of the Device.

A written statement and plan prepared by the suitably qualified acoustic consultant must be submitted to and endorsed by the Responsible Authority. The statement must confirm the installation and calibration of the Device in accordance with the above requirements. The plan of the premises must show the location of the Device, the tamper proof enclosure and the microphone to the satisfaction of the Responsible Authority.

Upon request, the Device, the tamper proof enclosure and microphone must be made available for inspection by the Responsible Authority.

Upon request, records of logged noise by the Device must be produced to the satisfaction of the Responsible Authority.

**No external noise sources**



17. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.

**Venue and Patron Management Plan**

18. Before the commencement of the use including the sale and consumption of liquor, a *Venue and Patron Management Plan* to the satisfaction of the Responsible Authority must be submitted. When approved, the plan will be endorsed and will then form part of this permit. The plan must include the following details:
- a) "Venue rules" to set a clear standard of behaviour for patrons attending the premises.
  - b) Details of the venue booking system and how staff will manage patrons who attend the venue without pre-booked tickets.
  - c) Details of how the venue will inform patrons of travel options to the venue including nearest public transport options, drop-off and collection points for taxi / car ride services, recommended areas for parking and recommendations not to park on residential streets.
  - d) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons in accordance with the Crowd Controllers requirement at Condition 21 of this permit.
  - e) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner including queuing within the foyer / reception area and maintain satisfactory clearance for other pedestrians on the footpath.
  - f) Details of measures, including the use of CCTV, to be taken by management and staff to ensure that patrons do not loiter or cause nuisance in the adjoining laneway.
  - g) The keeping of a register recording the number of patrons on the premises during operating hours being 10am to 2am the following day.
  - h) The training of staff in the management of patron behaviour.
  - i) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
  - j) Signage to be used to encourage responsible off-site patron behaviour.
  - k) How staff will be made aware of minimising noise from the premises, particularly during the sensitive early morning hours.
  - l) Staff communication arrangements.
  - m) Compliant handling process to effectively manage any complaints received. This must include a telephone number provided for residents to contact the premises and linked to the Complaints Register. The Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant.



- n) Details of waste management, including the location of the storage area and hours of collection for rubbish and bottles associated with the licensed premises. This must comply with Council's local laws.

The requirements of the endorsed noise and amenity management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Crowd Controllers**

19. During operating hours the Licensee must ensure that registered crowd controllers licensed under the Private Agents Act are employed at a ratio of two crowd controllers for the first 100 patrons and one crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided and 30 minutes after closure.

#### **Exit Signs**

20. Before the use commences, signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

#### **Lighting Baffled**

21. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.

#### **Car Parking**

22. Before the use commences, the works shown on the Public Works and Implement Plan to reassign car parking in front of the site must be delivered at the applicant's cost and to the satisfaction of the Responsible Authority.

#### **Storage and Waste Management**

23. Provision must be made for the storage and disposal of waste and recycled goods to the satisfaction of the Responsible Authority. All waste and recycling storage areas must be located within the building.
24. Before the use starts, a Waste Management Plan based on the City of Port Phillip's *Waste Management Plan Guidelines for Developments* must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
- a) Land use type.
  - b) The estimated garbage and recycling volumes for the use.
  - c) Bin quantity, size and colour.
  - d) The garbage and recycling equipment to be used.
  - e) Collection frequency.





- f) The location and space allocated to the garbage and recycling bin storage area internal to the building and collection point.
- g) The waste services collection point for vehicles.
- h) Waste collection provider.
- i) Scaled waste management drawings including waste and recycling collection vehicles.
- j) Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

### **Amenity**

25. The amenity of the area must not be detrimentally affected by the use through the:

- a) Transport of materials, goods or commodities to or from the land.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### **Time for Starting and Completion**

26. This permit will expire if one of the following circumstances applies:

- a) The use is not started within two years of the date of this permit.
- b) The use is discontinued for a period of two years.

27. The Responsible Authority may extend the periods referred to if a request is made in writing:

- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

### **Permit notes**

#### Background music

- Background music, in relation to premises, means music played at a level that enables persons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

#### Building approval required

- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

#### Other approvals may be required

- This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required





and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

### Environmental Health

- The premises must comply with the *Food Act 1984* and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

### Permit required for signs

- This permit relates only to the use of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

## 4. RELEVANT BACKGROUND

4.1 There is no relevant history or background for this application.

## 5. PROPOSAL

5.1 The application proposes to:

- 5.1.1 use land for a Section 2 – *Permit required* innominate use pursuant to Clause 33.01-1 - Industrial 1 Zone (IN1Z).
- 5.1.2 use land to sell or consume liquor were a licence (on-premises licence) is required under the *Liquor Control Reform Act 1998* (LC Act) pursuant to Clause 52.27; and
- 5.1.3 provide car parking to the satisfaction of the Responsible Authority.

5.2 Specifically, the application includes:

- 5.2.1 An innominate use generally described as an adult lifestyle meeting place.
- 5.2.2 Specific uses on the land will comprise a bar, live entertainment (including live music, DJ, comedy, cabaret and burlesque) and a Sex on Premises Venue) in an IN1Z.
- 5.2.3 Live music entertainment from 7:00.m to 12pm.
- 5.2.4 The sale and consumption of liquor from 10:00am to 1:00am.
- 5.2.5 A maximum patron capacity of 20 patrons from 10:00am to 5:59pm and 200 patrons from 6:00pm to 2:00am the following day.
- 5.2.6 The number of car parking spaces required must be to the satisfaction of the Responsible Authority.

5.3 A Sex on Premises Venue (SOPV) is a venue where people are required to pay an admission fee to enter for the purpose of engaging in sexual activities with other people who have entered the venue on the same terms and who did not receive payment for engaging in sexual activities.

5.4 At the time of submitting the planning permit application, a SOPV required an exemption from the *Sex Work Act 1994*. Since the repeal of the *Sex Work Act 1994*, operators of SOPVs will no longer be required to apply to the Department of Health (the department) for an exemption from this act.



- 5.5 The use is not a Sex Services Premises (previously referred to as a brothel) which is defined as land made available for the purpose of sex work by a person carrying on the business of offering or providing sex work services at the business's premises.
- 5.6 Internal buildings and works (exempt from requiring a planning permit) include part demolition of internal walls / partitions to replace a staircase and configure amenities, including:
- 5.6.1 The ground floor level (188.9sqm) reconfigured to provide a reception / foyer area, cloakrooms and a private suite along with a stage, booths, bar and bathrooms.
- 5.6.2 The first-floor level (188.9sqm) to include 7 private rooms, seating areas and bathrooms.
- 5.6.3 The first-floor level includes a mezzanine (65.1sqm) will be blocked from public access.
- 5.6.4 The architectural and red line plans are appended at **Attachment 2**.

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The site is located on the south-eastern side of City Road, South Melbourne. It is regular in shape with a frontage of 9.14 metres and a depth of 21.43 metres and a total site area of 195.87 square metres.
Existing building and site conditions	<p>The site is occupied by a double-storey former produce store constructed in red brick.</p> <p>The Federation period front façade features a wide curvilinear parapet and moulded bricks to the cornice and parapet. The eastern side elevation is finished in painted brick with multiple openings at both levels.</p> <p>The building has a door onto both City Road and the adjoining laneway.</p> <p>The building is addressed to City Road to the north-west with two 1P on-street parallel car parking spaces in front of the site. City Road is a Transport 2 Zone (TRZ2) – Principal Road Network.</p> <p>The side and north-eastern property boundary abut an unnamed laneway known as Lane R3103. The laneway has a dog-leg profile, extends the length of the site and provides vehicular access to 423 City Road, a double storey office building, and 232-234 York Street, a three-storey office building that also shares a rear boundary with the site.</p> <p>To the south-west is 431 City Road, a double storey office building.</p>

Surrounds	<p>Located in the City Road Industrial Triangle (land bound by City Road, Ferrars Street and York Street), the area features a mix of land uses from light industrial to commercial and high technology knowledge industries.</p> <p>To the east of Ferrars Street are clusters of Commercial areas (C1Z and C2Z) and the No. 96 tram route and South Melbourne Market beyond.</p> <p>The area south of York Street is zoned Neighbourhood Residential (NRZ1) and to the northern side of City Road is the Capital City Zone (CCZ1) or commonly known as Fishermans Bend. The Montague Precinct will establish a diverse and well-connected mixed-use precinct where co-working spaces, small creative businesses, and studios will contribute to the cultural identity of the area. Lower scale buildings along City Road and Boundary Street ensure that the precinct is well-integrated with its neighbours.</p>
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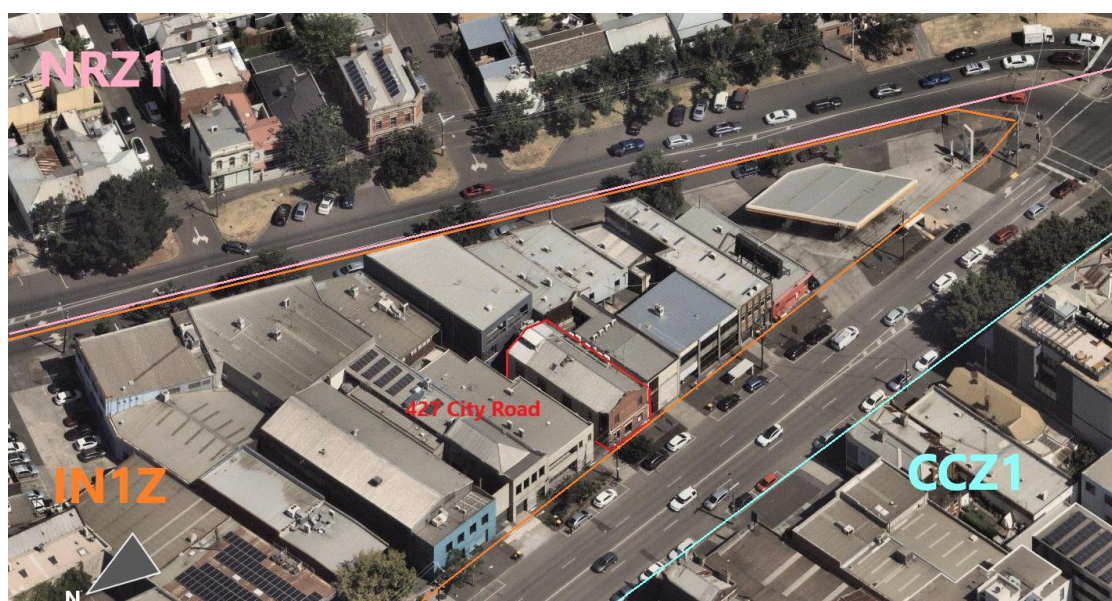


Figure 1: Aerial view of the site and surrounds with zoning boundaries indicatively shown.  
(Source: Adapted from Near map, captured on 3 February 2024).

## 7. PERMIT TRIGGERS

7.1 The following controls apply to the site, with planning permissions required as described:

Zone	Permit Trigger
Clause 33.01 Industrial 1 Zone (IN1Z)	<p>Clause 33.01-1, <i>Section 2 - Permit required</i>, states a permit is required for any use not in Section 1 or 3.</p> <p><b>A planning permit is required for an innominate use being an adult lifestyle meeting place (including a bar,</b></p>

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	<p>live entertainment (including live music, DJ, comedy, cabaret and burlesque) and sex on premises venue).</p> <p>The use of the land for the sale and consumption does not require a planning permit pursuant to the IN1Z.</p>
<p>Clause 36.04</p> <p>Transport Zone 2</p> <p>(TRZ2 – Principal Road Network)</p>	<p>Clause 36.04-2 states a permit is required to construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1.</p> <p><b>A planning permit is not required</b> pursuant to the TRZ2 as it is not proposed to construct a building or construct or carry out works.</p>
Particular Provisions	Exemption
<p>Clause 52.06</p> <p>Car Parking</p>	<p>Clause 52.06-3 states a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. Where a use of land is not specified before a new use commences, car parking spaces must be provided to the satisfaction of the Responsible Authority.</p> <p><b>A permit is not required under this clause.</b></p>
<p>Clause 52.27</p> <p>Licensed Premises</p>	<p>Pursuant to Clause 52.27 of the planning scheme, a planning permit is required to use land to sell or consume liquor if any of the listed circumstances apply. In this instance, a licence is required under the LC Act. Specifically, for a 'on-premises licence' under section 9 of the LC Act</p> <p><b>A planning permit is required</b> subject to the provisions of Clause 52.27.</p>
<p>Clause 52.29</p> <p>Land adjacent to the Principal Road Network</p>	<p>Clause 52.29-1 directs a permit is required to create or alter an access to a road in a Transport Zone 2.</p> <p><b>A planning permit is not required</b> as it is not proposed to create or alter an access to City Road.</p>
<p>Clause 42.34</p> <p>Bicycle facilities</p>	<p>Byccle spaces, showers and change rooms are required in accordance with the rates in Clause 52.34-5 – Required bicycle facilities.</p> <p>The use while not listed would not meet the thresholds for individual components and therefore <b>a permit is not required to vary, reduce or waive</b> bicycle facility requirements pursuant to Clause 52.34-2.</p>
<p>Clause 53.06</p> <p>Live Music Entertainment Venues</p>	<p>This clause applies to an application to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue.</p>



	A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.
Particular Provisions	Exemption
Clause 62.02 Buildings and Works	<p>The general exemptions at Clause 62.02-2 (<b>Buildings and works not requiring a permit unless specifically required by the planning scheme</b>) states that any requirement in the planning scheme relating to the construction or carrying out of works does not apply to the internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.</p> <p>The internal arrangement of the building, including works associated with noise attenuation, would be <b>exempt from requiring a planning permit</b> pursuant to this provision.</p>

## 8. MUNICIPAL PLANNING STRATEGY (MPS) AND PLANNING POLICY FRAMEWORK (PPF)

8.1 The following provisions of the MPS and PPF are of particular relevance to this application:

### Municipal Planning Strategy

#### Clause 02 MPS

##### 02.1 Context

##### 02.02 Vision

##### 02.03 Strategic directions

##### 02-03-1 Settlement

##### 02.03-6 Economic development

##### 02.04 Strategic Framework Plans

##### 02-04-1 Economic Development Plan

##### 02-04-3 Pedestrian and Bicycle Network Framework Plan

##### 02.04-4 Public Transport Network Framework Plan

### Planning Policy Framework

#### Clause 11 Settlement

##### 11.03 Planning for places

#### Clause 13 Environmental risks and amenity

##### 13.05-1S Noise management



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13.07-1L-03 Interfaces and amenity

13.07-1L-04 Tourism, entertainment use and licensed premises

13.06-3S Live music

### Clause 17 Economic Development

#### 17.01 Employment

17.01-1S Diversified economy

#### 17.02 Commercial

17.02-1S Business

#### 17.03 Industry

17.03-1S Industrial land supply

17.03-2S Sustainable industry

17.03-2L Sustainable industry

#### 17.04 Tourism

17.04-1S Facilitating tourism

17.04-1L Tourism in Metropolitan Melbourne

17.04-2L Tourism and the arts

### Clause 18 Transport

#### 18.01 Land use and transport integration

18.01-1S Land use and transport integration

18.01-1L-01 Land use and transport integration

18.01-3S Sustainable and safe transport

#### 18.02 Movement Networks

18.02-4L-01 Car parking

18.02-4L-02 Loading facilities

### Clause 19 Infrastructure

19.03-5S Waste and resource recovery

19.03-5L Waste and resource recovery

## 8.2 The following other provisions of Port Phillip Planning Scheme are of relevance to this application:

### Clause 65 Decision Guidelines

65.01 Approval of an Application or Plan

### Clause 71 Operation of this planning scheme

71.01 Operation of the Municipal Planning Strategy

71.02 Operation of the Planning Policy Framework

71.03 Operation of Zones

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### 71.05 Operation of Particular Provisions

8.3 The following Council strategies or Planning Scheme Amendments are relevant:

8.3.1 The draft South Melbourne Structure Plan (draft structure plan) will be an integrated, long-term framework to guide employment generation opportunities and economic recovery, built-form outcomes, housing opportunities, movement and place improvements. The draft structure plan would be implemented over a 20-year period from 2024 to 2044.

8.3.2 Phase 3 of public consultation for the draft structure plan was held between 19 February and 28 March 2024. Council is currently reviewing community feedback before a draft plan is presented to Council for endorsement in the second half of 2024. After endorsement by Council, a request to the Minister for Planning will be made for a Planning Scheme Amendment.

## 9. REFERRALS

### Internal referrals

9.1 The application was referred to the following areas of Council for comment. The comments are discussed in Section 11 of the report.

Internal Department	Referral comments (summarised)
<b>Building Department</b>	<p><b>No objection</b></p> <p>A high-level review indicates there do not appear to be any significant issues with the building layout with respect to the number of exits and sanitary facilities accommodating 200 patrons plus staff.</p> <p>As the proposed works change the use of the building, pursuant to Regulations 229 of the Building Regulations 2018, the entire building must be brought into compliance with current codes and standards, including, but not limited to: structure, fire resistance, access and egress.</p> <p><i>Note: Building matters sit outside the ambit of discretion of the planning scheme but a high-level review provides clarification on considerations that may otherwise practically prohibit the proposed uses.</i></p>
<b>Strategic Planning Department</b>	<p><b>No objection</b></p> <p>On 7 February 2024, Council meeting unanimously endorsed the draft South Melbourne Structure Plan for consultation. The consultation period has concluded.</p> <p>The draft plan is not in its final form. A planning scheme amendment will be required to implement the South Melbourne Structure Plan through the Port Phillip Planning Scheme. Stakeholder engagement was undertaken in accordance with a separate Communications and Engagement Plan, which will be</p>

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	<p>consistent with the statutory requirements of the Act. This stage of the project will take place following adoption of the Structure Plan.</p> <p>The proposed and current zoning does not limit, prohibit or authorise the use without a planning permit.</p>
<b>Traffic Department</b>	<p><b>No objection, subject to conditions</b></p> <p>Matters related to WMP, pedestrian queuing, and on-street parking changes outside the site can be addressed via permit conditions.</p> <p><i>Waste Management</i> - A Waste Management Plan is to be submitted with for private onsite collection via 6.4m rear mini-loader to the satisfaction of Council. Garbage bins are not to be stored on kerbside or footpath at any given time.</p> <p><i>Pedestrian Queuing</i> – Acceptable based on a condition stating that pedestrian queuing is not to extend beyond the subject site capacity for 20 patrons in the foyer area.</p> <p><i>Public Works Plan</i> - A public works plan is to be submitted showing short-term parking restrictions (i.e., P-10min or P-15min), relevant parking control signage and line-markings etc. for the existing 2 x on-street bays directly outside the site in accordance with relevant standards. The applicant will need to bear the cost of the installation of signage associated with PWP.</p> <p><i>Patron Numbers</i> - 80 to 120 patrons are expected for most events. To avoid impacts on residential areas, it would be appropriate to limit the patron capacity to 150. An increase patron numbers can be considered at a later stage.</p>

### External referrals and notice

- 9.2 Clause 66.05 directs notice of permit applications under State Standard Provisions to the Chief Commissioner of Victoria Police for an application for the sale and consumption of liquor in association with a bar, hotel or nightclub that is to operate after 1am. The use of the land is proposed to 2am but use of the land for the sale and consumption of liquor is proposed until 1am and therefore notice is not required pursuant to this clause. Regardless, notice was undertaken given the nature of concerns raised through the public notification and consultation process.

Internal Department	Referral comments (summarised)
<b>Victoria Police</b>	<p><b>No objection</b></p> <p>Victoria Police assessed the liquor licence application and could find no grounds to lodge an objection to a licence being granted by Liquor Control Victoria (formerly VCGLR).</p>



### 10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 It was determined that the proposal may result in material detriment; therefore, Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties generally within a 50m radius and directed that the applicant give notice of the proposal by posting one notice on the site for a period of 18 days commencing on 12 January 2024, in accordance with Section 52 of the Act.
- 10.2 Before the end of the public notification period, it was brought to Council's attention that the public notification sign was not clearly visible to the public due to screening treatments on the windows fronting City Road. On 30 January 2024 Council directed re-advertisement, including re-notification to all affected properties by mail and by posting one notice, externally to the building in a more prominent location. Council took the re-advertising process to amend the proposal description to provide more clarity and detail about the proposal.
- 10.3 A Statutory Declaration was received on 19 February 2024 confirming the sign was clearly displayed for the requisite period.
- 10.4 The application has received 33 objections. The key concerns raised are summarised below and will be addressed in Section 11 of this report:

#### Land use

- Inappropriate and incompatible use in an industrial, commercial, business areas including the proposed Commercial 2 Zoning in the draft South Melbourne Structure Plan and the Fishermans Bend Framework Plan (to the opposite side of City Road).
- Sets an undesirable precedent for the area, there is no demand for a premise of this nature in the area - particularly given the proximity to South Melbourne Primary School, places of worship and residential land uses.
- The nature of the use prevents street activation.

#### Operational

- Absence of security staff / crowd control.
- Inadequate waste management.
- The number of bathrooms and the stair details do not comply with the Building Regulations / National Construction Code.
- Pass-out system for smokers and associated noise.

#### Amenity

- Noise levels from music, patrons and waste management will unreasonably impact other businesses and residential amenity.
- Unclear from application material if sufficient noise mitigation will be implemented.

#### Car parking

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- Zero provision of on-site car parking will result in reduced / unreasonable car parking capacity for on-street parking for existing businesses and residents, especially on weekends and other market days.
- The dates and times of the traffic survey were not appropriate.

### Social

- Illicit drugs, homelessness, graffiti, intoxicated persons, anti-social behaviour and vandalism are current issues within the area. The proposed use may attract more issues to the area, especially after hours.
- The deterioration of the City Road precinct in recent years with the introduction of “sex businesses disguised as massage parlours” has damaged the reputation of South Melbourne and the viability of surrounding businesses.
- A heavy reliance on public transport may result in urination, rubbish, and nuisance behaviour as patrons walk to tram stops.
- Adjoining businesses will be required to manage prospective gender-based violence associated with the venue.
- The operations would potentially impact adjoining businesses complying with occupational health and safety requirements.
- The venue’s website has gone live before a permit has been secured.

### Application material

- The cost of works noted on the application form and the online portal is inconsistent.
- The application refers to seating for 100 patrons but this is not reflected on the plans.
- The liquor license application notes the provision of double-glazing windows but these are not shown or proposed on the plans.

### Other

- Impact on property values.

10.5 A consultation meeting was held on Tuesday 9 April 2024. The meeting was attended by the Ward Councillors, the applicants, eight objectors and Planning Officers. The meeting did not result in any changes to the proposal.

10.6 The applicant submitted additional information to Council on 20 May 2024 in response to concerns. This material was circulated to all objectors on 23 May 2024.

10.7 It is considered that the objections do not raise any matters of significant social effect under Section 60(1B) of the Act.

## 11. OFFICER’S ASSESSMENT

11.1 The planning controls each contain a purpose and decision guidelines. The following assessment will respond to relevant requirements along with other matters required to





be considered under the Scheme and the Act, as applicable to the Application. This will be done by responding to the following questions:

- 11.1.1 What categorisation is the proposed use?
- 11.1.2 Does the draft South Melbourne Structure Plan 2024 have any implications for the subject site?
- 11.1.3 the proposed use consistent with the direction of the Planning Policy Framework?
- 11.1.4 Is the proposed use consistent with the purpose of the Industrial 1 Zone?
- 11.1.5 Will the proposed use result in unreasonable amenity detriment to adjoining land uses?
- 11.1.6 Does the proposed use result in unreasonable traffic and car parking outcomes for the area?
- 11.1.7 Does the proposal provide adequate waste management measures?

**What categorisation is the proposed use?**

- 11.2 The proposed use of the land is for an adult lifestyle meeting place comprising a bar, live entertainment (including live music, DJ, comedy, cabaret and burlesque), sex on premises venue and to sell and consume liquor.
- 11.3 Components of the use could be described as a bar, nightclub, live music venue and place of assembly which are defined by the scheme at Clause 73.03. The real and substantive purpose of the land or which uses are ancillary to the other are unclear. It would be difficult to ensure the entertainment uses didn't transition over time from what was originally envisaged.
- 11.4 The proposed use has specific and identifiable purposes or characteristics that distinguish it from uses identified at Clause 73.03 and necessitate it be defined in some other way being an innominate use under Section 2- *Permit required* in the Industrial 1 Zone.

**Does the draft South Melbourne Structure Plan 2024 have any implications for the subject site?**

- 11.5 427 City Road is in an urban block bound by City Road, Ferrars and York Street in South Melbourne and known locally as the "City Road Industrial Triangle".

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- 11.6 The site is outside the *South Melbourne Central Structure Plan (2007) Study Area* (refer Figure 2). The *draft South Melbourne Structure Plan (2024)* proposes to expand the boundary to include the City Road Industrial Triangle, re-zone the land from Industry 1 Zone (IN1Z) to Commercial 2 Zone (C2Z) and form part of the *Enterprise Precinct* (refer to Figure 3).

**Figure 2:**

*Subject site location and the South Melbourne Central Structure Plan (2007) Study Area, City of Port Phillip.*



**Figure 3:**

*Proposed boundaries and zoning in the draft South Melbourne Structure Plan (2024), City of Port Phillip*



Figure 15 - Proposed zoning framework for South Melbourne.

- 11.7 Council must consider an application for the proposed use under the current planning controls, being an Industrial 1 Zone (IN1Z). Due weight will be given to any proposed structure plan once it becomes a “seriously entertained” document, this is defined as:
- 11.7.1 Been through the exhibition (public consultation) process.
  - 11.7.2 Been adopted in its final form by Council, and
  - 11.7.3 Submitted to the Planning Minister’s office for consideration.
- 11.8 S60 of the Act allows Council to consider ‘*any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority*’.
- 11.9 The draft structure plan is not in its final form, yet to be adopted by Council or submitted to the Minister for Planning for a planning scheme amendment.



- 11.10 The land use would remain as a Section 2 – Permit required should the City Road Industrial Triangle be re-zoned to a Commercial 2 Zone (C2Z). Key differences in the zones are a shift from providing more manufacturing-based industry, the storage and distribution of goods to commercial areas for offices, appropriate manufacturing industries and bulky goods retailing etc.
- 11.11 Neither zone would prohibit the use without a planning permit, subject to demonstrating land use compatibility and no unreasonable impacts on the safety and amenity of local communities.

**Is the proposed use consistent with the direction of the Planning Policy Framework?**

- 11.12 The proposal is supported by the strategic direction set out in the Planning Policy Framework.
- 11.13 Clause 02.03-1 recognises that South Melbourne has established business precincts with development pressures and aims to develop a sustainable mixed-use precinct with a focus on the South Melbourne Major Activity Centre. The proposal would contribute to the diversity and would not prejudice existing or emerging land uses sought by the purpose of the zone or the strategic direction of mixed-use development in adjoining areas including the Capital City Zone (Fishermans Bend) to the west and Commercial 2 Zone to the east.
- 11.14 The proposal would support the adaptive reuse and retention of affordable and flexible creative workspaces in the municipality. The proposed uses could support the creative economy by providing a platform for performances, aligning with the aim of supporting the growth of the creative sector in the area.
- 11.15 With the goal of advancing the municipality as a tourist and entertainment destination, Clause 13.07 Amenity, Human Health and Safety supports appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. However, this support is contingent upon minimising adverse effects on amenity, particularly residential. In this application, the proposed uses are located within 33m of residentially zoned land and 49m from the nearest residential property which is separated by two and three storey buildings fronting York Street, providing separation from the most sensitive interfaces.
- 11.16 The application material demonstrates steps to evaluate and control the potential impacts of the proposed uses including live entertainment, dj's, karaoke and licensed premises on the surrounding environment, amenity, human health and safety. This has been achieved through the preparation of an acoustic report, a cumulative impact assessment, a car parking demand assessment and operations letter considering how the venue would be managed. These documents outline a variety of strategies for reducing the potential impacts arising from the proposal. For example, security controllers and the provision of surveillance cameras can deter anti-social behaviour, and, in turn, enhance community safety. The proposed measures are considered in more detail below but are generally practical and meet industry standards. To ensure the implementation of these measures, it is recommended that a condition be included requiring the provision of a Venue and Patron Management Plan (Condition 18). Contrary to concerns, the proposed use would increase night-time presence within the area and contribute to passive surveillance and activation of the area.
- 11.17 Policy at Clause 17.01 Employment (Clause 17.01-2S Innovation and Research) includes a strategy to support the development of enterprise precincts such as the South Melbourne Industrial 1 Zone to create opportunities for innovation and the



knowledge economy. Additionally, State policy at Clause 17.01-R (Diversified Economy - Metropolitan Melbourne - Inner Metro Region) contains a strategy to retain and encourage the development of areas in and around South Melbourne for creative industries. The proposal will deliver on these objectives by increasing the choice of entertainment available within the locality while creating jobs within the area as identified by Clause 17.01-1S and complementing the emerging mixed-use areas in Fishermans Bend.

- 11.18 The Planning Policy Framework also provides direction on amenity. Clause 18.02-4L-01 supports uses close to high frequency public transport, such as tram routes, Activity Centres or their immediate surroundings which can help decrease parking demand for existing on-street parking. The proposal aligns with these objectives.
- 11.19 The venue intends to have a designated area for storing waste to avoid negative impacts on the character and amenity of the streetscape. The operations plan provides a general commitment to recycling and improving resource recovery, as encouraged by Clause 19.03-5L. The same plan notes that bins will be stored in designated areas but is not detailed on the plans. Appropriately, the role of waste management in controlling amenity impacts associated with the disposal of bottles is considered at Clause 13.07-1L-03 (Interfaces and amenity) and Clause 13.05-1S (Noise management). The purpose and decision guidelines of Clause 52.27 also require consideration of amenity matters; these are discussed in more detail below.

**Is the proposed use consistent with the purpose of the Industrial 1 Zone?**

- 11.20 The proposal is an acceptable use, consistent with the purpose of the Industrial 1 Zone.
- 11.21 The site is located within an Industrial 1 Zone which purpose is to provide for the manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.
- 11.22 The proposed use falls within Section 2 Use – *Permit required*.
- 11.23 The zone directs consideration of the effect that nearby industries may have on the proposed use and, conversely, the effect the proposed use imposes on nearby existing or proposed residential areas or other uses sensitive to industrial off-site effects.
- 11.24 The adjoining properties are all within the Industrial 1 Zone, primarily comprising office or light industrial uses that are expected to be minimally affected by the low-scale daytime operations while night-time operations are also unlikely to have a significant impact given the premises generally close before 6 pm when the use of the proposed venue would intensify.
- 11.25 The nature of the use would not be at odds with the manufacturing industry or uses that the Industrial Zone seeks to accommodate. As a non-sensitive land use, the proposed venue would not require existing businesses to retrofit buildings or alter operations to mitigate against any off-site impacts. Equally, the proposal would not prejudice achieving the purpose of the zone or orderly development of the area anticipated by the Industrial 1 Zone or nearby Fishermans Bend.
- 11.26 The effects of the proposed use on the safety and amenity of the local community are considered in the following paragraphs, along with detailed assessment on the acceptability of liquor consumption, noise attenuation, patron and venue management and car parking later in this report.



- 11.27 City Road, a Transport 2 Zone, has a high vehicle capacity and road noise. The proposed venue would be separated at least 30m from the Capital City Zone which would aid in attenuating any potential noise and disturbances from the venue and patron movements. The properties on the opposite side of City Road are currently used for commercial and office purposes, but as the urban renewal of the area takes effect any sensitive land uses, including dwellings, would require a permit owing to the street's location in a gas pipeline buffer area. Importantly, the Capital City Zone requires any new developments with sensitive uses to adopt measures to mitigate potential amenity impacts from the existing use and incorporate noise attenuation measures.
- 11.28 York Street includes a mix of 2 and 3 storey former industrial and retrofitted commercial buildings to its north side. The combination of the noise attenuation of these buildings combined with the street width of approximately 30m, results in a 49m separation from the nearest residential property to the south side of York Street. Given the venue entrance and patron movements are concentrated on City Road, with measures in place for noise attenuation from onsite live music and entertainment, the proposed venue is not anticipated to cause any unreasonable impacts on the amenity of York Street residents or the surrounding residential neighbourhood.
- 11.29 Sensitive land uses to the east side of Ferrars Street are at least 120m from the proposal in an area close to several noise sources, such as the tram and as-of-right uses associated with the Commercial 1 and 2 Zones. Given the extent of built form between the proposal and existing noise attenuation measures to mitigate against other noise sources, it is unlikely the proposal would contribute to unreasonable amenity impacts in this area.
- 11.30 The use is proposed to occupy an existing building and avail of existing connections to services, including drainage of the land. No on-site car parking would be provided but it is anticipated that the traffic generated by the proposal would be low in respect to the capacity of the surrounding road network.
- 11.31 For the reasons outlined above, the proposal is consistent with the purpose of the zone and can be supported.

**Will the proposed use result in unreasonable amenity detriment to adjoining land uses?**

Sale and consumption of liquor

- 11.32 The sale and consumption of liquor would not result in unreasonable amenity impacts on the surrounding area.
- 11.33 Pursuant to Clause 52.27 – Licensed Premises, a planning permit is required when a licence is required to sell or consume liquor on site under the LC Act.
- 11.34 The proposal seeks permission for an on-premises liquor licence, which will allow for the sale and consumption of liquor within the venue (the 'licenced premises') and are typically associated with bars and nightclubs. The licence sought would not allow the sale of takeaway liquor.
- 11.35 The defined area where liquor is proposed to be licensed – that is where it can be supplied and/or consumed is known as a red-line plan. The red-line plans with the application confine the licenced area to the ground and first floor levels.





- 11.36 The purpose and decision guidelines of Clause 52.27 require the consideration on the amenity of the surrounding area, which includes residential uses emerging to the opposite side of City Road, and existing residential and non-sensitive uses to the south-eastern side of York Street and east side of Ferrars Street.
- 11.37 The risk associated with the sale and consumption of liquor is generally lower when associated with other uses such as live music and entertainment and the service of food rather than standalone bars or nightclubs, where vertical drinking - that is drinking while standing up - is the predominant activity. The application indicates 100 seats or 50% of the patrons would likely be seated. A condition of permit would require at least the same number of seats shown on floorplans (*Condition 1(a)*). As the sale and consumption of liquor is an integrated use of the broader venue, safety and amenity impacts will be managed by the venue operators.
- 11.38 As reinforced by the Tribunal in the decision of *Keghlan v Mornington Peninsula SC* [2000] VCAT 2538 which formed guidance on the assessment of competing zone purposes and its influence on planning outcomes, '*dwelling owners/occupants if they occupy premises at the interface with a commercial or industrial zone, cannot expect to enjoy the same level of residential amenity as persons occupying residential properties more remote from the interface*'. Similarly, this interface also places limitations on the business operator to ensure the premises does not result in unreasonable amenity impacts on nearby residential uses. Recommended conditions of permit would impose various operating procedures to ensure amenity impacts from the licensed premises are managed to an acceptable level through a Venue and Patron Management Plan (*Condition 18*).

#### Operating Hours

- 11.39 The proposed operating hours are daily from 10am to 2am the following day. Components of the use would have more limited operating hours, being:
- 11.39.1 The sale and consumption of liquor every day from 10am to 1am the following day.
- 11.39.2 Live music and entertainment every day from 7pm to 12am.
- 11.40 The proposed trading hours for the sale and consumption of liquor are within the 'ordinary trading hours' and 11pm until 1am the following day at S9 of the LC Act and would stop one hour before the venue closing time to assist with patron dispersal and align with night-time hours of nearby public transport.
- 11.41 The quality and frequency of public transport services is an important factor in the effective dispersal of patrons as it influences the length and time that patrons spend in an area after closing time and patrons will generally maintain better behaviour when they are not delayed in travelling home.
- 11.42 The premises has excellent access to tram route 96 stop 126 – *City Road* and stop 127 – *South Melbourne Station* which are 350m and 450m respectively. City-bound services for tram route 96 are generally scheduled as follows:
- 11.42.1 Saturday, every 20 minutes from 7:07pm through 1:46am on Sunday morning after which runs every 30 minutes. The last tram on Sunday is 11:49pm.
- 11.42.2 Monday to Thursday from 5:40am to a 1:56am. the following morning.



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11.42.3 Friday nights run every 20 minutes until 1:41am Saturday after which run every 30 minutes until 5:11am.

11.43 Tram route 96 (to St Kilda Beach) and 109 (to Box Hill and accessed via Stop 126 – Montague Street is 550m from the proposed venue) run to a similar schedule.

11.44 As the operating hours are well aligned with nearby public transport operations this is considered an important factor in mitigating amenity impacts to noise sensitive areas. It is acknowledged that the tram is one of many available transport options, including taxi and car-ride services, particularly late at night which are considered later in this report.

### Number of patrons

11.45 The venue would accommodate a maximum of 20 patrons between 10:00am and 5:59pm and a maximum of 200 patrons from 6:00pm and 2:00am.

11.46 The application notes that *“venue management expects typical patron numbers to be in the range of 80 to 120 for many events. It is not expected that the venue will operate at the maximum capacity of 200 for every event”. Operating across a range below and up to maximum capacity reflects the typical operational experience of most entertainment venues”*.

11.47 As discussed in the Traffic and Car Parking assessment of this report, it is likely that many patrons would avail of public transport to the site. including tram routes 96 and 109 which connect to major transport hubs including Southern Cross Station and close to Flinders Street Station.

11.48 When patrons arrive or leave the venue via public transport, they will be a maximum of 560m from the furthest tram stop. It is likely patrons would have a staggered departure in small groups between 1 a.m and 2 am with incidences of patrons creating nuisance walking through residential streets are likely to be low, noting that the most direct routes would likely be via Ferrars Street / City Road, Ferrars Street / York Street or Montague Street / City Road which are generally medium-high volume and busy roads with a low number of residential properties. The likelihood of patrons walking via Coventry Street is considered low.

11.49 All patrons attending the venue will pre-book, allowing forward preparation by venue management including scheduling staff, patron entries and departures. A condition of any permit would require a queuing area inside the venue with capacity for at least 20 patrons meaning queuing would unlikely extend beyond the property frontage (*Condition 1(b)*).

11.50 The proposed staffing levels have been inconsistently noted in the application material but were clarified at the consultation meeting as being a minimum of two staff between 10:00am and 5:59pm and a maximum of six staff between 6:00pm and 2:00am, this is clarified as a condition of permit (*Condition 7*).

### Cumulative Impact

11.51 Clause 52.27 – *Licensed Premises* requires consideration of the cumulative impact of any existing and proposed licensed premises on the amenity of the surrounding area. Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use.

11.52 The Department of Environment, Land, Water, and Planning (Now the Department of Transport and Planning) Practice Note 61- *Licensed premises: Assessing cumulative*

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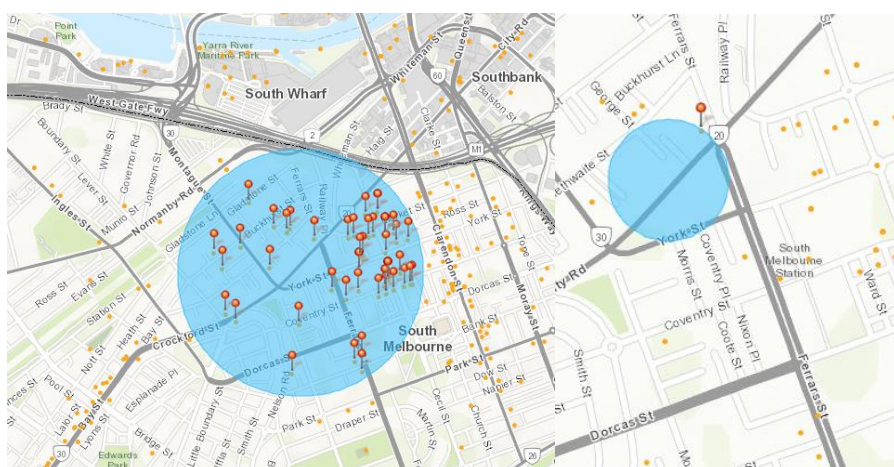
*impact* (March 2011) provides guidance on assessment of cumulative impacts. The assessment includes venues licensed and open after 11pm and in an area where there is a cluster of licensed premises. A cluster would occur where there are:

- 11.52.1 three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
- 11.52.2 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

11.53 Refer to **Attachment 3** for details of licensed premises within a 500 metres radius.

**Figure 4:**

*500m radius (52 licensed premises) and 100m radius (1 licensed premises) (Source Liquor Control Victoria – Liquor Premies Map)*



Type of Liquor Licence	Number of venues within a 100m radius	Number of venues within a 500m radius	Number of venues operate after 11pm
General		11	8
Late Night General	1	2	2
Limited Licence		7	
Restaurant and cafe		17	
Packaged Liquor		4	
Full Club		-	
On-premises		4	1
Late Night On-premises		1	1
Pre-retail		1	
Producer's Licence		2	
Remote seller's Licence		3	

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<b>Total</b>	<b>1</b>	<b>52</b>	<b>12</b>
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*Table of liquor licences numbers within 100m and 500m radius of the proposed venue and how many would operate after 11 pm (Source: Victorian Commission for Gambling and Liquor Regulation – Licence search portal)*

- 11.54 The nearest licenced venue is The Wayside Inn at 446 City Road which operates under a Late Night General Licence in the bar / lounge area until 3am.
- 11.55 There are 12 existing premises (comprising a mix of General, Late Night General, On-premises and Late-Night On-Premises) which would operate generally until 1am or 3am. These premises are predominantly located to the east of the tram route 96 corridor.
- 11.56 The site would not contribute to a current cluster of licensed premises as defined by the practice note. Its proximity to one other late-night venue within 100m with later closing hours is not considered to result in large number of patrons exiting onto the street at closing time.
- 11.57 As noted, the LC Act and Liquor Control Reform Regulations 2009, obligations and licence conditions provide penalties for failing to comply with licence conditions, including fines, licence suspension and/or cancellation. Insofar as the management of liquor related off-site impacts are concerned, it is not expected that the sale and consumption of liquor would detract from the amenity of community life - existing or emerging. Overall, it is considered that subject to conditions, the proposed use of the land for the sale and consumption of liquor is appropriate.
- 11.58 Any planning permit issued to use the land for the sale and consumption of liquor is only one layer of regulation on the effective operation of the proposed venue and other management considerations are assessed as part of an application to the Victorian Liquor Control for a liquor licence.

