

**CITY OF MELBOURNE** 

# **Council Meeting**

# Minutes

Meeting Number 32 Tuesday 30 May 2023 5.30pm

Council Chamber Level 2 Melbourne Town Hall

Present

Lord Mayor Sally Capp (Chair) Deputy Lord Mayor Nicholas Reece Councillor Dr Olivia Ball Councillor Roshena Campbell Councillor Jason Chang Councillor Elizabeth Doidge Councillor Davydd Griffiths Councillor Jamal Hakim Councillor Philip Le Liu Councillor Rohan Leppert Councillor Kevin Louey

> Confirmed at the meeting of Council on Tuesday 27 June 2023

### 1. Commencement of meeting and apologies

The meeting commenced at 5.31pm.

The Chair, Lord Mayor Sally Capp, advised that the meeting was being streamed live and a recording will be made available on the City of Melbourne website before close of business Wednesday 31 May 2023.

### 2. Disclosures of conflicts of interest

The Lord Mayor advised that conflicts of interest should be disclosed as they arise.

### 3. Confirmation of minutes of the previous meeting

Moved: Cr Campbell

That the minutes of meeting No 31 held on Tuesday 18 April 2023 be confirmed.

Seconded: Cr Hakim

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 4. Matters arising from the minutes of the previous meeting

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

### Submissions/Correspondence

The Lord Mayor advised that the following submissions had been received.

In relation to Agenda item 5.2, **Referral of motion from the Future Melbourne Committee meeting 16 May 2023 – ATET**:

### Items of correspondence:

- Jake Hughes, Director, ATET
- Christine Clarke.

In relation to Agenda item 6.1, 'Melbourne as a global city' International Engagement Framework:

### Items of correspondence:

- Prof Michele Acuto, Director of the Melbourne Centre for Cities, University of Melbourne
- Jay Meek, Austrade
- Layton Pike, Executive Director (Interim), RMIT University
- Andrew, Diana, Christopher and Harrison Pawluk
- Eugene Hawryszko, Director of the Association of Ukrainians in Victoria
- Stefan Romaniw OAM, Co-Chair Australian Federation of Ukrainian Organisations, 1st Vice President Ukrainian World Congress
- Alla Petrov, President, Melburg Association
- Minh Cao, Australia Vietnam Leadership Dialogue
- James Gourjian
- Sasha Sheko
- Owen Huck

Council - Tuesday 30 May 2023

- Jessica O'Riley
- Yuri Teodorowych
- Peter Ebbutt
- Julianna A Rozek
- Felix Figurek
- Slawko Kulyk.

In relation to Agenda item 6.4, Queen Victoria Market Precinct Renewal Program - Quarterly Report:

#### Items of correspondence:

- Miriam Faine
- Trish O'Loughlin
- Barbara Champion
- Anna Krouskos
- Philip Watts
- Liz Aird
- Robyn Wellington
- Martin Shoo
- Janice Crosswhite OAM

- Mary Clark
- Jane Howie
- Greta Bird
- Ellie Fard
- Bill Russell
- Anna Epstein
- Mary-Lou Howie
- Carmel McCarthy
- Lea Campbell.

In relation to Agenda item 6.5, Audit and Risk Committee Charter:

#### Item of correspondence:

Marion Attwater.

In relation to Agenda item 6.6, Meeting minutes from 11 November 2022, 10 February 2023 and 5 May 2023 and biannual activity report of Council's Audit and Risk Committee:

#### Item of correspondence:

Marion Attwater.

In relation to Agenda item 7.1, Post Travel Report, Deputy Lord Mayor Nicholas Reece: China, April 2023:

#### Item of correspondence:

• Chris Thrum.

### 5. Reports from Committee

There were two reports from Committee.

The Lord Mayor called on Cr Griffiths to present agenda item 5.1.

# 5.1 Carlton Heritage Review and Punt Road Oval Heritage Review - Melbourne Planning Scheme Amendment C405 (Panel Report and Final Adoption)

The purpose of this report was to recommend that Council, having considered the Amendment C405 Panel's report and recommendations, adopts Planning Scheme Amendment C405.

The Deputy Lord Mayor Nicholas Reece declared a material conflict of interest in this matter pursuant to section 128(3)(d) of the *Local Government Act 2020* due to his employment by University of Melbourne, who is affected by the proposal, and left the meeting at 5.37pm prior to discussion taking place.

