

CITY OF MELBOURNE

Council Meeting

Minutes

**Meeting Number 5
Tuesday 28 February 2017
5.30pm**

**Council Chambers
Level 2
Melbourne Town Hall**

Present

Lord Mayor, Robert Doyle
Deputy Lord Mayor, Arron Wood
Councillor Michael Caiafa
Councillor Philip Le Liu
Councillor Rohan Leppert
Councillor Kevin Louey
Councillor Cathy Oke
Councillor Nicholas Reece
Councillor Tessa Sullivan
Councillor Jackie Watts

Confirmed at the meeting of the Council
on Tuesday 28 March 2017

1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor, Robert Doyle, advised that:

- the meeting was being recorded and the audio would be made available on the City of Melbourne website before close of business tomorrow
- the agenda comprised of 24 reports from management of which 10 were confidential and one item of general business
- No apologies had been received from Councillors.

2. Disclosures of conflicts of interest

The Chair, Lord Mayor, Robert Doyle, advised that conflicts of interest would be disclosed as they arose.

3. Confirmation of minutes of the previous meetings

Moved: Deputy Lord Mayor, Arron Wood

That the minutes of Special meeting No 3, held on Tuesday 20 December 2016 and Ordinary meeting No 4, held on Tuesday 20 December 2016 be confirmed.

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

4. Matters arising from the minutes of the previous meetings

There were no matters arising from the minutes of the previous meetings.

The Chair, Lord Mayor, Robert Doyle, advised that as at 3pm the following submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2010*.

Submissions

In relation to Agenda item 6.4, '**African Australian Community Partnership Project**':

Item of correspondence:

- Chris Thrum.

In relation to Agenda item 6.5, '**City of Melbourne Chair in Resilient Cities – variation to Council Resolution**':

Item of correspondence:

- Chris Thrum.

5. Reports from Committee

There were no reports from Committee for consideration in the open session.

6. Reports from management

The Lord Mayor, Robert Doyle advised that the in accordance with Clause 2.11 of the *Conduct of Meetings Local Law 2010*, that the order of business be amended to allow the consideration of Agenda item 6.8 directly after Agenda item 6.5.

There were 14 reports from management for consideration in the open session.

6.1 Records of Assemblies of Councillors

The purpose of this report was to present the most recent written records of assemblies of Councillors for Council to note.

Moved: Deputy Lord Mayor, Arron Wood

That Council notes the written records of the assemblies of Councillors as detailed in Attachment 2 of the report from management.

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.2 Delegations review - 2017

The purpose of this report was to:

- Review Council's current delegations and to revoke any delegations by Council which are now redundant.
- Review Council's Delegation Policy for Planning Applications and Delegations Policy.
- Update authorisations of staff members under the *Planning and Environment Act 1987*.

Moved: Cr Leppert

1. *That Council:*

1.1. *Determines to not make any changes to the current delegations:*

- 1.1.1. *To the Inner Melbourne Action Plan Implementation Committee (number CCL-2015-3) and Future Melbourne Committee (number 47).*
- 1.1.2. *To officers, numbers 360, 441, 448 and CCL-2015-2.*

Appearing in Attachment 2 (of the report from management).

1.2. *Revokes the redundant instrument of delegation (number 443) to the Chief Executive Officer under the City of Melbourne Act 2001, effective immediately following the passing of this resolution by Council.*

1.3. *By instrument of delegation sealed by the Council under section 188(1) of the Planning and Environment Act 1987, delegate to the persons from time to time holding the positions referred to in Attachment 5, its powers, discretions and functions under the Planning and Environment Act 1987 subject to:*

- 1.3.1. *The restrictions contained in section 188(2) of the Planning and Environment Act 1987 and section 98(1) of the Local Government Act 1989.*
- 1.3.2. *Compliance with Council's Delegations Policy and the Council's Delegations Policy for Planning Applications.*

1.4. *Revokes the instrument of delegation (number 447) by Council under the Planning and Environment Act 1987, such revocation to take effect immediately after the execution of the instrument of delegation referred to in paragraph 1.3 above.*