### Live Music Entertainment and Noise

- 11.59 There is policy support for use of the land as a live music and entertainment venue.
- 11.60 Clause 53.06 - *Live Music Entertainment Venues* recognises the significance of venues to the culture and economy of the State and seeks to protect them from encroachment of noise sensitive residential uses and ensure residential uses are satisfactorily protected. Policy acknowledges primary responsibility for noise attenuation rests with the agent of change, being the proposed venue.
- 11.61 Live music and entertainment in the form of live bands, DJ's, comedy, cabaret, karaoke and burlesque shows etc. are proposed to operate everyday between from 7pm to 12pm. Incidences are expected to be less frequent with ad hoc scheduling rather than on a continuous daily or weekly schedule.
- 11.62 Clause 53.06 outlines requirements to provide noise attenuation measures that would protect a residential use (specifically inside a habitable room of a residential use with windows and doors closed) within 50m by complying with the noise limits specified in the *Environment Protection Regulations* under the *Environment Protection Act 2017* and the incorporated *Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)*.
- 11.63 An Acoustic report prepared by DDEG (Acoustics) states that there are two residential properties within 50m of the venue being 235 and 237 York Street.



Additional properties have been identified including 476-486 City Road which comprises the second stage of a mixed-use development approved by Planning Permit 39/2015/C. Stage 2 comprises allows for the construction of an 8-storey mixed use building with ground floor retail and 54 apartments. Notably conditions 7 and 8 of this permit require noise attenuation to be provided in accordance with relevant standards prior to occupation to assist in the management of external noise.

- 11.64 The DDEG Acoustic Report notes that the live music and entertainment would continue to 2am instead of the 12am timeframe sought in the application. A condition of permit would mandate the permissible operating times (*Condition 5*).
- 11.64.1 The Acoustic Report surveyed the most sensitive background noise locations between 12:55 am and 1:55am on Sunday 9 July 2023 which would provide for the most conservative assessment of noise nuisance to residential properties. The following assumptions were made in the acoustic assessment and would need to be enforced as part of approved venue:
- 11.64.2 Music levels will be played within the venue as per values defined by the *Association of Australasian Acoustical Consultants Licensed Premises Noise Assessment Technical Guideline (AAAC Guideline) (AAAC, 2023)*. A condition of permit would require compliance with the above noise levels including the installation and use of a Noise Limiting Device (Conditions 10, 15 and 16).
- 11.64.3 Noise egress calculations have been based on the Sound Transmission Loss values adopted for exterior building elements. A condition of permit would require a statement of compliance from a suitably qualified person to confirm all required noise mitigation measures have been installed prior to commencement of the use (Conditions 9 and 12).
- 11.64.4 All external doors and windows of the venue will be kept closed except to allow for the entry and exit of patrons and staff. It is acknowledged that the opening and closing of doors for entry and exit of patrons and staff would lead to noise leakage. A condition of any permit issued would require the entry / exit doors to be managed by staff during evening and operating hours being 6pm-2am. It is appropriate to require an additional set of doors between the reception / foyer area and the main ground floor bar, dance floor, stage and seating areas to minimise noise leakage during patron arrivals and exits (Conditions 1(c), 8 and 11).
- 11.64.5 Music will only be played within indoor areas of the entertainment venue. The application only proposed uses internal to the venue (Condition 17).
- 11.65 The acoustic report addresses the objectives of Clause 53.06 including relevant EPA requirements. Recommended conditions of permit provide a mechanism to avoid unreasonable off-site noise impacts, testing prior to occupation, a trial period of three months and on-going management and review to demonstrate compliance. Where operational issues are found to exist, conditions of permit would provide a process for managing complaints and bringing the use into compliance with relevant regulations.
- 11.66 The venue would align with Council's Live Music Action Plan 2021-24. This plan recognises the role that live music plays in the community (including amenity impacts), local business and economy. The plan recognises the city as one, "where live music flourishes, with a robust and passionate live music ecosystem and a solid foundation for a sustainable future where live music is able to continually grow".





Sex On Premises

- 11.67 As discussed above, the proposed use of the land includes a Sex on Premises Venue (SOPV).
- 11.68 The applicant describes the vision for the proposal is to, *“establish Melbourne’s premier adult lifestyle venue, with a purpose-built venue providing a safe and welcoming space for people to enjoy social sexual experiences, based on consent, safety and ongoing education.”*
- 11.69 The application states that, *“Adult lifestyle venues are still a fairly small niche sector within the broader Melbourne entertainment market. However, there are some established venues. Market research for this venue indicates there is a clear demand for a well-designed, well-managed venue close to the city.”*
- 11.70 The Department of Health’s *Statement of principles and procedures for Sex on Premises Venues* provides guidance to operators to ensure they are providing a safe environment.
- 11.71 The guidance focuses on staff education, vaccination, safer sex, environmental safety and regulatory compliance. Regulatory compliance for this component of the proposed use falls within the remit of WorkSafe Victoria in the same manner that the Victorian Liquor Commission is responsible for providing approval for liquor licences and responding to contraventions.
- 11.72 Objections based on social impacts have been raised including whether the use is appropriate near a school or place of worship. Objections have stated its proximity it may have physiological and negative impacts on students, congregations, and the wider community due to potential exposure to patrons. Given the proposed use is limited to operation inside a building more than 300m from the school, the divergence in peak operating times, limited patron numbers during the school hours, it is considered there would be limited crossover that would give rise to any interactions. Offsite amenity impacts have been discussed elsewhere within this assessment and sought to be managed within the scope of the planning requirements (*Condition 18*) for a Venue and Patron Management Plan to include:
- 11.72.1 Detailed information regarding the admission and departure procedures includes complaint management to ensure there is an opportunity for the venue to address concerns as the first point of contact, general security and safety procedures which are required for any venue that is providing this use, house rules to set a clear standard of behaviour.
- 11.72.2 The Venue and Patron Management Plan would focus on the planning permission required and provide an appropriate level of control in this context. Correspondence submitted by the applicant and detailed on the proposed venue’s website is clear in setting out an onus on patrons to consent to appropriate behaviour in and around the venue.
- 11.72.3 While concerns of objectors are acknowledged, the impacts of the proposal on the surrounding area are not found to be unacceptable and the location of the venue is supported by planning policy. It is acknowledged that S60(1)(f) of the *Planning and Environment Act* must consider any significant social effect however many matters raised in objections sit outside the scope of the planning framework.



### **Does the proposed use result in unreasonable traffic and car parking outcomes for the area?**

- 11.73 The proposed use would not result in unreasonable traffic or car parking amenity impacts for local streets, including residential areas.
- 11.74 The proposed use is not clearly defined by Table 1 in Clause 52.06-5 and pursuant to Clause 52.06-6 *Number of car parking spaces required for other uses* and must be provided to the satisfaction of the Responsible Authority. As guided by the rationale set out in the Tribunal's decision in *Miller v Yarra [2019] VCAT 493*, a planning permit is not triggered pursuant to Clause 52.06. Car parking must be determined to the satisfaction of Council.
- 11.75 Concerns have been raised that a high number of patrons would access the venue by cars and occupy parking in the surrounding residential streets.
- 11.76 During the daytime, low patron numbers would not give rise to any discernible impacts to parking availability, including on market days.
- 11.77 The remainder of the assessment will focus on impacts when higher patron numbers are proposed, being 6 pm to 2 am the following morning, noting that this is a period when most car parking restrictions in the area do not apply or relied upon by businesses operating within the area.
- 11.78 The application includes empirical data from the Corner Hotel in Richmond, noting similar attributes to the proposed use being a licenced venue providing live music entertainment and is easily accessible to public transport. The data suggests the preferred transport modes for the Corner Hotel in Richmond are detailed below in descending order:

11.79

Transport Mode	Arrivals	Departures
Public Transport	56%	38%
Taxi / Ride Share	12%	38%
Walking	14%	9%
Other	9%	7%
Car	9%	8%

- 11.80 The key point for consideration is the demand generated by those patrons that choose to drive, being less than 10% of patrons with public transport and taxi / ride share being the favoured modes.
- 11.81 The traffic report goes on to provide that a conservative estimate of 20% of patrons would arrive by private car, assuming a car occupancy of 2 patrons and that 50% of staff will drive. Applying these assumptions to the proposed venue would yield a peak on-street parking demand for 23 spaces.
- 11.82 Council's Traffic Department has raised concerns with this data noting the Corner Hotel is located closer to a wider range of public transport choices, in an established



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



commercial strip where multi-purpose trips are more common including trips to sporting hubs. It is also considered the number of patrons per private car to the proposed venue would likely be much lower than 2 per vehicle.

- 11.83 Setting the above data aside, components of the use align with that of a bar and a place of assembly definitions, therefore it is helpful to consider car parking rates for these uses in Table 1 of Clause 52.06. These are set out below:

Comparable Use	Rate	Measure	Comparable car parking requirement
Bar	3.5 spaces to 100sqm of leasable floor area	377.8sqm of leasable	13 spaces
Place of assembly	0.3 spaces to each patron permitted	200 patrons	60 spaces
Average			36 spaces

- 11.84 Council's traffic department have suggested that minimising patrons to a maximum of 150 would provide an acceptable outcome being a peak demand for 45 car parking spaces, based on the more conservative rate of 0.3 space to each patron permitted.
- 11.85 While determining the likely rate of car parking demand for the premises is helpful, the more critical concern raised by residents is how this will impact parking availability in surrounding streets, particularly residential streets.
- 11.86 In relation to the traffic report provided in support of the application the following is noted:
- 11.86.1 The advertised traffic report / letter prepared by Ratio, dated 1 November 2023, provided details of on-street parking surveys generally within a 200m radius of the site, between 6:00 pm and 12:00 am midnight on Friday 16 June 2023 and Saturday 17 June 2023. These times align with peak operating times of the proposed venue. The surveys found:
- On Friday night the peak occupancy time was 9 pm when a minimum of 198 out of an available 468 spaces were available, providing a vacancy rate of 42%.
  - On Saturday night the peak occupancy time was also 9 pm when a minimum of 204 of 473 spaces were available, providing a vacancy rate of 43%.
- 11.86.2 Council's Traffic Department raised concerns about the above rates including residential streets, noting that on-street parking is a public asset and may be utilised by any member of the public in compliance with the parking restrictions.
- 11.86.3 In response to these concerns and objections raised, an addendum traffic report / letter prepared by Ratio, dated 7 March 2024 was provided. The survey omitted available parking fronting residential streets and found:

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



- On Friday night the peak occupancy time was 9 pm when a minimum of 186 out of an available 393 spaces were available, providing a vacancy rate of 47%.
- On Saturday night the peak occupancy time was also 9 pm when a minimum of 150 of 380 spaces were available, providing a vacancy rate of 39%.

11.86.4 Despite parking restrictions generally ceasing at 6 pm, the parking survey results presented do not indicate an influx, either on Friday or Saturday survey dates.

- 11.87 In summary, the survey results indicate that the on-street parking demand in the precinct, outside of residentially zoned land, remains moderate on Friday and Saturday evenings with ample capacity to accommodate an increase in car parking demand.
- 11.88 The provision of zero car parking would complement the vision of the Parking Overlay (PO1) which applies to the opposite side of City Road and reflects the popularity and availability of sustainable transport alternatives and lower reliance on car parking.
- 11.89 Based on this assessment, it is unlikely that parking demand from the proposed venue will overflow into neighbouring residential streets. Therefore, reducing the venue's patron capacity, as recommended by the Council's Traffic Department, is unnecessary.
- 11.90 In consideration of other methods of transport to the site, Council's Traffic Department has noted that all on-street parking restrictions for parking bays and loading zones stop after 6 pm— refer to figure 5 for details. This means that the turnover of car parking immediately out the front of the premises could be low and result in taxi / car ride services temporary propping / double parking on the road to drop-off / collect patrons.
- 11.91 A condition of permit requires the introduction of short-term parking restrictions for P-10mins or P-15 mins for the two existing on-street car parking spaces outside the venue which would facilitate safe drop-off and pick-up of patrons (*Condition 1(e) and 23*) Based on the likely frequency and spread of drop-offs between 6 pm and 11 pm (when no more patrons will be admitted) it is likely the incidents of conflict or vehicular queuing will be minimal. At departure time it is acknowledged that more taxi / ride share vehicles will be requested by patrons leaving the venue, but it is likely there

would be higher on-street availability for parking at closing time and would offset the increase in the number of taxi/ride share vehicles.



**Figure 5:** Car parking restrictions - **Green** – on-street parking, **Red** – on street restrictions and **Yellow** – No Standing Zone.

### Does the proposal provide adequate waste management measures?

- 11.92 The application material includes limited information on waste management but suggests that loading / unloading activities could occur from the 1P car parking spaces to the front of the venue or the designated loading zone on City Road.
- 11.93 Council's Traffic Department have recommended a private waste collection service using a 6.4m rear mini loader via the laneway, afterhours to not obstruct other users, or via the re-designated on-street parking spaces discussed above.
- 11.94 A condition of permit recommends a waste management plan be provided prior to the commencement of the use. The plan would require all waste management requirements from waste generation, bin size, quantity, recycling streams and on-site storage be considered (*Condition 24*). The plan would also need to demonstrate, to the satisfaction of Council that amenity impacts through the noise of bottle collection and transfer are provided in line with Council's Local Law and noise requirements required by the acoustic report.
- 11.95 The application material refers to the storage of waste in an area to the rear of the property. The title identifies this area being outside the property boundary and therefore cannot be considered as a suitable option. Waste storage internal to the premises is required to be identified on the architectural plans and located for ease of access to nominated private waste collection point as to minimise noise impacts (*Condition 1(d)*).
- 11.96 Broader concerns have been raised about littering and while the use of the land will not directly lead to an increase in rubbish in the local area. Waste receptacles can be provided around the venue premises and would be conditioned as a result of a permit being issued. While the planning regulatory system is not directly responsible for the control of litter it is nonetheless observed that this venue has sought to address this



issue through the provision of rubbish bins within the building. The behaviour and actions of patrons and members of the public who choose litter offsite cannot always be controlled, however it is anticipated that the above regulations and initiatives will aid in reducing litter on private and public land surrounding the venue.

### **Other matters**

#### Heritage Grading

- 11.97 The site is not subject to any Heritage controls but is noted as the characteristics of the building are recognised. There are no proposed external works which would impact the building fabric. Noise mitigation measures would be implemented internally to the building. Signage is not proposed and would be subject to a future approval process.

#### Social Concerns

- 11.98 Unease has been raised that the use would introduce or worsen problems of anti-social behaviour in the area and safety concerns. These matters are influenced by a range of complex environmental, social, and economic factors. No one organisation / authority can solve complex safety issues in isolation. The City of Port Phillip works collaboratively and continually with the police, community service organisations and residents to improve safety of our community.

#### Moral Concerns

- 11.99 The competing interests of the proposed use and concerns of a moral nature raise a challenging set of circumstances where either the grant or refusal of a permit has the potential to cause offense to one section of the community or another.
- 11.100 The application must be determined according to the relevant provisions, policies, and decision guidelines in the Port Phillip Planning Scheme and the Act. This includes a recognition that the proposed use can be considered in an Industrial 1 Zone.
- 11.101 Moral objections to a use have been constantly rejected by the Tribunal as irrelevant arguments in the exercise of discretion.

#### Concentration of uses providing sex services or similar in the area

- 11.102 Since December 2023 the State Government has introduced a range of reforms relating to the Sex Work Decriminalisation Act and Sex Services Premises (previously referred to as a brothel). A Sex Services Premises is now considered under the broader land use term of a Shop which means the requirement for planning permits for such uses has shifted.
- 11.103 The Victorian Planning Provisions (VPP's) are mandated by the State Government and there is limited capacity for Council to control what type of business is established when this is an as-of-right use (a shop is an as-of-right use in the Capital City Zone which covers the area north of City Road).
- 11.104 If Council receives an allegation of an illegal brothel or similar, Council is required to provide all complaint details to Victoria Police for investigation. In 2011 the Victorian State Government assigned the Victorian Police as the lead investigative authority to handle all complaints relating to alleged illegal brothel activity.

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



### Lack of information to undertake a comprehensive assessment

11.105 Sufficient information to enable an informed view of the application has been made available for viewing online and at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the Act.

## **12. COVENANTS**

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 on Title Plan 24702D, Volume 07864 Folio 098.

## **13. OFFICER DIRECT OR INDIRECT INTEREST**

13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## **14. OPTIONS**

14.1 Approve as recommended.

14.2 Approve with changed or additional conditions.

14.3 Refuse - on key issues




## **15. CONCLUSION**

15.1 The planning policy framework supports a range of uses, including live music and entertainment venues, to complement the creative community in South Melbourne.

15.2 The proposal does not prejudice the purpose of the Industrial 1 Zone or the orderly development of the area, including adverse amenity impacts on existing and emerging sensitive land uses. The uses would be limited to within an existing venue and easily accessible from nearby public transport. Recommended conditions of permit include Venue and Patrons Management Plans, Waste Management Plans and a suite of Noise and Amenity Management Plan.

15.3 Active management of the venue will facilitate coexistence of uses in abutting zones, with the proposal demonstrating it can limit off-site effects to an acceptable level.

## **ATTACHMENTS**


1. Aerial overview of site and surrounds 
2. Architectural and red line plans 
3. Licensed premises within a 500 metres radius 









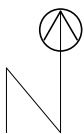
 - 50m RADIUS



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No.	Description	Date
TP01	Town Planning Submission	16.05.2023
TP02	Town Planning RFI Response	15.08.2023
TP03	Town Planning RFI Response	02.11.2023



Emanuel Cachia  
  
Proposed Change of Use  
  
427 City Road South Melbourne

Aerial View

Project number	BQ23-001
Date	2 November 2023
Scale	

A0.1



Attachment 2: Architectural and red line plans

City of Port Phillip  
Advertised Plan  
Planning Application No. PDPL/00264/2023  
No. of Pages: 3 of 9

no. 423  
double storey  
render

R.O.W

47° 23' 14" 21.43 m

SUBJECT SITE  
no. 427  
double storey + mezzanine  
solid brick

no. 232-234  
triple storey  
concrete

42° 36' 46" 9.14 m

no. 240  
double storey  
concrete

no. 431  
double storey  
cement sheet

47° 23' 14" 21.43 m

42° 36' 46" 9.14 m

Montague Street 94.9m

CITY ROAD

Project Specs

total site allotment: 195.9m<sup>2</sup>  
existing ground floor: 188.9m<sup>2</sup>  
existing first floor: 188.9m<sup>2</sup>  
existing mezzanine (not part of works): 65.1m<sup>2</sup>  
existing use: office/commercial  
proposed use: place of assembly



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Emanuel Cachia

Proposed Change of Use

427 City Road South Melbourne

Existing Site Plan

Project number	BQ23-001
Date	2 November 2023
Scale	1 : 100

A0.2

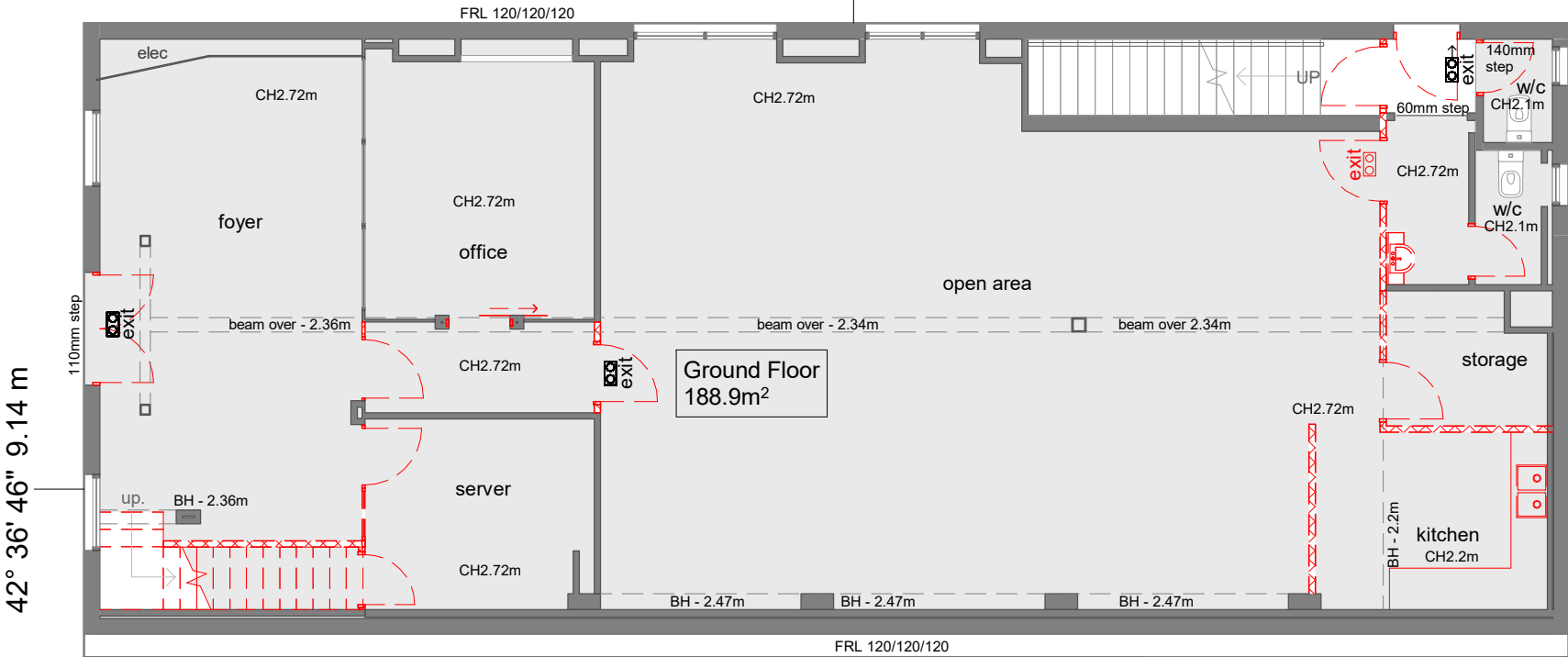
Attachment 2: Architectural and red line plans

City of Port Phillip  
Advertised Plan  
Planning Application No. PDPL/00264/2023  
No. of Pages: 4 of 9

no. 423  
double storey  
render

R.O.W

47° 23' 14" 21.43 m



no. 232-234  
triple storey  
concrete

no. 240  
double storey  
concrete

no. 431  
double storey  
cement sheet

47° 23' 14" 21.43 m

42° 36' 46" 9.14 m

42° 36' 46" 9.14 m

Montague Street 94.9m

CITY ROAD

to be demolished



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No.	Description	Date
TP01	Town Planning Submission	16.05.2023
TP02	Town Planning RFI Response	15.08.2023
TP03	Town Planning RFI Response	02.11.2023



Emanuel Cachia  
Proposed Change of Use  
427 City Road South Melbourne

Existing G.F/Demolition Plan

Project number	BQ23-001
Date	2 November 2023
Scale	1 : 100

A1.1

City of Port Phillip  
Advertised Plan  
Planning Application No. PDPL/00264/2023  
No. of Pages: 5 of 9

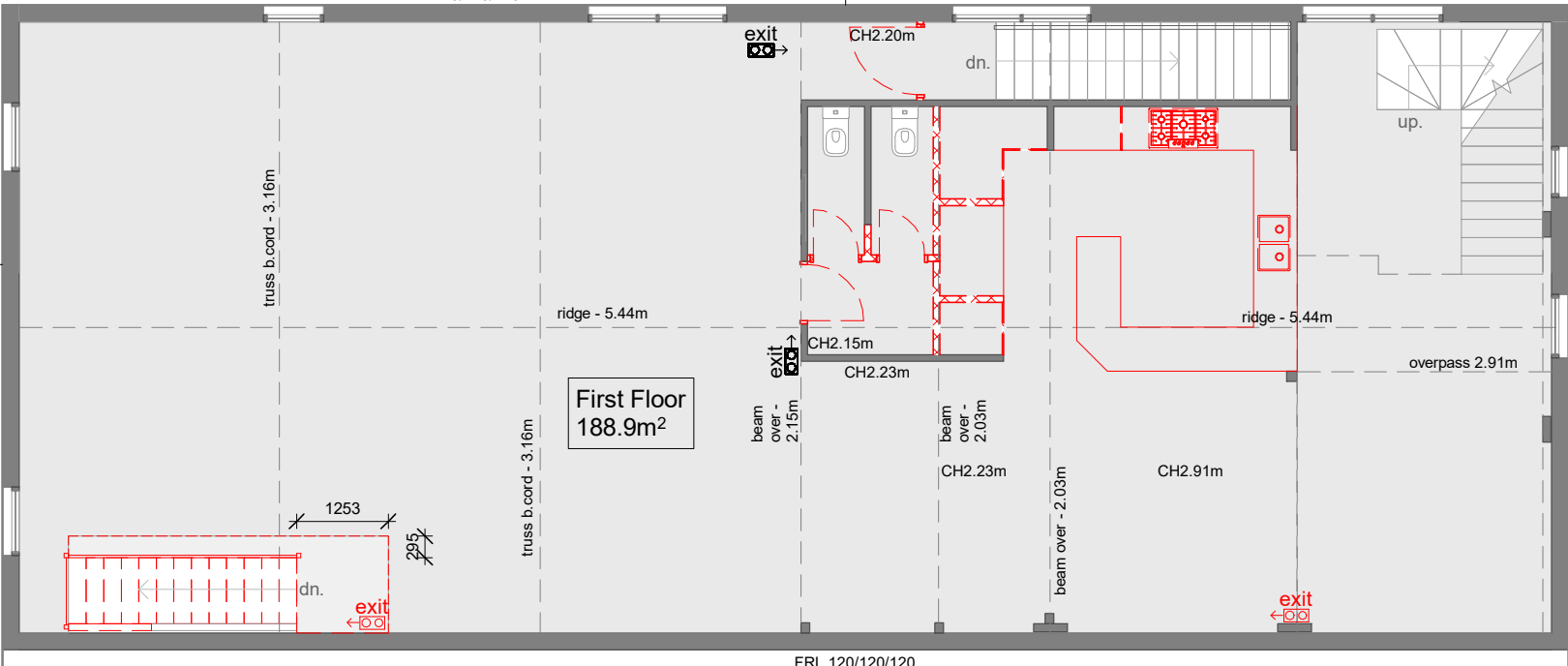
no. 423  
double storey  
render

R.O.W

47° 23' 14" 21.43 m

FRL 120/120/120

42° 36' 46" 9.14 m



First Floor  
188.9m²

42° 36' 46" 9.14 m

no. 232-234  
triple storey  
concrete

FRL 120/120/120

no. 431  
double storey  
cement sheet

47° 23' 14" 21.43 m

no. 240  
double storey  
concrete

Montague Street 94.9m

CITY ROAD

to be demolished



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No.	Description	Date
TP01	Town Planning Submission	16.05.2023
TP02	Town Planning RFI Response	15.08.2023
TP03	Town Planning RFI Response	02.11.2023



Emanuel Cachia  
Proposed Change of Use  
427 City Road South Melbourne

Existing F.F/Demolition Plan

Project number	BQ23-001
Date	2 November 2023
Scale	1 : 100

A1.2

Attachment 2: Architectural and red line plans

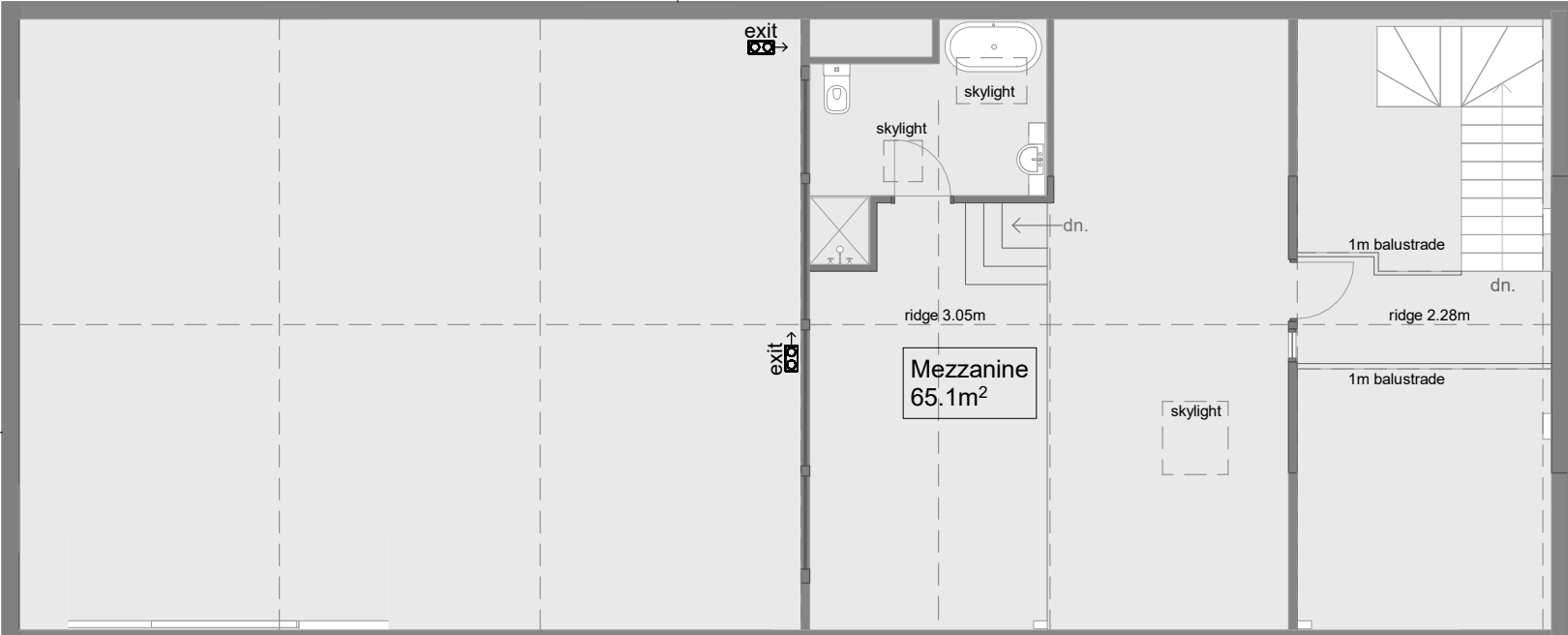
City of Port Phillip  
Advertised Plan  
Planning Application No. PDPL/00264/2023  
No. of Pages: 6 of 9

no. 423  
double storey  
render

NOTE: ACCESS TO EXISTING MEZZANINE LEVEL  
TO BE BARRICADED/EXCLUDED FROM THE  
PUBLIC REALM. NO NEW WORKS ARE  
PROPOSED ON EXISTING MEZZANINE LEVEL.

R.O.W  
47° 23' 14" 21.43 m

FRL 120/120/120



FRL 120/120/120

42° 36' 46" 9.14 m

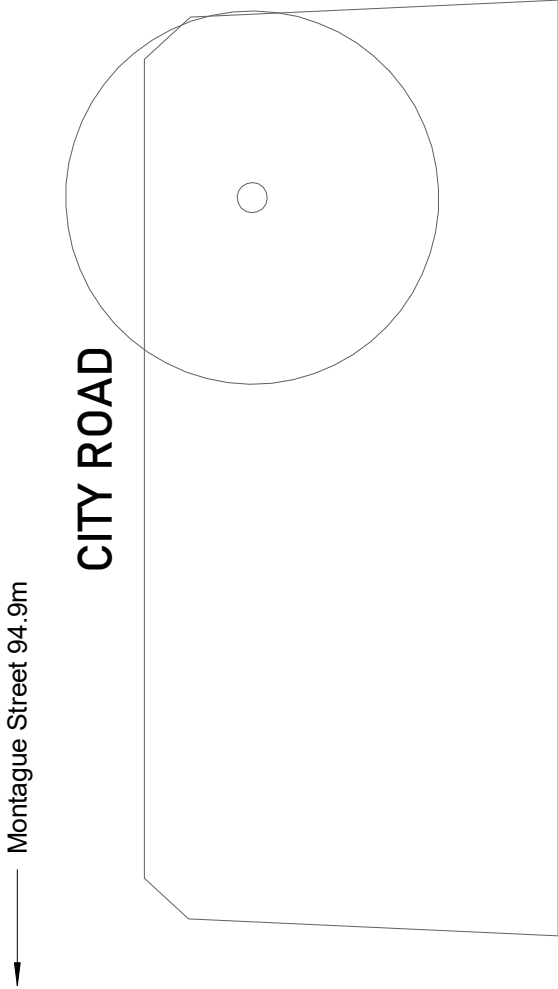
no. 232-234  
triple storey  
concrete

FRL 120/120/120

no. 431  
double storey  
cement sheet

47° 23' 14" 21.43 m

no. 240  
double storey  
concrete

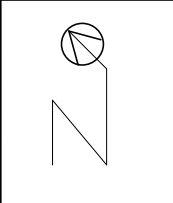


Montague Street 94.9m

CITY ROAD

42° 36' 46" 9.14 m

No.	Description	Date
TP01	Town Planning Submission	16.05.2023
TP02	Town Planning RFI Response	15.08.2023
TP03	Town Planning RFI Response	02.11.2023



Emanuel Cachia  
Proposed Change of Use  
427 City Road South Melbourne

Existing Mezzanine Plan		
Project number	BQ23-001	A1.3
Date	2 November 2023	
Scale	1 : 100	

Attachment 2: Architectural and red line plans





City of Port Phillip  
Advertised Plan  
Planning Application No. PDPL/00264/2023  
No. of Pages: 8 of 9

no. 423  
double storey  
render

R.O.W

47° 23' 14" 21.43 m

access to mezzanine to be barricaded. no proposed works at mezzanine level. strictly no habitation or access by the public realm to be possible to mezzanine level.





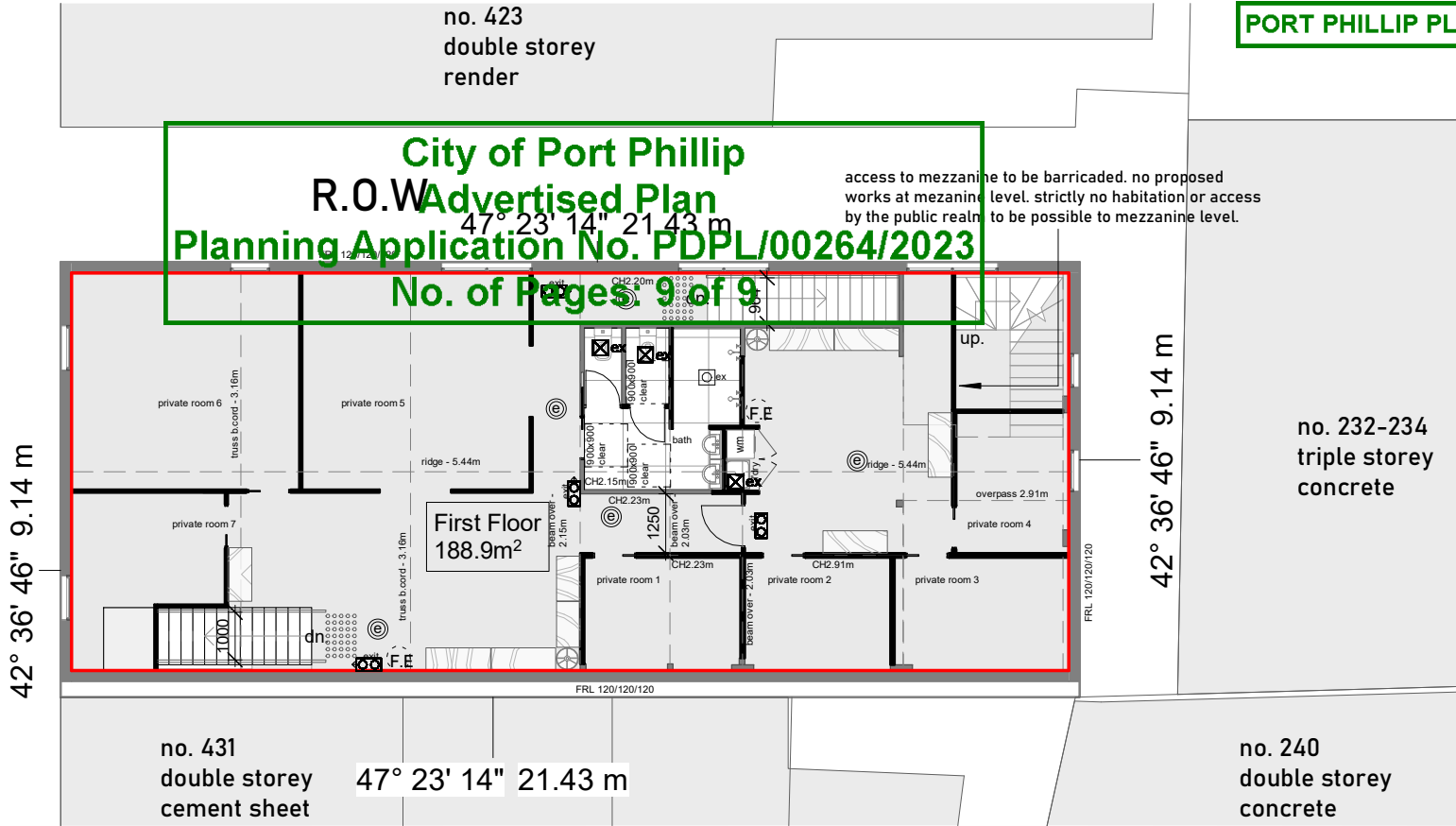
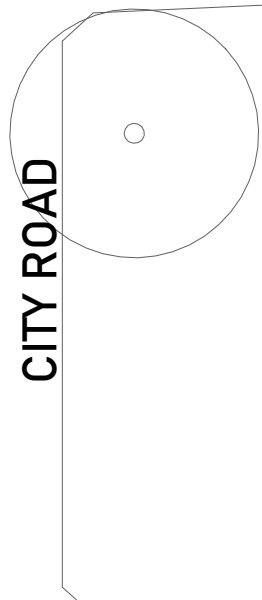
CITY ROAD

LEGEND:

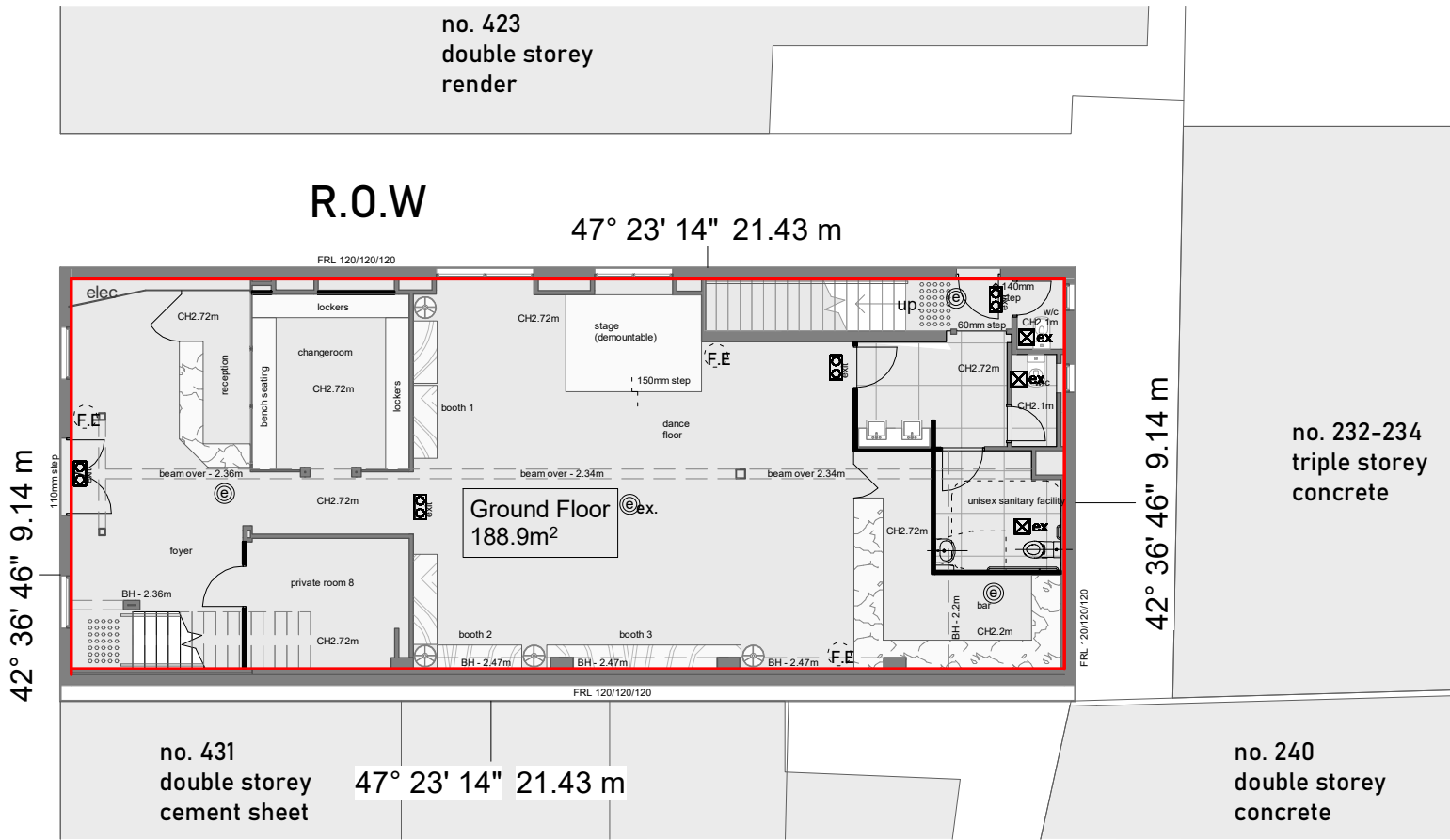
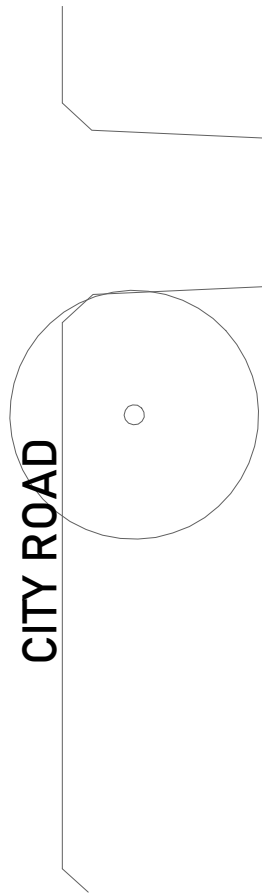
proposed walls

existing walls

 <p>Document Set ID: 7598641 Version: 1, Version Date: 03/11/2023</p>	<p>bq 37 High street, Preston VIC bqarchitects.com.au beshara@bqarchitects.com.au +61422516644</p> <p>copyright of bq architects. prior written permission must be obtained for reproduction or any use other than original intent.</p>	No.	Description	Date		Emanuel Cachia  Proposed Change of Use  427 City Road South Melbourne	Proposed First Floor Plan		A2.2
		TP01	Town Planning Submission	16.05.2023			Project number	BQ23-001	
		TP02	Town Planning RFI Response	15.08.2023			Date	2 November 2023	
		TP03	Town Planning RFI Response	02.11.2023			Scale	1 : 100	



PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

## List of licensed premises and associated categories of licences within a 500 metres radius of the subject

Lic. No	Category	Premises	Address	
31905910	General Licence	GEORGE HOTEL	139 CECIL STREET	
31906194	General Licence	THE GOLDEN FLEECE SOUTH MELBOURNE	120 MONTAGUE STREET	
31908772	General Licence	THE PALACE HOTEL SOUTH MELBOURNE	505 CITY ROAD	
31909914	General Licence	O'CONNELL'S CENTENARY HOTEL	193 MONTAGUE STREET	
31911571	General Licence	RAILWAY HOTEL	280 FERRARS STREET	
31957983	General Licence	LA CENTRAL	STALL 45	SOUTH MELBOURNE MARKET, COVENTRY STREET
31959317	General Licence	BARRIO 3205	180-184 YORK ST	
31960790	General Licence	CASA DE VINOS	283 COVENTRY ST	
31960805	General Licence	LITTLE HOF	STALL 90 SOUTH MELBOURNE MARKET	116-136 CECIL STREET
31961673	General Licence	112 YORK	112 YORK STREET	
31963421	General Licence	THE FRENCH QUARTER MELBOURNE	SHOP 53-55, 116 CECIL ST	SOUTH MELBOURNE MARKET
31900198	Late night (general) Licence	THE ALBION MELBOURNE	172 YORK STREET	
31915907	Late night (general) Licence	WAYSIDE INN HOTEL	446 CITY ROAD	
32275009	Late night (on-premises) Licence	KITTENS	GROUND FLOOR & FIRST FLOOR	68 CECIL STREET
36063145	Limited Licence	PASSIONFOODS	219 FERRARS STREET	
36086135	Limited Licence	SOUTH MELBOURNE MARKET ORGANICS	STALLS 51 & 52 STH MELBOURNE MARKET	COVENTRY STREET

36118576	Limited Licence	SWORDS WINES	STALL 73 SOUTH MELBOURNE MARKET	CNR CECIL & COVENTRY STREET
36149543	Limited Licence	APTUS SEAFOODS	SHOPS 25, 219 & 221	SOUTH MELBOURNE MARKET, CECIL ST
36156883	Limited Licence	PROPER & SON	SHOPS 13 & 14, STH MELBOURNE MARKET	322 COVENTRY STREET
36169640	Limited Licence	ANNA CORNELL CATERING PTY LTD	85 NELSON RD	
36170235	Limited Licence	FOUNDATION DELI	22-28 THISTLETHWAITE STREET	
32286424	On-Premises Licence	SMITHBURG	STALL NO 99-100 CECIL STREET	
32297108	On-Premises Licence	MISS CHU SM	14-15, 111 CECIL STREET	
32303357	On-Premises Licence	THE BIG GROUP	PART OF LEVEL 7	113 CECIL STREET
32304052	On-Premises Licence	CLAYPOTS THE EVENING STAR	116-136 CECIL STREET	
32059495	Packaged Liquor Licence	BWS - BEER WINE SPIRITS	132 YORK STREET	
32062210	Packaged Liquor Licence	DAN MURPHY'S	63-81 CECIL STREET	
32062414	Packaged Liquor Licence	ALDI STORES	100 MARKET STREET	
32064547	Packaged Liquor Licence	THE LITTLE WINE SHOP	STALL 65 SOUTH MELBOURNE MARKET	322-326 COVENTRY STREET
33720099	Pre-retail Licence	CERBACO DISTRIBUTION	UNIT 7	200 TURNER STREET
32807929	Producer's Licence	WESTSIDE ALE WORKS	36 ALFRED ST	
32811449	Producer's Licence	PIRATE LIFE BREWING	139-145 MARKET STREET	
36300212	Remote Seller's Licence	BILTONGBOKS	202 FERRARS STREET	
36304046	Remote Seller's Licence	CELLARSPACE	LEVEL 1, 134 BUCKHURST ST	
36308032	Remote Seller's Licence	ARID ZONE	30 THISTLETHWAITE STREET	

## Attachment 3:

## Licensed premises within a 500 metres radius

32246034	Restaurant and cafe Licence	PANETTE EATERY	144 CECIL STREET	
32270279	Restaurant and cafe Licence	THE BUNYIP CAFE	313 COVENTRY STREET	
32288654	Restaurant and cafe Licence	SIMPLY SPANISH	STALL 94-96 SOUTH MELBOURNE MARKET	CNR CECIL AND COVENTRY STREETS
32290245	Restaurant and cafe Licence	SCHNITZ - SOUTH MELBOURNE	SHOP G06 & G07	CNR CECIL & YORK STREET
32302343	Restaurant and cafe Licence	GREEK N OUT	STALLS 97 & 98	116-136 CECIL STREET
32308080	Restaurant and cafe Licence	BAMBU SOUTH MELBOURNE	C92-C93 CECIL STREET	
32321517	Restaurant and cafe Licence	MEWOO	128 YORK STREET	
32328462	Restaurant and cafe Licence	BIBELOT BY CHEZ	285 - 287 COVENTRY STREET	
32357623	Restaurant and cafe Licence	KOMEYUI JAPANESE RESTAURANT	181-183 FERRARS STREET	
32360846	Restaurant and cafe Licence	JIMMY THE SAINT	G04 87 GLADSTONE STREET	
32361347	Restaurant and cafe Licence	CODE BLACK SOUTH MELBOURNE MARKET	321 COVENTRY STREET	
32363103	Restaurant and cafe Licence	PROPER & SON	322-326 COVENTRY ST	
32365147	Restaurant and cafe Licence	BERBEO BROS PTY LTD	602 CITY RD	
32366290	Restaurant and cafe Licence	BANGKOK GRILL	151 MONTAGUE ST	
32373221	Restaurant and cafe Licence	GAMI R&D CENTRE	SHOP 10 & 11, 111 CECIL STREET	
32374675	Restaurant and cafe Licence	TINKER TAILOR CAFE	282-286 FERRARS ST	
32374976	Restaurant and cafe Licence	TOMO-AN	2 GEORGE STREET	



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### 10.2 ST KILDA FORESHORE UPGRADE - COMPLETION OF STATUTORY ROAD CLOSURE PROCESS

**EXECUTIVE MEMBER:** LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND INFRASTRUCTURE

**PREPARED BY:** ZOE AKGUN, SENIOR PROJECT MANAGER - OPEN SPACE  
GLEN HICKEY, MANAGER, PORTFOLIO PROJECTS  
KAREN MILLER, MANAGER PROJECT DELIVERY  
VICKI TUCHANT, ACTING MANAGER PROPERTY AND ASSETS

#### 1. PURPOSE

- 1.1 The purpose of this report is to conclude the formal process to close a section of the Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda in accordance with Clause 9 of Schedule 11 of the *Local Government Act 1989* (Vic), (known as the “road closure”)

#### 2. EXECUTIVE SUMMARY

- 2.1 The extension of the St Kilda Pier landing through to Jacka Boulevard is part of the St Kilda Pier redevelopment project, which is funded through the Department of Transport and Planning (DTP) and Parks Victoria (PV). PV is the appointed Project Manager for the rebuild.
- 2.2 Council partnered with Parks Victoria on the landside connection (Stage 1) and has committed funding to an extension of this project through to Jacka Boulevard (Stage 2).
- 2.3 Works to improve the integration of the Pier, Pier Road entrance and Foreshore will provide safer access for vehicles, pedestrians, and bike riders to this busy area of the foreshore. It will ensure logical connections for visitors between the Pier and other parts of St Kilda, particularly Fitzroy Street and gaps in the Bay Trail.
- 2.4 The Council Plan 2021-31 included \$3.71M for this project over three years to create an iconic setting for the new pier and a new green space and pedestrian plaza to replace a section of the St Kilda Sea Baths car park (where the existing car park entry is located).
- 2.5 The extension of the Pier landing requires a change of the status of a section of the Pier Road, closing the road to vehicular access.
- 2.6 The formal process to restrict the passage of vehicles on the section of Pier Road commenced on 19 April 2023. It involved consultation with service authorities, the Department of Transport & Planning (DTP) and a statutory community notification process that invited community members to make a submission to the proposed road closure. One submission was received between 1 May 2023 and 28 May 2023. Council formally received and considered submissions at its meeting on 19 July 2023.
- 2.7 Public consultation was undertaken on the concept design in February 2024 on-site and via Council's [Have Your Say page](#). Following the consultation, the concept design has been updated (where possible) based on the community feedback.
- 2.8 The DTP, on 13 May 2024, advised the City of Port Phillip that it supports the updated concept design in principle and provided further comments for considerations during the detailed design stage.

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- 2.9 Council has provided a brief report to DTP's Movement & Safety team on 24 May 2024 as requested by DTP on 13 May 2024 and in accordance with the requirements under the *Road Management Act 2004* (Vic)
- 2.10 During the concept development phase, it was requested from St Kilda Sea Baths to include an additional exit lane in the design. However, based on the outcome of the further analysis which has been undertaken by an independent traffic engineer, it has not been incorporated at this time within the proposed design, but an alternative design including two exist lanes will be developed during the detailed design phase in consultation with relevant external stakeholders and further analysis will be completed based on the preferred layout.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes that on 19 April 2023, Council resolved to commence the process to restrict the passage of vehicles on the section of Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda **(the Proposal)**.
- 3.2 Notes that on 19 July 2023, Council received and considered the written submission to the Proposal.
- 3.3 Resolves to pursue the Proposal and formally complete the process of the permanent road closure.
- 3.4 Directs that the Chief Executive Officer or delegate to notify, in writing, every person who has lodged a separate submission of the decision and reason/s for the decision.

### 4. KEY POINTS/ISSUES

- 4.1 On 19 April 2023, Council resolved to commence the statutory process to restrict the passage of vehicles on the section of Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda.



*Figure 01. – Subject Site*



*Figure 02. – Artist's Impression - Landside works funded through Parks Victoria project*

- 4.2 Section 223 of the Local Government Act 1989 (Vic) requires Council to undertake a formal public consultation process which is specific to the proposal to road closure.



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- 4.3 Council carried out community consultation throughout May to June 2023, providing an opportunity for community members to make submissions. The submissions deadline was 5pm on 12 June 2023.
- 4.4 One written submission was received.
- 4.5 The feedback included comments on accessibility of the St Kilda Sea Baths car park by staff, customers with mobility issues and contractor during the major events.
- 4.6 Current and future access arrangements have been carefully assessed during the concept refinement phase. Any likely future impacts associated with the Pier Road closure and retention of ongoing access to the St Kilda Sea Baths complex has been evaluated based on the specific requirements and findings of the Traffic Impact Assessment.



*Figure 03. – Artist's Impression - Council funded Landside Upgrade*

- 4.7 Service vehicle, emergency vehicle and loading delivery arrangements under post development conditions has been considered during the design phase.
- 4.8 Formal functional layout plan associated with the vehicle access arrangements from Jacka Boulevard and incorporating any new bus stop design along Jacka Boulevard will be prepared in consultation with DTP. A written advice along with the proposed layout plan will be submitted to DTP for approval via planning permit process.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 In addition to the statutory process undertaken for the road closure, extensive engagement with stakeholders has been undertaken on the Pier Project more broadly.
- 5.2 The community was engaged through an 'involve' approach for the project, which commenced in February 2024. Information on the concept design, including renders and photos, was provided on Council's online Have Your Say page, project webpage and social media platforms.
- 5.3 Specific engagement has been undertaken throughout the project with the foreshore traders and operator of the St Kilda Sea Baths.
- 5.4 Officers have met with the below key stakeholders who support the current design:

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- Royal Melbourne Yacht Squadron
- St Kilda Sea Baths & Tenants
- Department of Transport and Planning
- Boonwurrung Land and Sea Council (Aboriginal Corporation)
- Parks Victoria
- Fire Rescue Victoria (FRV)
- Heritage Victoria

### 5.5 The key previous consultation steps include:

5.5.1 Statutory requirements have been met by advertising intent of permanent closure in the Public Notice Section of The Age on 15 May 2023.

5.5.2 Have Your Say online engagement page with feedback form was published on 15 May 2023.

5.5.3 Letters were distributed to all the external stakeholders and owners/occupiers in the area including:

- Royal Melbourne Yacht Squadron
- St Kilda Sea Baths & Tenants
- Victoria Police
- West St Kilda Residents Association
- Department of Transport and Planning
- Victorian Aboriginal Heritage Council
- Department of Energy, Environment and Climate Change
- Parks Victoria
- West Beach Pavilion
- Fire Rescue Victoria (FRV)
- ESTA
- Ambulance Victoria

### 5.6 The following statutory authorities have been advised of the proposed road closure and asked to respond to the question of whether they have any existing assets in the roads, which should be saved under section 207C of the Act.

5.6.1 Relevant areas of Council;

5.6.2 South East Water;

5.6.3 Melbourne Water;

5.6.4 CitiPower;

5.6.5 Multinet;

5.6.6 AusNet Electricity Services.





5.6.7 Australian Gas Networks;

5.6.8 United Energy;

5.6.9 NBN;

5.6.10 Telstra;

5.6.11 TPG Telecom; and

5.6.12 Optus.

5.7 To date Council has not received responses from the statutory authorities. Any easements required will be marked on title and considered appropriately.

5.8 Overall, the project received support from the community through the community consultation process.

5.9 The concept design for St Kilda Pier Foreshore Upgrade project has been endorsed by Councillors in May 2024.

5.10 The Community Engagement Report has been fully endorsed by Council on 1 May 2024 and uploaded to Council's Have Your Say page.

## **6. LEGAL AND RISK IMPLICATIONS**

6.1 Council has the power to place and maintain any obstructions or barriers on a road permanently to restrict the passage or access of vehicles under Clause 9 of Schedule 11 of the Local Government Act 1989 (Vic).

6.2 Council must not exercise this power unless it has received a report from DTP, concerning the exercise of this power.

6.3 A key risk to the successful delivery of this project in partnership with PV is the requirement for the road closure process to be concluded by November 2024.

6.4 By complying with legislation, policy and creating reasonable provision for service authorities, there is no legal risk associated with changing the function of these road.

6.5 Council will need to obtain formal acceptance by the Sea Baths for the proposed changes to their current lease with Council.

6.6 A planning permit is required before prior to construction commencement. The planning process will commence in August 2024 and in addition to the proposed design, it will consider the outcomes of the road closure process and other changes to road functions.

6.7 St Kilda Pier Foreshore Upgrade project is reliant upon the closure of Pier Road, as it is a key project component. This process is a joint process between Council and the DTP. Council's decision to close the road, and change its function, as per this report, will inform the final administrative process with DTP to enact the closure. Should this process not approved, this will impact the PV's construction timeline.

6.8 Disability Discrimination Act 1992 (Cth) (DDA) and safety audits will be undertaken during the detailed design phase and recommended updates will be addressed as part of the project.

6.9 A Road Safety Audit for the proposed entry to St Kilda Sea Baths car park entry has been carried out and identified issues have been considered during the development of the concept design and in line with DTP feedback.



- 6.10 A Pedestrian Safety Audit and Treatment Plan covering the intersecting spaces across the entire site (Stages 1 and 2) is underway for the updated concept and detailed design.
- 6.11 A Movement and Place Assessment for the proposed public realm works has been undertaken and recommendations have been considered during the concept development phase.

## **7. FINANCIAL IMPACT**

- 7.1 Council allocated \$3.71M for the St Kilda Pier Foreshore Upgrade in 2021/22.
- 7.2 The full project cost is \$3.7M over three years and it includes delivery of all the works including greening, tree establishment maintenance period, landscape works as well as project contingency and project management fees.
- 7.3 The proposed road closure has no detrimental financial implications.

## **8. ENVIRONMENTAL IMPACT**

- 8.1 The new entrance will provide increased canopy cover and decrease the urban heat island effect through new garden beds and canopy tree planting.
- 8.2 The construction of the project will deliver improved environmental outcomes in the local area. The project involves the removal of hard asphalt pavements and the replacement, in part, with garden beds, grassed areas and trees.
- 8.3 This report does not have any additional impacts on the environmental outcomes of the project.

## **9. COMMUNITY IMPACT**

- 9.1 This project received overall community support through the previous consultation process during the concept development phase of the St Kilda Pier Redevelopment and Foreshore Integration project.
- 9.2 Once the project complete, it will increase the provision of public space in the foreshore area.
- 9.3 Well-design public spaces have economic benefits and help facilitate the economic recovery from the COVID-19 pandemic.
- 9.4 Public space contributes to the livability of our City and defines our unique sense of identity and place. It is open and accessible to people. It is where we meet our friends, exercise, play sport and relax and is essential to our physical and mental well-being.
- 9.5 The project will provide additional open space and align with Council's vision to create a well-connected network of public spaces for all people that nurture and support the health, wellbeing, social connection, creative expressions, economy, and environment of our community.
- 9.6 Furthermore, the new Pier entrance will offer improved access and circulation throughout the foreshore area by providing upgraded paths and safer opportunities to access the area by more users.
- 9.7 The project aligns with Council adopted Foreshore Management Plan and Open Space Strategy as well as Council's HVM, DDA and Marine and Coastal Act 2018 (Vic) (MACA) legislative obligations.



- 9.8 The upgraded foreshore area and new pier will provide improved amenities such as seating, recreational facilities, and access to water, which will enhance public enjoyment and promote physical activity and social interactions.
- 9.9 An accessible foreshore area will promote social inclusion by providing opportunities for people of all ages and abilities to enjoy outdoor activities.
- 9.10 The local community and nearby businesses will be impacted by the area being closed during the construction period, but lesser extent than the area covered by the current Pier construction compound. Construction will take place outside of summer months to reduce the overall impact.

## **10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 The permanent closure of Pier Road to vehicular traffic creates an iconic visitor entrance aligning with the key moves of council's Places for People: Public Space Strategy 2022-2032 to repurpose road space to create more usable public spaces, ensuring our community is within a short, easy, and safe walking distance to public space.
- 10.2 Council Plan – Liveable Port Phillip
  - 10.2.1 Strategic Objective – Port Phillip is a great place to live, where our community has access to high quality public spaces, development and growth are well managed, and it is safer and easy to connect and travel within.
  - 10.2.2 What we will work towards (our four-year strategies) – Port Phillip is safer with liveable streets and public spaces for people of all ages and abilities to enjoy.
  - 10.2.3 We will provide – Access to upgraded, expanded and well-maintained public and outdoor spaces for people of all ages and abilities to visit, in line with our 10-year Public Space Strategy (once adopted by Council), prioritised within available budgets each year.
  - 10.2.4 We will facilitate and advocate for – The best possible public space outcomes that support community health and wellbeing, through infrastructure projects undertaken in our City by other levels of government and stakeholders.
- 10.3 Council Plan – Sustainable Port Phillip
  - 10.3.1 Strategic Objective – Port Phillip has a sustainable future, where our environmentally aware and active community benefits from living in a bayside city that is greener, cooler, cleaner and climate resilient. The importance of action in this area is emphasised by Council declaring a Climate Emergency in 2019.
  - 10.3.2 What we will work towards (our four-year strategies) – Port Phillip has cleaner streets, parks, foreshore areas and waterways where biodiversity flourishes.
  - 10.3.3 We will provide – Urban forests to increase tree canopy, vegetation, greening and biodiversity and reduce urban heat, in line with Council's Greening Port Phillip and Act and Adapt Strategies prioritised within available budgets each year.
  - 10.3.4 We will provide – Increased permeability of ground surfaces across public streets and in our public spaces as well as examining ways to support greater permeability on private property.



## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

- 11.1.1 Subject to Council's decision to progress with officer's recommendation, key project timelines include:
- June 2024 – Council completes the road closure process under the Local Government Act.
  - End of July 2024 – detailed design complete.
  - Mid-October 2024 – commence procurement for construction contractor.
  - End of February 2025 – construction contractor awarded (subject to permit approvals).
  - May 2025 – construction to begin work onsite (subject to contractor availability).
  - Late 2025 – construction complete

11.1.2 It is anticipated that construction of the extension of Pier landing will be completed later this year and Stage 2 works will commence in May 2025, subject to PV's completion date for the St Kilda Pier and Stage 1 works.

### 11.2 COMMUNICATION

11.2.1 A project webpage has been created to keep our community updated on project progress, from resolution of road closure until construction is completed. The webpage will include information about how to sign up for updates on the project's progress.

11.2.2 The [Have your say](#) page for the project will continue to be updated with the latest project information and signage on site will inform of the upcoming works when required.

## 12. OFFICER MATERIAL OR GENERAL INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS

Nil

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**10.3** **49 PAKINGTON STREET, ST KILDA - PDPL/00142/2024**

**LOCATION/ADDRESS:** **49 PAKINGTON STREET, ST KILDA VIC 3182**

**EXECUTIVE MEMBER:** **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

**PREPARED BY:** **JACINTA CHAN, URBAN PLANNER**

### 1. PURPOSE

- 1.1 To determine a planning application involving the demolition of a contributory graded heritage dwelling and fencing at 49 Pakington Street, St Kilda.

### 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Canal Ward
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Pursuant to the Instrument of <i>Delegation to Members of Council Staff 2023</i> an application that involves 'substantive non-compliance with the Scheme or Council policy' are to be reported to the Planning Committee or Council. This application involves substantive non-compliance with Council's Heritage Policy at Clause 15.03 of the Scheme in relation to the demolition of a contributory graded dwelling.
<b>APPLICATION NO:</b>	PDPL/00142/2024
<b>APPLICANT:</b>	Ratio Consultants Pty Ltd on behalf of Port Phillip City Council
<b>EXISTING USE:</b>	Single residential dwelling
<b>ABUTTING USES:</b>	The western boundary abuts a public park, with the surrounding area predominantly residential.
<b>ZONING:</b>	Neighbourhood Residential Zone Schedule 1 (NRZ)
<b>OVERLAYS:</b>	Heritage Overlay (HO) Special Building Overlay Schedule 1 (SBO)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	60 day statutory timeframe expired on 25 May 2024.

- 2.1 The application seeks planning permission for demolition of a contributory dwelling and associated fences at 49 Pakington Street, St Kilda (site).





- 2.2 The demolition will enable the expansion and upgrade to Pakington Street Reserve. However, development of the park does not form part of this application. The scope of Council's consideration relates only to the proposed demolition of the existing dwelling.
- 2.3 On 8 December 2021, Council resolved to adopt the *Places for People: Public Space Strategy 2022-32* (City of Port Phillip, 2021) (Strategy). The Strategy guides the planning of existing and future public open space within the municipality. Expansion and upgrade of Pakington Street Reserve is Priority Action 17 of the Strategy. This resolution has since guided the planning of the Pakington Street Reserve and adjoining land, including the following activities:
- 2.3.1. Gazettal of Amendment C80 on 10 May 2023. This amended the Schedule to Clause 54.01 (Public Acquisition Overlay) to apply PAO6 to the land at 43 Pakington Street, St Kilda, to reserve the land for acquisition by the City of Port Phillip for the purpose of 'Open Space'.
- 2.3.2. Lodgement and approval of Planning Application No. PDPL/00053/2023 in July 2023 to allow for the 'Demolition of a dwelling, fencing and outbuildings in the Heritage Overlay (Schedule 7)' at 43 Pakington Street, St Kilda.
- 2.3.3. Public consultation and engagement process from 25 October to 17 November 2023 for the draft concept plan for the 'Pakington Street Reserve Expansion' project. This did not include the land at 49 Pakington Street as part of the project.
- 2.3.4. Acquisition of the land at 49 Pakington Street, St Kilda, on 21 March 2024.
- 2.4 Council consulted with the community during the development of the Strategy. This provided opportunity for the public to input the future planning of public open spaces in the City of Port Phillip. Community feedback supported the expansion of public open space, particularly in Balaclava/St Kilda East, which has the lowest amount of open space across the municipality.
- 2.5 Following the proposed demolition works, Council will develop the future park. The project is expected to be completed in 2030-2032.
- 2.6 The land is zoned NRZ. It is also affected by the HO. Importantly, the dwelling is not of individual heritage significance. The dwelling is graded 'contributory' meaning it contributes to the overall heritage significance of the wider precinct. The front portion is affected by the SBO. This identifies the land in urban areas liable to inundation by overland floods from the urban drainage system. The SBO has no bearing on this application.
- 2.7 Located within the HO, the proposal is subject to the local heritage policy at Clause 15.03-1L of the Port Phillip Planning Scheme (Scheme). The strategies applicable to 'Demolition and relocation' discourages the complete demolition of a significant or contributory building and encourage conservation unless the building is structurally unsound.
- 2.8 The key issue with the application is therefore the proposal to demolish the existing heritage dwelling based on the desire to expand a reserve, not because it is structurally unsound.
- 2.9 The proposal is contrary to heritage-related policies in the Scheme and inconsistent with the purpose of the Heritage Overlay. However, policy at Clause 71.02-3 (Integrated decision making) directs the need for decision-makers to balance conflicting



objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

- 2.10 An application of the principles of integrated decision is relevant to this application. To grant a permit for demolition will allow Council to develop the site to facilitate the delivery of Priority Action 17 – to expand and upgrade Pakington Street Reserve. This will increase the supply of high-quality public open space within the municipality to support current and future needs for active and passive recreation.
- 2.11 The extended park area will also perform a critical role in responding to the impacts of climate change through increasing vegetation cover to reduce urban heat island effect. Through appropriate land management practices, this can reduce emissions and improve carbon storage, as well to support the enhancement of local flora and fauna species.
- 2.12 The social and environment benefits provided by the demolition of a single contributory graded dwelling outweighs the negative impact to the significance of the heritage place, caused by the proposed demolition.

### 3. RECOMMENDATION

That Council:

- 3.1 Issue a Planning Permit for land at 49 Pakington Street, St Kilda with the following permissions:

- Clause 43.01-1 – Demolish or removal a building.

- 3.2 Issue the decision subject to the following conditions:

#### **No alterations**

1. The extent of demolition and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

#### **Satisfactory continuation and completion**

2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Heritage Interpretation Strategy**

3. Before the demolition starts, a Heritage Interpretation Strategy (HIS) must be submitted to and approved to the satisfaction of the Responsible Authority. When approved, the HIS will form part of this permit. The HIS must be prepared by a suitably qualified heritage expert to identify how the history (Indigenous and post-contact) and significance of the heritage place will be incorporated into the planning and design of the Pakington Street Reserve.

#### **Time for starting and completing the development**

4. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

#### 4. RELEVANT BACKGROUND

4.1 There is no relevant history or background for this site.

#### 5. PROPOSAL

5.1 Demolition of the existing contributory heritage building and associated fences at 49 Pakington Street, St Kilda.

5.2 Removal of vegetation from the site, including a Yucca and Grevillea, but excluding the Chinese Windmill Palm. A planning permit is not required to remove vegetation.

5.3 A copy of the proposed demolition plan is contained within **Attachment 1**.

#### 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The site is located on the south side of Pakington Street, St Kilda. It is regular in shape with a frontage of 9.6 metres and depth of 26.3 metres with a total site area of 252 square metres.
Existing Site Conditions	<p>The site is occupied by a single storey weatherboard dwelling comprising of multiple hip roofs and a bullnose verandah. The rear of the existing dwelling was extended in more recent years with a flat roof profile</p> <p>The front and eastern property boundaries are developed with timber picket fences. A single crossover is located to the western corner of the site which leads to a brick driveway. There is a 3.04 metres wide carriageway easement that runs along the entirety of the western property boundary.</p> <p>There is a Chinese Windmill Palm (<i>Trachycarpus fortunei</i>) located within the front garden. Other smaller vegetation and plants occupy the side boundaries of the site, including a <i>Grevillea sp.</i> and Yucca, which are proposed to be removed.</p>
Surrounds	Pakington Street has a diverse neighbourhood character comprising of significant and contributory graded buildings of single storey construction, as well as newer medium

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	density development. There are also commercial buildings and uses, with part of the street zoned Mixed Use.
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*Figure 1. Aerial view of the site and surrounds*  
(Source: Adapted from Nearmap, captured on 17 March 2024)



*Figure 2. Subject site – as viewed from the frontage of Pakington Street*  
(Source: taken by officer, April 2024)



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*Figure 3. Subject site – viewed northeast*  
(Source: taken by officer, April 2024)



*Figure 4. Pakington Street Reserve and property to be demolished at 43 Pakington Street, St Kilda*  
(Source: taken by officer, April 2024)





*Figure 5. Significant heritage places located opposite the site, identified as 52, 54, 56, 58 and 60 Pakington Street, St Kilda  
(Source: taken by officer, April 2024)*

## 7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Permit Trigger
Clause 32.09 NRZ	<b>A planning permit is not required</b> under Clause 32.09-5 of the Scheme as the proposal does not involve the construction or extension of a dwelling.
Clause 43.01 HO	<b>A planning permit is required</b> under Clause 43.01-1 of the Scheme to demolish or remove a building.
Clause 44.05 SBO	<b>A planning permit is not required</b> under Clause 44.05-2 of the Scheme as the proposal is not to construct a building or to construct or carry out works.
General Provisions	Exemption
Clause 62.02 Buildings and Works	The general exemptions at Clause 62.02-3 (Vegetation removal) states that any requirement in the Scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation, unless a permit is specifically required to remove, destroy or lop trees or to remove vegetation.
Clause 62.05 Demolition	Clause 62.05 states that a permit is not required for the demolition or removal of a building or works unless a



	permit is specifically required for demolition or removal of a building.
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## 8. PLANNING SCHEME PROVISIONS

The following provisions of the Municipal Planning Strategy and Planning Policy Framework are relevant to this application:

### 8.1 Municipal Planning Strategy

- Clause 02 Municipal Planning Strategy
  - 02.1 Context
  - 02.02 Vision
  - 02.03 Strategic Directions
  - 02.04 Strategic Framework Plans

### 8.2 Planning Policy Framework

- Clause 15.01 Built Environment
  - 15.01-4S Healthy neighbourhoods
  - 15.01-4R Healthy neighbourhoods – Metropolitan Melbourne
- Clause 15.03 Heritage
  - 15.03-1S Heritage conservation
  - 15.03-1L Heritage policy
- Clause 19.02 Community Infrastructure
  - 19.02-6S Open Space
  - 19.02-6R Open Space – Metropolitan Melbourne
  - 19.02-6L Public open space and foreshore

### 8.3 Particular Provisions

- Clause 52.31 Local Government Projects
  - 52.31-2 Exemption from notice and review

### 8.4 General Provisions

- Clause 65 Decision Guidelines
  - 65.01 Approval of an Application or Plan
- Clause 67 Land Owned or Permit Required by Responsible Authorities
  - 67.02 Notice Requirements and Exemption

### 8.5 Operational Provisions

- Clause 71 Operation of this Planning Scheme
  - 71.01 Operation of the Municipal Planning Strategy
  - 71.02 Operation of the Planning Policy Framework
  - 71.03 Operation of Zones

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71.04 Operation of Overlays

71.05 Operation of Particular Provisions

### 8.6 Incorporated Documents

- *City of Port Phillip Heritage Policy Map* (December 2021)
- *Port Phillip Heritage Review – Volumes 1-6* (December 2021)

### 8.7 Background Documents

- *Heritage Design Guidelines* (City of Port Phillip, 2022)
- *Places for People: Public Space Strategy* (City of Port Phillip, 2021)
- *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017)
- *Plan Melbourne 2017-2050: Addendum 2019* (Department of Environment, Land, Water and Planning, 2019)

### 8.8 Relevant Planning Scheme Amendment/s

There are no planning scheme amendments relevant to this application.

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in Section 9.

Internal Department	Referral comments (summarised)
Heritage Unit	<p><b>a) No objection, subject to condition</b></p> <p>b) The loss of the heritage building will negatively impact the integrity of the HO precinct that applies to 'St Kilda, Elwood, Balaclava, Ripponlea'. However, the proposed demolition of the contributory dwelling is supported on this occasion as it will enable the expansion of the adjacent reserve, to result in a net community benefit.</p> <p>c) To reduce the impact of this demolition, a Heritage Interpretation Strategy (HIS) should be prepared to identify how the history of the site and its surrounds can be incorporated into the design of the extended reserve. This was the same requirement in approving the demolition at 43 Pakington Street, St Kilda. Given there is already an existing HIS prepared for 43 Pakington Street, this should be reviewed and updated to incorporate the history of 49 Pakington Street, as opposed to the preparation of a separate strategy.</p>
Arborist	<b>d) No objection</b>



	e) The Chinese Windmill Palm located on the eastern corner of the site is suitable for retention and can also be easily transplanted to another location within the park. All other vegetation removal is supported.
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## 9.2 External referrals

The application was not required to be externally referred.

## 10. PUBLIC NOTIFICATION

10.1 Clause 52.31 (Local Government Projects) is applicable and provides exemptions for the development of land undertaken by or on behalf of a municipal council. The application meets the following exemption requirements in Clause 52.31-2 in that:

10.1.1 The permit application is an application to develop land by or on behalf of the Council.

10.1.2 The permit application does not have an estimated cost of development of more than \$10 million. The estimated cost of development is \$38,800.

10.2 Relevantly, *'the demolition or removal of a building or works'* falls within the definition of 'development' as defined at section 3 of the *Planning and Environment Act 1987* (Act).

10.3 The application is therefore exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

10.4 Despite the above should this planning application be approved, nearby residents will be informed by Project Delivery of the pending removal of the dwelling prior to demolition works occurring.

## 11. OFFICER'S ASSESSMENT

11.1 The proposed demolition is considered to be an acceptable outcome to allow additional sections of Pakington Street to be delivered as public open space. This will reinforce Council's commitment to deliver the outcomes identified in the Strategy, specifically Priority Action 17, to the Port Phillip community.

11.2 The proposal is a key step in delivering the objective of Clause 19.02-6L (Public open space and foreshore) by improving access to public open space. Of significance, one of the strategies is to *'Strengthen the public open space network by creating new open spaces or expanding open spaces, particularly in the following neighbourhoods: Balaclava/ St Kilda East'*.

11.3 It will assist in creating 20-minute neighbourhoods as encouraged by Clause 15.01-4R (Healthy neighbourhoods). This is achieved by providing Port Phillip residents with access to improved open space and recreation facilities, where people 'can meet their daily needs, including access to high-quality public open space, within a 20-minute walk from their home.

11.4 The proposal will also contribute towards the metropolitan strategy for managing Melbourne's open space, *Open Space for Everyone* strategy (2021), which aims to improve access to open space and facilitate healthier biodiversity by reducing the fragmentation of habitat.



- 11.5 The above points demonstrate there is strong policy support for such an outcome at both state and local government levels.
- 11.6 There is also policy support for the conservation of heritage buildings in the Scheme. The objective of Clause 15.03-1S is the conservation of places of heritage significance through conservation, restoration and enhancement practices. The local heritage policy at Clause 15.03-1L then goes on to set out Council's expectations for managing sites within the Heritage Overlay. The relevant policy objectives seek to:
- 11.6.1 *Prioritise the conservation, restoration or adaption of a heritage place over demolition.*
- 11.6.2 *Discourage the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound and the defects cannot be rectified.*
- 11.6.3 *Avoid the demolition of a Significant or Contributory building unless new evidence has become available to demonstrate that the building is not of heritage significance and does not contribute to the heritage place.*
- 11.7 The proposed demolition is contrary to the heritage policies in the Scheme, but this does not preclude the granting of a planning permit for demolition of a heritage building. This proposal involves balancing conflicting policy objectives.
- 11.8 Clause 71.02-3 of the Scheme requires integrated decision making. The exercise of this principle requires the balancing of conflicting policy objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. The social and environmental benefits that will flow from the proposed demolition is considered to surpass the loss of a single contributory graded heritage dwelling.
- 11.9 The dwelling itself is graded 'contributory' and sits within a large precinct based heritage overlay area. In isolation, its demolition, while not desirable, will not unreasonably impact the significance of the heritage place. The requirement for a HIS will serve to reduce the negative aspects associated with the demolition, to ensure key heritage values of 49 Pakington Street, St Kilda, are preserved.
- 11.10 Council's Heritage Advisor has sought a HIS that expands upon an existing HIS prepared for 43 Pakington Street which is land that will also be incorporated into the Pakington Street Reserve and is subject to separate planning approval. It is not considered necessary for the granting of this permit that the HIS detail land that is not the subject of the application. It will be for the project designer to incorporate the requirements of each HIS into a future design for Pakington Street Reserve.

## **12. COVENANTS**

- 12.1 The register search statement produced on 25 March 2024 indicates there is no restrictive covenant for the site, formally known as Lot 1 on Title Plan 384022G, Parent Title Volume 08193 Folio 784.