Cr Leppert declared a material conflict of interest in this matter pursuant to section 128(3)(h) of the *Local Government Act 2020* due to receiving a disclosable gift in the form of an election campaign donation from a party affected by the matter, and left the meeting at 5.37pm prior to discussion taking place.

Cr Dr Ball declared a material conflict of interest in this matter pursuant to section 128(3)(h) of the *Local Government Act 2020* due to receiving a disclosable gift in the form of an election campaign donation from a party affected by the matter, and left the meeting at 5.37pm prior to discussion taking place.

### Moved: Cr Griffiths

- 1. That Council:
  - 1.1. Considers the independent Planning Panel's report for Carlton Heritage Review and the Punt Road Oval Heritage Review Amendment C405 at Attachment 2 of the report from management.
  - 1.2. Endorses the recommendations set out in Attachment 3 of the report from management.
  - 1.3. Adopts the Carlton Heritage Review and Punt Road Oval Heritage Review Amendment C405 in accordance with section 29(1) of the Planning and Environment Act 1987 with the changes in the amendment documentation as shown in Attachment 2 of the report to Council.
  - 1.4. Directs management to submit the adopted amendment to the Minister for Planning for approval in accordance with section 31(1) of the Planning and Environment Act 1987.
  - 1.5. Directs management to submit the information referred to as prescribed information under section 31(1) of the Planning and Environment Act 1987 with the adopted amendment, including the reasons why any recommendations of the Panel were not adopted as set out in Attachment 3 of the report from management.
  - 1.6. Authorises the General Manager Strategy, Planning and Climate Change to make any administrative changes required to correct any typographic, grammar and referencing errors to the amendment documentation prior to lodging the amendment with the Minister for Planning for approval.

### Seconded: Cr Doidge

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Councillors Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu and Louey.

The Deputy Lord Mayor and Councillors Dr Ball and Leppert returned to the meeting at 5.42pm.

### 5.2 Referral of motion from the Future Melbourne Committee meeting 16 May 2023 – ATET

The purpose of this report was to consider the motion referred by the Future Melbourne Committee on 16 May 2023, on the matter of whether or not to terminate the Crown Land Licence issued to Floating Spaces Pty Ltd (trading as ATET).

Moved: Lord Mayor Sally Capp

- 1. That Council:
  - 1.1. Notes advice provided by the Environment Protection Agency (EPA) on 23 May 2023 that their noise assessment found "noise levels from the ATET nightclub are unreasonable and non-compliances have been established".
  - 1.2. Notes that, based on the EPA's advice, Council has written to the venue operator notifying that the venue is in breach of the EPA protocol and therefore in breach of

the planning permit, and advising that trading should only occur with background level music until such time as the venue can demonstrate that the noise is compliant with the EPA protocol.

1.3. Directs management to issue a notice of default of the Licence issued to Floating Spaces Pty Ltd (trading as ATET) under the Crown Land (Reserves) Act 1978, in accordance with the terms of clause 4.1 of the Licence.

Seconded: Deputy Lord Mayor Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 6. Reports from management

There were six reports from management.

### 6.1 'Melbourne as a global city' International Engagement Framework

The purpose of this report was to seek endorsement of the City of Melbourne's International Engagement Framework.

- Moved: Cr Louey
  - 1. That Council:
    - 1.1. Adopts the International Engagement Framework, 'Melbourne as a global city' (Attachment 2 of the report from management) subject to the title of the third priority area changing such that the word "the" is replaced with the words "a leading".
    - 1.2. Adopts the proposed priorities for 2023–24 (Attachment 3 of the report from management) that support implementation of the Framework.
    - 1.3. Authorises management to make any minor editorial changes to the Framework and priorities prior to publication.
    - 1.4. Terminates Melbourne's sister city relationship with St Petersburg, in protest at Russia's continued armed aggression in Ukraine.

#### Seconded: Cr Chang

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

#### 6.2 Quarterly performance reporting – Council Plan Major Initiatives, Finances and Capital Program

The purpose of this report was to inform the community of the performance of Council at the end of the third quarter of the financial year, outlining:

- Council's quarterly performance against the Council Plan 2021–25 strategic objectives.
- The quarterly financial performance of the Council Works Program, including the progress of Council's major projects.
- The quarterly financial performance of the Council and Budget, in accordance with the *Local Government Act 2020*.