1.5. *By instrument of delegation sealed by the Council under section 58A of the Food Act 1984, delegate to:*

- 1.5.1. *The person from time to time holding the position of Manager Health and Wellbeing, its powers, duties and functions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5) of the Food Act 1984.*

1.5.2. *The persons from time to time holding the positions referred to in Attachment 6 (of the report from management), its powers and discretions under Part III of the Food Act 1984 in relation to temporary food premises and mobile food premises.*

Subject to:

1.5.3. *The restrictions contained in section 98(1) of the Local Government Act 1989.*

1.5.4. *Compliance with Council's Delegations Policy.*

1.6. *Revokes the instruments of delegation (numbers 449 and CCL-2015-1) by Council under the Food Act 1984, such revocations to take effect immediately after the execution of the instrument of delegation referred to in paragraph 1.5 above.*

1.7. *By instrument of authorisation pursuant to section 188 of the Planning and Environment Act 1987, generally authorise the officers listed at Attachment 7 (of the report from management), to carry out the duties and functions and exercise the powers of an 'authorised officer' within the meaning of the Planning and Environment Act 1987.*

1.8. *Revokes the previous instrument of authorisation under section 188 of the Planning and Environment Act 1987 made by resolution of Council on 25 August 2015, such revocation to take effect immediately after the execution of the instrument of authorisation referred to in paragraph 1.7 above.*

1.9. *Adopts the revised Delegation Policy for Planning Applications contained in Attachment 3 and Council's Delegations Policy contained in Attachment 4 (of the report from management).*

Seconded: Cr Sullivan

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.3 Kensington Adventure Playground Contract: No 3545

The purpose of this report was to inform Council of:

- The status of improvements in governance, operating model, and longer term financial viability of The Venny Inc. to operate the Kensington Adventure Playground.
- The findings of community surveying to help determine if sufficient improvement has occurred for the option to extend the contract to be exercised.

Moved: Deputy Lord Mayor, Arron Wood

1. *That Council:*

1.1 *Approves The Venny Inc.'s continued operation and management of the Kensington Adventure Playground contract for one year from 1 July 2017 until 30 June 2018 with the Council retaining the option to extend for a further one year.*

1.2 *Approves the extension of the Best Interest Advisor's appointment to 30 June 2017 for a total cost 2016-17 of \$20,000.*

1.3 *Notes a further report from management will be presented to Council in February 2018 on the status of improvements in the development of The Venny's operating model and longer term financial viability.*

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.4 African Australian Community Partnership Project

The purpose of this report was to provide an update on the African Australian Community Partnership Project and to seek approval for funding of the Project in 2017-18.

Moved: Cr Sullivan

1. *That Council:*

- 1.1 *Endorses a pre commitment for a further twelve months funding of \$150,000 for the African Australian Community Partnership Project for 2017-18.*
- 1.2 *Notes that requested funding from African Australian Organisations (or their representatives) for community participation will be considered within the proposed funding for 2017-18.*

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.5 City of Melbourne Chair in Resilient Cities - variation to Council Resolution

The purpose of this report was for Council to vary a resolution made at its April 2015 meeting regarding a proposal from the University of Melbourne to jointly establish a professorial chair in resilient cities.

Councillors Oke and Reece declared an indirect conflict of interest in this matter because of a conflicting duty under Section 78B of the *Local Government Act 1989*. Both Councillors Oke and Reece are employed by the University of Melbourne. They left the meeting at 5.37pm.

Moved: Deputy Lord Mayor, Arron Wood

1. *That Council:*

- 1.1 *Varies paragraph 1.1 of the previous Council resolution on 28 April 2015 by replacing 'for five years from 1 July 2015' with 'for six years from 1 July 2016'.*
- 1.2 *Varies paragraph 1.2 of the previous Council resolution on 28 April 2015 by replacing 'commencing in the 2015-16 financial year' with 'commencing in the 2016-17 financial year'.*
- 1.3 *Notes that the Second Deed of Variation contained in Attachment 2 of the management report will be executed under delegation.*

Seconded: Cr Caiafa

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Sullivan and Watts.