## **13. OFFICER DIRECT OR INDIRECT INTEREST**

- 13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## **14. OPTIONS**

- 14.1 Approve as recommended



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14.2 Approve with changed or additional conditions

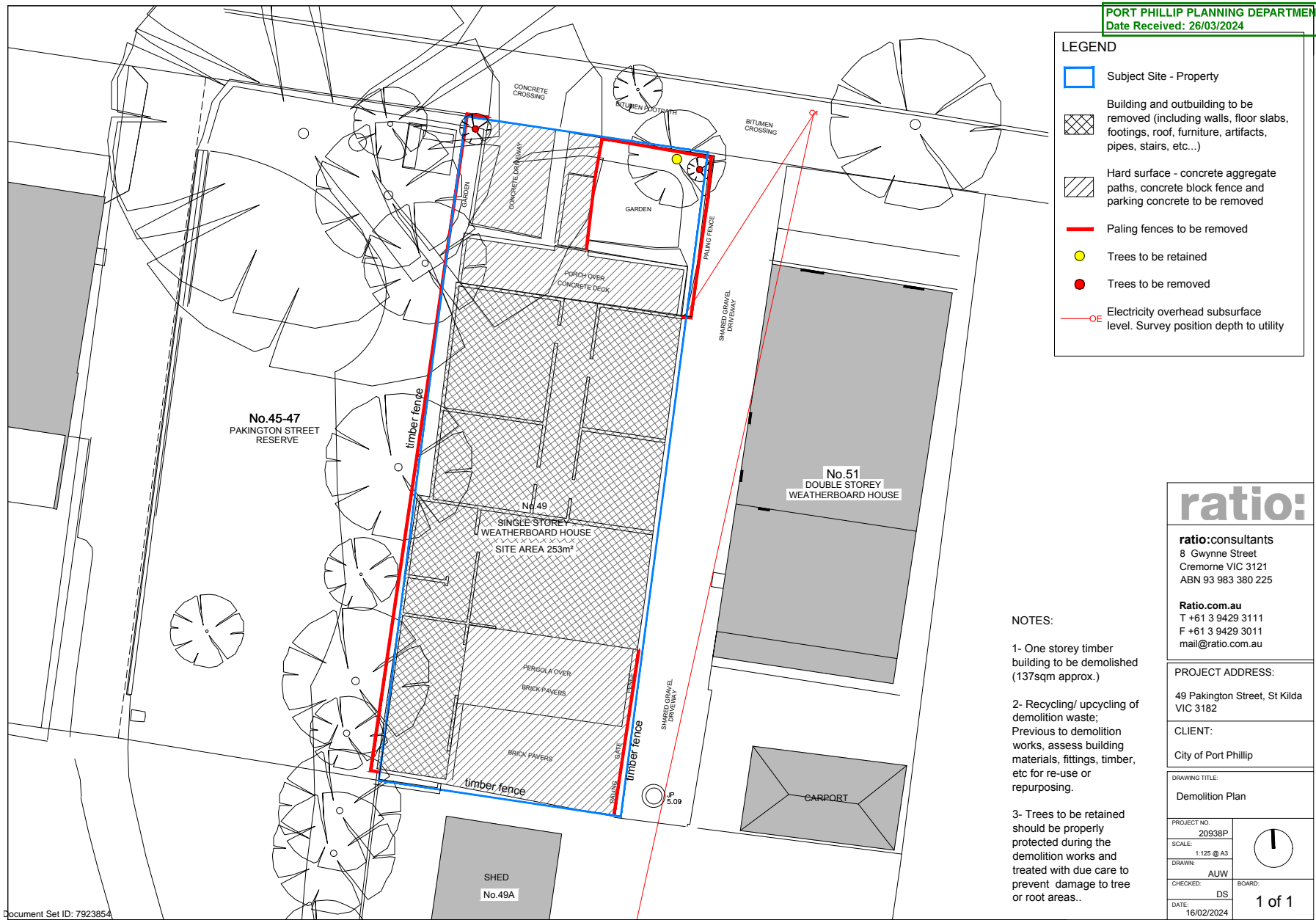
14.3 Refuse - on key issues

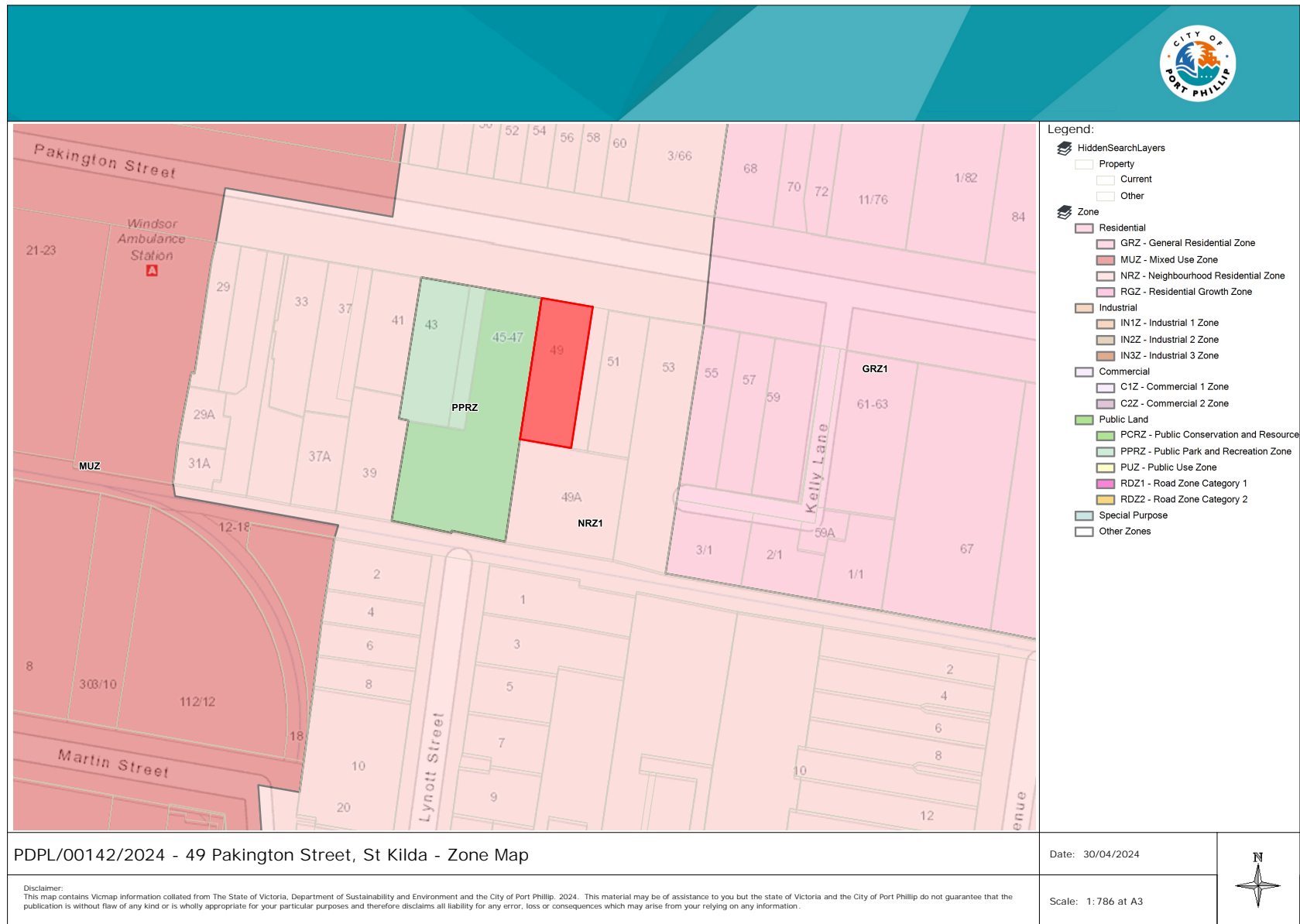
### 15. CONCLUSION

15.1 On balance, the benefits of expanding Pakington Street Reserve will result in net community benefit and outweigh the negative impacts associated with the loss of a contributory heritage dwelling. It is recommended that Council grants a planning permit.

**ATTACHMENTS**

1. Proposed Demolition Plan  [Download](#)
2. Zone Map  [Download](#)





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### 10.4 WASTE REVIEW MANAGEMENT ACTION PLAN

**EXECUTIVE MEMBER:** LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND INFRASTRUCTURE

**PREPARED BY:** PETER LIU, CHIEF FINANCIAL OFFICER  
SIMON HILL, EXECUTIVE MANAGER WASTE AND CITY MAINTENANCE

#### 1. PURPOSE

- 1.1 To present the Management Action Plan in response to the findings of the Independent Waste Review and provide an update on the commercial matters between Council and Citywide.

#### 2. EXECUTIVE SUMMARY

- 2.1 Council's new kerbside waste and recycling collection contractor, Citywide commenced services on 1 July 2023. In the immediate aftermath, Council saw a significant increase in reports of missed collections, rising to a peak of nearly 7,000 reports in the month of July compared with approximately 400 in the previous month.
- 2.2 In response to the situation, Council resolved to have the Audit & Risk Committee administer an independent review of the situation. The independent investigation was completed and publicly reported in March 2024.
- 2.3 The independent root cause report concluded that 'Citywide were not ready' for the commencement of services on 1 July. Notwithstanding that, there were recommendations arising from the reports about how Council can strengthen its process, policies, and practices to better manage high-risk and high-value procurements.
- 2.4 In response to the review recommendations, Council Officers have developed a comprehensive Management Action Plan, incorporating feedback from Councillors and the Audit & Risk Committee. The Management Action Plan was endorsed by the Audit & Risk Committee at its 21 May 2024 meeting. The Management Action Plan is appended to this report.
- 2.5 Prior to the Management Action Plan being finalised, Council's CEO implemented changes to responsibilities, personnel, and resourcing. Council has also employed senior staff with expertise in waste services and project management to oversee these key areas. Additionally, dedicated contract management positions have been established in key service areas to ensure appropriate contract management and procurement planning. Council has also expanded its assurance and audit processes for major contracts and made changes to procurement and project management requirements.
- 2.6 Key actions of the Management Action Plan include establishing a Procurement and Contract Management Steering Committee whose work will include overseeing the implementation of the waste review audit recommendations and reviewing procurement governance, policies, training, controls, and resourcing.
- 2.7 The implementation of the Management Action Plan has commenced and will continue as a priority to ensure that Council embeds the learnings from the review to ensure that our community receives the standard of service they rightfully expect.



- 2.8 The report also outlines the key terms of a commercial settlement reached between The City of Port Phillip and Citywide Service Solutions. The settlement brings to a close the matter and ensures service continuity for our community.
- 2.9 Having reached a settlement, Council will be retendering the services for the provision of kerbside waste and collection ahead of a decision point in mid-2025.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes the Management Action Plan endorsed by Council's Audit & Risk Committee at its meeting of 21 May 2024.
- 3.2 Notes the key terms of the settlement between The City of Port Phillip and Citywide Service Solutions P/L.

### 4. KEY POINTS/ISSUES

#### Background

- 4.1 Council's previous waste & recycling collection contractor Four Seasons Waste P/L (Four Seasons) had delivered services across the City for over 20 years. In 2022, Council undertook a public procurement process and appointed Citywide Service Solutions P/L (Citywide) in October 2022 to take over from Four Seasons and provide kerbside waste & recycling collection services.
- 4.2 Citywide commenced those services on 1 July 2023. Immediately following commencement of the new contract, Council saw a significant increase in reports of missed collections, rising to a peak of nearly 7,000 reports in the month of July compared with approximately 400 in the previous month, alongside a large volume of reports of issues with bin placement.
- 4.3 In response to the situation, Council commissioned an independent review into the procurement and transition to the new contractor. The review was carried out under the auspices of the Audit & Risk Committee (ARCO).
- 4.4 The review period commenced in November 2023 and was concluded, with final reports being issued and published, in March 2024.
- 4.5 Among the key findings, it was identified that Citywide was not adequately prepared to deliver the services at the required levels. Moreover, the reports offered valuable feedback on how Council might better manage transitions and planning phases when introducing new contractors, aiming to diminish the risk or severity of service delivery failures.

#### Management Action Plan

- 4.6 Officers have developed a comprehensive Management Action Plan in response to the recommendations arising from the review. The Management Action Plan has incorporated feedback from the ARCO and Councillors.
- 4.7 In finalising the Management Action Plan, Council officers have incorporated feedback from Councillors about their expectations to ensure that the actions result in a change in the risk management approach taken to major procurements and transitions.



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- 4.8 In addition to the Management Action Plan, a *Procurement and Contract Management Steering Committee* has been established. It will have access to an external, expert advisor and will oversee:
- Ongoing governance and improvement of procurement and contract management at the City of Port Phillip - establishing it as a sector leader.
  - Establishment and facilitation of a Procurement and Contract Management Community of Practice within Council (involving key central teams and contract managers located throughout the business to build capability and inform and embed improvement initiatives).
  - A *Procurement and Contract Management Improvement Project* including:
    - The implementation of the Management Action Plan.
    - Review of Procurement and Contract Management Framework including Council's *Procurement Policy*, *Procurement Guidelines*, *Contract Management Guidelines*, training programs and supporting materials.
    - Review of organisational design, resourcing, and system configuration to support efficient and effective procurement and contract management.
    - Review of related frameworks and policies such as the *Project Framework*, *Conflict of Interest Policy* and the development of an *Integrity Framework*.
- 4.9 The Audit & Risk Committee endorsed the Management Action Plan and the proposed close-out and assurance process at its meeting on 21 May 2024. The full Management Action Plan is appended to this report.
- 4.10 The key elements of the Management Action Plan are as follows:
- Establish a specific defined project management stream to govern the procurement of high-risk and high-value procurements. This includes defining what is considered 'high-risk and high-value' in this context.
  - Update Council's Procurement Policy to include contract management requirements, enshrine requirements for high-risk and high-value procurements, and other improvements.
  - Update Council's Project Framework to define the project management requirements for high-risk and high-value procurements including governance arrangements.
  - Update Council's Conflict of Interest Policy in consultation with the Local Government Inspectorate (LGI). Generally, a more conservative approach to COI identification, disclosure, and management will be implemented.
  - Update supporting procedures and guidelines related to procurement, contract management, project management, and conflict of interest.
  - Update training and capability building activities related to procurement, contract management, project management, and conflict of interest.
  - To help sustain cultural change, training programs will be ongoing and not just a moment in time for critical staff involved in procurement and contract management, particularly those involved in high-risk and high-value procurements.



- Review and where feasible update system configuration to embed process, workflow, and documentation requirement changes identified through work above
- 4.11 An important part of the Management Action Plan is the roll-out of a program of training and capability uplift across the organisation. High-risk, high-value procurement and contract transition training will be developed as part of the Management Action Plan. It will be rolled out progressively to ensure that all staff, as they are involved in high-risk, high-value procurements are appropriately equipped to implement the improved approach. It is intended that all relevant staff will be trained by end-June 2025 but key staff, such as those managing high-risk, high-value procurements or contract transitions will be trained as a priority in accordance with the Management Action Plan.

#### **Management Action Plan Close-Out & Assurance Process**

- 4.12 Councillors provided feedback about the importance of establishing a documented close-out process for each management action to provide assurance of the implementation and the enduring nature of the changes. As such, the ARCO has decided to implement an enhanced close-out process in addition to its current practice. This will include.
- The Procurement and Contract Management Steering Committee will review and endorse action closure based on relevant evidence (e.g. updated policy or procedure, training materials, record of training).
  - The Head of Procurement and Contract Management will maintain a register of action status and links to evidence retained in Council's Electronic Content Management (ECM) system.
  - The Head of Risk and Assurance will review the quarterly status updates to the Strategic Risk and Internal Audit Committee (SRIA) and the Audit & Risk Committee including assurance of satisfactory evidence retained of action closed in the quarter.
- 4.13 In addition, the Audit & Risk Committee have resolved to:
- Include a core compliance review in 2024/25 to test that there is satisfactory evidence that agreed management actions have been completed appropriately.
  - Include testing of the satisfactory embedding of agreed actions in response to high priority recommendations in the scope of internal audits planned for procurement and separately contract management over the next two financial years.

#### **Commercial Matters & Settlement**

- 4.14 Following a public procurement process, in October 2022 Council entered into the schedule-of-rates contract with Citywide Service Solutions P/L (Citywide) to provide kerbside collection services across the City.
- 4.15 Following commencement of the new collection contract on 1 July 2023, Citywide failed to meet many of the commitments made in their tender submission and the requirements of the contract.
- 4.16 Council's position is that Citywide had critical obligations under the contract to inspect the City, identify where bins were located for collection, and to plan their collection routes accordingly. Further, Citywide made numerous representations in their tender submission including that they had inspected the City as part of preparing their

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submission, had already developed preliminary collection maps, and had engaged with their proposed technology vendor for an extended period pre-tender. They also made representations of their preparedness during the transition period including confidence they were ready to deliver the services.

- 4.17 Citywide's position is that there were material data gaps in the tender, and that Council misrepresented the nature and scope of the works which prevented Citywide from accurately pricing and adequately resourcing the contract. As a result, Citywide says that it had difficulty transitioning effectively into the contract and ultimately being able to deliver the services in line with the specification.
- 4.18 In light of the issues arising, Council engaged with Citywide to procure a commercial settlement, to avoid the prospect of a long, protracted legal dispute with the real likelihood of potential service disruptions.
- 4.19 Senior Council officers worked with Councillors to establish key considerations and parameters which informed negotiations with senior representatives from Citywide to resolve the issues being experienced in the City during the first few months of Citywide's contract. In particular, the Councillors and Council officers prioritised minimising the risk of service disruptions and ensuring service continuity for the community.
- 4.20 At its meeting of 15 May 2024, Council endorsed the terms of a commercial settlement of the matter between The City of Port Phillip and Citywide Service Solutions.
- 4.21 As part of the settlement, it is agreed that Council will soon retender the provision of kerbside waste & recycling collection services ahead of a decision point in mid-2025. As such, to protect Council's financial position, the detailed terms of the settlement remain confidential.
- 4.22 The settlement includes a volume component that would be payable to any contractor under the schedule-of-rates contract and a commercial component to ensure continuity of service. Citywide made significant concessions in agreeing to the settlement.
- 4.23 The original contract had an initial seven (7) year term followed by a three (3) year term at Council's sole discretion. The settlement adjusts the initial term down to three (3) years (ending June 2026) with a subsequent four (4) year option, by mutual agreement, followed by a final three (3) year option also by mutual agreement. As part of this reduced initial term, Council will soon retender the services ahead of a decision point in mid-2025.
- 4.24 As part of the settlement, both parties have agreed to bear their own costs incurred during the initial response from July 2023. Council incurred costs of \$126k in redeploying staff to collect missed bins. Citywide's costs significantly exceeded Council's.
- 4.25 The settlement also includes other provisions including contingency options to allow Council to continue engaging Citywide for services for an interim period, in the event of a transition to a new provider not meeting acceptable go-live criteria, provisions for the potential sale of Citywide plant and equipment and employment of Citywide staff by a new provider engaged by Council, and a release of all current claims.
- 4.26 The settlement is accompanied by other changes to the existing contract, including placing express requirements on Citywide to provide collection data and transition support to enable Council to retender the services. Both of these requirements carry significant penalties if the commitments are not delivered to Council's satisfaction.



- 4.27 The financial settlement has been provisioned for in the current year (2023/24) budget and the draft 2024/25 Council Plan & Budget that is currently being finalised. It includes a draft increase in the waste charge for 2024/25 of 2.72%.

## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 As part of the agreed Management Action Plan, since February, Council officers have been working with representatives from the Local Government Inspectorate on an upcoming review of Council's current conflict-of-interest policy, procedures and practices.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 The settlement between Council and Citywide has carefully considered the risks associated with a protracted contractual and legal dispute and the potential for a significant disruption to essential services with those resolving the matter through a negotiated settlement.
- 6.2 The agreed settlement balances ensuring service continuity without Council, and ultimately the community through the waste charge, shouldering an unreasonable financial burden for Citywide's errors.
- 6.3 Council considered the original procurement in 2022 in the formulation and negotiation of the settlement. The settlement terms, all other things being equal, would not have changed the highest scoring tenderer in that procurement process. It is noted that whilst using the original procurement as a guide provides an anchor for assessment, there is no legal obligation for Council to not enter into an agreement that could be seen to have changed the outcome of that procurement.
- 6.4 The settlement brings the matter to a close and ensures the continuity of the delivery of the essential services.
- 6.5 An ongoing area of focus remains the service performance under the contract. A representative measure of performance is the reports of missed collections. Following the initial response to the issues arising following Citywide's commencement, reports of missed collections have continued to decline from a high of nearly 7,000 in July 2023 to 380 in May 2024.
- 6.6 The following graph indicates that since February 2024 reports of missed collections have continued to decline. Where bins are reported as being missed, 97% (May result) are collected within the agreed service level. Whilst Citywide's performance continues to improve, the current performance remains outside of Council's committed targets.

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Figure 1 - 12-Month Rolling Reports of Missed Collections<sup>1</sup>

- 6.7 Whilst the continued improvement in performance is positive, achieving Council's performance targets remains a focus. Council officers are regularly auditing Citywide's in-field performance and applying the performance regime under the contract.
- 6.8 In addition to the current contractual mechanisms, and those introduced under the commercial settlement, Council has and continues to invest in contract management capacity and capability to continue to actively manage the contract.
- 6.9 In October 2023, a new position in the waste operations team, the Waste Services Team Leader was established through an adjustment to an existing role. This redesigned role has the responsibility for conducting multiple in field audits on Citywide's operations.
- 6.10 Further, the recently concluded recruitment of the new Head of Waste Operations has had an increased focus on contract management experience and capability.

## 7. FINANCIAL IMPACT

- 7.1 The agreed settlement has been provisioned for as part of the existing 2023/24 and draft 2024/25 Council Plan & Budget. The draft 2024/25 Budget includes a proposed 2.72% increase in the Default Waste Charge lower than the forecast inflation figure of 3.4%.
- 7.2 The full impact over the life of this contract are reflected in the updated 10-year Financial Plan.
- 7.3 Council continues to maintain a small Waste Charge Reserve balance to manage risks and smooth out fluctuations in waste services costs.

## 8. ENVIRONMENTAL IMPACT

- 8.1 There are no significant environmental impacts from this report, but the kerbside collection services are critical to the successful delivery of the objectives of Council's integrated waste management strategy, Don't Waste It!

<sup>1</sup> Reports of missed collections over the previous 12-months. This includes MUDs FOGO services rolled out in November and February (4,000 additional services).





## 9. COMMUNITY IMPACT

- 9.1 The provision of kerbside waste and recycling collection services for the community is highly valued and is a visible and commonly utilised Council service by many in the community.
- 9.2 The disruption to services from July 2023 resulted in a significant increase in missed bin collection reports. Reports peaked in July with nearly 7,000 reports. Since that time, there has been a significant decrease and trend towards Council's target.

## 10. GENDER IMPACT ASSESSMENT

- 10.1 This report does not have a direct and significant impact of the community and does not require a Gender Impact Assessment.

## 11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 Direction 3 – Sustainable Port Phillip A City that has a sustainable future, where our environmentally aware and active community benefits from living in a bay side city that is greener, cooler, cleaner and climate resilient.
- a) Port Phillip manages waste well, maximises reuse and recycling opportunities and supports the circular economy.
  - b) Don't Waste It! - Waste Management Strategy 2022-2025.
- 11.2 Direction 5 – Well-Governed Port Phillip
- a) A City that is a leading local government authority, where our community and our organisation are in a better place as a result of our collective efforts.
  - b) Port Phillip Council is high performing, innovative, inclusive and balances the diverse needs of our community in its decision making.
  - c) Port Phillip Council is cost-effective, efficient and delivers with speed, simplicity, and confidence.
- 11.3 Waste management is identified as a key challenge and indicator within the Council Plan.
- 11.4 The collection contract has been designed to have outcomes to support these strategies and the key initiatives.

## 12. IMPLEMENTATION STRATEGY

### 12.1 TIMELINE

#### **Management Action Plan Implementation**

- 12.1.1 The attached Management Action Plan provides detail for the implementation of all related actions. The key milestones are as follows:
- June 2024 - Immediate updates to templates.
  - July 2024 - Updates to Council's Project Framework & establishment of Integrity Framework
  - September 2024 - Updates to Council's procurement and contract management framework of policies, procedures and templates.

#### **Retender Process**

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12.1.2 The following outlines the high-level timeline associated with retendering the services to provide for service continuity in the likelihood that the adjusted initial term of three (3) years is not extended by mutual agreement:

- January 2025 - Request for tender (released)
- June 2025 - Contract award / Citywide contract extension decision point
- June 2025 - March 2026 (potential transition)
- 1 July 2026 – Potential new contract commencement / Citywide contract ends.

### 12.2 COMMUNICATION

12.2.1 In accordance with Council's commitment to transparency, regular updates on the implementation of the Management Action Plan will be provided to Councillors.

### 13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 The CEO has noted that they are a Director of Family Trust that holds a small investment in a managed fund that holds an investment (alongside many others) in one of the companies considered as part of the contingency options. The CEO was not involved in those discussions. Given the nature of the interest and this report, the CEO has determined they do not have material or general conflict of interest in accordance with s129A of the LGA 2020 – that being the interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the person in relation to the matter.

### ATTACHMENTS 1. Management Response Table - Final Version (Public)

**Part A: Management Action Plan in response to the Cause Analysis and Recommendations Report**

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
<b>4.1 – Governance, Accountability &amp; Project Controls</b>					
R1	<p><b>Recommendation 1: Major procurement activities should be overseen by a dedicated project steering committee to provide project oversight. PRIORITY 1 RECOMMENDATION.</b></p> <p>High value and high-risk procurements should be oversighted by a dedicated steering committee to oversee project governance and support the delivery of the project. A steering committee would clarify project governance, provide strategic insight into delivery, and consider key delivery risks. The project steering committee should remain in place until services commencement. We note the Waste Transformation Project Control Group formed the senior governance forum for the project, but this lacked specific focus on the project through to commencement.</p> <p>The Council should re-consider how project complexity is assessed and used to determine governance arrangements under Council policy. This could include consideration of, inter alia, project value; characteristics (such as whether it includes a material ICT transformation); for procurement activities, whether the Council has necessary data; and the complexity of transition.</p>	Agree to implement.	M1A1: Update Council's <i>Project Governance Guidelines</i> to define the governance requirements for high-value, high-risk procurements including a requirement for a dedicated governance body to oversee such procurements from end-to-end and guidance on the management level and experience of the Chair.	Manager Enterprise Portfolio Management	26 Jul 24
			M1A2: Update Council's <i>Project Framework</i> to include a specific project stream pertaining to high-risk, high-value procurements.		26 Jul 24
			M1A3: Update Council's project management training program and supporting materials to include specific focus on the high-risk, high-value project stream.		26 Jul 24
			M1A4: Update Council's Project Lifecycle Management (PLM) system to incorporate specific process, workflow, and artefact requirements for high-risk, high-value procurements.		20 Dec 24
			M1B1: Update Council's <i>Procurement Guidelines</i> to outline the requirements for assessing and defining high-risk, high-value procurements including guidelines on assessing the complexity of transition and related data requirements.	Chief Financial Officer	13 Sep 24
			M1B2: Update Council's <i>Procurement Policy</i> to include relevant requirements related to governance of high-risk, high-value procurement.		13 Sep 24
			M1B4: Update Council's procurement training program and supporting materials to include specific focus on high-risk, high value procurements.		13 Sep 24

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
R2	<b>Recommendation 2: Project risk management processes and controls should be updated to ensure they better support project delivery. PRIORITY 1 RECOMMENDATION.</b>  Existing policies and processes should be utilised on all high value, high risk projects with guidance and training used to support consistent application and use. Augmentations to these frameworks could be considered, including developing 'readiness for services' tests for complex service procurement projects.	Agree to implement.	M2A1: Update Council's <i>Project Framework</i> to include requirements and guidance on risk management for high-risk, high-value procurements including 'readiness for service' testing.	Manager Enterprise Portfolio Management Office	26 Jul 24
			M2B1: Update Council's <i>Procurement Policy</i> to include risk management requirements for high-risk, high-value procurements.	Chief Financial Officer	13 Sep 24
			M2B2: Update Council's <i>Procurement Guidelines</i> to provide guidance for managing risks associated with for high-value, high-risk procurements including readiness testing.		13 Sep 24
			M2B3: Update Council's procurement training program and supporting materials to include specific focus on risk management for high-risk, high-value procurements.		13 Sep 24
			M2B4: Update Council's procurement & contract management assurance program for high-risk, high-value procurement to include testing the adequacy, consistency, and implementation of readiness for service testing.		13 Sep 24
R3	<b>Recommendation 3: Audit and Risk Committee (ARCO) consider findings and support implementation of recommendations.</b>  The Audit and Risk Committee plays an important role in risk management, business continuity planning and compliance. The issues identified in this report in relation to these matters, should be used to by ARCO to consider the adequacy of reporting and other functions that support it in its role and to ensure the adopted recommendations in this report are appropriately integrated into Council processes.	Agree to implement (from a management perspective noting this is a matter for ARCO to consider).	M3: The Management Action Plan responding to the waste review findings will be reported to the Audit and Risk Committee at its May workshop with progress on implementation reported quarterly thereafter. This will provide opportunity for the Audit and Risk Committee to provide feedback on any other measures it would like considered. The report to ARCO will also detail the proposed assurance process to ensure that audit actions are appropriately closed out.	Chief Executive Officer	(Complete) 21 May 24

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
R4	<b>Recommendation 4: Consider a ‘Gateway Lite’ type process to ensure appropriate control is in place at each key stage of the project.</b>  The State government’s gateway process provides a structured framework for ensuring projects are suitable to progress from one stage to the next. While formal adoption of gateway processes is a material undertaking for a Council, adopting core principles from the process for high value, high risk projects, would provide increased oversight and expert input for key projects.	Agree to implement. <sup>1</sup>	M4A1: Update Council's <i>Project Framework</i> to include enhanced requirements and guidance on stage gate reviews for high-risk, high-value projects including where appropriate the use of independent project quality assurance and specialist assurance forums eg the newly formed <i>Procurement and Contract Management Steering Committee</i> .	Manager Enterprise Portfolio Management	26 Jul 24
			M4A2: Undertake a review of available gateway accreditation courses and their suitability to build capability for high-risk, high-value projects.		20 Dec 24
			M4B1: Review Council's <i>Procurement Policy, Procurement Guidelines</i> & training material to include enhanced stage gate review processes for high-value, high-risk service procurements including enhanced guidance on the use of probity advisors and probity auditors.	Chief Financial Officer	13 Sep 24
4.2 - Pre-Tender Phase					
R5	<b>Recommendation 5: Ensure data maintenance and transition out requirements are sufficient and actively managed. PRIORITY 2 RECOMMENDATION.</b>  Maintenance of accurate and complete data is important in supporting effective tendering of subsequent contracts (as well as contract management). Service contracts should include requirements for contractors to maintain complete and accurate data on an ongoing basis as well as requirements to hand over service data and develop a transition out plan as part of transition out responsibilities. This may be supported by a	Agree to implement.	M5A1: Update Council's <i>Procurement Guidelines</i> and <i>Contract Management Guidelines</i> and supporting materials to: A) Set out high-level data maintenance and transition out requirements and guidance for high-risk, high-value service contracts. B) Ensure that templates, including Contract Management Plans, specifically include monitoring of data maintenance and transition out requirements.  M5A2: Update Council's major service contract template to include (where relevant):	Chief Financial Officer	13 Sep 24   

<sup>1</sup> While Council's *Project Framework* does include stage gates, there is an opportunity to enhance these particularly for high value, high risk projects (incl. service procurements). This approach was successfully used for the Council's Customer Experience Program including Independent Project Quality Assurance to support go live readiness decisions.



No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
	performance regime which enables actions and timelines for completion of reports and data updates to be tracked and allows for compliance to be enforced through financial and/or non-financial levers.		<p>A) Requirements for contractors to maintain complete and accurate data on an ongoing basis, to hand over service data, and develop transition out plans.</p> <p>B) A performance regime including financial and/or non-financial levers to encourage compliance (noting precise regimes will be subject to commercial negotiation).</p> <p>M5A3: Update Council's procurement &amp; contract management assurance program to include assurance of data maintenance and transition out requirements for high-risk, high-value service contracts.</p>		13 Sep 24
R6	<p><b>Recommendation 6: Tender and risk management processes should reflect data limitations and associated challenges. Many tender processes are impacted by the quality of the data available.</b></p> <p>Where the data is deficient, specific management plans should be established. These can include pre-tender data rectification processes, post-tender data rectification processes and specific procedures within tender processes to ensure data quality matters are addressed.</p>	Agree to implement. <sup>2</sup>	<p>M6A1: Update Council's <i>Procurement Policy</i> to identify policy requirements for risk management, including data quality management for high-risk, high value procurements.</p> <p>M6A2: Update Council's <i>Procurement Guidelines</i> and <i>Contract Management Guidelines</i> and templates to ensure appropriate identification, assessment, and mitigation of data issues and risks including development and implementation of specific pre and post tender data management plans and processes.</p> <p>M6AC: Refine Council's procurement &amp; contract management assurance programs to ensure that data risk and management plans are implemented where necessary.</p>	Chief Financial Officer	<p>13 Sep 24</p> <p>13 Sep 24</p> <p>25 Oct 24</p>

<sup>2</sup> The data limitations, complexity of service delivery, and responsibilities of tenderers and the contractor to address this were clearly communicated in the tender documents, tender briefing materials, and contract. Citywide were required under the contract, as outlined clearly in the RFT, to inspect the collection area and to develop draft collection schedules for Council review. Citywide advised in their tender submission that they had inspected the City as part of preparing their methodology and RFT submission. They further stated that they had 'created effective scheduling and routes'. The new contract is specifically designed to collect better data and provide a digitised record of Council's waste services.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
			M6B: Update Council's <i>Project Framework</i> to ensure appropriate attention is given to data related risks and issues in the governance and management of high-value, high-risk procurements.	Manager Enterprise Portfolio Management Office	26 Jul 24
<b>4.3 - Procurement Phase</b>					
R7A	<p><b>Recommendation 7A: Alternative approaches to tender evaluation should be considered to allow assessments that strike a better balance between price and quality as well as allowing for differences in risk to be considered.</b></p> <p>For example, a value for money assessment is the approach typically used in State government. This approach does not require tender pricing to be a scored criteria but allows the Tender Evaluation Panel to recommend a higher cost tender if it is assessed to be affordable and offers sufficiently higher quality and lower risk to the purchaser for that additional cost. This requires a modified tender evaluation process in which quality and delivery are scored and price is assessed on a value for money basis. This could provide a better balance between price and quality.</p>	Agree to implement. <sup>3</sup>	<p>M7A1: Update <i>Council's Procurement Guidelines</i> to provide enhanced guidance on the weighting of price and non-price elements. This will include examples and specific guidance material including recommended ranges for price.</p> <p>M7A2: Review alternative approaches to tender evaluation including "value for money" assessment, when these might be appropriate to use, and the specific capabilities required to successfully implement.</p> <p>M7A3: Dependent on the outcomes of the review outlined in M7A2 update Council's <i>Procurement Guidelines</i> and training material to ensure that staff undertaking such evaluations have the required guidance, knowledge, skills, and experience.</p>	Chief Financial Officer	<p>21 Jun 24</p> <p>20 Dec 24</p> <p>20 Dec 24</p>

<sup>3</sup> Council has on a few occasions employed such an approach on highly complex technology procurements such as the Customer Experience Program. The formula driven pricing assessment methodology that is generally used is in place as it is highly transparent, defensible, and relatively simple for application. The weighting of price in this procurement considered the materiality of the contract value, the organisational and community focus on affordability, and sensitivity to rates and waste charge increases. The current approach sees the weighting of evaluation criteria determined on a case-by-case basis with high-level guidance provided in the procedures. It is noted that a reduction in price weighting, and a commensurate increase in transition plan weighting, in the procurement of collection services would have been unlikely to have altered the overall assessment. Council has assessed price sustainability on highly complex one-off procurements in the past but broader application is currently limited to considering outliers.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
R7B	<p><b>Recommendation 7B: As an alternative to a value for money assessment, for non-commodities procurement process, where quality and delivery are key drivers, a lower weighting for price should be considered.</b></p> <p>Where services or products are highly commoditised, a higher weighting for price may be appropriate. Where services are complex and the experience and approach of the supplier are pivotal in delivery, it may be appropriate to reduce the weighting on pricing (if it is to be scored) in tender evaluation to allow quality and delivery to have additional influence on supplier selection. The scoring of price should be subject to assessment of sustainability and deliverability.</p>				
R8	<p><b>Recommendation 8: A more comprehensive assessment of pricing could be considered, particularly for large, long-term contracts. PRIORITY 2 RECOMMENDATION.</b></p> <p>A more comprehensive assessment of pricing could be conducted for high value – high risk contracts. This could include requesting more information in Request for Tender (RFT) documents on the tenderers' underlying costs and margins. In large State government services contracts, detailed tender returnable schedules typically require individual cost elements to be disclosed to enable a thorough assessment of cost and quality.</p> <p>These more detailed tender assessment processes would need to be supported by more comprehensive tender returnable requirements that elicit more transparent cost information from tenderers. This would allow the evaluation panel to assess whether pricing is aligned with the intended specification and payment mechanism as well as the approach to service delivery proposed in the tender.</p>	Agree to implement.	M8: Council's <i>Procurement Guidelines</i> and supporting materials ie (tender and probity evaluation plan template) will be updated to provide for a more comprehensive assessment of price including appropriate consideration of price sustainability in the scoring of price for high value, high-risk procurements. This will particularly include an assessment of confidence of pricing where there is a large difference in tenders. This will include any subsequent adjustments required to returnable schedules.	Chief Financial Officer	26 Jul 24

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
R9	<p><b>Recommendation 9: Procurement policy should permit self-referencing and other relevant information to be considered in assessment.</b></p> <p>Procurement rules and procurement plans should provide the evaluation panel with the ability to consider any available information in their assessment, including a supplier's performance on other Council contracts and making use of references available outside of those nominated by the Tenderer.</p>	Partially agree to implement. <sup>4</sup>	<p>M9A: Review Council's <i>Procurement Policy</i>, <i>Procurement Guidelines</i> and supporting materials in consultation with probity and legal advisors to consider how to appropriately include self-referencing and other relevant information in tender assessment beyond references provided by the tenderer while maintaining probity and process integrity.</p> <p>M9B: Update Council's <i>Contract Management Guidelines</i> to include better ongoing assessment of contractor performance and recording of this in Council's Supply Chain Management system module with focus on high-value, high risk contracts.</p>	Chief Financial Officer	<p>13 Sep 24</p> <p>20 Dec 24</p>
R10	<p><b>Recommendation 10: More comprehensive Tender Evaluation Panel reporting to Council. PRIORITY 1 RECOMMENDATION.</b></p> <p>When the Council is required to decide on supplier selection it is reliant on the information provided in the Tender Evaluation Report. Tender Evaluation Reports should therefore be structured to incorporate key information that supports their deliberations, including the strengths, weaknesses and risks of each tenderer and specific summarised details of the approaches and methodologies that underpin the solution together with the Tender Evaluation Panel's assessment of that solution. The Tender Evaluation Report should clearly show the breakdown of scoring between each of the weighted elements with appropriate information to support the relative scoring of suppliers.</p>	Agree to implement.	<p>M10A: Update Council's <i>Procurement Guidelines</i> and <i>Contract Management Guidelines</i> and supporting materials including Tender Evaluation Report templates to ensure that Council reports contain more comprehensive information including:</p> <ul style="list-style-type: none"> <li>A) Strengths, weaknesses, and risks of each tenderer and specific summarised details of the approaches and methodologies that underpin the solution together with the Tender Evaluation Panel's assessment of that solution.</li> <li>B) The Council report and TEP's report will be updated to include specific requirements where the recommended tenderer is significantly less expensive than other tenderers.</li> <li>C) The breakdown of consensus scoring between each of the weighted elements with appropriate information to support the relative scoring of suppliers.</li> <li>D) Relevant probity reports and reference checks as attachments.</li> </ul>	Chief Financial Officer	21 Jun 24 <sup>5</sup>

<sup>4</sup> Council's current practice of restricting internal Council reference checking is informed predominantly by prior probity assessments and Ombudsman recommendations. Probity requirements are unlikely to allow self-referencing without appropriate controls or the consideration of "any" available information.

<sup>5</sup> Enshrined in the updated *Procurement Policy*, noting that a new TEP template has been implemented as of April 2024.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
			M10B: Council's reports and briefings templates and training will be updated to reflect the requirements in 10A.	Executive Manager Governance Organisational Performance	30 Aug 24
R11	<b>Recommendation 11: Contractor risk register should be developed.</b>  Part of the tender assessment should include a risk assessment. In many complex services projects, there are residual risks and issues that require proactive management during the transition and operational phases of the project.	Agree to implement. <sup>6</sup>	M11A1: Review and update Council's <i>Procurement Policy</i> , <i>Procurement Guidelines</i> , and training materials to provide for enhanced assessment of risk in tender processes including transitional and operational phases (noting that for high-risk and high-value procurements, this will form part of the <i>Project Framework</i> requirements)  M11A2: Update Council's procurement & contract management assurance programs to ensure that there is the creation, maintenance, and periodic assurance testing of contractor specific risk registers for high-value, high-risk service contracts.	Chief Financial Officer	13 Sep 24 <sup>7</sup>  13 Sep 24
<b>4.4 – Transition Phase</b>					
R12	<b>Recommendation 12: Structured handover from procurement to transition. PRIORITY 2 RECOMMENDATION.</b>  Complex procurement processes and contracts, with extensive transition requirements, benefit from the effective handover from the procurement team to the transition team. The procurement team have inherent and detailed knowledge of the risks	Agree to implement. <sup>8</sup>	M12A: Update Council's <i>Procurement Guidelines</i> and supporting materials to ensure a structured handover from procurement to transition phases including procurement team involvement in transition planning.  M12B: As per management action M1A1 – Council's <i>Project Framework</i> will be updated to provide for end-to-end project management of high-risk, and high-value procurements. This update will require	Chief Financial Officer  Manager Enterprise Portfolio	13 Sep 24  26 Jul 24

<sup>6</sup> Procurement and contract management activities require risk to be considered but there are opportunities to improve how this is done to a consistent, high standard including the development of specific contractor risk registers particularly for high risk and high value contracts.

<sup>7</sup> Noted that Tender Evaluation Panel (TEP) report templates implemented in April 2024 includes more detailed risk management sections.