#### Moved: Cr Le Liu

#### 1. That Council:

- 1.1. Notes the Council Plan 2021–25 quarter three summary report and performance report (refer Attachments 2 and 3 of the report from management) and the proposal to publish this information on the City of Melbourne website, authorising the Acting Chief Executive Officer to make any further minor editorial changes to the report prior to publication.
- 1.2. Notes the 2022–23 Council Works Program quarter three summary report (Attachment 4 of the report from management).
- 1.3. Approves program adjustments in the Council Works Program, within the overall adopted budget funding envelope, as follows (Attachment 5 of the report from management):
  - 1.3.1. New budget allocation for
    - 1.3.1.1. Queen Victoria Market Southern Site Cable Relocation received \$14,458,000. This is for the relocation of underground cable necessary before the commencement of new development at the Queen Victoria Market Southern Site.
    - 1.3.1.2. Homes Melbourne Site Investigation for Affordable Housing received \$353,920 (of which \$211,692 will be spent this financial year) to deliver a detailed site investigation of existing environmental conditions (soil and groundwater) across three City of Melbourne's properties to meet environmental obligations and provide site condition reports necessary for the development of affordable housing by selected project proponents.
  - 1.3.2. Additional budget from external funding for
    - 1.3.2.1. Cycle Infrastructure increasing program budget from \$6,163,930 to \$6,806,890, after management successful application for \$642,960 partial external grant from the National Blackspot Program administered by the Department of Transport.
    - 1.3.2.2. Road Safety Initiatives increasing program budget from \$1,250,000 to \$1,400,000, after management successful application for \$150,000 external funding through the Safer Roads Program administered by the Department of Transport.
    - 1.3.2.3. Improving Pedestrian Safety increasing program budget from \$1,510,000 to \$1,610,000, followed by receiving \$100,000 from ProBuild payment in form of External Contribution, in lieu of outstanding reinstatement public works payable by developer at 364-378 Little Lonsdale Street Melbourne.
  - 1.3.3. Additional budget from internal funding for
    - 1.3.3.1. Stubbs Street Pump Station Upgrade additional \$2,762,000 Council contribution due to additional works and delay in Melbourne Water payment, which will not be realised in this financial year.
    - 1.3.3.2. Parking Technology Services additional \$427,000 is necessary for undertaking further rounds of security testing during April and May to ensure that the solution meets Council's security standards.
    - 1.3.3.3. Community Sports Pavilion Upgrade (Brens) additional funding of \$689,755 is necessary for covering the costs of rectifying issues identified on site, additional scope, and the extension of time due to climate and ground condition, and permit approval.

- 1.3.3.4. Library Collection Renewal \$200,000 is required to commence the acquisition of the new Munro Library book collection in the current financial year, 2022–23 to open the Munro Library on time and avoid any delay to publicly committed open date of November 2023.
- 1.3.3.5. Carlton Early Learning and Family Services Centre \$340,000 to cover the new, improved reception area capital costs and building a new compliant fence. (This is a budget shift from Property Services Renewal)
- 1.3.3.6. Town Hall Renewal and Priority Roof Works additional \$136,000 necessary for improving non-compliant areas of the roof and replacing the materials at the end of their usable life, including backlog maintenance items where appropriate.
- 1.3.3.7. Birrarung Trial Floating Wetland \$200,000 over three financial years (including \$65,000 for financial year 2022–23) for additional scope and a time lapse camera.
- 1.3.3.8. HOOD City of Melbourne Heritage Database \$20,000 budget shift from City Strategy OPEX to CAPEX to deliver Heritage data solution to refine the functionalities and accommodate data variety in different sections.
- 1.3.3.9. Asset Renewal Works Acceleration there was an opportunity to accelerate the Capital Works delivery and close the gap in the Capital Works' performance from its year to date budget. Allocating unutilised CAPEX budget from the current year to the following programs, not only enables to meet CAPEX targets, but also will enable us to deliver additional scope from financial year 2023–24 to create capacity for more scope in the next year's renewal program:
  - 1.3.3.9.1. Footpath renewal additional \$1,750,000 to increase the scope, making the total program budget \$7,431,896.
  - 1.3.3.9.2. Street Furniture renewal additional \$16,000 to increase the scope, making the total program budget \$416,000.
  - 1.3.3.9.3. Parks Renewal Program additional \$676,000 to increase the scope, making the total program budget \$7,176,000.
  - 1.3.3.9.4. Climate Adaptation Urban Landscapes Renewal Works (CASP) - additional \$275,000 to increase the scope, making the total program budget \$1,175,000.
  - 1.3.3.9.5. Property Renewal Works additional \$2,655,000 to increase the scope, making the total program budget \$8,155,000.
  - 1.3.3.9.6. Property Services Sustainability Renewal Works additional \$505,000 to increase the scope, making the total program budget \$905,000.
  - 1.3.3.9.7. Accommodation Modifications additional \$400,000 to increase the scope, making the total program budget \$700,000.
- 1.3.4. Reduce budget for
  - 1.3.4.1. Greenline a combined net reduction of \$32,545,000, includes a re-phasing of a Council contribution of \$12,500,000 and grants of \$20,000,000, into financial year 2023–24 to align with a recently announced federal government commitment. Also, shifting