Councillors Oke and Reece returned to the meeting at 5.39pm after the vote had been taken.

6.8 Funding for additional Local Laws resources

The purpose of this report was to resolve the matter of additional resourcing which was referred from 7 February 2017 Future Melbourne Committee meeting to 28 February 2017 Council meeting for consideration.

Moved: Deputy Lord Mayor, Arron Wood

1. *That Council approves:*

- 1.1. *Additional unbudgeted expenditure of \$110,000 for additional resourcing to support the Local Laws operation for the remainder of the 2016–17 financial year.*
- 1.2. *The inclusion of \$380,000 in the 2017–18 budget for four officer positions and a vehicle to assist in maintaining the safety, amenity and accessibility of public spaces in the central city through the identification and enforcement of the local laws.*

Seconded: Cr Sullivan

The motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Councillor Watts voting against the motion.

Cr Caiafa declared an indirect conflict of interest in Agenda items 6.6, 6.7, 6.9 and 6.10 because of a conflicting duty under Section 78B of the *Local Government Act 1989*. Cr Caiafa is a trader at the Queen Victoria Market. Cr Caiafa left the meeting at 5.43pm.

6.6 Proposed public highway declaration of CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne

The purpose of this report was to recommend that the roads shown shaded on the plan in Attachment 2 of the report from management be declared as public highways.

Moved: Cr Reece

1. *That Council:*

- 1.1. *Declares CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne as shown on the public notice dated 27 October 2016 as public highways, for the reasons that:*
 - 1.1.1. *CL1184 has been maintained by the Council and its predecessors at law for many decades and the declaration is simply to put the issue beyond doubt and provide certainty of ownership.*
 - 1.1.2. *The declaration of Blender Lane (PL5133) and part of PL5266, and the Council assuming care and management of those roads will allow the active management of the use of roads, improving the amenity, safety and access benefits for all users.*
 - 1.1.3. *In respect to the objections to the declaration of Blender Lane (PL5133) as a public highway on the basis this will mean the activities on the road will require a permit, the requirement to have a permit is not affected by whether a road is public or private.*
- 1.2. *Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.*

Seconded: Cr Le Liu

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.7 Proposed discontinuance of part of PL5266, Melbourne

The purpose of this report was to recommend that the road shown hatched on the plan in Attachment 2 of the report from management be discontinued as detailed in the recommendation.

Moved: Cr Reece

1. *That Council:*

- 1.1. *Discontinues that part of PL5266, Melbourne as shown on the public notice dated 27 October 2016, subject to the dedication of the southern 3.5 meters of the affected land as a road on a plan of subdivision and consolidation of the balance of the affected land with the abutting land, for the reasons that:*
 - 1.1.1. *It removes uncertainty about the ownership and obligations in respect to maintenance of the affected land.*
 - 1.1.2. *The dedication of the southern 3.5 meters substantially addresses the concerns of the objector whilst still providing improved access to the rear of 450 Queen Street with the removal of the gate.*
- 1.2. *Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.*

Seconded: Cr Leppert

The motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Councillor Watts voting against the motion.

6.9 Proposed lease of Council land, the Munro site at 93-151 Therry Street, 452-468 Queen Street, rear 128-130 Franklin Street, Melbourne

The purpose of this report was to recommend Council enter into a lease with PDG Developments Pty Ltd to undertake construction works at the Munro site; 93 – 151 Therry Street, 452-468 Queen Street and Rear 128-130 Franklin Street, Melbourne.

Moved: Deputy Lord Mayor, Arron Wood

1. *That Council:*

- 1.1 *Enters into a lease with PDG Developments Pty Ltd of the land at 93-151 Therry Street, 452-468 Queen Street and rear 128-130 Franklin Street, Melbourne on the terms contained in the public notice dated 27 October 2016 for the reasons that the lease will enable the development of and activation of the site including the construction of:*
 - 1.1.1 *A car park which will contribute to meeting the Council's obligations under an agreement with the State in respect to the redevelopment of the Queen Victoria Market precinct.*
 - 1.1.2 *Important community infrastructure.*
 - 1.1.3 *Retail areas.*
- 1.2 *Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.*

Seconded: Lord Mayor, Robert Doyle

The motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Councillor Watts voting against the motion.