<sup>8</sup> A project was established for the development of the specification and the procurement of the waste collection services. This project ended at contract close. The transition period became a workstream in a broader program and continued to fall under the auspices of the existing Project Control Group. There was some continuity in membership between the procurement team and the transition team. However, it is accepted that the shift from project to a workstream of a broader program meant that oversight and visibility of transition period activities was reduced and not at the level required to appropriately manage risk and control failures such as the failure by Citywide to produce collection schedules.



No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
	associated with the Contractor's solution, its committed obligations, and the contract requirements. A structured handover process between the procurement team and the contract management team should be conducted, with the procurement team supporting the development of the detailed transition plan. This process is best enabled where a contractor risk register is maintained.		overarching project management of the different phases, including the handover from the procurement process to a transition period. This will also include the continuity of risk management throughout high-risk, high-value procurement projects.	Management Office	
R13	<p><b>Recommendation 13: Improved transition planning processes and resourcing. PRIORITY 1 RECOMMENDATION.</b></p> <p>For projects with complex transition requirements a detailed transition plan should be used to identify key dates, obligations of each party including the principal, incoming contractor and outgoing contractor, activities, roles and responsibilities and risk management to allow effective tracking and management. For complex transitions, the Council may require dedicated transition resourcing to support effective management. Additionally, transition requirements may specify milestone dates where key activities would need to be completed by the Contractor, which would otherwise trigger a contractual breach. This would provide earlier opportunities for the Council to consider alternative courses of action in relation to material risks arising.</p>	Agree to implement. <sup>9</sup>	<p>M13A1: Update Council's Procurement Policy to require development of transition management plans for relevant service procurements.</p> <p>M13A2: Update Council's Procurement Guidelines and major service contract templates to ensure:</p> <p>A) Consideration is given to Council, incoming contractor, and outgoing contractor obligations; roles, and responsibilities; key activities and milestones; risks; and monitoring and assurance approaches.</p> <p>B) That transition requirements are embedded in new contracts including remedies for failure to deliver on requirements.</p> <p>C) That appropriate resourcing is allocated to manage transition activities.</p> <p>M13A3: Update Council's contract management plan template to ensure that transition activities are documented accordingly.</p> <p>M13A4: Update Council's procurement &amp; contract management assurance program to ensure that appropriate assurance mechanisms are in place to</p>	Chief Financial Officer	<p>13 Sep 24</p> <p>13 Sep 24</p> <p>13 Sep 24</p> <p>13 Sep 24</p>

<sup>9</sup> It is noted that in the lead up to the procurement, transition and go-live of the kerbside waste & recycling collection contract additional resources were added to the waste operations team. This included the establishment of a dedicated senior contract manager and additional administrative and support staff. Prior to the changes, procurement and contract management responsibilities were undertaken by the coordinator of the team in addition to their operational and staff leadership functions.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
			test that transition management plans are being appropriately implemented  M13A5: Undertake an assessment of organisational resources, specifically an assessment of in-house contract management expertise, to provide guidance for the management of transitions between contractors.		26 Jul 24
R14	<b>Recommendation 14: Sufficient time should be provided for transition.</b>  Procurement plans should provide sufficient time for transition activities to be completed. This should consider the long lead times for activities such as vehicle supply and rectification of data gaps and also allow for contingency in case contract execution is delayed.	Agree to implement. <sup>10</sup>	M14: In addition to management actions in response to Recommendation 13, Council's <i>Procurement Guidelines</i> , <i>Contract Management Guidelines</i> and related templates will be reviewed and updated to ensure that procurement plans include appropriate consideration of and allowance for transition activities including contingency.	Chief Financial Officer	26 Jul 24
R15	<b>Recommendation 15: Increased focus on transition in tendering for complex services.</b>  For complex services, transition is typically the phase with the highest risk and therefore could be assigned a greater weighting in evaluation (higher than the 5% allocated in the Tender Evaluation Plan). Detailed plans and case studies should be requested from Tenderers to enable assessment of their capability and experience, as well as the	Agree to implement. <sup>11</sup>	M15: Update <i>Council's Procurement Guidelines</i> and related templates and support materials to: D) Provide enhanced guidance on the weighting of transition for high-value, high-risk service procurements and to include a recommended 10% weighting for those assessed as having high transition risk. E) Where relevant, require detailed transition plans and case studies from tenderers to support assessment of transition planning and capability.	Chief Financial Officer	21 Jun 24

<sup>10</sup> The time for transition was considered as part of this contract. Contract award was delayed due to variations to standard contract terms sought by Citywide. Final contract execution was further delayed due to Citywide introducing additional variations. Citywide did not raise concerns with Council about the length of time made available for the transition ahead of contract commencement on 1 July 2023. The implications of the vehicle supply timelines were mitigated through an agreed temporary adjustment to contractual obligations.

<sup>11</sup> In the procurement for kerbside collection services Council did require, and Citywide (along with other tenderers) did provide, a detailed transition plan. The transition plan outlined the approach taken at other local councils where Citywide has successfully implemented new services. The transition plan provided in the Request For Tender (RFT) and relied upon by the TEP in recommending their award also covered specific actions including statements that the service area had been inspected as part of preparing the tender submission, the suitability of the technology offered, the identification of laneway collections, and other transition related activities. Based on the information provided in their submission, the case studies, interviews and follow up clarifications, Citywide received high scores in this regard.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
	robustness of their plan to deliver services and manage transition risk.				
R16	<b>Recommendation 16: Readiness for service checks and thresholds. PRIORITY 1 RECOMMENDATION.</b>  Where transition is complex the contract requirements could include thresholds which demonstrate a contractor's readiness for service. These should be clear requirements that need to be in place in order for the contract to commence. The Council may be able to waive them, if it considers services could be delivered in their absence, but such thresholds should be included in contracts and then reflected in transition plans for management. Such thresholds, if appropriately timed, allow early intervention to address key issues.	Agree to implement.	M16: In addition to management actions in response to other related recommendations including recommendations 2 (risk management), 3 (gateway reviews), and 13 (transition management), Council's <i>Procurement Policy</i> will be reviewed to ensure there is increased focus on readiness for service thresholds and checks.	Chief Financial Officer	13 Sep 24
R17	<b>Recommendation 17: Fallback planning options.</b>  The Council's risk management approach should consider fallback planning. This could include provisions that allow existing services to be extended where the incoming services provider is impeded in delivery or where it hasn't demonstrated readiness for service.	Agree to implement.	M17A: Update Council's <i>Procurement Guidelines</i> and supporting materials (ie the Tender Evaluation and Probity Plan template) to ensure appropriate fall back planning is completed for high value, high risk service procurements.  M17B: Update the Council's standard contract template for high value, high risk service contracts to include provisions that allow existing services to be extended where an incoming service provider is impeded or not ready for delivery.	Chief Financial Officer	13 Sep 24 <sup>12</sup>  13 Sep 24
R18	<b>Recommendation 18: Continuity of resourcing.</b>  Ensure that there are one or more people with appropriate experience engaged throughout the	Agree to implement. <sup>13</sup>	M18: In addition to management actions in response to recommendations 1 and 2 (project governance and risk management) Council's <i>Project Framework</i> will be reviewed to give guidance on resourcing	Manager Enterprise Portfolio	26 Jul 24

<sup>12</sup> In the interim this will be considered on a case-by-case basis as part of approval processes.

<sup>13</sup> The ability of Council to prevent staff turnover and ensure continuity of resourcing is limited. In this case, several resourcing strategies were employed including the engagement of experienced resources to oversight the transition phase. There was also continuity of several staff between the procurement and transition phases.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
	entire contracting process, from pre-tender through to transition and implementation to ensure flow-through of knowledge and risks. This may require resources that are experienced (in this instance) in kerbside collection contract preparation and have operational knowledge.		including approaches to supporting continuity. This will likely include updating the project templates for high-risk and high-value procurements to stipulate key person risk and mitigations.	Management Office	
<b>4.5 - Implementation Phase</b>					
R19	<p><b>Recommendation 19: Sustainability of the services needs to be considered. PRIORITY 1 RECOMMENDATION.</b></p> <p>The Council should establish procedures to monitor the ongoing sustainability of the service to ensure services continuity in all circumstances.</p>	Agree to implement. <sup>14</sup>	<p>M19A1: Council officers to work with Citywide to ensure that the sustainability of the services is maintained in a way that is fair for all parties.</p> <p>M19A2: Implement commercial sustainability monitoring of Council's current waste and recycling collection services.</p> <p>M19B1: Update Council's <i>Contract Management Guidelines</i> to provide guidance material on the undertaking of financial sustainability assessments of live contracts (statutory declarations accompanying payment claims, etc.).</p> <p>M19B2: Review and update Council's major service contract template to include mechanisms for financial viability assessment (statutory declarations, financial disclosures, etc.)</p> <p>M19B3: Update Council's contract management training program and supporting materials to build capability across the organisation to assess financial sustainability of service contracts.</p> <p>M19B4: Updated Council's procurement &amp; contract management assurance program to include</p>	<p>Executive Manager Waste &amp; City Maintenance</p> <p>Chief Financial Officer</p>	<p>(Completed) 30 June 24</p> <p>30 June 24</p> <p>13 Sep 24</p> <p>13 Sep 24</p> <p>13 Sep 24</p> <p>13 Sep 24</p>

<sup>14</sup> It is noted that Council already has practices in place to monitor sustainability, but these will be further expanded. Council has worked with the contractor to ensure the sustainability of the services in a way that is fair and reasonable.

No.	Recommendation	Management Response	Agreed Management Actions	Accountability	Timeline
			assessment of financial sustainability of live contracts.		
R20	<b>Recommendation 20: The Council should review its handover and knowledge management processes.</b>  Staff turnover has been a factor in the lack of service-related knowledge within the waste services team at the Council, as has a lack of consistency in staffing across the planning, procurement and transition phases of the contract changeover. With a high turnover of staff, it is easy for knowledge to be lost unless robust handover and knowledge-sharing processes are followed. This is particularly important for staff responsible for the management of large contracts and those with specific operational knowledge unique to their position.	Agree to Implement. <sup>15</sup>	M20A1: Update Council's <i>Project Framework</i> to define documentation requirements for high-risk, and high-value procurements  M20B1: Update Council's procurement and contract management assurance program to assess documentation and information practices in high-risk, and high value procurements and contracts.	Manager Enterprise Portfolio Management Office  Chief Financial Officer	26 Jul 24  13 Sep 24

<sup>15</sup> This is a key element of the new collection contracts. The new contracts seek to digitise Council's waste collection services capitalising on the significant program of technology and customer service capability uplift that Council has delivered through the Customer Experience Program. The digitisation of the record of the service will overtime significantly reduce risks associated with staff turnover and ensure that Council maintains high quality data on its services.



**Part B: Response to Probity Audit Findings**

Probity Principle	Finding	Management Actions	Accountability	Timeline
Compliance with the legal and policy framework applying to procurement decisions	Finding #1 (Significant): Lack of adequate documentation to confirm accountability in decision-making. <sup>16</sup>	M10A: Please refer to agreed management action M10A - Council's <i>Procurement Policy</i> and <i>Procurement Guideline</i> requirements will be revised to ensure that all procurement award reports going to Council include assessment summaries of all price and non-price evaluation criteria, and where relevant, contains summaries of the shortlisted suppliers' methodologies and approaches. Additionally, consensus score details, relevant probity reports and reference checks included as attachments to Council reports.	Chief Financial Officer	21 Jun 24 <sup>17</sup>
Consistency and transparency of process	Finding #2 (Significant): Lack of adequate documentation to confirm consistency and transparency of process. <sup>18</sup>	M21A - Council's <i>Procurement Policy</i> , <i>Procurement Guidelines</i> , and procurement training program and material will be reviewed and updated to ensure that documentation pertaining to individual and consensus scoring is maintained to an appropriate standard to fully document that a consistent and transparent approach of assessment is applied.  M21B: Council's procurement & contract management assurance program will be updated to assess documentation that is on file for procurement activity.	Chief Financial Officer	13 Sep 24  13 Sep 24
Identification and management of conflicts of interest	Finding #3 (Significant): Lack of evidence to confirm conflicts of interest were formally declared, reviewed and	M22: The findings will be considered as part of the current review of the Staff <i>Conflicts of Interest Policy</i> and development of an <i>Integrity Framework</i> with a more conservative posture to be taken.	Executive Manager – Governance & Organisational Performance	26 Jul 24

<sup>16</sup> While records were in place to outline individual assessment and consensus scoring for non-price related elements of the tenderers' submissions, it is acknowledged that the Council report did not include the individual item consensus scores, the individual reference checks, or the probity advisors final report. It should be noted that the final Tender Evaluation Panel (TEP) Report did include the detailed reference checks and the probity advisor's report and that this report was endorsed by the TEP and the independent Probity Advisor prior to the Council report being considered.

<sup>17</sup> Enshrined in the updated *Procurement Policy*, noting that a new TEP template has been implemented as of April 2024.

<sup>18</sup> While minutes of meetings of the tender evaluation panel (TEP) were available and reviewed, detailed scoring assessment notes for some evaluation panel members were not able to be located and provided to the auditors. Notably the probity advisor did attend all of these TEP meetings and concluded in their final report the procurement process was, in all material respects, completed in accordance with the relevant documented procedures and probity requirements including the application of a consistent and transparent process.

Probity Principle	Finding	Management Actions	Accountability	Timeline
	assessed in line with Council requirements <sup>19</sup>	M23: Council's <i>Procurement Policy</i> , <i>Procurement Guidelines</i> and procurement training program and supporting material will be updated to align with the revised <i>Conflicts of Interest Policy</i> and new <i>Integrity Framework</i> .	Chief Financial Officer	13 Sep 24
		M24: Officers will discuss the probity auditor's report with the Local Government Inspectorate and seek advice on learnings and any further action required.	EM Governance & Organisational Performance	Completed (Mar 24)
		M25: Officers will provide a copy of the probity auditor's report, and Council's agreement management actions, to the LGI and seek feedback and recommendations on potential changes to Council's <i>Conflict-of-Interest Policy</i> .	EM Governance & Organisational Performance	Completed (Apr 24)
Appropriate security and confidentiality arrangements	Finding #4 (Significant): Lack of evidence to validate the security arrangements	<p><i>Council officers have sought further advice from the probity auditors, RSM, to better understand the gaps and the expectations in this space.</i></p> <p>M26: Following further engagement with the probity auditors, a review will be undertaken to determine a more secure way to share relevant documents from procurements. Any changes to Council's approach will be incorporated in the updated procurement procedures. The application of this process will form part of the broadened assurance program.</p>	General Manager Operations & Infrastructure	30 August 2024

<sup>19</sup> It is outlined in the independent probity auditors report, that a TEP member who was employed by The City of Melbourne was included on the TEP as a voting member. The officer noted the relationship between the CoM and a prospective tenderer (Citywide). The officer also declared that in their role at the CoM they supervised contracts with various providers, including Citywide but they had no role in the CoM's ownership of Citywide and that they did not receive any benefit from Citywide being awarded contracts. This declaration was reviewed by the Chair and the probity advisor with subsequent further testing of the declaration. Subsequent to agreed actions being put in place, and satisfactory responses to the probity advisor's follow-up queries, the TEP member declared that no conflict of interest existed and therefore, no further relevant processes were triggered (for example noting a conflict in the Council report, escalation to the CEO, or recording on Council's public interests register). It is noted that the Council report did include a reference to professional associations between the TEP members and tenderers, but no conflict of interest was declared because of the aforementioned reasons. The probity auditors concluded that whilst a material conflict under the express terms of the Local Government Act 2020 (and therefore Council's *Governance Rules* and *Conflict of Interest Policy*) was not likely to have existed, in their view, a conflict was apparent, and the officer should not have been permitted to sit as a voting member on the Panel. Officers have discussed the probity auditor's findings with a representative of the Local Government Inspectorate (LGI). The representative of the LGI advised that in their opinion, they believe, based on the information provided to them, that the CoM Officer undertook the appropriate steps, with advice from the probity advisors to the panel, to assess whether or not they had a material or general conflict of interest under the Local Government Act. They also commented that the measures that were in place regarding number of panel members and probity advisor attendance at key meetings, seemed appropriate to ensure the integrity of the tender process with the participation of the CoM officer. The LGI representative did note however, that perceptions of conflict of interest can be difficult to manage, and that this could be an area of further work for The City of Port Phillip and that the LGI would be happy to provide input into Council's review of process and policies.



**11. SUSTAINABLE PORT PHILLIP**

Nil

**12. VIBRANT PORT PHILLIP**

12.1 *Fitness Training and Outdoor Commercial Recreation Policy Review* 138

12.2 *Events Strategy and Outdoor Events Policy Review.....* 165



**12.1** **FITNESS TRAINING AND OUTDOOR COMMERCIAL  
RECREATION POLICY REVIEW**

**EXECUTIVE MEMBER:** **TARNYA MCKENZIE, INTERIM GENERAL MANAGER,  
COMMUNITY WELLBEING AND INCLUSION**

**PREPARED BY:** **DANA PRITCHARD, MANAGER OPEN SPACE RECREATION AND  
COMMUNITY RESILIENCE**

**SUSAN CANNELL, COORDINATOR SPORT AND RECREATION**

**KAHLIA FLETT, RECREATION PARTICIPATION AND PROJECTS  
OFFICER**

**1 PURPOSE**

- 1.1 To provide Council with proposed updates to the Fitness (Personal) Training and Outdoor Commercial Recreation Policies

**2. EXECUTIVE SUMMARY**

- 2.1 Public space across the municipality is used by a variety of commercial operators to run recreation activities. With our foreshore and beaches being the most popular destinations. These activities range from skydiving to personal trainers.
- 2.2 The Fitness Training (PT) and Outdoor Commercial Recreation (CR) Policies guide the permitting and requirements for these businesses to operate in public space, to help manage and create vibrant, safe and active places for everyone.
- 2.3 In response to a Council resolution on 6 March 2024, a minor review of these policies has been undertaken to enable more equitable licencing of different recreational activity providers and increase the opportunities for recreation activities to operate in public space.
- 2.4 The proposed changes include changes to scope/definitions, application process and assessment criteria. Removal of the pre-approved sites is also recommended. These changes will create more opportunities, particularly for operators of group classes with 15-50 participants.
- 2.5 The updates align with benchmarking, State Government requirements and other Council policies including the Sport and Recreation Strategy, Outdoor Events Policy, Foreshore and Park policies and regulations.
- 2.6 These changes are just updates to the current policies. A full review will be undertaken in 2025/2026 to align with DEECA's review of the Tour Operator Licence.

**3. RECOMMENDATION**

That Council:

- 3.1 endorses the updated Fitness Training Policy;
- 3.2 endorses the updated Outdoor Commercial Recreation Policy; and
- 3.3 notes that a full review of both policies will be undertaken in 2025/26.



#### 4. KEY POINTS/ISSUES

##### Context

- 4.1 Open space, parks and beaches across the municipality are popular locations for commercial recreational operations and fitness trainers. Currently we permit a mix of activities including personal training, yoga, kiteboarding, kayaking and skydiving.
- 4.2 These activities have been permitted for many years under the Outdoor Commercial Recreation Policy and the Fitness Training Policy. Under the Local Law these policies permit all regular and ongoing outdoor group activities by commercial operators.
- 4.3 These policies are in place to help manage and create vibrant and active places for everyone. Licencing recreation activities helps Council to:
  - 4.3.1 Protect and preserve our natural environment and public assets.
  - 4.3.2 Provide equitable access to our limited public space for diverse activities.
  - 4.3.3 Ensure commercial activities are safe and well-managed and do not unreasonably impact community access to public open space.
  - 4.3.4 Balance the needs of all open space users, including residents and visitors.
  - 4.3.5 To provide equity in the management of commercial providers seeking to operate in public open space.
  - 4.3.6 To provide health and wellbeing opportunities to support the physical and mental health of our community.
- 4.4 The Outdoor Commercial Recreation Policy (CR):
  - 4.4.1 applies to large/complex recreational and sporting activities.
  - 4.4.2 Current permits under this policy are for kiteboarding, skydiving, beach volleyball and kayaking.
  - 4.4.3 It excludes the opportunity to permit any activity captured under a different policy (e.g. events, Personal Trainers, wellness providers)
  - 4.4.4 All activities require a Tour Operator Licence from the State Government Department of Energy, Environment and Climate Action (DEECA).
  - 4.4.5 There is an annual fee and a per participant fee applied.
- 4.5 The Fitness Training Policy (PT)
  - 4.5.1 Applies to smaller group classes with minimal equipment, with a maximum of 15 participants.
  - 4.5.2 Current permits include personal trainers, yoga and breathwork classes.
  - 4.5.3 All activities require a Tour Operator Licence from the State Government Department of Energy, Environment and Climate Action (DEECA).
  - 4.5.4 There is an annual fee and no per participant fee applied (currently waived by DEECA).
- 4.6 Tour Operators Licence (TOL).
  - 4.6.1 The State Government requires all organised recreational activities in public space to be regulated under their TOL





4.6.2 The TOL applies to all tour operators and educational and recreational activity providers operating on public land. It sets fees and requires operators to be licenced by the land manager – in this case it is the Department of Energy Environment and Climate Action (DEECA). Tour operators ([forestsandreserves.vic.gov.au](http://forestsandreserves.vic.gov.au))

4.6.3 The TOL and associated fees are set by DEECA and administered by Council.

4.7 Other permits for recreational activities include:

4.7.1 Outdoor Event Policy - these permits do not permit regular and ongoing activities.

4.7.2 Sports Club Licences - these permit ongoing use of open space for the purpose of community sport.

### Background

4.8 At the 6 March 2024 Council meeting, a petition was tabled from a Fitness Training provider to Protect our weekly Wellness Gathering: Feel Good Flows. [Minutes Council Meeting - 6 March 2024](#)

4.9 The petition requested the opportunity to operate with a larger group. The current policies restricted this opportunity.

4.10 The following was resolved at this meeting:

*That Council:*

- *notes the increasing pressure on public space to support commercial operators, particularly along the foreshore, and recognises the importance of public open spaces being shared by all community users.*
- *notes the provider can continue operations in line with their current licence, as per the Fitness Training Policy, with participant numbers of no more than 15 and within the allocated locations.*
- *requests officers to work with Feel Good Flows on alternative options in line with relevant policies and guidelines.*

4.11 The current Fitness Training (PT) Policy and Outdoor Commercial Recreation (CR) Policy have been reviewed and changes have been identified to address the resolution.

### Key considerations

4.12 The review considered the following:

4.12.1 Potential impact of any changes.

4.12.2 Changes in the industry. Fitness training is no longer exclusive to typical gym training or personal training, it now includes broader health and wellness activities.

4.12.3 The DEECA requirements, mean that the policies apply to all organised activities whether a fee is charged or not, requiring a review of definitions of commercial.

4.12.4 Alignment and consistency with all relevant strategy, policy, and regulations.



- 4.12.5 Impact on the community. The proposed changes recognise that there is increasing pressure on public open space to support commercial operators, particularly along the foreshore, and recognises the importance of public open spaces being shared by all community users. Changes have been tested against potential adverse impacts.
- 4.12.6 Financial impact. The proposed changes recognise the difference in fees applicable to commercial providers under both policies and the impact to Council by increasing the scope of both policies.
- 4.12.7 Honouring existing Outdoor Commercial Recreation licences. Existing licences are valid until 30 September 2025. Any current licence will remain unchanged and aligned with the policy at the time.

### **Proposed Policy Updates**

- 4.13 The following updates are proposed in the policies:

Fitness Training Policy (Attachment 1)

- 4.14 Scope

- 4.14.1 All activities with large infrastructure will now only be permitted under the CR Policy (e.g. ice baths). This means that this policy only applies to recreation activity providers operating within 15 or less participants with minimal infrastructure, removing any overlap with CR policy.

- 4.15 Process

- 4.15.1 Licence application via a bi-annual process, rather than being open year-round. This will improve the regulation and allocation of licences.
  - 4.15.2 Assessment Criteria updated to better reflect decision making process and to bring in line with other public space permitting.
  - 4.15.3 Conditions of use removed; these will remain unchanged but be added on the website instead, in line with other policy templates.

Outdoor Commercial Recreation Policy (*Attachment 2*)

- 4.16 Scope

- 4.16.1 Updated scope to enable large 'recreation activities' (those currently only permitted to operate under the PT Policy) to apply for this licence.
  - 4.16.2 The scope of this policy will now include 'recreation activities' such as personal training and wellness gatherings – for groups up to 50 participants.

- 4.17 Process

- 4.17.1 Assessment Criteria updated to reflect decision making process and to bring in line with other public space permitting. It now includes requirements around impact on both community and environment.
  - 4.17.2 Removed reference to pre-approved sites (except for Skydiving and Kiteboarding). This opens more opportunities, and the suitability of the requested location will be undertaken as part of the assessment process.
  - 4.17.3 Applications for CR licences is via an annual EOI process; with the option of a 1-year licence with an optional 2-year extension. This allows for better



assessment of applications to ensure the best fit operators and sites for the municipality (rather than taking 'first in' applications).

4.17.4 Updated the application process for trailers, to address the inconsistent permitting of these in relation to CR activities.

4.17.5 Specific reference to the Outdoor Events Policy, to highlight other opportunities for providers.

### **Fees and Charges**

4.18 It is proposed that the annual fee is applied per site, currently each operator can use up to two locations under the one annual fee. This brings the application of fees in line with other policies/permits.

4.19 After benchmarking fees for the 2024/25 draft Council Plan and Budget increased fees are proposed for next financial year. As follows:

	<b>2023/2024 Fee</b>	<b>2024/2025 Proposed Fee</b>
Personal Training	\$331	\$450
Commercial Recreation	\$340	\$700

4.20 The DEECA per person fee will continue for the CR licences, but they do not apply for the PT permits. They are currently \$1.60 per child and \$2.40 per adult. DEECA has advised this fee is unlikely to change for the 2024/25 financial year.

## **5. CONSULTATION AND STAKEHOLDERS**

5.1 Internal engagement to ensure consistency with other Council policies, including with Recreation, Open Space, Parks Services, Maintenance, Foreshore and Events.

5.2 Further consultation occurred with the following external organisations to support the proposed changes for both policies:

5.2.1 Comparative research with neighbouring councils and Parks Victoria who have similar policies, processes, and fees in place.

5.2.2 DEECA to ensure the proposed policy review and fee structure is consistent with their Tour Operator Licence.

5.3 The review process for both policies considered feedback from existing and past fitness training providers and commercial recreation providers. However, no consultation with external providers or community was undertaken for this minor review.

5.4 Broader consultation will be undertaken with the planned review of these policies in 2025/26.

5.5 The fees and charges are included in the draft 2024/25 Council Plan and Budget and are a part of that engagement process.

## **6. LEGAL AND RISK IMPLICATIONS**

6.1 All operators are required to have appropriate insurance and risk management plans in place as part of their licence/permits.

6.2 Operators are also required to have all relevant training and accreditation.



## 7. FINANCIAL IMPACT

- 7.1 The proposed policy changes will have a positive financial impact on Council and community via the following:
  - 7.1.1 proposed increase to annual licencing fees, including the introduction of a trailer fee, will lead to increased annual income.
  - 7.1.2 increased spend on local economy by supporting local commercial providers and increased visitors to the City and investing in cafes and shops after activities.
- 7.2 Increased maintenance, as a result of increased use of public open space, will be funded by the proposed increase in annual fees and charges for commercial operators.

## 8. ENVIRONMENTAL IMPACT

- 8.1 Increased usage could impact the environment, this is being mitigated through the assessment process and new requirements for providers to have a planned response to environmental impacts.

## 9. COMMUNITY IMPACT

- 9.1 The proposed policy changes will have a positive community impact as they align with strategic objectives captured by the Sport and Recreation Strategy 2015-2024 to 'provide increased opportunities for diverse and vibrant recreation programs.'
- 9.2 The policy updates enable increased opportunity for diverse, non-traditional, and emerging forms of recreation, such as wellness activities, that contribute to making Port Phillip unique, vibrant, and liveable.
- 9.3 To manage any perceived community impacts, robust assessment criteria have been implemented to ensure equitable use and enjoyment of public open space. These criteria aim to manage the time, location, frequency and type of commercial operator to ensure minimal impact to local amenity and to equitable use and enjoyment of public space.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The policy updates align to the following strategic directions within the Council Plan: *Vibrant Port Phillip and Liveable Port Phillip*
- 10.2 The *Sport and Recreation Strategy 2015–2024* seeks to increase sport and recreation opportunities for the community. Increasing the scope of the Outdoor Commercial Recreation Policy is in alignment with policy objectives to 'provide increased opportunities for diverse and vibrant recreation programs.'

## 11. IMPLEMENTATION STRATEGY

### TIMELINE

- 11.1 Notify stakeholders of updated policies and update website.
- 11.2 Open the EOI process in June (CR) & July (PT)
- 11.3 Full review of both policies in 2025/26

### COMMUNICATION

- 11.4 The policy updates will be communicated to all existing providers, internal and external stakeholders. Information will be communicated via:

# MEETING OF THE PORT PHILLIP CITY COUNCIL

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11.4.1 Council's website

11.4.2 Email out to existing and past commercial providers

11.4.3 Social media platforms including Instagram, Facebook, and LinkedIn to advertise to new providers.

11.5 Key messaging associated with these communications include:

11.5.1 Policy change is in line with strategic objectives to support and provide opportunity for diverse recreation activities.

11.5.2 Focus on sustainable use of public space for both the environment and community.

11.5.3 Updates have been made to fees and processes such as applying for an onsite trailer.

11.5.4 New EOI timelines and licencing periods

## 12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS

1. DRAFT Fitness Training Policy 2024 

2. DRAFT Outdoor Commercial Recreation Policy 2024 





## Fitness Training Policy

Policy outcome	<ul style="list-style-type: none"> <li>• To provide health and wellbeing opportunities to support physical and mental health for all members of the community through outdoor fitness training</li> <li>• To preserve the quality and longevity of public open space and council assets within these spaces</li> <li>• To ensure fitness training activities do not unreasonably impact community access to public open space</li> <li>• To ensure all who recreate on Council owned and managed land within the City of Port Phillip are provided with a safe environment to do so</li> <li>• To provide equity in the management of outdoor fitness trainers, considering other fitness and commercial recreation providers and events who operate in the municipality</li> </ul>
Responsible area	Open Space, Recreation and Community Resilience
Version	Version 2.0
Date approved/adopted	
Planned review date	June 2026

## City of Port Phillip Fair Access in Sport Policy



To provide a framework for the City of Port Phillip to manage recreation activities facilitated by fitness and wellness providers across the municipality and support a range of recreation opportunities that reflect the cities diverse community.

Recreation activities provide health and wellbeing benefits to individuals and the community. This is an important part of Council's commitment to provide and facilitate a diverse range of sport and recreation programs and services to the Port Phillip community, in line with the Sport and Recreation Strategy 2015-2024 and Council objectives.

Any recreation activity conducted on Crown Land requires a Tour Operator Licence issued by DEECA. For streamlined management, one policy will be used to manage fitness and wellness activities in the City of Port Phillip on both Council owned and Council managed land.

*At the time of writing this policy, DEECA is reviewing its Tour Operator Licence policy and framework that applies to commercial operators with a Fitness and Wellbeing licence. CoPP is working with DEECA through this process to ensure allocation of open space and associated fees are fair, equitable and in line with Council priorities for all user groups. Currently, fitness trainers are exempt from per participant fees, however future changes to DEECA policy and framework will be applied to this policy as appropriate.*

This policy applies to all recreation activities conducted by fitness and wellness providers in public space.

These activities are conducted in public open space within the City of Port Phillip (CoPP), with up to 15 participants per session.

### **This policy applies to:**

All fitness, recreational or wellness classes/activities in public space including:

- Personal training classes using no equipment or using small equipment
- Fitness classes such as boxing, pad training, boot camps and circuit training
- Movement classes such as aerobics, dance or Pilates
- Wellness groups such as meditation, yoga or Tai Chi
- Any similar activities

### **This policy does not apply to**

- Any activities with over 15 participants
- Any activity heavy equipment, infrastructure or vehicles
- Events, promotions or markets

## City of Port Phillip Fair Access in Sport Policy



- Indoor activities
- Seasonal and casual use of sports grounds for sports clubs
- Any activity licenced or excluded under separate section of the Local Law or policy
- Activities held at Albert Park Reserve (this area is managed by Parks Victoria)

### **Fitness and wellness equipment**

Recreation activities are licenced to utilise the following equipment:

- Mats and bands
- Medicine balls
- Handheld weights of up to 10kg
- Skipping ropes
- Battle ropes of up to 10kg
- Lightweight infrastructure
- 1 x small A-Frame or banner signage

Fitness activities/equipment not permitted under this policy include:

- Aggressive or intimidating activities including combat/fighting training
- Activities using heavy gymnasium equipment or structures
- Vehicle access to public space
- Any activity that causes (or has the potential to cause) damage or wear to grass areas, trees, vegetation, paving or park fixtures, including:
  - Dragging tyres, equipment over grass areas
  - Tying ropes around park fixtures or trees
  - Using park seating for fitness activities such as step up
- Equipment attached to Council assets, including battle ropes or any type of resistance equipment

### **Permitted Sites**

There are specific parks, gardens, reserves and foreshore areas where fitness training is licenced, as outlined on the Council website.

All approved recreation activity sites satisfy CoPP site selection criteria to ensure they are fit for purpose and aligned to the Council Plan. Sites are formally assessed annually and reviewed seasonally, to ensure they are appropriate for fitness and wellness activities and satisfy Council's strategic objectives.

## City of Port Phillip Fair Access in Sport Policy



Each site is subject to unique regulations pertaining participant numbers, training times and number of trainers per hour/day.

Licences will specify sites, times and any exclusion zones within the licenced areas.

Availability of sites may vary with the seasons due to change in conditions and other uses.

Recreation activities must only be conducted in the specific areas allocated in the licence and at the specified times.

No more than two locations can be allocated per provider.

### **Exclusivity**

The area licenced can be a maximum of 20m by 20m within the allocated site.

At the start of each session, the licence holder must clearly mark a temporary exclusion zone, using cones or similar. The area marked must not already be occupied by other users.

The licence holder is entitled to exclusive use of the marked zone for the duration of the training session. The licence holder can request that others don't enter the exclusion zone once set up, however cannot request other users to remove themselves in order to mark out their exclusion zone.

All licence holders must conduct a pre site check to ensure safety of area to conduct activity.

Licence holders must ensure that they and their participants respect and be mindful of all other users of public open space.

### **Events and Capital Works Projects**

All **maintenance**, capital projects and council permitted events take precedence over activities permitted under this policy.

In the instance that scheduled works or an event impacts operations, providers can apply to relocate to an alternative location on a temporary basis. Council officers will work with the operator to determine if there is a suitable location.

### **Land management**

The use of an allocated area may be restricted or removed at Council discretion. This includes (but is not limited to) the following:

- Inclement weather
- Deemed unsafe for use
- Undertaking maintenance works, surface repairs, redevelopment works or major capital works
- Amenity issues arising from training sessions
- Emergency or security reasons

## City of Port Phillip Fair Access in Sport Policy



- Provision of regeneration time due to overuse

In the case of site allocation being restricted or removed, Council will endeavour to provide an alternate training site during this time. Allocation will be dependent on the availability and suitability of other designated fitness training sites.

### Restricted areas:

Recreation classes cannot be conducted on or within 10 meters of the following:

- Playgrounds and play equipment
- Skate parks
- Designated pedestrian and cycling pathways – including the foreshore promenade
- Sportsgrounds
- Picnic and BBQ areas
- Memorials, statues, public art works or cenotaphs
- Park furniture, buildings and structures
- Stairs and pathways
- Environmentally sensitive areas such as bushland and sand dunes
- Sports pavilions and verandas
- Informal recreation structures and fitness stations
- High wear areas of sports grounds including cricket pitches, centre squares, goal squares, centre corridor and bench/dug out areas

### A licence is required for:

All operators within scope of this policy will require a licence in accordance with the Local Government Act 1989.

If the nominated sites include Crown Land, the applicant may also be required to enter into a Tour Operator Licence agreement under the Crown Land Acts Amendments (Lease and Licence Terms) Act 2009. This process will be managed by Council.

Further information on the Tour Operator Licence can be found on DEECAs webpage [Tour Operators Licence - DEECA](#)

Licences are issued to individual trainers and providers, not the business entity. The applicant is considered the primary trainer, and each primary trainer is required to have their own licence. The licence covers the primary trainer, and one additional replacement trainer, for circumstances where



## City of Port Phillip Fair Access in Sport Policy



the primary trainer is unable to conduct a planned session. The replacement trainer must be named on the application.

Providers can apply for up to two (2) different sites, with a separate licence required per site. A maximum of two licences (two sites) can be held by one operator.

The number of licences that Council will issue is dependent on the availability and suitability of the specific sites.

### **Schedule of obtaining a licence**

A licence will be issued for the financial year at the time of application and is valid until the end of that financial year (30 June). Licences require renewal at the start of each financial year (1 July).

There will be two applications periods for licences June and November. The application assessment process will take four (4) weeks.

### **Fees**

Fitness and wellness providers are required to pay an annual fee when their application for a licence has been approved. A licence will be issued after the fee is paid in full.

The annual fee is applied per licence/site, noting applicants can hold up to two (2) sites.

The DEECA Tour Operator Licence Fee structure will be adopted, which requires providers to pay a fixed annual licence fee. This is set through the annual Council budget process.

Recreation activity providers are not required to pay the per participant fee enforced by DEECA, at the time of this Policy review, however this may be reinstated by Council as per direction by DEECA.

Pro rata fees are not applicable, and no refund of fees will be provided for fitness trainers wishing to cancel their licence prior to the expiry date, or if an area allocated in their licence is not usable during the licence period.

The licence holder must reimburse Council for the full cost of repairing any damage caused by their activities. Licences may be suspended, or future licence applications may be denied until this fee is paid in full.

### **Mandatory requirements**

Fitness and wellness trainers must complete and submit the application form, which can be found on the Council website: [Fitness and Personal Training Application Form](#).

The applicant must provide:

- City of Port Phillip Risk Assessment Form (including emergency response plan)
- Current Public Liability Insurance (\$20 million minimum)

## City of Port Phillip Fair Access in Sport Policy



- Current Peak Body Registration (Fitness Body/State Sporting Association)
- Current First Aid and CPR qualifications
- Participant waiver form
- Images of any marketing/signage for display (must be no larger than standard A-Frame)

Applicants must specify:

- Preferred location/s for training
- Preferred days and times for training (for summer and winter seasons)
- Estimated number of participants per session
- The types of activities that will be conducted
- Typical equipment used for the activities
- Strategies for sustainable use of public open space and how the impact of such activities will be minimised.

### Assessment of application

Applications will be approved at the sole discretion of Council. To be issued a permit the following criteria must be satisfied:

- Meets all Council requirements
- All required documentation is submitted
- All documentation is valid and in date
- The training locations, days and times requested are available and appropriate
- History of the applicant, including (but not limited to) no outstanding debt owing to Council or past permit cancellations

### Issuing a Licence

If approved, the applicant will be required to pay the annual fee per site upfront, before Council issues their licence. The City of Port Phillip will prepare the licence agreement documentation, upon payment of the annual fee by the applicant.

- Applicants will be required to sign three copies of the licence agreement
- The City of Port Phillip will complete and submit a Tour Operator Licence application to DEECA on behalf of the applicant (timeframe for competition can vary depending on approvals).

### Compliance

A licence holder must comply with all statutes, regulations, local laws and by-laws applicable to the allocated area or the licenced use.

A person must comply with any reasonable direction or instruction of an authorised officer, member of the Police Force or emergency service when requested to do so in urgent circumstances or for public safety reasons.

## City of Port Phillip Fair Access in Sport Policy



### Compliance approach

Compliance will usually follow the following process; however serious breaches may lead to immediate cancellation of the licence.

1. *Warning*: an authorised officer may, on behalf of Council, issue a warning to a trainer, who is not abiding by the licence conditions
2. *Notice to Comply*: an authorised officer may, on behalf of Council, issue a Notice to Comply, if the warning is ignored
3. *Cancellation of licence / infringement notice*: An authorised officer may, on behalf of Council, issue a licence cancellation notice or Victoria Police may issue an infringement notice, if a notice to comply has been ignored and a provider is found to be operating without a licence, an infringement notice can be issued immediately

### Spot checks

An authorised officer may perform a spot check at any time to ensure:

- Fitness trainers have a valid licence
- Licence holders are following the terms and conditions of the licence

Licence holders are required to carry their licence with them and produce it upon request from an authorised officer.

### Disciplinary action

#### *Cancellation of licence*

Council reserves the right to cancel a licence if:

- There has been a serious or ongoing breach of the conditions of the licence
- A Notice to Comply has been issued, but not complied with within seven days after the time specified in the Notice to Comply
- If the licence holder is found responsible of any offence against the Crown Land Act or Local Law
- Misleading or untrue information is identified in the licence application
- The licence holder no longer meets the requirements of holding a licence e.g. insurance or first aid qualifications are no longer current.

### Liability and indemnity

The Licence holder shall indemnify the City of Port Phillip from any claim or demand arising from or in relation to any act, omission, damage, loss, charge, liability, outgoing, payment, expense or cost

## City of Port Phillip Fair Access in Sport Policy



related to the fitness activity. The approved licence holder is responsible for managing risks associated with the activities at their allocated site/s.