\$45,000 to Birrarung Trial Floating Wetland. \$7,500,000 to be retained in financial year 2022–23 for Greenline Major Initiative activities.

- 1.3.4.2. Queen Victoria Market Precinct Renewal Program combined \$17,313,257 reduction in program funding to allocate \$14,458,000 to Southern Site Cable Relocation and \$2,900,000 due to delay in delivery of some of the scopes.
- 1.3.4.3. Make Room, where latent conditions have delayed milestone 3 (the appointment of the main contractor). This has impacted the overall project schedule, including the timing of milestone payments 3 and 4 from Homes Victoria and resulting in a reduction of \$1,085,000 in the current year program budget.
- 1.3.4.4. Library Pop-Ups a significant proportion of the program budget is required for the operational cost of library pop-ups (including staff costs). Therefore, a \$370,000 budget shift from CAPEX to OPEX is necessary.
- 1.4. Notes funding and accounting adjustments for:
  - 1.4.1. Dodds Street linear park, Southbank reduced \$1,331,065 from Council funding and \$1,668,935 from Public and Open Space funding, followed by receiving \$3,000,000 from state government as grant funding.
  - 1.4.2. Parks Renewal Program reducing \$1,100,000 from Public and Open Space funding and re-allocation \$1,100,000 from Council funding since Public and Open Space funding cannot be allocated to sports facilities.
- 1.5. Notes the 2022–23 third quarter Financial Performance Report (Attachments 6 to 9 of the report from management).

Seconded: Deputy Lord Mayor Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 6.3 Proposed update and consolidation of financial policies

The purpose of this report was to seek adoption of the proposed update and consolidation of Council's key financial policies.

Moved: Cr Le Liu

- 1. That Council:
  - 1.1. Adopts the updated and consolidated Treasury Policy (Attachment 3 of the report from management), Financial Sustainability Policy (Attachment 4 of the report from management) and Governance Protocols for Wholly-Owned Subsidiary Companies (Attachment 5 of the report from management) superseding the existing Investment and Strategic Income Policy, Treasury Policy, Liquidity Risk and Cash Flow Policy, Financial Sustainability Policy, Borrowing Policy and Wholly Owned Subsidiary Governance Protocol.
  - 1.2. Authorises the General Manager Finance and Corporate and Chief Financial Officer to make any further minor editorial changes to the Treasury Policy, Financial Sustainability Policy and Governance Protocols for Wholly-Owned Subsidiary Companies where necessary prior to publication.

Seconded: Deputy Lord Mayor Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 6.4 Queen Victoria Market Precinct Renewal Program – Quarterly Report

The purpose of this report was to provide Council with a progress update and expenditure breakdown of the Queen Victoria Market Precinct Renewal program for the period July 2022 to March 2023.

Moved: Lord Mayor Sally Capp

That Council accepts the Queen Victoria Market Precinct Renewal Program Quarterly Report which confirms a total program expenditure of \$113 million as at 31 March 2023.

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

## 6.5 Audit and Risk Committee Charter

The purpose of this report was to recommend that Council adopt a revised Audit and Risk Committee Charter.

- Moved: Cr Le Liu
  - 1. That Council:
    - 1.1. Adopts the revised Audit and Risk Committee Charter (Charter), shown as Attachment 2 of the report from management.
    - 1.2. Requests management to publish the Charter on the Council website.

Seconded: Cr Hakim

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

# 6.6 Meeting minutes from 11 November 2022, 10 February 2023 and 5 May 2023 and biannual activity report of Council's Audit and Risk Committee

The purpose of this report was to:

- Advise Council of the outcomes of the Council's Audit and Risk Committee meetings held on 11 November 2022, 10 February 2023 and 5 May 2023.
- Present to Council the Audit and Risk Committee Activity Report March 2023.