6.10 Proposed sale of Council land, the Munro site at 93-151 Therry Street, 452-468 Queen Street, rear 128-130 Franklin Street, Melbourne

The purpose of this report was to recommend Council sell to VG Property Holdings No. 6 Pty Ltd as trustee for the VG Property Trust No. 6, part of the 'Munro site' 93-151 Therry Street, 452-468 Queen Street and rear 128-130 Franklin Street, Melbourne for the sum of \$33 million plus GST.

Moved: Lord Mayor, Robert Doyle

1. *That Council:*

- 1.1. *Sells to VG Property Holdings No. 6 Pty Ltd as trustee for the VG Property Trust No. 6, part of the 'Munro site' 93-151 Therry Street, 452-468 Queen Street and rear 128-130 Franklin Street, Melbourne known as lot B on proposed plan of subdivision PS801750P shown crosshatched on the plan contained in the public notice dated 27 October 2016, for the sum of \$33 million plus GST, for the reasons that the sale proceeds will mitigate the cost of the development and activation of the site including the construction of:*
 - 1.1.1. *A car park which will contribute to meeting the Council's obligations under an agreement with the State in respect to the redevelopment of the Queen Victoria Market precinct.*
 - 1.1.2. *Important community infrastructure.*
 - 1.1.3. *Retail areas.*
- 1.2. *Notes that in respect to the submissions received:*
 - 1.2.1. *The proposal has been carried out in accordance with the requirements in the Local Government Act 1989.*
 - 1.2.2. *Public notice of the proposed sale was given on the 27 October 2016 which was after the Council's caretaker period had ended.*
 - 1.2.3. *The development deed in respect to the development of the site entered into with PDG Developments Pty Ltd is not conditional on the sale proceeding and there has been no prejudgment in respect to the proposal.*
- 1.3. *Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Councillor Watts voting against the motion.

Cr Caiafa returned to the meeting at 5.52pm after all four agenda items had been voted on.

6.11 Proposed Discontinuance and sale of part of Highett Street, West Melbourne

The purpose of the report was to recommend for the discontinuance and transfer of a land locked portion of Highett Street, West Melbourne.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Discontinues and sells part of Highett Street, West Melbourne as shown on the public notice dated 12 October 2016, to the abutting landowner at 167-169 Kensington Road, West Melbourne (Adjoining land) for \$1 plus GST, for the reasons that:*
 - 1.1.1 *The land occupied by the private road is unsightly, has not been actively managed for many years and on balance, transfer to the owner of the adjoining land is considered the most equitable option to address these issues.*
 - 1.1.2 *This is the last remnant of road after previous discontinuances and sales which were to the owners of 133-165 Kensington Road and 171-193 Kensington Road on either side and this transfer to the*

owner of the Adjoining land would ensure consistency in the boundary lines of the three properties.

1.1.3 The contract of sale will include special conditions requiring not only consolidation of the land with the Adjoining land but also the cleaning up of the land.

1.2 Notifies in writing each person who has lodged a separate submission of the decision and reasons for the decision.

Seconded: Cr Reece

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.12 2016–17 Council Works Program Second Quarter report

The purpose of this report was to inform Council of the financial performance of the 2016–17 Council works program at the end of the second quarter. It also outlines the progress of Council's major projects.

Moved: Lord Mayor, Robert Doyle

1. That Council:

1.1. Notes the 2016–17 Council Works Program second quarter report.

1.2. Approves the program adjustments to the 2016–17 Council Works Program that are included in Appendix 2 of the 2016–17 Council Works Program second quarter report.

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

6.13 Queen Victoria Market Precinct Renewal (QVMPR) Program Reserve Quarterly Report

The purpose of this report was to inform the Council on the financial performance of the Queen Victoria Market Precinct Renewal Program for the quarter ending 31 December 2016, in accordance with the Council resolution of December 2015.