All approved recreation providers must have current Public Liability Insurance (\$20 million) indemnifying Council

- City of Port Phillip Council Plan 2021-2031
- City of Port Phillip Sport and Recreation Strategy 2015-24
- Places for People: Public Space Strategy 2021-31
- Department of Sustainability and Environment – Licensing system for Tour Operators and Activity Providers on Public Land in Victoria 2018
- Crown Land Acts Amendment (Lease and Licence Terms) Act 2009
- Local Government Act 1989
- City of Port Phillip - Local Law No. 1 (Community Amenity) 2013 & Protocols Manual
- Foreshore Management Plan 2012
- Health and Wellbeing Plan 2017-2021

### **Council, City and CoPP**

Refers to the City of Port Phillip.

### **Council Land**

Land, buildings and facilities which are owned or occupied by or vested in Council or in respect of which Council has the care and management to which the public has access whether an entry fee is paid or not and includes a public place.

### **Council assets and public assets**

Footpath, kerb and channel, nature strip, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, vehicle crossings or other Council property or works forming part of a road or Council land.

### **Crown Land**

Land that is managed and controlled by Council as the appointed Committee of management under the Crown Land (Reserves) Act 1978 by the Department of Environment, Energy and Climate Action (DEECA).

### **DEECA**

Refers to Department of Environment, Energy and Climate Action which is a state government department responsible for protecting the environment, climate change, managing water resources, land and emergency management and providing guidelines and licences for Tour Operators.

## City of Port Phillip Fair Access in Sport Policy



### **Tour Operator Licence (TOL)**

Licence issued by DEECA to a person who conducts an organised tour or outdoor recreational activity for profit on public lands in Victoria.

### **Open space and public lands**

Refers to land administered under the Crown land (Reserves) Act 1978, Land Act 1958, 'National Parks Act 1975 and Forest Act 1958.

### **Licence**

An official document issued under Local Law that authorises a use or activity.

### **Licence holder**

Refers to the person who has been issued the licence.

### **Public Space**

Public space is an all-encompassing term that the City of Port Phillip use for all external spaces in the City that the public can access and use. It includes privately and publicly owned land that is zoned and set aside for different purposes.

### **Recreation activities**

Any organised sport, recreational, wellness or health activity conducted in public space – including beaches, foreshore, parks, and other council managed open spaces. May be free, donation or user pays activities.

### **Events**

Refers to all outdoor events, promotions and markets on Council managed public space within the municipality. Including (but not limited to) events which are run by private organisations, businesses, schools, special interest groups or community groups.

- Fitness Training Policy Standard Conditions of Use 2024

## City of Port Phillip Fair Access in Sport Policy



## Document history

Version	Date of approval/adoption	Changes made	ECM record
Version 2		<ul style="list-style-type: none"> <li>The definition of fitness training altered to 'recreation activities' to include PTs, wellbeing providers, fitness classes and all types of activities not typically defined as personal training</li> <li>This policy now only applies to providers operating within 15 or less participants. This will remove any overlap with CR policy.</li> <li>All activities with large infrastructure will now only be permitted under the CR Policy (e.g. ice baths). This policy has more rigorous application and risk management, and this change should reduce the chance of impacts to reserves.</li> </ul>	





## Outdoor Commercial Recreation Policy

Policy outcome	<ul style="list-style-type: none"> <li>• To encourage Commercial Recreation Activities (CRA) in public space to provide a variety of opportunities to enhance residents and visitors' experience and contribute to the development of a healthy and inclusive community.</li> <li>• To ensure CRA operators are providing quality, safe activities which contribute to a Vibrant Port Phillip.</li> <li>• To ensure CRA operators have measures in place to minimise impacts on public space, Council assets or to residential amenity.</li> <li>• To provide opportunities for people of all backgrounds regardless of age, gender, culture and ability.</li> <li>• Support Council to deliver an alternative to organised sport to encourage diverse opportunities of physical activity</li> </ul>
Responsible area	Open Space, Recreation and Community Resilience
Version	
Date approved/adopted	
Planned review date	

## City of Port Phillip Commercial Recreation Policy



To provide a framework through which the City of Port Phillip can manage the provision of a range of high quality outdoor commercial recreation providers across the municipality.

This policy applies to businesses who wish to conduct outdoor commercial recreation activities within Port Phillip's public space.

### **This policy applies to:**

Any **sport, recreational, wellness or health activity** conducted in public space. Outdoor commercial recreation businesses include, but are not limited to:

- Skydiving
- Kiteboarding
- Stand Up Paddle Boarding
- Dog Training
- Pony Rides
- Sports Academies
- **Recreation classes (including fitness, personal training and wellness providers) facilitating sessions with 15-50 participants and/or heavy infrastructure.**

### **This policy does not apply to:**

- Events, promotions or markets
- Indoor activities
- Motorised water sports i.e., jet skis
- Seasonal and casual use of sports grounds for sports clubs
- Itinerant traders
- Any activity licenced or excluded under separate section of the Local Law or policy
- Activities held at Albert Park Reserve (this area is managed by Parks Victoria)

## **1.1 Assessment Criteria**

### **Commercial Recreation Principles**

All applications will be assessed against the following principles:

## City of Port Phillip Commercial Recreation Policy



1. Provide the community with social, recreation and active opportunities to increase community participation and improve health and wellbeing.
2. Conducted in a safe manner that implement high-quality risk management plans and adherence to industry standards. This includes strategies for sustainable use of public open space and how the impact of such activities will be minimised.
3. Are inclusive for all, including promotion of gender equality and enhances opportunities for women and girls.
4. Are well governed and have a suitable business model to ensure financial viability of the business plus value for money for the local community.
5. Operators provide an educational experience, promote skill development and learning opportunities.

### 1.2 Site Limitations/ Restrictions

Across the municipality, Council will only issue:

- One Skydiving licence, to be located at Moran Reserve Elwood.
- Up to three Kite Boarding licences, to be located at West Beach St Kilda.

Outside of Skydiving and Kiteboarding, operators can apply for their preferred site. Approval will be based on suitability of the site; the impact of activity on the environment and community; and if a sustainable approach to use of public open space has been demonstrated.

### 1.3 Application

Applications will be assessed through an Expression of Interest (EOI) Process on an annual basis, timings will be provided on the Council Website. Applications will not be considered outside of this timeline.

Successful applicants will be granted a 1-year licence, with the option of a 2-year extension.

### 1.4 Licence

All operators within scope of this policy will require a Tour Operator Licence Agreement which is approved by Council as the land manager, and DEECA as the landowner under the Crown Land Act 2009 (Lease and Licence Terms). A Tour Operator Licence is issued to a person who conducts an organised tour or outdoor recreation activity for profit (financial or non-financial) on public lands in Victoria.

Further information on the Tour Operator Licence can be found on DEECAs webpage [Tour Operators Licence - DEECA](#)

## City of Port Phillip Commercial Recreation Policy



The licence only applies to the regular commercial activity operations. Event permits will need to be obtained for any activity which is outside the licence conditions.

### 1.5 Requirements

The following is required in order to operate a commercial recreation activity on Council managed public space:

- All operators will be required to adhere to Federal, State or Local Government regulations.
- It is the responsibility of the CRA operators to seek and gain all approvals relating to their activities and meet all legal and regulatory requirements. Council may require approvals from other relevant regulatory bodies, such as (but not limited to) Victoria Police, WorkSafe, Parks Victoria, Maritime Safety Victoria, CASA (Civil Aviation Safety Authority) or State Sporting Associations.
- All operators must use equipment and infrastructure that is well maintained, structurally sound and can withstand exposure to climatic conditions.
- Infrastructure and signage can only be installed and displayed during operation hours. This must be taken down and removed off site, unless otherwise specified on their licence, once the provider has concluded operations for the day.
- Pre-safety checks must be undertaken prior to all operations to evaluate and eliminate any risks/ hazards that may harm participants and the community.
- All operators are responsible for all their staff, including ensuring they are appropriately insured and qualified (industry related qualification/s) and have appropriate Child Safety Policies.
- Noise from activities must not unreasonably disturb other users or adjacent residents/businesses and must comply with Council's Outdoor Event Noise Management Guidelines, the Environment Protection Act (EPA) 2017 and the State Environment Protection Policy.
- Water-based activities must follow EPA advice regarding water quality when programming their activities - [EPA Water Quality](#)

### 1.6 Trailers

- Providers can apply, as part of a separate licence, for up to one onsite trailer at the same location as their Commercial Recreation Licence.
- This is subject to Council approval, and only some sites and businesses will be eligible. Conditions will be outlined in the permit and will include location and times of approval.
- If successful, onsite trailers will attract an annual trailer licence fee in addition to the providers annual licence fee.

### 1.7 Restrictions

All maintenance, capital projects and council permitted events take precedence over commercial recreation activities.

## City of Port Phillip Commercial Recreation Policy



In the instance that scheduled works or an event impacts operations, providers can apply to relocate to an alternative location on a temporary basis. Council officers will work with the operator to determine if there is a suitable location.

Other activities that are restricted under this licence include:

- Activities that do not meet goals or objectives of the Council Plan
- Activities that include promotion of tobacco, gambling or alcohol
- Activities in environmentally sensitive areas such as bushland and sand dunes

### 1.8 Liability and Indemnity

All CRA require Public Liability Insurance of a minimum of \$20m indemnifying Council.

The licence holder shall indemnify the City of Port Phillip from any claim or demand arising from or in relation to any act, omission, damage, loss, charge, liability, outgoing, payment, expense or cost related to the outdoor commercial recreation activity. The approved licence holder is responsible for managing risks associated with the activities at their allocated site/s.

Operators must have risk management in place that includes provisions to cancel activities in unsafe situations.

Council may cancel or modify CRA at any stage due to safety concerns, identified risks or unsafe practices.

### 1.9 Non-Compliance

The Council reserves the right to terminate a licence and licence if:

- licence conditions are breached.
- any laws are broken.
- a misrepresentation is identified in documentation.

### 1.10 Appeal process

Appeals regarding the CRA licence process are to be addressed in writing to Coordinator Sport and Recreation.

Appeals will be assessed against this policy, any applicable regulations and any other relevant council policy, strategy or local laws.

The outcomes will be issued in writing.

## City of Port Phillip Commercial Recreation Policy



### 1.11 Fees and Charges

There are two types of fees which apply to all CRA, an annual fee and a per participant fee.

#### Annual Fee

- This is a once off annual fee which is paid prior to the issuing of the licence and licence.
- This fee is set through the annual Council budget process, or as varied by Council resolution, in alignment with DEECA fee structures.
- An annual fee will be required for each location.

#### Per Participant Fee

- A per participant, per day user fee is also required for CRA operations.
- This fee is paid on a quarterly basis.
- This fee is set by DEECA under their Tour Operator Licence program and administered by Council.

For more information on DEECA licences or fees visit [Tour Operators Licence](#)

#### Per Participant Recording and Reporting Requirements

All operators are required to maintain a record of the number of persons who participate in the recreation activity daily. These records are required to be kept up to date and may be audited by Council at any time during operations.

#### Cancellation and refunds

No refunds of fees will be provided for outdoor commercial recreation operators wishing to cancel their licence prior to the expiry date, or if an area allocated in their licence is not usable during the season.

- City of Port Phillip Council Plan 2021-2031
- City of Port Phillip Public Space Strategy 2022-2032
- City of Port Phillip Local Law No.3 (Community Amenity) 2013
- Crown Land Acts Amendment (Lease and Licence Terms) Act 2009
- Department of Sustainability and Environment - Licensing system for Tour Operators and Activity Providers on Public Land in Victoria 2018
- City of Port Phillip Outdoor Events Policy 2022
- Council's Outdoor Event Noise Management Guidelines 2022



## City of Port Phillip Commercial Recreation Policy



- City of Port Phillip Sport and Recreation Strategy 2015 - 2024
- City of Port Phillip Fitness Training Policy 2021
- Local Government Act 1989
- Child Safe Standards Policy 2018
- Foreshore Management Plan 2012

### **Council**

Refers to City of Port Phillip

### **Commercial Recreation**

Any organised sport, recreational, wellness or health activity conducted in public space – including beaches, foreshore, parks and other council managed open spaces. The activity must be recreation based implementing an educational component.

### **Crown Land**

Land that is managed and controlled by Council as the appointed Committee of management under the Crown Land (Reserves) Act 1978 by the DEECA.

### **DEECA**

Refers to Department of Environment, Energy and Climate Action which is a State Government department responsible for protecting the environment, climate change, managing water resources, land and emergency management and providing guidelines and licences for Tour Operators

### **Public or Open Space**

Public space is an all-encompassing term that the City of Port Phillip use for all external spaces in the City that the public can access and use. It includes privately and publicly owned land that is zoned and set aside for different purposes.

### **Outdoor Commercial Recreation operator**

A person/ business who conducts commercial recreation activities to the community within City of Port Phillip

### **Tour Operator**

Means a person or business who conducts an organised tour or outdoor recreation activity for profit on public lands in Victoria.

### **Itinerant trading**

Refers to a business that trades goods from any temporary method of transport including a caravan, trailer, table, stall or other similar structure at Council approved locations

### **Event**

## City of Port Phillip Commercial Recreation Policy



Refers to all outdoor events, promotions and markets on Council managed public space within the municipality. Including (but not limited to) events which are run by private organisations, businesses, schools, special interest groups or community groups.

### **Licence or Permit**

An official document issued by Council under Local Law that authorises a use or activity.

### **Licence holder**

Refers to the individual who has been issued the licence.

DRAFT

## City of Port Phillip Commercial Recreation Policy



## Document history

Version	Date of approval/adoption	Changes made	ECM record
Version 3		<ul style="list-style-type: none"> <li>Updated scope to enable 'recreation classes' (those currently only permitted to operate under the PT Policy) to apply for this licence.</li> </ul>	
Version 2	17 August 2022	<ul style="list-style-type: none"> <li>Alignment to the Council Plan and key Council strategies including Public Space Strategy 2022 -2032, Fitness Training Policy 2021 and Sport and Recreation Strategy 2015-2024</li> <li>Guiding principles to allow Council to review businesses that wish to deliver inclusive, innovative, and accessible recreational opportunities</li> <li>The opportunity for new open spaces across the municipality to be considered as a site for businesses to deliver outdoor commercial recreation</li> <li>Endorsement of new commercial operators for the 2022-2025 term</li> </ul>	



**12.2** **EVENTS STRATEGY AND OUTDOOR EVENTS POLICY REVIEW**

**EXECUTIVE MEMBER:** **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

**PREPARED BY:** **ADELE DENISON, HEAD OF ARTS, FESTIVALS AND EVENTS**  
**LAUREN BIALKOWER, EXECUTIVE MANAGER CITY GROWTH AND CULTURE**

**1. PURPOSE**

- 1.1 To present amendments to the Events Strategy and Outdoor Events Policy 2023 - 2026 following mid-term review.

**2. EXECUTIVE SUMMARY**

- 2.1 The Events Strategy 2023 – 2026 sets out a strategic framework for events in the municipality, seeking to maximise benefit and minimise adverse impacts from the annual events calendar.
- 2.2 The vision for events in the City is:
  - 2.2.1 To build an annual events calendar that is bold, engaging, welcoming and unique to the City of Port Phillip, connected to our people, places, businesses and culture.
  - 2.2.2 To drive economic development, visitation and support for the community while maintaining local character, liveability and amenity.
- 2.3 The Outdoor Events Policy provides a framework of guiding principles and decision making criteria to manage a range of outdoor events across the municipality.
- 2.4 The policy guides decision making around which events receive permission to operate on Council managed public space, and what conditions form part of that permit, if issued.
- 2.5 Following consultation and feedback from traders along the St Kilda foreshore, officers conducted a review of the Events Strategy and Policy to ensure its currency and ability to seek balance between the benefits and impacts of events on the community.

**3. RECOMMENDATION**

That Council:

- 3.1 Adopt the revised Events Strategy 2023 – 2026
- 3.2 Adopt the revised Outdoor Events Policy 2023 – 2026
- 3.3 Note the event evaluation and economic benefit estimate from recent major event seasons as undertaken by Culture Counts
- 3.4 Delegates to the CEO the ability to make changes to the Strategy or Policy where those changes do not alter their substantive content



#### 4. KEY POINTS/ISSUES

- 4.1 Since being adopted, there have been two major event seasons under the current Events Strategy and Outdoor Events Policy: 2022/23 and 2023/24
- 4.2 Feedback is continuously invited from the community on individual events and the event calendar as a whole. In early 2024 officers were contacted by traders located along the St Kilda foreshore who had identified significant negative impacts from the recent major events season.
- 4.3 The feedback from traders focused primarily on the impact of multiple road closures from events that were reducing access to their premises, and the impact of closures of adjacent public space such as South Beach Reserve.
- 4.4 While the amount of events or road closures did not increase for the 2023/24 season, the impacts were compounded by external factors such as the palais forecourt works, pier works, and business conditions post-covid and cost of living challenges.
- 4.5 A number of opportunities identified by the traders to mitigate negative impacts of these major events were discussed with officers at length. Officers considered these requests alongside the potential impact to the viability of events in the municipality and recommend several amendments to the documents to ensure negative impacts can continue to be mitigated, and benefits maintained.
- 4.6 A summary of those amendments are as follows:
- 4.7 **Outdoor Events Policy**
  - 4.7.1 Additional outcome added at 5.2: "Manage an events calendar that offers opportunities for local business while balancing any potential impacts"
  - 4.7.2 Outcome deleted at 5.5: "Actively create and support events and the events industry through the COVID recovery period, while prioritising COVID safety and public health at all times."
  - 4.7.3 Added definition for "Event Notification" into section 6
  - 4.7.4 Added criteria for assessment: "Mitigated impact on surrounding businesses and residential amenity as part of operational planning"
  - 4.7.5 Added section on premium sites in section 10 (South Beach Reserve, Catani Gardens and the Triangle Site) including an upper limit on bump in and out times and a requirement for access on public holidays where they fall in bump in/out periods.
  - 4.7.6 Added section on premium sites in section 10 stating that: "Events will only be permitted on these sites on a public holiday period if they can demonstrate a likely increase in trade for surrounding local businesses, including partnerships being in place" and that bump in/out must be limited even if over a public holiday period.
  - 4.7.7 Clarity on selection criteria for South Beach Reserve to ensure events meet all selection criteria in Section 10
  - 4.7.8 Minimum number of patrons for full use of South Beach Reserve changed from 4,000 to 5,000 in section 10 and noted that penalties may apply if minimum numbers aren't reached.



- 4.7.9 Additions to selection criteria for South Beach including increase to trade opportunities for local businesses, and deletion of mandatory criteria regarding changing perception of the site in Section 10, and inclusion of trade opportunity to the on site kiosk
- 4.7.10 Additions to selection criteria for the Triangle Site including a requirement to show the event cannot operate on grass and that an event can increase patronage or trade opportunities for local business in balance with car parking availability
- 4.7.11 Additions to selection criteria for Catani Gardens including a requirement to increase visitation, profile and awareness of the area and to increase trade opportunities
- 4.7.12 Addition of detailed requirements at Section 12.8 regarding event notifications
- 4.7.13 Additional limitations to road closures in Section 13.3 including:
  - no more than two externally produced major road closures along the foreshore in any calendar month, and not across two concurrent weekends aside from St Kilda Festival and Pride March
  - That any road closures for morning events will be escalated if they can't open at or before 11am
  - Council will not permit more than one event per day if the events include major road closures or public transport disruptions unless an exception is granted in exceptional circumstances
- 4.7.14 It is noted that in some instances safety considerations may delay road re-openings, or bump in and out. In these instances, safety will always be prioritised.

#### 4.8 **Events Strategy**

- 4.8.1 Addition to Policy Outcomes that states "Manage an events calendar that offers opportunities for local business while balancing any potential impacts".
- 4.8.2 Addition to delivery that specifies activities that complement the Grand Prix at 1.11 and it is recognised City of Port Phillip will work closely with other major stakeholders to maximise the benefits from the Grand Prix such as Yarra Trams, AGPC and State Government. It is recognised that the Melbourne Formula 1 Grand Prix has significant opportunity to be leveraged to benefit of traders, visitors and residents.
- 4.8.3 Deletion to Policy Outcome that states: "Actively create and support events and the events industry through the COVID recovery period, while prioritising COVID safety and public health at all times."
- 4.8.4 Addition to delegated approvals that states:
  - In the instance where:
    - An event uses a premium site and has a bump in or out that exceeds 48 hours on either side of the event
    - Bump in/out falls on a public holiday





- An event request would increase the number of road closures in a calendar month to more than two
  - A road closure for a morning event requires a road re-opening after 11am
  - Where safety considerations may delay road re-openings, or bump in and out, safety will always be prioritised.
- 4.8.5 As the expressions of interest program for the 2024/25 has already been undertaken with provisional approvals granted, the above changes would next impact the 2025/26 major events season.
- 4.8.6 Key requests from traders that were not recommended for amendment included:
- Not issuing permits to any morning events with road closures that cannot reopen prior to 11am – this would mean a number of triathlon events would not be able to proceed, as well as Ironman and the Melbourne Marathon. Decisions to permit these events will instead be delegated to the Executive Manager City Growth & Culture for individual consideration.
  - Restrictions to facets of events that are subject to external regulation or legislation, such as fence lines and exclusion zones, fence wraps or barriers, and changes to content of statutory road closure messaging.
  - Cap in the number of total hours of road closures per season – duration of road closures can be extended for safety reasons.
  - Capping the number of road closures between October to March at 10 – this would reduce the current number of events, which is already below the cap for total road closures per year. The amendments incorporated as part of this review should mitigate negative impacts of road closures rather than reducing the number of events.
- 4.8.7 Traders sought a commitment that outside of exceptional circumstances, road closures will not be permitted on concurrent weekends (aside from St Kilda Festival and Pride March). Taking the 2024/25 as an example, this would impact two sporting events scheduled for November/December and February/March, as follows:
- Around the Bay (Oct 6) and Melbourne Marathon (Oct 13)
  - 2XU Triathlon Race 1 (Nov 24) and Beyond Blue Wellness Run (Dec 1)
  - Melbourne Team Triathlon (Feb 23) and 2XU Triathlon Race 5 (March 2) – this is immediately following the St Kilda Festival on Feb 16
- 4.8.8 This may limit these events' future ability to work with Council, or to base themselves within the City of Port Phillip. The changes won't be implemented for the 2024/25 season.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Consultation has been undertaken with representatives from foreshore traders in St Kilda, with businesses including Luna Park, The Stokehouse and businesses within the St Kilda Sea Baths



5.2 The proposed amendments were also sent to representatives from the Acland Street Village Business Association and the Fitzroy Street Traders Association after initial feedback was received.

5.3 As the proposed amendments primarily impact St Kilda businesses, broader consultation has not been undertaken at this time

5.4 The development of the original Strategy and Policy documents, involved broad consultation including:

5.4.1 Intercept surveys in activity centres

5.4.2 Have Your Say online engagement

5.4.3 Direct engagement with business and traders

5.4.4 Surveys of event operators

5.4.5 Consultation at existing CoPP engagement events

## **6. LEGAL AND RISK IMPLICATIONS**

6.1 There are no legal or risk implications arising from the proposed amendments

## **7. FINANCIAL IMPACT**

7.1 Total revenue from Council for major events in the 2023 calendar year was \$481,375, from a total of 33 events

7.2 \$141,532 of this was made up of revenue from road closure events, the fees for which ranged from \$9,500 through to \$27,732 per event

## **8. ENVIRONMENTAL IMPACT**

8.1 There is no environmental impact arising from the proposed amendments

## **9. COMMUNITY IMPACT**

9.1 Events can bring a range of community benefits and impacts, both of which are monitored throughout events in the municipality alongside ongoing feedback opportunities

9.2 Both the Events Strategy and Outdoor Events Policy prioritise lessening any community impact from events, and maximising benefit

9.3 In the 2023 calendar year, it is estimated that 576,836 people attended major events in the City of Port Phillip

9.4 The total estimate of economic impact from events in the 2023 calendar year is \$59.3m

## **10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

10.1 The Events Strategy is aligned with and delivers on the Vibrant Port Phillip direction of the Council Plan

## **11. IMPLEMENTATION STRATEGY**

### **11.1 TIMELINE**

11.1.1 As the Expression of Interest program has already been run for major events in 2024/25, the impact of these amendments will primarily apply to the 2025/26 events season

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



11.1.2 Any event applications received outside of the EOI program will be immediately subject to the revised terms of the Outdoor Events Policy

### 11.2 COMMUNICATION



11.2.1 If endorsed, the revised versions of the Events Strategy and Outdoor Events Policy will be uploaded on the Council website as soon as possible

11.2.2 All event operators currently working with Council will receive direct communication regarding the amendments

## 12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS

1. Events Strategy 2023-2026 Reviewed  [Download](#)
2. Outdoor Events Policy 2023-2026 Reviewed  [Download](#)

## **EVENTS STRATEGY 2023 – 2026**

### **Acknowledgement**

Council respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

### **Introduction**

The City of Port Phillip municipality is historically recognised as Melbourne's playground; a natural gathering point due to its unique places, people and cultural heritage. The municipality, including its foreshore, open spaces and iconic venues, is highly sought after real estate for events.

Port Phillip's assets, both natural and built – along with its proximity to the CBD and renowned hospitality centres – make it one of Melbourne's innate event destinations. Council itself has a proud history of producing large scale, world class events with extraordinary levels of attendance, participation and engagement. This combined with the municipality's popularity as a destination lay the foundations for an events calendar that showcases a huge range of activities and celebrations, while welcoming diverse audiences and a dynamic community.

Through producing and hosting events, the City of Port Phillip can provide opportunity and support diversity and vibrancy for the community while continuing to build an identity for our spaces to foster local pride and sense of place. In addition, events attract and welcome visitors to the municipality, driving tourism and economic growth, as well as a celebration of our shared resources and culture.

This strategy sets out Council's vision for events in the municipality, and how they should contribute to the community and daily life in the City of Port Phillip. It is an update on previous events strategies and introduces a new era for the events calendar, with key initiatives including:

- A strong priority on curation of our events calendar
- A focus on economic development and visitation as a priority for events both internal and externally produced
- Clear pathway on measuring economic benefit from events and data collection
- Recognition of the impact of COVID on events and the community and a commitment to support that recovery

### **A Word About COVID-19**

The restrictions that came about as a result of COVID-19 in 2020 and 2021 decimated the events industry, along with its critical partners in the live music, hospitality and tourism sectors.

While this strategy is looks ahead to the development of events within Port Phillip, it also acknowledges the crisis that the industry is emerging from and commits Council to playing a key role in the recovery of these critical areas that are so vital to our community and its vibrancy.

### **Vision**

To build an annual events calendar that is bold, engaging, welcoming and unique to the City of Port Phillip; connected to our people, places, businesses and culture. Our events will drive economic development, visitation and support for the community while maintaining local character, liveability and amenity.

### **Defining Our Events**

For the purposes of this strategy, an event is defined as a temporary organised sporting, recreational, cultural, commercial or social gathering of people, open to the general public.

Events are generated in three key ways:

- Council events: produced directly by the City of Port Phillip. These can be held on public or private space. Examples may include major events, library and gallery events, and civic or commemorative events
- Permitted events: produced independently, but permitted by Council as they are held on public space or in public buildings. Examples include events held in parks and gardens, in town halls or community facilities
- Independent events: events produced independently of Council and held in spaces and placed not managed by Council but in or near to the municipality. Examples include events in Albert Park (Parks Victoria area), in live music venues or creative spaces, on school grounds or within business' premises

Council recognises that all of these event types contribute to delivery of this Events Strategy and our community's experience of events in the municipality.

### **Why Events?**

The City of Port Phillip aims to plan, attract and direct events to ensure our city is welcoming, healthy, safe and vibrant for all. It is commonly recognised and accepted that events bring a wealth of benefits to a community, from resident health and wellbeing to economic development for local business, tourism and visitation, cultural vibrancy and social engagement.

The vacuum created by the lack of events in 2020 and 2021 illustrated their value, as did the community's yearning to gather together during the times it was prohibited.

Recognising these benefits, the City of Port Phillip events calendar must also strike a balance between a number of complexities:

- High visitation and demand in summer but a winter downturn
- Varying needs, character and visitation of each neighbourhood
- Maintaining a diverse range of event types
- Commercial demand with community activity and residential amenity
- Fragile but popular foreshore with the potential for negative environmental impact

### **Prioritised benefits from the events calendar include:**

Business support, economic development and strengthening of creative industries:

- Increase in visitation, profile and awareness of the area
- Increased patronage for local business and services
- Opportunity for business to broaden reach and attract new audiences
- Direct and indirect employment opportunities
- Opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations



Social and cultural benefit:

- Opportunity for community strengthening, connection and social benefit
- Opportunity to increase engagement with, and pride in, the local area
- Increase interaction with local community, including local artists, community groups and facilities
- Increase in civic participation and contribution
- Increase usage and activity at key activity centres and open space, and opportunities to change behaviour or perceptions within key areas

At the same time, holding events within busy parts of our municipality may have an impact on everyday life and amenity, at event sites and in nearby surrounding areas. Specific impacts that will be monitored and mitigated include:

- Increased litter
- Parking availability
- Road closures
- Noise
- Antisocial behaviour
- Too many people within an area / overuse
- Environmental impact
- Loss of access to public space
- Property damage
- Loss of access to local shops or facilities
- Change to daily routine
- Competition for local business

### **Policy Outcomes**

- Curate an events calendar that meets the needs of the community, showcases our places and spaces, and presents Port Phillip as a premier choice for event promoters and attendees
- Drive economic growth through an events calendar that increases visitation and tourism to the City and enhances its reputation as a destination, and quantify benefits through measurement
- Manage an events calendar that offers opportunities for local business while balancing any potential impacts
- Host an annual events calendar that is representative, inclusive and accessible for our diverse community, supporting community cohesion and wellbeing
- Support our local creative industries and communities through events: showcasing their work, providing partnership opportunities and activating strategically to meet needs and fill gaps
- Leverage and support Council's strategic vision and brand, seeking events that align with our direction and reflect the community's character and priorities and ensuring events are spread throughout the municipality
- Aim to positively influence behaviour within our public spaces and enhance participation and engagement
- Deliver and facilitate leading event practice that balances event impacts with residential amenity, including sustainable practice as a bayside municipality

**How We'll Deliver:**

1. Curate an events calendar that meets the needs of the community, showcases our places and spaces, and presents Port Phillip as a premier choice for event providers and attendees
  - 1.1 Curate the events calendar to ensure that community priorities are represented and attract events that provide a broad range of activity
  - 1.2 Grow our communication and promotional tools for events to ensure the community is informed and aware of local opportunities, including outdoor promotional assets
  - 1.3 Deliver Council-produced events that are aligned with this strategy and the Council Plan, including the St Kilda Festival and St Kilda Film Festival
  - 1.4 Consider event requirements in the development or maintenance of appropriate public space
  - 1.5 Seek to attract events that target our priority areas, as identified in this Strategy or as directed by Council
  - 1.6 Provide support for events that meet our priorities, ranging from funding opportunities and fee waivers to in-kind support through Council services
  - 1.7 Seek to produce or support new events to meet gaps where required
  - 1.8 Refine internal processes to provide a pro-events experience that is simple, transparent and timely
  - 1.9 Work with state government partners including the EPA, Parks Victoria, DELWP and Heritage Victoria to facilitate event applications and support operators where appropriate
  - 1.10 Welcome major events that contribute to branding of the municipality as a major events site, a home for iconic Victorian events
  - 1.11 Welcome the economic benefit opportunities offered to local businesses as a result of the Australian Formula One Grand Prix and ensure its own activities complement such opportunities rather than restrict them
  - 1.12 Work with partners and stakeholders to maximise local benefits from the Grand Prix including Yarra Trams, AGPC and state government
  - 1.13 Collaborate with state government, including Visit Victoria and Creative Victoria to attract events of state-wide significance and leverage from existing major events to benefit our community
2. Drive economic growth through an events calendar that increases visitation and tourism to the City and enhances its reputation as a destination, and quantify benefits through measurement
  - 2.1 Seek and support events with a broad reach that attract audiences from across Melbourne, as well as intrastate, interstate and internationally
  - 2.2 Seek to increase events within high streets and priority activation areas
  - 2.3 Establish strong communication with our business communities that maximises opportunity for them to collaborate, integrate and benefit from local events, and seeks ongoing feedback from them
  - 2.4 Gather reliable baseline data on economic benefit of event types and build an events calendar that maximises benefit for the local economy
  - 2.5 Prioritise economic growth in the delivery of Council-produced major events like the St Kilda Festival and St Kilda Film Festival
  - 2.6 Encourage local business to leverage from events in their neighbourhood and prioritise local traders for itinerant opportunities

- 2.7 Build the city's reputation as a destination for visitors by coordinating community participation in broader events, such as Halloween
  - 2.8 Assist and support CoPP businesses to integrate with and leverage from events, including itinerant trading, digital platforms for pick-up and delivery from event sites, and trader participation kits for select events
  - 2.9 Support trader associations to maximise benefits from events, including through professional development and working directly with event providers
3. Host an annual events calendar that is representative, inclusive and accessible for our diverse community, supporting community cohesion and wellbeing
- 3.1 Align the events calendar with broader City of Port Phillip direction including the Council Plan, Creative and Prosperous City Strategy 2023-2026, Public Health and Wellbeing Plan, Public Space Strategy, Sport and Recreation Strategy, Accessibility Action Plan, Reconciliation Action Plan and the First Peoples Arts Policy
  - 3.2 Identify opportunities for new internal events where gaps are not met through the market, our partners or stakeholders
  - 3.3 Evaluate the events calendar annually and consult stakeholders for feedback
  - 3.4 Ensure all Council-produced events meet expectations and deliver continuous improvement in these fields
  - 3.5 Work with internal and external stakeholders to host events that enable participation in active and recreational events to boost physical and mental health
  - 3.6 Prioritise inclusion of First Peoples culture and engagement of talent within events
  - 3.7 Advance gender equality in events by ensuring equality of engagement, attendance, safety and increased recognition of contributions by people of all genders, with key actions including:
    - 3.7.1 Increasing safety and women's perceptions of safety at events
    - 3.7.2 Gathering relevant data, then integrating gender diversity and inclusivity into selection and evaluation of events
    - 3.7.3 Providing guidance for external operators to ensure events are safe and inclusive for everyone
  - 3.8 Prioritise accessibility within internal and permitted events, including through Disability Action Plans and resulting ongoing regular improvement
  - 3.9 Maintain opportunities for participation and attendance from all parts of the community within Council events and optimise social benefit, including through partnerships with the social, community and charity sectors
  - 3.10 Recognise and value events that benefit health and wellbeing through participation
4. Actively create and support events and the events industry through the COVID recovery period, while prioritising COVID safety and public health at all times
- 4.1 Respond to all relevant changes to public health settings and assist our event operators to do the same
  - 4.2 Provide support through Council services where aligned to broader direction, including fee waivers, promotional support, community engagement or operations support

- 4.3 Prioritise events that will provide employment and engagement for the events industries and associated sectors, including creative industries, tourism and hospitality
- 5. Support our local creative industries and communities through events: showcasing their work, providing partnership opportunities and activating strategically to meet needs and fill gaps
  - 5.1 Align the events calendar with the new Creative and Prosperous City Strategy 2023-2026 once endorsed
  - 5.2 Promote local creative organisations and practitioners to event providers to seek collaboration and inclusion, and increase networks
  - 5.3 Prioritise events that work with our local creative industries, including music, gaming and film, and ensure their inclusion in Council-produced events
  - 5.4 Align event delivery with the Live Music Action Plan and the creation of live music precincts, and advocate for maximised opportunities for live music in public space
- 6. Leverage and support Council's strategic vision and brand, seeking events that align with our direction and reflect the community's character and priorities
  - 6.1 Tailor an events calendar that works with the character of our neighbourhoods: the right event for the right place
  - 6.2 Ensure alignment in Council's own major events including the St Kilda Festival and St Kilda Film Festival, and ensure ongoing review and assessment
  - 6.3 Align events to Council Plan priorities and provide incentives for those that can support its delivery
- 7. Aim to positively influence behaviour within our public spaces and enhance participation and engagement, and encourage visitation in colder seasons
  - 7.1 Activate areas which require support based on visitation, public behaviour, or perceptions of safety
  - 7.2 Trial holding events at key times of visitation and crowd peaks, such as Cup Day, Christmas Day, Boxing Day, New Year's Eve, New Year's Day and Australia Day, maintaining safety as a key priority
  - 7.3 Seek events that activate lesser used areas within the municipality, or areas prone to seasonal downturns, including attraction of events staged in winter and the shoulder months
  - 7.4 Explore events within the municipality that are not managed by Council
  - 7.5 Welcome events that encourage community participation, including sporting and recreation events
- 8. Deliver and facilitate leading event practice that balances event impacts with residential amenity, including sustainable practice as a bayside municipality
  - 8.1 Collaborate with internal and external partners to support sustainability and minimise environmental impact of events
  - 8.2 Work closely with regulatory agencies including the EPA, VCGLR and Victoria Police and operational partners such as PTV and public transport providers to maximise cooperation and minimise amenity impact

- 8.3 Ensure ease of communication with event operators or with council, providing timely and transparent response
- 8.4 Balance event requirements with consideration of access to public space and ensure accessibility to key spaces is maintained



## **Our Priorities**

### **Places and Spaces**

The following places are identified as priorities for new events, in order to support economic and cultural recovery, influence usage, activation and community use, and spread activity throughout the municipality:

Port Melbourne, including Bay Street, JL Murphy Reserve and the whisky and beer precinct

Balaclava and St Kilda East, including Carlisle St, Alma Park and the William Street industrial zone

St Kilda, including Acland St, Fitzroy St and the foreshore, in winter or shoulder seasons

South Melbourne, including Clarendon and Coventry streets

Fishermans Bend

Council is also interested in activating the Station Pier precinct if opportunities eventuate in collaboration with the State Government

### **Event Types**

The following event types are prioritised, in order to meet community demand, support our creative industries, deliver on the brand and character of the area and maximise benefit to local business:

Music events and festivals, particularly those aligned with delivery of live music precincts

Games and play based events and festivals

Film based events and production

Events and festivals that are based in our high streets

Markets

Food and beverage events

### **Event Times**

Encourage visitation year-round, including events occurring in winter or the shoulder seasons

### **Actions**

The following are identified as priority actions in order to address key outcomes in this Strategy and ensure the viability and practicality of delivering events in Port Phillip

- Targeted rounds of expressions of interest to support our priority areas and incentivise events aligned with our strategic direction, including through existing Council funding opportunities. Where this is not successful, procure events as part of our curated approach, and build events where the market does not meet demand

- Feedback opportunities formalised for business community as a year-round communications tool to assist in ongoing event evaluation, and increase access to what's-on information to maximise benefit and leverage opportunities
- Continue to build our communications and promotions tools, including outdoor promotional assets, around the events calendar to raise awareness and ensure all community members that want to participate have the knowledge and ability to do so
- Delegated approval process to officers that allows for timely response to event applications, with exceptions made in the following circumstances:
  - o Proposed usage of more than two weeks of sites that have been identified as high sensitivity for the resident, business or visitor communities:
    - South Beach Reserve, St Kilda
    - Catani Gardens, St Kilda
    - Triangle Site Car Park, St Kilda – if greater than 50% occupation year round, or any occupation throughout summer
  - o An event that would require a road closure over and above the pre-approved number in the Outdoor Events Policy
  - o An event on any public space within the municipality that occupies the site for more than 1 continuous month
  - o Events that are associated with national or international initiatives where widespread support would be required from Council, such as the Olympics or Commonwealth Games

In circumstances where this is not the case, officers will inform Councillors for initial response

- In the instance where:
  - o An event uses a premium site and has a bump in or out that exceeds 48 hours on either side of the event
  - o Bump in/out falls on a public holiday
  - o An event request would increase the number of road closures in a calendar month to more than two for externally produced events
  - o A road closure for a morning event requires a road re-opening after 11am

The permit request will be escalated to the Executive Manager City Growth & Culture for consideration.

It is noted that in some instances safety considerations may delay road reopenings, or bump in and out. In these instances safety will always be prioritised.