Moved: Cr Le Liu

- 1. That Council notes the:
  - 1.1. Confirmed minutes of the meetings of the Audit and Risk Committee held on 11 November 2022 and 10 February 2023 and unconfirmed minutes of the Audit and Risk Committee meeting held on 5 May 2023 as shown in Attachment 2, Attachment 3 and Attachment 4 of the report from management.
  - 1.2. Audit and Risk Committee Activity Report (Attachment 5 of the report from management) and its subsequent publication on Council's website.

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 7. General business

There were two items of general business.

Cr Le Liu left the meeting at 7.12pm, and returned at 7.14pm.

### 7.1 Post Travel Report, Deputy Lord Mayor Nicholas Reece: China, April 2023

The purpose of this report was to provide the Council with information on the travel undertaken by Deputy Lord Mayor Nicholas Reece to China associated with the 2023 Green Economy Opportunities Australia China Business Council China delegation for the period 23 to 28 April 2023.

Moved: Deputy Lord Mayor Nicholas Reece

- 1. That Council:
  - 1.1. Notes the report by the Deputy Lord Mayor on his participation in the Australia China Business Council delegation to China and other commitments in April 2023 at a cost to Council of \$16,096.38.
  - 1.2. Requests that management follow up on business and investment leads created during the China visit.

Seconded: Cr Louey

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 7.2 Notice of Motion, Cr Leppert: Safe City Camera Program

### Moved: Cr Leppert

- 1. That Council:
  - 1.1. Notes:
    - 1.1.1. The expansion of the Safe City Camera Program (SCCP) since its inception in 1995.
    - 1.1.2. That the draft Annual Plan and Budget for 2023–24 includes the proposed activity "In partnership with the Victorian Government, expand, enhance and upgrade the Safe City Camera program. This includes expanding the camera network to Lygon Street in Carlton, and investigating the use of the network to identify amenity issues that contribute to perceived community safety concerns, such as cleanliness, graffiti and dumped rubbish," with a capital expenditure allocation of \$520,000.
    - 1.1.3. That this proposed program takes the SCCP outside the central city, and anticipates a purpose beyond crime detection and emergency response, both for the first time.
    - 1.1.4. That all previous major expansions to the SCCP have been paid for by the State Government, often after a tragic event, with the Council paying for maintenance after installation.
    - 1.2. Seeks confirmation from management on whether the State Government is willing to pay for the capital outlay of the expansion of the SCCP into Carlton and, where possible, requests that any agreement is reflected in the final 2023–24 Budget.
    - 1.3. Maintains a policy of not funding new capital expenditure to expand the SCCP through Council funds and that any future expansions of the SCCP will therefore only be contemplated where the State Government provides the cost of purchase and installation of new cameras, with any exceptions to this policy to be determined by express decision of the Council in open session, on notice.

1.4. Resolves that any expansion of the SCCP beyond its purpose to "aid detection of crime, aid identification and apprehension of offenders, and assist emergency response" should only come after the SCCP policies and manual are comprehensively reviewed, including by the SCCP Audit Committee, Victoria Police and the same stakeholders involved in advising on the program at its inception and in the 2010 policy review, and proposed updated policies and manuals are endorsed by Council or delegated Committee in open session, on notice.

#### Seconded: Cr Dr Ball

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

#### 8. **Urgent business**

There were no items of urgent business.

#### 9. Closure of meeting to the public

#### Moved: Cr Hakim

- That pursuant to section 66 of the Local Government Act 2020, the meeting of the 1. Council be closed to members of the public for the consideration of the items under the following categories:
  - 1.1. Agenda items 14.1 and 14.3 as they contain private commercial information which if released would prejudice the Council's position in commercial negotiations.
  - 1.2. Agenda items 14.2 and 14.11 as they contain personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
  - Agenda items 14.4, 14.5, 14.6, 14.8 and 14.9 as they contain private commercial 1.3. information which if released would unreasonably expose the business to disadvantage by disclosing financial information to competitors.
  - 1.4. Agenda item 14.7 as it contains private commercial information which if released would unreasonably expose grant applicants to disadvantage, by disclosing financial information to competitors.
  - Agenda item 14.10 as it contains Council business information which if released 1.5. would prejudice the Council's position in commercial negotiations; and personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Seconded: Cr Dr Ball

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louev.

The Lord Mayor declared the meeting closed to the public at 7.28pm.

Confirmed at the meeting of Council on Tuesday 27 June 2023.

Sally Jap Chair

Council

Council - Tuesday 30 May 2023