Cr Caiafa declared an indirect conflict of interest in this matter because of a conflicting duty under Section 78B of the *Local Government Act 1989*. Cr Caiafa is a trader at the Queen Victoria Market. Cr Caiafa left the meeting at 5.58pm.

Moved: Deputy Lord Mayor, Arron Wood

That Council accepts the quarterly Queen Victoria Market Renewal Program Reserve report as at 31 December 2016.

Seconded: Cr Sullivan

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

Cr Caiafa returned to the meeting at 5.59pm after the vote had been taken.

6.14 Melbourne Metro Rail Authority (MMRA) proposed compulsory acquisition and occupation of the City Square

The purpose of this report was to present the MMRA's legal documentation as submitted to Council on 7 February 2017, in relation to compulsory acquisition of City Square.

Moved: Lord Mayor, Robert Doyle

1. *That Council:*

- 1.1. *Endorses the Melbourne Metro Rail Authority's (MMRA) proposal for the Secretary to the Department of Economic Development, Jobs, Transport and Resources (Authority) to acquire Lots 1, 2 and 8 on Plan of Subdivision 428405M being all of City Square in accordance with the Notice of Intention to Acquire dated 7 February 2017.*
- 1.2. *Endorses the proposal for funds received in compensation for Lot 1 (surface level) being placed in a 'Trust Fund' in accordance with the MMRA's letter of February 2017 (Attachment 3 of the report from management).*
- 1.3. *Instructs the Chief Executive Officer to sign the Deed between MMRA and the Council in accordance with the MMRA's letter February 2017 (Attachment 3 of the report from management).*
- 1.4. *Notes that the Council will need to be satisfied that the legacy City Square proposed to be returned to it, meets the Council's requirements as set out in the Deed.*
- 1.5. *Notes that in the event that the legacy City Square does not meet the Council's requirements, the Council may decline to repurchase the same, as set out in the Deed.*
- 1.6. *Notes the shortened time period of not less than seven days between Notice of Acquisition and proposed possession of City Square by the Authority on 20 March 2017.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

7. General business

There were two items of General business for consideration in the open session.

7.1 Notice of Motion, Cr Leppert: Public submissions to Council and Special Committee meetings

Moved: Cr Leppert

That the Meeting Procedures Code be amended to give effect to changing the deadline for written public submissions to, and requests to be heard at, Special Committee and/or Council meetings, by replacing the word 'noon' with '10am' in clauses 3.15(f)(ii) and 3.15(f)(v).

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

7.2 Petition from residents of North Melbourne

Moved: Cr Leppert

That Council receives the petition from North Melbourne residents regarding strategies to address antisocial behaviour in the vicinity of Canning Street.

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

8. Urgent business

There were no items of proposed urgent business for consideration in the open session.

9. Closure of meeting

Moved: Deputy Lord Mayor, Arron Wood

That pursuant to sections 89(2)(a), (d), (e) and (h) of the Local Government Act 1989, the meeting of the Council be closed to members of the public for the consideration of the items under the following categories:

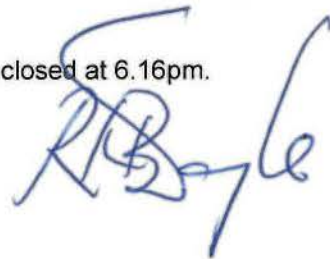
- *Agenda items 6.15, 6.16, 6.17, 6.19 and 6.20 as they contain information which if released would prejudice the Council or any person.*
- *Agenda item 6.18 as it contains information relating to a proposed development.*
- *Agenda items 6.21, 6.22 and 6.23 as they contain information relating to a contractual matter.*
- *Agenda item 6.24 as it contains information relating to a personnel matter.*

Seconded: Cr Reece

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Arron Wood, Councillors Caiafa, Le Liu, Leppert, Louey, Oke, Reece, Sullivan and Watts.

The Chair, Lord Mayor, Robert Doyle, declared the open meeting closed at 6.16pm.

Confirmed at the meeting of Council on Tuesday 28 March 2017.



Chair
Council