- Identify and protect premium sites. Throughout summer, key sites in St Kilda are highly contested spaces, with demand from events as well as unstructured community use. These include South Beach Reserve, Catani Gardens and the Triangle Car Park.  
To ensure balance and protection for the community, additional criteria shall be applied to these sites to maximise benefit for all parties, as outlined in the Outdoor Events Policy.
- Trial and test new sites and new timings for events, to ensure opportunities are maximised and amenity protected

- Work with or partners including the EPA, DELWP, Heritage Victoria, Victoria Police and the VCGLR, encouraging support, timely and transparent processes and response, and collaborating to simplify process

### **How We'll Measure**

Key evaluation and assessment tools will include:

- Annual evaluation report on the events calendar that will include:
  - Progress in priority areas identified in this Strategy
  - New and trialled events and significant calendar changes
  - Event quantity and geographic spread
  - Attendance rates
  - Economic benefit
  - Community and stakeholder feedback summaries

The report will be a briefing noted by Councillors and included in the CEO Report

- Assessment of economic benefit of events calendar, conducted annually as part of major events EOI
- Formalised feedback opportunities for the local community and stakeholders, considered annually as part of the major events EOI



# Outdoor events policy

Version 2, June 2022





## Policy governance

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**Responsible Service/Department:**

Arts, Festivals and Events, City Growth and Culture

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**Adoption authorised:**

Council

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**Date of adoption:**

7 September 2022

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**Date effective from:**

8 September 2022

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**ECM reference:**

TBC

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**Endorsed CEO or ELT member or department manager to make or approve document editorial amendments:**

Manager City Growth and Culture

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**Annual desktop review date:**

September 2023

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**Review date:**

2024

2025

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**Completion date:**

2026

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**Version number:**

3

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**Stakeholder review and engagement:**

General Public, Local residents, Traders and Trader associations, External event operators

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**Relevant Legislation:**

Local Law No 1 (Community Amenity)

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**Associated Strategic Direction #:**

Strategy 4 - Vibrant Port Phillip

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**Associated instruments:**

City of Port Phillip **Outdoor events policy**



Events Strategy, Outdoor Events Guidelines,  
Outdoor Noise Management Guidelines,  
Sustainable Outdoor Events Guidelines, Outdoor  
Events Fee Subsidy Guidelines, Accessibility and  
Inclusion Fact Sheet

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**Supersedes:**

Outdoor Events Policy V1

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**Review History:**

Name	ECM Reference	Date	Description of Edits
Outdoor Events Policy	TBC	22/07/2022	Updated to align with Events Strategy 2023-26
<b>Outdoor Events Policy</b>		15/05/2024	





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## 4. Purpose

- 4.1 The purpose of this policy is to provide a framework of guiding principles and decision-making criteria to manage a range of outdoor events across the municipality.

## 5. Outcomes

- 5.1 Curate an events calendar that meets the needs of the community, showcases our places and spaces, and presents Port Phillip as a premier choice for event promoters and attendees
- 5.2 Drive economic growth through an events calendar that increases visitation and tourism to the City and enhances its reputation as a destination, and quantify benefits through measurement
- 5.3 Manage an events calendar that offers opportunities for local business while balancing any potential impacts
- 5.4 Host an annual events calendar that is representative, inclusive and accessible for our diverse community, supporting community cohesion and wellbeing
- 5.5 Support our local creative industries and communities through events: showcasing their work, providing partnership opportunities and activating strategically to meet needs and fill gaps
- 5.6 Leverage and support Council's strategic vision and brand, seeking events that align with our direction and reflect the community's character and priorities
- 5.7 Aim to positively influence behaviour within our public spaces and enhance participation and engagement
- 5.8 Deliver and facilitate leading event practice that balances event impacts with residential amenity, including sustainable practice as a bayside municipality

## 6. Definitions

Table 1: Definitions of terms

Term	Definition
<b>Council</b>	City of Port Phillip
<b>Event</b>	A planned sporting, recreational, cultural, commercial or social gathering of people being held on Council managed land.
<b>Major event</b>	An event that involves any of the following: <ul style="list-style-type: none"> <li>• has an estimated participation or attendance of more than 2000 people</li> <li>• requires a significant amount of infrastructure</li> <li>• has major road closures</li> </ul>

## City of Port Phillip Outdoor events policy



Term	Definition
	<ul style="list-style-type: none"> <li>• has identified high risks or safety concerns</li> <li>• requires police resourcing</li> <li>• is usually ticketed.</li> </ul>
<b>Major road closure</b>	A road closure of an arterial road disrupting the non-event community over a large area and requiring additional approvals from a government authority such as Victoria Police, Public Transport Victoria or VicRoads.
<b>Large event</b>	<p>An event that:</p> <ul style="list-style-type: none"> <li>• has an estimated participation or attendance of between 1000-2000 people</li> <li>• requires a large amount of infrastructure</li> <li>• has no major road closures.</li> </ul>
<b>Medium event</b>	<p>An event that:</p> <ul style="list-style-type: none"> <li>• has an estimated participation or attendance of between 500 to 1000 people</li> <li>• requires a medium amount of infrastructure.</li> </ul>
<b>Intermediate event</b>	<p>An event that:</p> <ul style="list-style-type: none"> <li>• has an estimated participation or attendance of between 200-500 people</li> <li>• requires a small to medium amount of infrastructure.</li> </ul>
<b>Small event</b>	<p>An event that:</p> <ul style="list-style-type: none"> <li>• has an estimated participation or attendance of up to 200 people</li> <li>• requires limited to no infrastructure</li> <li>• is a non-commercial operator, usually community groups with not-for-profit or deductible gift recipient status</li> <li>• will have little to no impact on reserves, local residents or businesses.</li> </ul>
<b>Wedding</b>	An event that involves a legalised marriage ceremony and associated celebrations. Attendance under 200 people and uses limited infrastructure.

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Term	Definition
<b>Corporate event</b>	A hospitality or social event that is produced by, or for a commercial organisation for staff and acquaintances.
<b>Community event</b>	A free to attend event, produced by a local community group or trader/tourism association, which encourages local celebration and /or community capacity building.
<b>Promotional event</b>	An event which is promoting a product or service, characterised by: <ul style="list-style-type: none"> <li>• free samples, launching of new products, showcasing a service/product or competitions</li> <li>• usually no charge to participants.</li> </ul>
<b>Long stay event</b>	An event conducted over 5 or more successive days.
<b>Market</b>	An event where a group of stalls are selling goods. Markets can be one-off or they can operate on a regular basis.
<b>Provisional approval</b>	The event concept is approved and the date is being held while the event progresses to the next stage of assessment. An event is able to be marketed and tickets sold with provisional approval. An event permit is required before the event can proceed.
<b>Event permit</b>	A permit that allows for an activity to operate on Council managed public space and outlined conditions of this approval. It is only issued once all plans are approved and all requirements have been met. It is granted under Council Local Law 1 (community amenity).
<b>Event provider</b>	This is the individual or organisation responsible for producing the event or activity. This will usually be the person/organisation listed on the event application form or the permit holder.

## City of Port Phillip Outdoor events policy



Term	Definition
<b>Event Notification</b>	Notification sent to all relevant, impacted stakeholders of the event in writing, including the details such as dates, timings, locations and contact numbers.

## 7. Responsibilities

Table 2: Responsibilities of roles

Role	Responsibility
<b>Coordinator Events, Partnerships and Industry Development</b>	To ensure this policy is adhered to for the assessment and processing of all event permit applications.

## 8. Scope

- 8.1 The policy applies to all outdoor events, promotions and markets on Council managed public space within the municipality. Including (but not limited to) events which are run by private organisations, businesses, schools, special interest groups or community groups.
- 8.2 The policy does not apply to activity permitted under a separate section of the Local Law including seasonal use of sports grounds, commercial recreational activities or filming.

## 9. Requirement for permit

An event may only be conducted on Council managed land if:

- A permit has been issued under Local Law No 1 (Community Amenity)
  - The applicant has entered into an agreement with the Council in a form required by the Council.
- 9.2 Generally, permits will be issued for a duration of one year/event. Established events which have a history of high-quality event management in the City of Port Phillip and meet Council Plan objectives, may be considered for multi-year provisional approvals.

### Prioritised criteria

- 10.1 The annual Expression of Interest for Major Events will use weighted scores for each application to provide recommendations for approval.

### Business support, economic development and strengthening of creative industries

- Increase in visitation, profile and awareness of the area

## City of Port Phillip Outdoor events policy



- Increased patronage for local business and services
- Opportunity for business to broaden reach and attract new audiences
- Direct and indirect employment opportunities
- Opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations
- Mitigated impact on surrounding business and residential amenity as part of operational planning

### Social and cultural benefit

- Opportunity for community strengthening, connection and social benefit
- Opportunity to increase engagement with, and pride in, the local area
- Increase interaction with local community, including local artists, community groups and facilities
- Increase in civic participation and contribution
- Increase usage and activity at key activity centres and open space, and opportunities to change behaviour or perceptions within key areas

## Premium Sites

Premium event sites are South Beach Reserve, Triangle Site and Catani Gardens in St Kilda.

These sites require bump in and out to be limited to 48 hours either side of the event itself, and the site must be accessible on any public holiday throughout a bump in or out period. Public holidays do not void the requirement for 48 hour bump ins and outs.

Any event permit request that cannot meet these conditions will be escalated to the Executive Manager City Growth & Culture for consideration.

### South Beach Reserve, St Kilda

- In order to be permitted to use the entirety of the site (ie exclusive use and/or fencing):
  - Events must show strong alignment to all of the following selection criteria:
    - Attract a minimum of 4,000 to 5,000 patrons per day
    - Increase visitation, profile and awareness of the area
    - Increase patronage or trade opportunities for local business and services.
    - Increase usage and activity at key local activity centres and open space
    - Provide opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations
- Events that do not meet the above conditions will only be considered if they occupy less than 50% of the site.
- Events that occupy the entirety of the site will not be permitted more than twice in any calendar month or on concurrent weekends with the exception of St Kilda Festival
- Events that can provide opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations will also be highly regarded.
- Events on this site must offer opportunities for trade to the kiosk onsite
- If an event fails to attract the minimum number of patrons penalties may apply





### Triangle Site, St Kilda

- In order to be permitted to use up to 50% of the site outside of Summer
  - Events must show they would face difficulties being sited on grass and show strong alignment to all of the following selection criteria:
    - Increase patronage or trade opportunities for a significant portion of local business and services in balance with car parking availability
    - Trial potential future cultural use of the site
    - Provide opportunity for local business to broaden reach and attract new audiences
    - Provide opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations
    - Show strong support for live music or games and play based activities

If greater than 50% of the site is required, or any part of the site in Summer, officers will inform Councillors for an initial response.

### Catani Gardens, St Kilda

- In order to be permitted to stage an event in Catani Gardens:
  - Events must comply with all Heritage Victoria obligations and application requirements and must show strong alignment to all of the following selection criteria:
    - Increase visitation, profile and awareness of the area
    - Increase patronage or trade opportunities for local business and services
    - Provide opportunities to foster and promote local artists and creative industries, encouraging partnerships and collaborations
    - Provide opportunity for community strengthening, connection and social benefit

## 11. Application process

11.1 All events must complete an application form and pay applicable fees before assessment commences.

11.2 Applications can be made through the following processes:

- Annual **Expression of Interest** (EOI) for major events and markets. This is the main application process to build the major events calendar. It is open to all activities but is focused on major events which will be held in highly contested areas. Events approved through this process will secure early approval for the upcoming season and the process allows for multi-year permitting. Activities in this process would usually include:
  - Major events
  - Major road closure events
  - Long stay events
  - Ticketed events attracting over 1000 participants



- Long term markets
- **General Application - Major Event and Markets.** Major events and markets demonstrating professional operations may be approved through the general application process and will be considered when there is availability. This may occur after the EOI process is complete.
- **General Application – General Events.** All other events, markets and activities can apply throughout the year outside the annual EOI process. Events which would usually apply through this process include:
  - Medium, Intermediate and Small Events
  - Weddings and Corporate Events
  - Community Events
  - Promotions

## 12. Approval and Permitting

- 12.1 The approval process can run from one week for small activities to four months for major events/markets applying through the annual EOI.
- 12.2 Assessment and permitting of events and markets will include a variety of stakeholders across Council and when relevant will involve consultation with other agencies, including Victoria Police, Parks Victoria, DELWP and VicRoads.
- 12.3 Approval is via officer delegation at the following levels:
- Annual EOI – CEO or General Manager
  - Major Events and Markets – Manager City Growth and Culture
  - General Events – Coordinator Events, Partnerships and Industry Development
- 12.4 Provisional approval is provided once the concept, date and site have been approved. The event will only be able to operate on Council managed land once final approval and the event permit is issued.
- 12.5 After provisional approval, the usual permitting process will run from one week to six months. Timeframes are dependent on the complexity and size of the activity.
- 12.6 An Event Permit will only be issued after all requirements are met. Including but not limited to:
- all documentation received and approved
  - all processes/procedures are approved
  - approval received from all stakeholders
  - payment of invoices is made in full.
- 12.7 Post-event reviews will be undertaken for all major events as part of an ongoing improvement process.
- 12.8 Event Notifications
- Event notification must be sent to all relevant and impacted stakeholders, including surrounding local businesses and residents.
  - All major events are required to notify relevant Emergency Services, including Victoria Police, Ambulance Victoria and Fire Rescue Victoria three months prior to their event.

## City of Port Phillip Outdoor events policy



- Events with major road closures must:
  - Distribute notification letters via letterbox drop to effected residents and businesses 10 days out from the event or as per their Traffic Management Plan.
  - Place signage in designated positions on the road 10 days out from their event or as per their Traffic Management Plan with wording subject to approval
- Major Events in Catani Gardens, South Beach, Triangle Site and Elwood Reserve are required to provide real estate board signage on site in the lead up to their event in order to notify the community.
- Notification Letters must include:
  - the name, date and location of the event (including setup and dismantling time);
  - the purpose of the event;
  - the expected number of participants;
  - activities being conducted as part of the event;
  - what the likely disruptions to residents and businesses will be with respect to noise or transport,
  - detailed road closure information, including roads affected and times
  - alternative access routes for pedestrian or road users
  - an event day contact number for further information or queries;
  - that the event has been approved by the City of Port Phillip and Council contact details.
  - Proof of letter drop must be provided
- A draft letter must be sent to Council for approval before distribution. Distribution zones will also need to be approved.

### 12.9 Communications Management

- All events must have a hotline to respond to any public event concerns on the event day(s) and bump in/out days.
- This hotline must be manned for the duration of the event and plans must be in place on how to respond to concerns raised.
- The hotline number will be made available on Council's website, on any notification letters and to Council's after-hours service.
- All events are required to nominate a key contact person who will be available on the day to be contacted by Council staff or emergency services. This person's contact number will be included as part of the permit.

## 13. Operational and Safety Requirements

### 13.1 The following is required to receive an event permit:

- Event Management plans must be approved by Council including (but not limited to) risk management, emergency management, noise management, site plans, security provisions and waste management

City of Port Phillip Outdoor events policy



- Events must meet all legal and regulatory requirements, including (but not limited to) obtaining approvals related to building permits, music licences, food services, and liquor licensing
- All major events require public liability insurance of \$20M indemnifying Council. Other events require a minimum of \$10M or as requested by Council Officers.
- Road closures and on-road events require a professionally produced traffic management plan, suitably qualified traffic controllers and marshals, and are subject to approval from Council Traffic Engineers. Major road closures are required to be delivered by an experienced traffic management company, with approvals from VicRoads for any arterial road changes.
- Major events must be delivered by a professional event provider who has the relevant experience and ability to deliver high quality, safe events with impact mitigation as required.
- Use equipment and infrastructure that is well maintained, structurally sound, safe and has the ability to withstand exposure to climatic conditions
- Event contractors are the responsibility of the event provider and must be appropriately qualified and insured.

13.2 All events are required to:

- Minimise negative impact and overuse of our public spaces
  - Have management strategies in place to minimise potential impacts on the local community as far as practicable
  - Have minimal and temporary impact on sites, protect the natural environment in a sustainable way and protect Council assets.
- Promote a healthy, safe and welcoming experience
  - Meet all Council, State and National regulatory requirements
  - Have all necessary approvals from other relevant regulatory bodies, such as Victoria Police, WorkSafe and Parks Victoria.
  - Noise management must be suitably managed in alignment with the *Outdoor events noise management guidelines*.
  - Public order must be maintained with suitable security requirements in place.
- Have a meaningful commitment to minimising their impact on the environment
  - Activities are encouraged to be both socially and environmentally responsible
  - Have a commitment to minimising the impact of the event on the environment
  - Develop sustainability policies and practices that reduce the overall generation of waste (particularly single use plastics) and maximise diversion from landfill.
  - Port Phillip is committed to sustainable practices at outdoor events and requires event operators to operate in line with our *Sustainable outdoor events guidelines*. These requirements include:
    - Helium balloons are not permitted and organisers are encouraged to find alternatives to all types of balloons.
    - A recycling stream must be included as part of the waste management plan.

City of Port Phillip **Outdoor events policy**



- Styrofoam, single use plastic bags and single use straws cannot be used.

- Align to the Council Plan, Outdoor Events Policy, Events Strategy and all other relevant Council policies, resolutions and guidelines.

13.3 Generally, excluding exceptional circumstances, the Council will not:

- Approve more than 13 externally produced major road closures along the foreshore over any financial year.
- Approve more than 2 externally produced major road closures along the foreshore in any calendar month or on concurrent weekends with the exception of the St Kilda Festival and Pride March
- Schedule events so that major road closures take place in the same location no more than two weekends in a row.

Road closures for morning events that seek to open any later than 11am will be escalated to the Executive Manager City Growth & Culture for consideration and will only be permitted if they meet strongly deliver on outcomes in the Events Strategy

Council will not permit more than one event per day if the events include major road closures or public transport disruptions.

Any road closure requests on a public holiday will be escalated to the Executive Manager City Growth & Culture for consideration.

13.4 The following activities will not be permitted:

- Events promoting tobacco or gambling
- Events which are discriminatory in nature
- Events involving exotic (non-domesticated) animals, or potential cruelty to animals
- Activities which are directly opposed to objectives in the Council Plan.

13.5 It is the responsibility of the event provider to seek and gain all approvals relating to their event.

13.6 Heritage gardens will be provided with a higher level of protection against potential damage or overuse. They will be used in accordance with all applicable management plans and approval will be sought as appropriate from Heritage Victoria.

13.7 Events with fireworks or any form of pyrotechnics will be required to:

- notify surrounding residents 10 days prior to their event
- have appropriate crowd control and exclusion zones in place
- have all approvals from the required regulatory bodies including FRV, CASA and WorkSafe.

13.8 Council may decline, cancel or modify events at any stage due to:

- safety concerns
- extreme weather
- identified high risks
- unsafe practices
- illegal practices
- if the event differs from the original application



- the event does not meet the requirements of this policy or the outlined requirements of provisional approval. Including but not limited to payment of invoices, meeting deadlines, other agency approvals and/or submission of appropriate documentation.
- in the event of a State Emergency

13.9 Council reserve the right decline any event or activity which is not in line with this policy.

## 14. Permit Approval Deadlines

- 14.1 Event information and documentation deadlines will be set at provisional approval stage.  
Failure to meet these deadlines will result in additional fees and/or cancelation of an event.
- 14.2 Approvals for all documentation to be confirmed with the individual Events Manager

All documentation required to be confirmed via events cover sheet and saved in Optimo noting date it was received and approved

### 14.1 Compliance and site checks

All sites will be checked prior and post event and any rectification costs will be passed on to the event operator  
A check list for all sites will be distributed internally with the relevant departments being notified of task that need to be completed 5 working days prior to the event

## 15. Fees

- 15.1 Fees are set through the annual Council budget process, or as varied by Council resolution.
- 15.2 Event fees are payable to the Council before the commencement of the event.
- 15.3 Event providers are responsible for all event related costs.

### Fee Subsidy Program

- 15.4 A fee subsidy program is available. Event fee subsidies aim to provide opportunities for eligible outdoor events to apply for support through providing discounts on event permit fees.
- 15.5 Events may be considered eligible for fee subsidies if they meet the following conditions:
- support the prioritised places and spaces within the Events Strategy
  - have a deductible gift recipient (DGR) status or have significant fundraising commitments where the beneficiary is aligned to the Council Plan. Requests for waivers based on fundraising efforts will be assessed on their merits, and can only be approved by the Manager City Growth and Culture
  - are produced by local community, sporting or trader groups
  - are receiving funding or resourcing from City of Port Phillip or are linked to key Council programs
  - offer free activities/access for the local community



## City of Port Phillip Outdoor events policy



- are low impact and require low officer time involvement
- as part of trialling or testing new event sites, concepts or initiatives within the municipality.

15.6 Events eligible for fee subsidies will need to apply following an application process outlined in the *Outdoor events fee subsidy guidelines*.

## Other event related costs/fees

- 15.7 Event providers are required to reimburse Council for the cost of any restoration or repairs which are required as a result of the event and/or its associated activities. All repairs will be undertaken by approved Council contractors.
- 15.8 A bond in advance may be required. This may be for protection of Council assets, noise control or both.
- 15.9 Additional fees may be applied for other approvals, such as Building Permits (for large structures or fencing.)

## 16. Cancellations and Refunds

- 16.1 Deposits are non-refundable.
- 16.2 Refund timeframes will be outlined in provisional approval and/or permit approval documentation.
- 16.3 Refunds will not be given to cancellations due to acts of nature and/or bad weather. The possibility of inclement weather needs to be taken into account in the planning process.
- 16.4 Cancellations and requests for refunds are only accepted in writing.
- 16.5 The event provider is responsible for notifying Council, contractors, ticketholders and the general public of any cancellations.

## 17. Termination

- 17.1 The Council reserves the right to terminate an event permit if:
- permit conditions are breached
  - any laws are broken
  - significant safety issues are identified and unable to be mitigated
  - a misrepresentation is identified in an application.
  - a State of Emergency is declared
- 17.2 Fines may be applied for breaching conditions or the local law.

## 18. Appeal process

- 18.1 Appeals regarding the event permitting process are to be addressed in writing to either the Coordinator Events, Partnerships and Industry Development or the Executive Manager City Growth and Culture.



- 18.2 Appeals will be assessed against this Policy and the Events Strategy.
- 18.3 Appeals will be considered by an internal working group and where applicable with the input of external regulatory bodies.
- 18.4 The outcome will be issued in writing.

## 19. Relevant policy, regulations or legislation

- Council Plan 2021-31
- Port Phillip Local Law No 1 (Community Amenity)
- Events Strategy
- Act and Adapt: Sustainable Environment Strategy
- Art and Soul - Creative and Prosperous City Strategy
- Municipal Public Health and Wellbeing Plan
- Access and Inclusion Plan
- Catani Gardens and Southern Foreshore Management Plan
- Places for People: Public Space Strategy 2022-32
- Foreshore Management Plan
- Sport and Recreation Strategy
- Child Safe Policy
- Reconciliation Action Plan
- First Peoples Arts Policy

## 20. Attachments

- Events strategy
- Outdoor events guidelines
- Outdoor events noise management guidelines
- Outdoor events fee subsidy guidelines
- Sustainable outdoor events guidelines
- Accessibility and inclusion fact sheet



**13. WELL GOVERNED PORT PHILLIP**

13.1 *Councillor Expense and Support Policy 2024* .....201

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# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



### 13.1 COUNCILLOR EXPENSE AND SUPPORT POLICY 2024

**EXECUTIVE MEMBER:** JOANNE MCNEILL, EXECUTIVE MANAGER, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

**PREPARED BY:** MITCHELL GILLET, COORDINATOR COUNCILLOR AND EXECUTIVE SUPPORT

#### 1. PURPOSE

- 1.1 To present a consolidated and updated Councillor Expense and Support policy to Councillors.

#### 2. EXECUTIVE SUMMARY

- 2.1 The current Councillor Expense and Support Policy was adopted in March 2021. In September 2021, revisions mainly pertaining to childcare provisions, were also adopted.
- 2.2 The September 2021 revisions were added to Council's website, but not incorporated into the main policy.
- 2.3 The March 2021 policy has been applied in conjunction with the September 2021 revisions since this time to determine how Councillor requests for expense reimbursement and requests for support are administered.
- 2.4 The 2024 Councillor Expense and Support Policy (the Policy) consolidates the two documents as well as including some additional items set out in Section 4.
- 2.5 Other than the items that are listed in Section 4, the remainder of the Policy remains unchanged.

#### 3. RECOMMENDATION

That Council:

- 3.1 Adopts the Councillor Expenses and Support Policy as outlined in Attachment 1 and notes that the Policy will be published on Council's website.
- 3.2 Authorises the Chief Executive Officer, or their delegate, to finalise the document and make any minor amendments that do not materially alter the intent of the policy.

#### 4. KEY POINTS/ISSUES

- 4.1 Building Access
  - 4.1.1 The provision of 24-hour access for Councillors to South Melbourne Town Hall has been removed from the Policy until the remedial works of that building have been completed.
  - 4.1.2 Councillor entitlement to request bicycle cage and 'End of trip' (shower and changeroom) facilities has been added.
- 4.2 Parking Permits
  - 4.2.1 Reference to 'Agency' parking permits has been removed at the request of Coordinator Parking Permits and instead the Policy now refers to a 'valid parking permit'.



4.3 International Roaming

4.3.1 The provision of 'International Roaming' has been added for Councillors who are using Council issued communication devices to conduct Council business while overseas.

4.3.2 Approval from the CEO, or their delegate, must be sought before 'International Roaming' can be enabled by Council's telecommunications service provider.

4.3.3 International Roaming is limited to the eligible destinations as included in the Zone 1 'Optus \$5 Daily Roaming Pass'.

4.4 Registered Ride Share

4.4.1 The Policy will expand the definition of 'registered ride share' to include 'e-bikes' and 'e-scooters'.

4.5 Mayoral Vehicle

4.5.1 Should the Mayor opt for the use of a dedicated vehicle, the Policy now stipulates that the operating and maintenance costs of this vehicle will be recorded against the Mayor of the day for the purposes of monthly Councillor expense reporting.

4.6 Reporting

4.6.1 The Policy now stipulates that an annual report on Councillor expenses is due in July each year to the Audit and Risk Committee. This report will contain a summary of all Councillor expenses for the previous financial year.

4.7 Other than the items listed above, the rest of the Policy remains unchanged.

**5. CONSULTATION AND STAKEHOLDERS**

5.1 The policy has been subject to consultation with Councillors at briefings, senior managers and relevant staff.

**6. LEGAL AND RISK IMPLICATIONS**

6.1 There are no legal and risk impacts arising as a result of this report.

**7. FINANCIAL IMPACT**

7.1 Provision of support and expenses for Councillors is managed within Council's approved operational budgets.

**8. ENVIRONMENTAL IMPACT**

8.1 Including 'e-bikes' and 'e-scooters' as a claimable expense within the Policy aims to encourage their use as a cost-effective and environmentally sustainable mode of transport.

**9. COMMUNITY IMPACT**

9.1 There are no community impacts arising as a result of this report.

**10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

10.1 Well Governed Port Phillip – Regular reporting on Councillor expenses is aligned with Council's strategic direction of being a 'Well Governed' city.

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



### 11. IMPLEMENTATION STRATEGY

#### 11.1 TIMELINE

11.1.1 The Policy takes effect once adopted. Officers will make the Policy publicly available on Council's website as soon as reasonably practicable following adoption.

#### 11.2 COMMUNICATION

11.2.1 Officers involved in the administration of the Policy will be briefed on all of the changes to the Policy as soon as reasonably practicable following adoption.

### 12. OFFICER GENERAL OR MATERIAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

**ATTACHMENTS**    1. Councillor Expense and Support Policy  [Download](#)





## Councillor Expense and Support Policy

Policy outcome	To enable Councillor understanding of the level of support they can expect to receive in their role as Councillors and the expenses they are entitled to claim to properly discharge their civic responsibilities.
Responsible area	Governance
Version	3
Date approved/adopted	TBA
Planned review date/s	Full policy review: 2028

### 1. Purpose

- 1.1. Section 41 of the *Local Government Act 2020* requires Council to adopt a Council expenses policy, which outlines the procedures and policy for reimbursement of out-of-pocket expenses of Councillors and members of delegated committees, and the Audit and Risk Committee.
- 1.2. This policy supports Councillors and members of delegated committees and the Audit and Risk Committee to perform their role, as defined under the *Local Government Act 2020*, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:
  - 1.2.1. Entitlements;
  - 1.2.2. Processes for reimbursement;
  - 1.2.3. Reporting requirements.
- 1.3. The policy is intended to ensure that Councillors and members of delegated committees and the Audit and Risk Committee are supported to perform their duties without disadvantage.

### 2. Scope

- 2.1. This policy applies to:
  - 2.1.1. All City of Port Phillip Councillors;
  - 2.1.2. All members of delegated committees and the Audit and Risk Committee of City of Port Phillip.
- 2.2. Councillors and members of delegated committees and the Audit and Risk Committee will be reimbursed for out-of-pocket expenses that are:

City of Port Phillip Councillor Expense and Support Policy



- 2.2.1. Bona fide expenses; and
- 2.2.2. Have been reasonably incurred in the performance of the role of Councillor; and
- 2.2.3. Are reasonably necessary for the Councillor and member of a delegated committee to perform this role.
- 2.3. All requests by Councillors for expense reimbursement or use of support must be as a direct result of conducting official business of Council. Official business of Council is defined as:
  - 2.3.1. Council meetings, Planning Committee meetings, and South Melbourne Market and Audit and Risk Committee meetings.
  - 2.3.2. A meeting of Councillors that is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors and is attended by at least one member of Council staff.
  - 2.3.3. A meeting of a delegated committee as established by Council under Section 63 of the Local Government Act 2020.
  - 2.3.4. A meeting of a joint delegated committee as established by Council under Section 64 of the Local Government Act 2020.
  - 2.3.5. A meeting of a Community Asset Committee as established by Council under Section 65 of the Local Government Act 2020.
  - 2.3.6. Meetings held with members of Council staff or other Councillors, where a diary entry of the meeting has been made prior to the meeting occurring.
  - 2.3.7. Civic or ceremonial occasions and functions that have been convened by the Council or the Mayor.
  - 2.3.8. Meetings and functions Councillors have been invited to attend in their role as a Councillor.
  - 2.3.9. Meetings and functions arising as a direct result of a Councillor being appointed by Council to a board or committee, except where the board or committee reimburses relevant expenses incurred by the Councillor.
  - 2.3.10. Meetings with people in the capacity as a Councillor, where the Councillor can outline the purpose and Council business undertaken during the meeting, and where a diary entry has been made prior to the meeting occurring.
  - 2.3.11. Conferences, seminars, official visits and training sessions that a Councillor has received prior approval by the CEO, and in some cases Council, to attend.
  - 2.3.12. Preparatory time; limited to a maximum amount of 12 hours for the day of Council meetings and Assemblies of Council.

## City of Port Phillip Councillor Expense and Support Policy



- 2.4. The following terms are defined for this Policy:
- 2.4.1. Carer: A carer is defined under section 4 of the *Carers Recognition Act 2012*
  - 2.4.2. Delegated committee: Delegated committees are defined under sections 63 - 65 of the *Local Government Act 2020*
  - 2.4.3. Audit and Risk Committee: means the Audit and Risk Committee established by Council under section 53 of the *Local Government Act 2020*
- 2.5. Administration and resolution of issues under this policy will reflect the highest standards of integrity and be undertaken in a manner that builds trust in Councillors, Council and in the system of local government in Victoria.
- 2.6. Any expenses, facilities support or resources not specifically addressed in this Policy will be assessed by reference to the Local Government Act 2020 and any relevant Regulations. Should a situation arise that is not adequately resolved by this Policy, the matter will be referred to Council for determination by resolution.
- 2.7. To assist in implementation of this policy, Councillors and members of delegated committees and the Audit and Risk Committee will:
- 2.7.1. Not seek to gain personal benefit from expenses that are reimbursed and paid by ratepayers.
  - 2.7.2. Submit honest and unaltered claims for reimbursement.
  - 2.7.3. Take all possible steps to clearly distinguish those activities described as duties as a Councillor from their personal, business and political activities.
  - 2.7.4. Seek to make use of Council's administrative systems rather than incur personal expenditure whilst performing their Duties as a Councillor

### 3. Policy

The following sections outline the legitimate expenses that will be reimbursed, and support that will be provided to Councillors, members of delegated committees and the Audit and Risk Committee, to support them in undertaking the official business of Council, as outlined in Section 3.3 Where it is not otherwise defined, reference to a Councillor is taken to also refer to a member of a delegated committee or a member of the Audit and Risk Committee:

#### 3.1. Administrative Support

- 3.1.1. Administrative support that directly pertains to the official business of Council is provided to Councillors by the Councillor and Executive Support team. The service provided includes the scheduling of meetings, answering of phone calls, responding to invitations, preparing correspondence and record keeping. The service provided is at a level determined reasonable by the CEO.

City of Port Phillip Councillor Expense and Support Policy



- 3.1.2. Office equipment and necessary stationery are provided to enable Councillors to undertake official business of the Council. The service provided is at a level determined reasonable by the CEO.
- 3.1.3. Councillors are supplied letterhead and business cards to conduct official business of the Council at a level determined reasonable by the CEO.
- 3.2. Building Access and Parking
  - 3.2.1. Councillors are provided with a twenty-four hour access card to enter St Kilda Town Hall and the Councillor Office, as well as the Port Melbourne Town Hall and Port Melbourne Town Hall Mayor's Office, to enable them to discharge their responsibilities.
  - 3.2.2. Councillors may request access to use the 'End of trip' facilities which includes bicycle storage cages at St Kilda Town Hall, and showers and changeroom amenities located at Bubup Nairn basement.
  - 3.2.3. Councillors conducting business of Council can park in paid parking locations without purchasing a ticket and are exempt from the time restrictions in timed areas, as long as the vehicle clearly displays a valid Parking Permit.
  - 3.2.4. Councillors must obey all statutory signage.
  - 3.2.5. Councillors have access to shared parking spaces at the St Kilda Town Hall to support them in undertaking official Council business.
  - 3.2.6. In the event that a Councillor on Council business receives a parking infringement notice, the Councillor may apply for an internal review of the parking infringement notice. The application must describe the Council business engaged in or the functions the Councillor was performing at the time. The parking infringement notice will be reviewed in accordance with Council's existing processes.
- 3.3. Carer Expenses
  - 3.3.1. Council will provide reimbursement for expenses of a carer, as defined under the *Carers Recognition Act of Victoria 2012*, if a Councillor or member of a delegated committee or the Audit and Risk Committee normally performs carer duties, and external carer support is required to enable a Councillor to fulfill official business of Council as outlined in Section 2.3.
  - 3.3.2. Councillors or member of a delegated committee or the Audit and Risk Committee can only seek reimbursement for carer expenses, for the duration of official business of Council and thirty (30) minutes of transit time before and after the official business of Council (extenuating circumstances such as traffic can be approved by exception by the CEO) as outlined in Section 2.3.
  - 3.3.3. Subject to the funding allocated to this reimbursement provision set through the annual Council budget, carer expense reimbursement will be capped at the Victorian Government Support for Carers Program Guidelines respite support hourly rate, outlined in Attachment 1. Reimbursement will be provided for relevant associated booking fees.

City of Port Phillip Councillor Expense and Support Policy



- 3.3.4. To be eligible for reimbursement the:
  - 3.3.4.1. Costs of care must be incurred by a Councillor or member of a delegated committee or the Audit and Risk Committee in the course of carrying out official business of Council as outlined in Section 2.2.
  - 3.3.4.2. Costs of care must be linked to responsibilities the Councillor or member of a delegated committee or the Audit and Risk Committee would normally fulfil as a carer, as defined under the *Carers Recognition Act of Victoria 2012*.
  - 3.3.4.3. Costs must relate only to care and no other domestic duties.
  - 3.3.4.4. Costs of care must not have been covered by other entitlements, such as Australian or Victorian Government Benefits.
  - 3.3.4.5. In-home carer must hold a Level 2 first aid qualification and be operating as a registered business in Australia.
  - 3.3.4.6. In-home carer must not be a family member, relative or household member (family members include spouse or domestic partner, son or daughter, brother or sister, father or mother).
  - 3.3.4.7. Centre care must be registered for this purpose in Australia.
- 3.4. Childcare
  - 3.4.1. Council will provide reimbursement for childcare expenses where the provision of childcare is reasonably required for a Councillor or member of a delegated committee or the Audit and Risk Committee to perform their role as outlined in Section 2.2. This includes 30 minutes of transit time before and after the official business of Council (extenuating circumstances such as traffic can be approved by exception by the CEO).
  - 3.4.2. Council will provide reimbursement of full day childcare if the Councillor has met the definition in clause 2.2 for at least 4 hours for the day being claimed.
  - 3.4.3. Subject to the funding allocated to this reimbursement provision set through the annual Council budget, reimbursement will be capped at the maximum Federal Government hourly rate for in-home care, as outlined in Attachment 1 and any associated booking fees.
  - 3.4.4. To be eligible for reimbursement the:
    - 3.4.4.1. Costs of care must be incurred by a Councillor or member of a delegated committee or the Audit and Risk Committee in the course of carrying out official business of Council as outlined in Section 2.2.
    - 3.4.4.2. Costs of care must relate only to care of a child and no other domestic duties.
    - 3.4.4.3. Child must be aged less than 16 years of age, unless the child has a disability and requires assistance with daily living tasks.
    - 3.4.4.4. Costs of care must not have been covered by other entitlements, such as Australian Government Child Care Benefit.
    - 3.4.4.5. Childcare / babysitting service provider must not be a family member, relative or household member (family members include spouse or

City of Port Phillip Councillor Expense and Support Policy



domestic partner, son or daughter, brother or sister, father or mother, or grandparents).

3.4.4.6. Centre care must be a registered childcare centre in Victoria.

3.5. Council Business Assistance

- 3.5.1. The Administration shall, if requested, provide individual Councillors with necessary advice and assistance on the nature and form of any motion or alternative recommendations that the Councillor wishes to move. The form and timings of this information and advice are guided by Council's Governance Rules.
- 3.5.2. The Administration will provide Councillors with all necessary advice, information and assistance to support their understanding of matters coming before Council, as well as advice to support them to discharge their legislative obligations, at a level determined appropriate by the CEO.

3.6. Councillors with a Disability

- 3.6.1. The CEO will put in place appropriate arrangements to support Councillors or member of a delegated committee or the Audit and Risk Committee with a disability, which could include implementing adjustments to Council facilities and workspaces, adoption of practices and provision of specific services, facilities, aids, equipment or additional expense entitlements such as transport.
- 3.6.2. As required and appropriate, Councillors or member of a delegated committee or the Audit and Risk Committee with a disability, will be required to provide the CEO with supporting evidence, such as a letter from a medical practitioner or suitably qualified health practitioner, substantiating the need for revised arrangements.

3.7. Councillor Webpages

- 3.7.1. Each Councillor will be provided with space on Council's website to display content such as a photo, contact details, personal statements, hobbies and interests, Councillor assignments, academic qualifications and professional memberships.

3.8. Health, Safety and Wellbeing

- 3.8.1. Councillors and delegated committee members are subject to the health, safety and wellbeing policies and procedures of the Council.
- 3.8.2. Councillors have a health, safety and wellbeing responsibility to all Council staff, including the CEO.
- 3.8.3. A Councillor or delegated committee member injured while carrying out duties as a Councillor or delegated committee member may be entitled to claim workers compensation. All injuries, hazards and near misses identified by a Councillor must be reported through Council's incident management reporting system.
- 3.8.4. Councillors and delegated committee members are entitled to access Council's Employee Assistance Program (EAP) to receive confidential counselling, coaching and support for workplace issues.



City of Port Phillip Councillor Expense and Support Policy



- 3.8.5. Councillors and delegated committee members are entitled to access a free flu vaccine as part of Council's annual clinics, which provide flu vaccines for staff. If Council includes a COVID19 vaccine to its annual clinic this will also be available for Councillors and delegated committee members.

3.9. Independent Legal Advice

- 3.9.1. Council will not fund any legal costs or advice as a result of the private business of Councillors or member of a delegated committee or the Audit and Risk Committee.
- 3.9.2. From time to time, Councillors may need advice to support them in discharging their role or legal responsibilities. Requests of this nature should be referred to the CEO and/or the Governance Team, who will provide guidance to support the Councillor in making a decision around how they discharge their role. Where required, the CEO or Governance Team will seek independent legal advice at the cost of Council to enable Councillors to discharge their responsibilities.
- 3.9.3. The legal advice outlined at 3.9.2, does not extend to the provision of ongoing legal representation in relation to any legal issue or matter without a resolution of Council to that effect.

3.10. Insurance

- 3.10.1. Councillors and delegated committee members and Audit and Risk Committee members are covered under the following Council insurance policies while discharging, in good faith, official Council business as outlined in Section 2.3:
- 3.10.1.1. Public liability
- 3.10.1.2. Professional indemnity
- 3.10.1.3. Councillor, Delegated Committee Member, Audit and Risk Committee Member and Officer liability
- 3.10.1.4. Personal Accident.
- 3.10.2. The Council will pay the insurance excess in respect of any claim made against a Councillor or delegated committee member or Audit and Risk Committee member arising from official business of Council, where any claim is accepted by Council's insurers, whether defended or not.

3.11. Mayor and Councillor Allowances

- 3.11.1. The Mayor and Councillors are entitled to receive from the Council an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.
- 3.11.2. A Mayor, Deputy Mayor or Councillor may elect:
- to receive the entire allowance to which they are entitled; or
  - to receive a specified part of the allowance to which they are entitled; or
  - to receive no allowance.
- 3.11.3. Councillor allowances are paid fortnightly by electronic funds transfer.

City of Port Phillip Councillor Expense and Support Policy



3.11.4. Allowances and amounts paid in lieu of superannuation are taxable income and Councillors should put in place their own processes for documenting claimable expenses. Personal taxation is the responsibility of each Councillor.

3.12. Meals, Refreshments, Newspapers and Magazines

- 3.12.1. A light meal and refreshments may be provided for Councillors while they are attending Council meetings or briefings, at or about mealtimes.
- 3.12.2. A Councillor is not able to claim reimbursement of expenses for meals and refreshments, apart from if the Councillor is attending a pre-approved conference or seminar by the CEO or Council (which is being held in an intrastate, interstate or international location) and sustenance is not included as part of the pre-approved event.
- 3.12.3. In the case of a Councillor attending a pre-approved conference or seminar in an intrastate, interstate or international location, reimbursement of expenses for meals and refreshments will be in line with Council policy.
- 3.12.4. Access to newspapers and periodicals either in print or online that are required to support the Councillor in undertaking official business will be provided to Councillors.

3.13. Media Support

- 3.13.1. The Mayor is the principal spokesperson for Council when dealing with the media.
- 3.13.2. Media support that directly pertains to the official business of Council is provided by the Communications Department to the Mayor and to Councillors who are delegated by the Mayor, to manage a particular issue.
- 3.13.3. The services provided include responding to media enquiries, providing media advice, developing media releases, writing speeches and arranging media events directly related to the official business of Council. The service provided is at a level determined reasonable by the CEO.

3.14. Office Use and Storage

- 3.14.1. Councillors are entitled to the use of office accommodation and document storage for the purposes of performing their roles as Councillors during the term of office, as allocated by the CEO.
- 3.14.2. Councillors are entitled to use available offices and meeting rooms for conducting official business of Council.

3.15. Communication Equipment

- 3.15.1. Councillors are entitled to appropriate technology to enable them to undertake the official business of Council. Councillors will be provided a mobile phone and a laptop to support them in undertaking their duties and can elect to also access an iPad.

City of Port Phillip Councillor Expense and Support Policy



- 3.15.2. Councillors must acknowledge, and agree to be bound by, Council's Information and Communication Technology User Policy, before they access Council equipment, systems or information.
- 3.15.3. Mobile Phone
- 3.15.3.1. Council will pay all connection fees, rental charges and all Council business call charges, with accounts being sent directly to Council. All Councillors will also receive a monthly data plan that can be used to connect them to the internet from both their mobile phone and other devices.
  - 3.15.3.2. It is recognised that for practical reasons, a Councillor may make a reasonable number of non-Council related calls. They may also make reasonable personal use of mobile devices, including mobile data.
  - 3.15.3.3. International calls will not be considered reasonable use unless a Councillor is conducting Council business (such as making arrangements for a conference/tour that has been approved by a resolution of Council). Telephone calls to information service providers which incur a significant per minute charge will normally not be considered reasonable use.
  - 3.15.3.4. International Roaming is not enabled on Councillor communication devices by default. Should a Councillor wish to use their Council issued communication device to conduct council business while overseas (for example reading and responding to emails, attending meetings, virtual calls) written approval from the CEO, or their delegate, must be obtained before International Roaming is enabled.
  - 3.15.3.5. International Roaming is limited to the 'Zone 1' destinations as included in the 'Optus Business \$5 Daily Roaming Pass'.
  - 3.15.3.6. Councillors who are taking a 'leave of absence' to go overseas will not be eligible to request International Roaming.
  - 3.15.3.7. App store purchases will not be covered by Council and must be reimbursed by Councillors.
  - 3.15.3.8. Apps must be appropriate for Council devices, do not interfere with device performance and do not pose any risk to the safety of children or young people.
- 3.15.4. Damaged or lost equipment
- 3.15.4.1. Equipment provided to each Councillor should last the full Council term. Councillors must regularly perform software updates on mobile phones when notified to do so. If equipment is lost or damaged Councillors must advise as soon as practicable of the circumstances involved. Requests for replacement or additional equipment will be referred to the CEO or delegate for consideration.

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3.15.5. Return of equipment

- 3.15.5.1. If a Councillor is suspended in accordance with the Local Government Act 2020 the Councillor must return all Council equipment and materials to the Council at the beginning of the term of suspension.
- 3.15.5.2. In the case that a Councillor seeks a leave of absence, they will not be required to return their Council provided equipment, unless specifically requested by a vote of Council, where the reason for the leave meets the definition of a conflict of interest with that person's role as Councillor.
- 3.15.5.3. At the end of a Councillor's term or when they no longer perform Duties as a Councillor on a permanent basis:
  - All communication equipment is to be returned to the Council
  - Councillors will be provided a mobile phone number and may elect to continue using this number at the end of their term. Council will coordinate the transfer of mobile phone numbers to individuals requesting this.

3.16. Training and Development

3.16.1. Professional Memberships

Council holds a range of corporate professional memberships that are reviewed on an annual basis. Councillors are able to access information, training and development opportunities through these corporate memberships.

Council does not fund individual professional memberships of Councillors with the exception of memberships to the Australian Local Government Women's Association (ALWGA) to enable female Councillors to participate in their professional development programs.

3.16.2. Professional Development Program

- 3.16.2.1. At the beginning of each Council term, officers will work with Councillors to establish a professional development program to ensure they have the skills and experience required to help them in discharging their role. This professional development program may include initiatives held at Council or attendance at external conferences, seminars or courses that result in formal qualifications. The program will take the form as outlined in Attachment 2.
- 3.16.2.2. Subject to the funding allocated to this provision set through the annual Council budget, each Councillor will be entitled to access up to \$6,000 per annum, and \$10,000 for the Mayor, for the purpose of professional development. Subject to budget funding, Councillors can exceed this annual limit to participate in the Australia Institute of Company Directors course. All other exceptions to the annual limit must be approved by the CEO. If a Councillor does spend more in a particular financial year, they

City of Port Phillip Councillor Expense and Support Policy



must not have spent more than \$24,000 as a Councillor, with additional allowance if they have held the position of Mayor at the conclusion of the Council term. This funding can be used to attend conferences, seminars, workshops or courses that result in formal qualifications.

3.17. Attendance at Conferences, Seminars and Workshops

3.17.1. Councillors can seek support to attend a conference, seminar or workshop held by an external body. To be eligible for support the request must:

- be lodged and approved by the CEO or delegate prior to the Councillor registering or attending the activity
- clearly demonstrate the value to the community and Council of the Councillor attending the activity
- be undertaken prior to Council entering into the caretaker period
- be delivered by a reputable provider
- satisfy budget requirements outlined in Section 3.16.2.2.

3.17.2. After attending conferences, seminars or workshops Councillors must provide a report back to the Council on the benefits that were derived and the application of these to further Council business.

3.17.3. Attendance by Spouse/Partner at Seminars, Conferences and Civic Functions

3.17.3.1. Attendance at any seminar, conference or civic function by a Councillor's spouse/partner shall be at the expense of the Councillor except where:

- Prior approval has been given by Council;
- There is an agreed expectation of partners attending, i.e. spouse/partner of the Councillor is specified on the invitation;
- Attendance by a Councillor's spouse/partner is considered to be necessary or appropriate to support the business or representational needs of Council;
- Sufficient provision exists in the approved annual budget for conferences and seminars.

3.17.4.2. Where Council has approved a Councillor's spouse/partner to attend a seminar, conference or civic function, Councillors are entitled to have paid by Council, or reimbursed, their spouse or partner's:

- Registration fees (for a Civic Function, but not a seminar or conference);
- Reasonable costs for meals and refreshments;
- Attendance at one primary conference dinner, when held, for each interstate conference attended.

3.17.4.3. Other than this, all additional costs incurred for the attendance of a spouse/partner will be at the expense of the Councillor.

City of Port Phillip Councillor Expense and Support Policy



3.18. Attendance at Courses

3.18.1. Councillors can seek support to attend courses that result in formal qualifications, such as the Australian Institute of Company Directors. To be eligible for support the request must:

- be lodged and approved by the CEO or delegate (with reference to the Mayor) prior to the Councillor registering or attending the activity
- clearly demonstrate the value to the community and Council of the Councillor attending the activity
- be completed more than nine months prior to the end of the Council term, to enable the skills learnt to be applied during the term of Council
- be delivered by a reputable provider
- satisfy budget requirements outlined in Section 3.16.2.2.

3.18.2. Annual membership to the Australian Institute of Company Directors in order to qualify for discount on the course is not considered an individual professional membership as outlined in clause 3.16.1.

3.19. Travel

3.19.1. Each year, Councillors and delegated committee members can incur or claim reasonable expenses for travel associated within the Greater Melbourne area as defined by the State Revenue Office of Victoria, to enable them to undertake official business of Council.

3.19.2. Expenditure outlined in Section 3.19.1 can take the form of reimbursement for vehicle mileage in line with the City of Port Phillip Enterprise Agreement; use of a Council Myki card or reimbursement of personal Myki card use, use of Council cabcharge, reimbursement for taxi or a registered ride share service (including e-bikes and e-scooters) as well as bicycle maintenance.

3.19.3. In all but the case of bicycle maintenance, Councillors must highlight the nature of Council business undertaken for each trip and officers will provide reports to Councillors in the case of Council supplied Myki cards and cabcharges to help facilitate this requirement.

3.19.4. Bicycle maintenance is defined as a tune-up or the requirement to replace and repair parts central to the legal operation of the bicycle including but not limited to helmets, pedals, handlebars, bells, lights, saddle, wheels, tyres and chains. Items that will not be reimbursed include bicycle clothing, baskets, seat coverings and locks.

3.19.5. Councillors will have access to Council carpool vehicles and bicycles to enable them to undertake official business of Council.

3.19.6. The Mayor has the option of utilising a dedicated vehicle to be used when performing official business of Council. The ongoing costs of maintaining and operating this vehicle will be determined by the type of vehicle chosen, in accordance with the City of Port Phillip Fleet Policy and will be reported against the Mayor of the Day for the purposes of monthly Councillor expense reporting.



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- 3.19.7. Councillors who incur traffic fines while traveling to or attending an event under the definition of duties as a Councillor will bear that personal cost and cannot seek reimbursement.
- 3.19.8. Councillors can undertake intrastate travel outside of the greater Melbourne area to fulfill responsibilities where they are an appointed representative for Council. All other instances (excluding the Mayor), requires pre-approval by the CEO.
- 3.19.9. Domestic travel for Councillors (excluding the Mayor) requires Council approval. All travel must be in accordance with the achievement of Council's objectives and goals. Councillors must provide detailed reporting on proposals for travelling interstate and written reports on the resultant outcomes and benefits to Council must be undertaken. Such travel will be incorporated into a Councillor's professional development allowance. Unless otherwise approved by Council, all domestic travel is required to be by the most economical means and by the most direct route. Air travel upgrades are permitted if at the Councillor's expense.
- 3.19.10. The Mayor can undertake domestic travel with approval from the CEO (not Council) to attend the Australian Local Government Association and meetings with representatives of the Commonwealth Government on city or Council related issues. Interstate travel outside of these parameters by the Mayor requires Council approval. All other conditions for Mayoral domestic travel are in line with the requirements outlined in 3.19.9.
- 3.19.11. Overseas travel for all Councillors including the Mayor requires formal approval by Council prior to any bookings being made. All travel must be in accordance with the achievement of Council's objectives and goals. Councillors must provide detailed reporting on proposals for travelling overseas and written reports on the resultant outcomes and benefits to Council must be undertaken. Such travel will be incorporated into a Councillor's professional development allowance. Unless otherwise approved by Council, all international travel is required to be by the most economical means and by the most direct route. Air travel upgrades are permitted if at the Councillor's expense.
- 3.19.12. Accommodation associated with interstate and international travel should be the lowest rate available at suitable hotels within a reasonable distance from the main location of the official business of Council. Both domestic and international accommodation must be booked in advance to secure best pricing.
- 3.19.13. Personal travel before or after official business of Council must be pre- approved as part of the approval process for the travel and must not have any detrimental effects on the official business of Council.
- 3.19.14. Where a Councillor is undertaking private travel arrangements in conjunction with Council approved and funded travel, the Councillor must ensure that all costs incurred with private travel are clearly delineated from the Council funded travel arrangements.
- 3.19.15. The cost of a partner, spouse or companion accompanying a Councillor on a business trip must be borne by that person.

City of Port Phillip Councillor Expense and Support Policy



3.20. Other Expenditure

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves otherwise.

**4. Administration of Policy**

4.1. Monitoring of Expenditure

- 4.1.1. Councillor expenses will be monitored by the Head of Governance and if a Councillor appears to be exceeding the average expenditure in any of the expense categories, further review of such expenses will be undertaken.
- 4.1.2. If the amount exceeded relates to costs incurred as a result of higher than expected Council business, Councillors will be required to put this in writing to the Executive Manager Governance and Organisational Performance to acquit this matter. If the costs incurred are for non-Council business use, the amount of non-Council business use must be reimbursed to Council.
- 4.1.3. To provide an independent line of assurance, monitoring and compliance will be conducted through internal audit and Audit and Risk Committee oversight, as required and on a regular reoccurring basis, as assessed by the annual internal audit planning process.

4.2. Form of Claims

- 4.2.1. Every claim for reimbursement must be lodged using the Expense Reimbursement Form as outlined in Attachment 3.
- 4.2.2. All claims must be accompanied by appropriate documentation. Appropriate documentation means an original tax invoice clearly identifying the expenditure incurred and including an official receipt for payment received.
- 4.2.3. The financial details of the transaction to be provided on the tax invoice must include:
  - name of the supplier and their ABN;
  - description of the product or service provided;
  - date that the service or goods were received;
  - total amount paid, inclusive of GST (if applicable);
  - date the payment was made to the supplier.
- 4.2.4. In the event of lost or misplaced documentation, a Statutory Declaration that includes the specific details of the financial transaction (per above), and available supporting evidence (e.g., copy of bank statement) will be considered appropriate documentation.
- 4.2.5. In the event a receipt does not contain an ABN, an attestation of the expense provided through the reimbursement form will be considered appropriate documentation.
- 4.2.6. Claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.

City of Port Phillip Councillor Expense and Support Policy



4.3. Timeframe for Submission of Claims

- 4.3.1. All claims for reimbursement must be lodged with officers no later than thirty (30) days from the end of the calendar month in which the expense was incurred, excluding the month of June, where claims must be submitted within seven (7) days of month end, to enable finalisation of Council's financial statements.
- 4.3.2. Claims for reimbursement which are not in accordance with clause 4.3.1 will not be processed excepted where Council resolves to accept the claim.
- 4.3.3. All requests for support must be lodged using the Request for Support Form as outlined in Attachment 4.
- 4.3.4. All requests for support must be lodged prior to any expense being incurred. Requests for support where prior approval is required includes additional support required for Councillors with a disability, interstate and international travel, training, and professional development.

4.4. Assessment of Claims

- 4.4.1. The Head of Governance will be required to consider and either authorise or decline all claims. To support the Head of Governance in undertaking this role, officers from the Mayor and Councillor Support team will be required to:-
  - 4.4.1.1. Ensure the correct form has been completed by the Councillor;
  - 4.4.1.2. Ensure that all supporting documentation and evidence has been provided by the Councillor;
  - 4.4.1.3. Check the diary of the Councillor;
  - 4.4.1.4. Check attendance records where these are available e.g. Council meetings, assembly of Council etc. Where these are not available, require the Councillor to provide details of the time they were in attendance at the respective session / meeting;
  - 4.4.1.5. Attest that they have undertaken all relevant steps to assess the claim and make a recommendation for consideration by the Head of Governance.
- 4.4.2. If the Head of Governance has a question about a claim, they will, in the first instance, discuss this matter with the relevant Councillor. If required, the Head of Governance will seek guidance from the Chief Executive Officer. If required, the Chief Executive officer will refer claims to a Council meeting for determination.
- 4.4.3. Mayor and Councillor Support Office staff will provide Councillors with reports on use of Council supplied Myki cards and cab charges and Councillors will be required to acquit the nature of Council business. The Head of Governance will review and sign-off on these acquittals.
- 4.4.4. Reimbursements will be provided monthly by electronic funds transfer.
- 4.4.5. Budgetary limits for different type of expenses are mutually exclusive. If a Councillor does not claim a particular expense or use a particular facility, this cannot be offset against a claim for an additional amount of some other expense or facility.

City of Port Phillip **Councillor Expense and Support Policy**



4.5. Reporting Requirements

- 4.5.1. A monthly report on Councillor expenses and support will tabled at an ordinary Council meeting and, once passed, be published on Council's website. A copy of this report will made available to the Audit and Risk Committee.
- 4.5.2. These reports will outline the total amount of expenses and support provided to Councillors, a breakdown by category of support, and details of the value provided to Council and the community of this support. This will also include a breakdown of any reimbursements made by Councillors and the broad categories of this support.
- 4.5.3. The Audit and Risk Committee will determine the frequency by which internal audit and other reviews are undertaken.
- 4.5.4. An annual report will be provided to The Audit and Risk committee in July of each year summarising Councillor expenses for the prior financial year.
- 4.5.5. Councillors are required to provide a report back to an Ordinary meeting of Council within sixty (60) days of return for any interstate and international travel.

4.6. Policy Review

- 4.6.1. The CEO is authorised to make administrative updates to the policy as required which do not materially alter the purpose or outcomes of the policy.

City of Port Phillip Councillor Expense and Support Policy



## 5. Supplementary policy documents

- 5.1. Appendix 1 - Hourly Rate Caps
- 5.2. Appendix 2 - Professional Development Program
- 5.3. Appendix 3 - Expense Reimbursement Form
- 5.4. Appendix 4 - Request for Support Form
- 5.5. Appendix 5 - Expenses Matric

## 6. Related legislation and documents

### Child Safe

The City of Port Phillip is a Child Safe organisation and has a legal and moral responsibility to understand and activate their role in preventing, detecting, responding and reporting any Child Safety concerns. Council has zero tolerance for child abuse and is actively committed to embedding a culture of safety, wellbeing and inclusion for children and young people.

Consideration has been given to the Child Safe Standards in the development of this policy.

### Gender Equality

Under the *Gender Equality Act 2020*, Council has a positive duty to advance gender equality in our organisation and our community.

Through the development of this policy, Council have assessed any impacts for people of different genders (women/girls, men/boys and people who are gender diverse). While gender impact assessment starts with gender, it also has considered impacts of other social factors such as age, Aboriginality, race, religion, (dis)ability, sexual orientation and socio-economic status.

### Other

Council Policies:

- Councillor Code of Conduct
- Governance Rules
- Public Transparency Policy
- Information Privacy Policy

Legislation:

- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*

City of Port Phillip **Councillor Expense and Support Policy**



- *Gender Equity Bill 2020*



## City of Port Phillip Councillor Expense and Support Policy



## 7. Document history

Version	Date of approval/adoption	Changes made	ECM record
2	September 2021	Amendment to: <ul style="list-style-type: none"> <li>- childcare provisions,</li> <li>- timing requirements for claims</li> <li>- accepting receipt provisions</li> <li>- provides for a maximum amount of preparatory time</li> <li>- allows for retrospective claims</li> <li>- change to the childcare access provision</li> </ul>	
3	June 2024	<ul style="list-style-type: none"> <li>- Removal of 'South Melbourne Town Hall 24 hour access' provision until building remediation works are completed.</li> <li>- Update to reflect Councillor access to 'End of trip' facilities.</li> <li>- Update to reflect changes to Council parking process and issuing of permits.</li> <li>- Update to include the International Roaming provisions on Council issued communication devices.</li> <li>- Expand the term 'ride share' to include 'e-bicycles' and 'e-scooters' (previously</li> </ul>	

City of Port Phillip Councillor Expense and Support Policy



Version	Date of approval/adoption	Changes made	ECM record
		<p>just vehicles).</p> <ul style="list-style-type: none"><li>- Update to include operating expenses associated with use of Mayoral vehicle being an expense recorded against the Mayor of the day.</li><li>- Update to include annual reporting requirement for Audit and Risk Committee.</li></ul>	

City of Port Phillip **Councillor Expense and Support Policy**



**Appendix 1 – Hourly Rate Caps**

Type of Support	Hourly Rate Cap	Benchmark
<b>Carers Support</b>	Up to \$48 per hour	Victorian Government Support for Carers Guidelines 2019 – respite support
<b>Childcare</b>	Up to \$33 per hour	Federal Government Child Care Subsidy

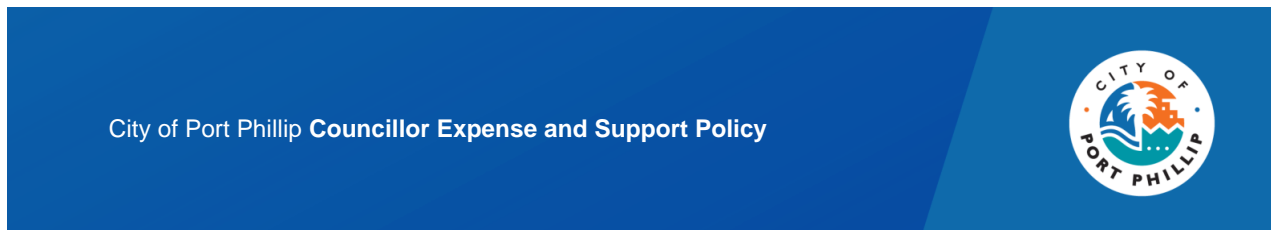
## City of Port Phillip Councillor Expense and Support Policy

**Appendix 2 – Professional Development Program**

Officers will work with Councillors at the commencement of their term to tailor this program to individual needs, taking into consideration any mandated training, prior learning, qualifications and experiences, in addition to the budget available each year for activities of this nature.

Year	Focus	Suggested Program
<b>Year One</b>	Induction to local government	<ul style="list-style-type: none"> <li>Governance i.e. role of Councillors, Local Government Act, conflict of interest, meeting procedure, chairing of meetings, code of conduct, occupational health &amp; safety, etc.</li> <li>Financial literacy and budget management</li> <li>Land use planning and building</li> <li>Media, including social media</li> <li>Public speaking</li> </ul>
<b>Year Two</b>	Strengthen understanding of governance, strategy, public policy development and citizen engagement	<ul style="list-style-type: none"> <li>Governance Training e.g. Australian Institute of Company Directors</li> <li>Strategic thinking</li> <li>Public policy development</li> <li>Community engagement and involvement in civic decision making</li> <li>Councillor &amp; Mayoral Sector Development Days – MAV / VLGA</li> <li>Negotiation and influence</li> </ul>
<b>Year Three</b>	As per Year two with an opportunity to focus on specific subject matter that will directly benefit Council	<ul style="list-style-type: none"> <li>As per Year Two with addition of areas of emerging interest that directly support Council policy or program development in a particular area, e.g. waste management, within the Council term</li> </ul>
<b>Year Four</b>	Refresher courses as required	<ul style="list-style-type: none"> <li>Chairing of Meetings</li> <li>Councillor &amp; Mayoral Sector Development Days – MAV / VLGA</li> <li>Short seminars or information sessions on items of interest.</li> </ul>

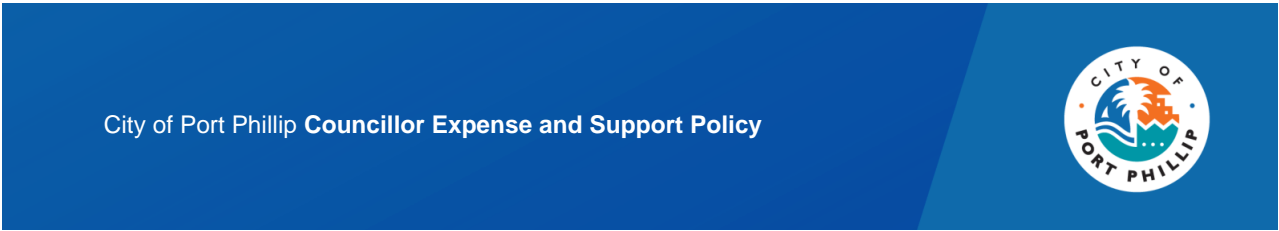
**Note:** For those Councillors who are returning Councillors, their Year One Professional Development (apart from any mandated training by the Victorian Government) is more likely to take the form of a Year Two and/or Year Three Program. The Professional Development Program in Year Four of a Council term is always focused on refresher activities and short sessions, where information and knowledge can be directly applied in the remainder of the Council term.



### Appendix 3 – Expense Reimbursement Form

## ATTACHMENT 3 - EXAMPLE - COUNCILLOR EXPENSE REIMBURSEMENT FORM

Date		17/12/2019			
Submitted by		Cr John Smith			
Date	Expense Type	Council Business Type	Details	Attachment	Amount
4/12/2019	Transport	Council Meeting	Travel from St Kilda Town Hall to home after Council meeting by ride share. Council meeting concluded 11.00 PM.	Tax Invoice <input type="checkbox"/> Receipt <input checked="" type="checkbox"/> Agenda <input type="checkbox"/>	\$10.00
				<b>Approved</b> Council business verified & appropriate receipt provided	
Click or tap to enter a date.	Choose an item.	Choose an item.	Include relevant details to assist in processing your reimbursement e.g. meeting times / agenda for meetings held with constituents	Tax Invoice <input type="checkbox"/> Receipt <input type="checkbox"/> Agenda <input type="checkbox"/>	
Click or tap to enter a date.	Choose an item.	Choose an item.	Include relevant details to assist in processing your reimbursement e.g. meeting times / agenda for meetings held with constituents	Tax Invoice <input type="checkbox"/> Receipt <input type="checkbox"/> Agenda <input type="checkbox"/>	
<b>Total</b>					
<b>Councillor Attestation</b>			<b>Officer Attestation</b>		
I, Cr Smith attest that all expenses I am seeking reimbursement for meet the definition of Council Business and are eligible reimbursement requests as outlined in the Councillor Expenses & Support Policy.			I attest that I have checked and applied the Councillor Expenses & Support Policy requirements to my determination in each of the expenses listed above.		
Signed ..... Date .....			Signed ..... Date .....		



Appendix 4 – Request for Support Form

ATTACHMENT 4 - EXAMPLE - COUNCILLOR REQUEST FOR SUPPORT

Date17/12/2019

Submitted byCr John Smith

Date

Support Type

4/12/2019

Training & Professional Development

Details

Australian Company Directors Course

Benefit to Council

As a member of the governing body, there will be a direct benefit to Council and the Port Phillip community by me gaining additional knowledge and experience in governance matters.

Attachment

Program ☒ Costs ☒ Other ☐

Amount

\$7,000

Officer Determination

Approved

Support provided by reputable provider that will have a direct benefit to Council and the community. Costs are within budgeted amounts.

Click or tap to enter a date.

Choose an item.

Provide details of support type

Outline benefit to Council

Program ☐ Costs ☐ Other ☐

Total

\$7,000

Councillor Attestation

I Cr John Smith attest that all expenses I am seeking reimbursement for meet the definition of Council Business and are eligible reimbursement requests as outlined in the Councillor Expenses & Support Policy.

Signed.....Date.....

Officer Attestation

I attest that I have checked and applied the Councillor Expenses & Support Policy requirements to my determination in each of the expenses listed above.

Signed.....Date.....

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## City of Port Phillip Councillor Expense and Support Policy



## Appendix 5 – Expenses Matrix

Entitlements	Criteria	Requirements
Carer Expenses	<ul style="list-style-type: none"> <li>Costs of care must be linked to responsibilities that would normally fulfil as a carer as defined under the <i>Carers recognition Act 2012</i></li> <li>Costs can only relate to care</li> <li>Costs must not be covered by other entitlements</li> <li>Must hold level 2 first aid qualification and be operating as a registered business</li> <li>Carer must not be a family member, relative or household member</li> <li>Centre care must be registered</li> </ul>	<p>Can include 30-minute transit time before and after official business.</p> <p>Must use the Expense Reimbursement Form.</p> <p>Must include original tax invoice and official receipt.</p>
Childcare Expenses	<ul style="list-style-type: none"> <li>Costs can only relate to care of a child and no other domestic duties</li> <li>Child must be under 16 years of age, unless the child has a disability and requires assistance with daily living tasks</li> <li>Costs must not be covered by other entitlements</li> <li>Must be operating as a registered business</li> <li>Carer must not be a family member, relative or household member</li> <li>Centre care must be registered</li> </ul>	<p>Can include 30-minute transit time before and after official business.</p> <p>Supporting evidence of disability is required if child is over 16 years.</p> <p>Must use the Expense Reimbursement Form.</p> <p>Must include original tax invoice and official receipt.</p>
Adjustments to Council facilities	<ul style="list-style-type: none"> <li>Adjustments to:               <ul style="list-style-type: none"> <li>Council facilities and workspaces</li> <li>Workplace processes</li> <li>Provision of specific services, facilities, aids or additional expense entitlements</li> </ul> </li> </ul>	<p>Supporting evidence of disability is required.</p> <p>Pre-approval must be given prior to any expenditure.</p>
Meals and Refreshments	<ul style="list-style-type: none"> <li>Must be pre-approved conference or seminar where sustenance is not included.</li> <li>Cost must comply with Council policy</li> </ul>	<p>Pre-approval is required by CEO or Council</p> <p>Must use the Expense Reimbursement Form.</p> <p>Must include original tax invoice and official receipt.</p>
Newspapers and Magazines	<ul style="list-style-type: none"> <li>Must be required to support official business</li> </ul>	<p>Must include original tax invoice and official receipt.</p>
Communication Equipment	<ul style="list-style-type: none"> <li>International calls and calls to information service providers which incur a significant per minute charge.</li> </ul>	<p>Must provide evidence how these charges relate to Council business.</p>

City of Port Phillip **Councillor Expense and Support Policy**



Transport	<ul style="list-style-type: none"><li>• Kilometer reimbursement</li><li>• Myki card reimbursement</li><li>• Cab charge or registered ride share reimbursement</li><li>• Bicycle maintenance reimbursement</li></ul>	Must advise nature of Council business undertaken for each trip. Must use the Expense Reimbursement Form. Must include official receipt.
Professional Development	<ul style="list-style-type: none"><li>• Limit of \$6,000 p.a. for a Councillor and \$10,000 p.a. for Mayor</li></ul>	Must not exceed \$24,000 for the term, with additional amount if they have held position of Mayor during the term.

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 19 JUNE 2024



### 13.2 COUNCILLOR EXPENSES MONTHLY REPORTING - MAY 2024

**EXECUTIVE MEMBER:** JOANNE MCNEILL, EXECUTIVE MANAGER, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

**PREPARED BY:** MITCHELL GILLET, COORDINATOR COUNCILLOR AND EXECUTIVE SUPPORT

#### 1. PURPOSE

- 1.1 To report on the expenses incurred by Councillors during May 2024, in accordance with the Councillor Expenses and Support Policy.

#### 2. EXECUTIVE SUMMARY

- 2.1 The *Local Government Act 2020* requires Council to maintain a policy in relation to the reimbursement of out-of-pocket expenses for councillors and members of delegated committees. Council endorsed its Councillor Expenses and Support Policy at the Council Meeting held on 3 March 2021.
- 2.2 At that meeting Council also resolved to report monthly on Councillor allowances and expenses and present this at a Council meeting in addition to publishing this on the Council's website.
- 2.3 The report outlines the total amount of expenses and support provided to Councillors and is detailed by category of support. Any reimbursements made by Councillors are also included in this report.

#### 3. RECOMMENDATION

That Council:

- 3.1 Notes the monthly Councillor expenses report for May 2024 (attachment 1) and that this will be made available on Council's website.

#### 4. KEY POINTS/ISSUES

- 4.1 The *Local Government Act 2020* (the Act) provides that councillors and members of delegated committees are entitled to be reimbursed for bona fide out-of-pocket expenses that have been reasonably incurred while performing their role, and that are reasonably necessary to perform their role.
- 4.2 The management of expenses is governed by the updated Councillor Expenses and Support Policy (the Policy), developed in accordance with the requirements of the Act and adopted by Council on 15 September 2021.
- 4.3 The Policy sets out the process for submitting requests for support and/or reimbursement. All requests are required to be assessed by officers prior to processing.
- 4.4 All requests for reimbursement must be lodged with officers for processing no later than 30 days from the end of the calendar month, except for the month of June where claims must be submitted within 7 days. Claims for reimbursement lodged outside this timeline will not be processed unless resolved by Council.

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- 4.5 To accurately capture expenses, monthly reports are prepared no earlier than 30 days following the end of the month and generally reported at the next available Council meeting cycle. This means that reports are generally presented in a 2-3 month rolling cycle.

### 5. CONSULTATION AND STAKEHOLDERS

- 5.1 No community consultation is required for the purposes of this report.
- 5.2 A copy of Councillor expense reporting will be provided to the Audit and Risk Committee.

### 6. LEGAL AND RISK IMPLICATIONS

- 6.1 The provision of expenses and support to Councillors is governed by the *Local Government Act 2020*, and Council's adopted policy.

### 7. FINANCIAL IMPACT

- 7.1 Provision of support and expenses for Councillors is managed within Council's approved operational budgets.

### 8. ENVIRONMENTAL IMPACT

- 8.1 There are no direct environmental impacts as a result of this report.

### 9. COMMUNITY IMPACT

- 9.1 This report provides to the community transparency and accountability by publicly disclosing expenses and support accessed by Councillors.

### 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Reporting on Councillor expenses delivers Strategic Direction 5 – Well Governed Port Phillip.

### 11. IMPLEMENTATION STRATEGY

- 11.1 Council reports to the community monthly on the expenses and reimbursements provided to Councillors.
- 11.2 Officers will publish monthly expense reports to Council's website once adopted.

### 12. OFFICER MATERIAL OR GENERAL INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS 1. Declaration of Councillor Expenses - May 2024

# Declaration of Councillor Expenses – May 2024

## Councillor Allowances and Expenses

The following pages set out the expenses incurred by each Councillor in the following categories:

Councillor Allowance includes statutory allowances for the Mayor and Councillors, inclusive of a provision paid in recognition of the fact that Councillors do not receive superannuation.

Conference and Training includes any registration fees, accommodation and meal costs associated with attendance or participation in conferences, training or professional development programs.

Travel includes cabcharge / taxi fares, Mayoral vehicle at standard charge out rate, public transport / myki costs, airfares, rail and bicycle reimbursements associated with Council business related travel.

Car Mileage includes reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council business related travel.

Child and Family Care include payments for necessary childcare arrangements incurred to attend: Council and Special Council Meetings, Council Briefings, ceremonial functions, events and occasions agreed by the Chief Executive Officer or resolution of Council.

Information and Communication Technology includes the monthly fees and usage costs associated with mobile telephones, tablets and internet charges.

### Councillor Attendances

In addition to regular Council Meetings and Councillor briefings, Councillors attend meetings as Councillor appointed representatives of delegated, advisory and external boards and committees.

Details of Councillor Representative appointments is available [here](#).

Note: All expenses are exclusive of Goods and Services Tax (GST) where applicable.

## Cr Tim Baxter

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$84.96
<b>TOTAL</b>	<b>\$3,114.96</b>

## Cr Andrew Bond

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$71.98
<b>TOTAL</b>	<b>\$3,101.98</b>

## Cr Rhonda Clark

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$84.98
<b>TOTAL</b>	<b>\$3,114.98</b>



## Cr Louise Crawford (Deputy Mayor)

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$5,015.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$84.97
<b>TOTAL</b>	<b>\$5,099.97</b>

## Cr Heather Cunsolo (Mayor)

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$10,030.00
Conferences and Training	
Travel <i>(including provision of a Mayoral vehicle charged at \$7,800 per annum pro rata to cover operating costs)</i>	\$625.00
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$107.69
<b>TOTAL</b>	<b>\$10,762.69</b>

## Cr Peter Martin

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$56.98
<b>TOTAL</b>	<b>\$3,086.98</b>

## Cr Robbie Nyaguy

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$71.98
<b>TOTAL</b>	<b>\$3,101.98</b>

## Cr Marcus Pearl

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$29.00
<b>TOTAL</b>	<b>\$3,059.00</b>

## Cr Christina Sirakoff

incurred the following expenses during the month May:

Expense	Value
Councillor Allowance	\$3,030.00
Conferences and Training	
Travel	
Car Mileage	
Child and Family Care	
Information and Communication Technology	\$29.00
<b>TOTAL</b>	<b>\$3,059.00</b>

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## 14. NOTICES OF MOTION

- 14.1 *Councillor Pearl - Governance arrangements- HousingFirst and Port Phillip Housing Trust .....212*
- 14.2 *Councillor Crawford - Parking Restriction Changes in Elwood Village .....214*

# MEETING OF THE PORT PHILLIP CITY COUNCIL

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### **Item 14.1 Councillor Pearl - Governance arrangements - HousingFirst and Port Phillip Housing Trust**

**I, Councillor Marcus Pearl, give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 19 June 2024:**

That Council:-

1. Request officers to provide a report to Council on the governance arrangements and considerations of Council's involvement in HousingFirst, the Port Phillip Housing Trust and related entities including options and advice in relation to:
  - a. Improvements to governance practices to mitigate real and/or perceived conflicts of interest identified in relation to Council's role in both the board of directors for HousingFirst Ltd and the Port Phillip Housing Trust.
  - b. Council's role in the appointment of trustees / representative of the PPHT.
  - c. Ability to appoint different members to the Board of HF and Trustees of the PPHT.
2. Notes the preparation of a report on governance arrangements and considerations will be met through existing budgets and resources.
3. Requests that lawyers with expertise in property and community housing be selected to assist Officers in completing the report.
4. Notes that the purpose of this motion is to review the governance arrangements for Housing First Ltd and PPHT, ensuring that the structure and appointments are suitable for the next 10-20 years and align with current accepted standards. It is not intended to review the protection in perpetuity of housing for community housing purposes.

### **Supporting Information**

- The PPHT was established in 2005. The City of Port Phillip is the Governor of the Trust and Port Phillip Housing Association (now HousingFirst) is appointed as Trustee.
- The PPHT was established to ensure that Council's direct property and cash contributions are:
  - Protected in perpetuity for the purpose of community housing.
  - Used to leverage further housing growth for the benefit of the Port Phillip community, including ensuring housing in the Trust is made available to persons with long term links to Port Phillip.
- The Trust Deed is the legal instrument that establishes and governs the operation of the PPHT.
- The PPHT was established as a legal 'vessel' for owning and holding funds and property assets, and perpetually protecting the interests of Council by defining the Purposes in which Trust Funds can be used and the powers of Trustees.
- The specific 'Purposes of the Trust Fund' are to:
  - Solicit donations, gifts, bequests and other forms of financial assistance to benefit the purposes of the Trust Fund.
  - Acquire land with existing buildings or land on which to construct housing.
  - Make the housing available to Eligible Residents at rents determined by the Trustee that are below the market rate.
- Community housing, such as that delivered through the PPHT, contributes to a diverse and inclusive Port Phillip community. It supports the health and well-being of residents on very low and low incomes and enables them to remain within their local community.



### **Item 14.2 Councillor Crawford - Parking Restriction Changes in Elwood Village**

**I, Councillor Louise Crawford, give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 19 June 2024:**

That Council:-

1. Request officers to forego the standard requirements for demonstration of community support to consider changing parking restrictions on Ormond Road, between Beach Avenue and Pine Avenue.
2. Request officers investigate all timed restrictions on Ormond Road, between Beach Avenue and Pine Avenue, to finish at 7pm.
3. Requests officers consult the community on the proposed change if there is a justification to proceed.
4. Request officers notify Councillors of the outcome of the investigation.

### **Supporting Information**

The process to consider changing parking restrictions is detailed on Council's public website.

Community support is required to be demonstrated before a review of the parking restrictions can be considered.

This support is to be in the form of a letter signed by at least:

- 10 per cent of properties (or 4 properties — whichever is greater) in streets where there have been no changes to parking or parking consultation undertaken in the past 18 months, or
- 50 per cent of properties in streets where a parking change or parking consultation have been conducted in the past 18 months

The letter should include the following:

- The reasons for the request
- The type of change requested
- Names and addresses of the signatories to the letter

A member of the public has raised concerns regarding the operational hours of parking restrictions in Ormond Road and feels the timed restrictions operating until 8pm are unnecessary, negatively impact businesses in the area and result in customers receiving parking infringements.

A request was made to change the operational hours of parking restrictions on Ormond Road to finish at 6pm or 7pm, in-line with most activity centres. A total of six signatures, including the requestor, is typically required for the Transport Safety team to progress the request. The requestor has requested Council undertake the instigation without them needing to approach businesses in the strip for support.

As the change sought is for an activity centre, I request officers progress with the investigation and forego the standard process for obtaining community support.



## 15. REPORTS BY COUNCILLOR DELEGATES

## 16. URGENT BUSINESS

## 17. CONFIDENTIAL MATTERS

17.1	<i>Pound Services Contract.....</i>	239
17.2	<i>Shrine to Sea Masterplan Advocacy and Implementation.....</i>	239
17.3	<i>Legal Matter .....</i>	239

### RECOMMENDATION

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

#### 17.1 Pound Services Contract

- 3(1)(a). *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

**Reason -** Paper includes recommendation for successful tenderer for Pound Services Contract, if made public this would compromise awarding the contract.

#### 17.2 Shrine to Sea Masterplan Advocacy and Implementation

- 3(1)(c). *land use planning information, being information that if prematurely released is likely to encourage speculation in land values*
- 3(1)(e). *legal privileged information, being information to which legal professional privilege or client legal privilege applies.*

**Reason -** While Council have endorsed the draft Masterplan, the final Masterplan is yet to approved by the Minister for public release. This is expected to be in the next few months.

#### 17.3 Legal matter

- 3(1)(a). *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*
- 3(1)(e). *legal privileged information, being information to which legal professional privilege or client legal privilege applies*
- 3(1)(g(ii)). *private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

**Reason -** Includes legal advice and commercially sensitive information relating to a lease dispute.