

C o n f i r m e d m i n u t e s



CITY OF MELBOURNE

Council Meeting

Minutes

**Meeting Number 43
Tuesday 27 February 2024
5.30pm**

**Council Chamber
Level 2
Melbourne Town Hall**

Present

Lord Mayor Sally Capp AO (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 26 March 2024

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1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor Sally Capp, welcomed attendees to the meeting, acknowledged the Traditional Owners of the land governed by the City of Melbourne, the Wurundjeri Woi Wurrung and Bunurong / Boon Wurrung peoples of the Kulin, and advised that the meeting was being streamed live and a recording will be made available on the City of Melbourne website.

Extreme weather in Victoria (heat)

The Lord Mayor acknowledged the upcoming weather conditions and stated it was expected to get very hot the following day. The Lord Mayor stated the City of Melbourne libraries were designated as cool spaces to provide relief, particularly to those who are vulnerable. The Lord Mayor highlighted Councillors were mindful of colleagues and communities in rural areas across Victoria ahead of a calamitous heat day. The Lord Mayor on behalf of Council stated Council's thoughts are with those communities and expressed gratitude to first responders, noting that the City of Melbourne was ready to assist where possible.

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: Lord Mayor Sally Capp

That the minutes of meeting No 42 held on Tuesday 12 December 2024 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 6.1, **'Making of new Local Laws'**:

Items of correspondence:

- Lorelle Putland
- Sean Mulcahy, Jan Farrell and Chelsea Ayling, Victorian Pride Lobby – Rainbow Local Government Campaign.

5. Reports from Committee

There were no reports from Committee.

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6. Reports from management

There were seven reports from management.

6.1 Making of new local laws

The purpose of this report was to:

- Inform Council of the outcome of the public engagement on the proposed Activities Local Law 2023 and Environment Local Law 2023 (local laws)
- Recommend Council make the local laws it proposed at its meeting on 29 August 2023 subject to:
 - The date of the local laws being changed to 2024.
 - The commencement of the local laws being the date the making of the local laws is published in the Victorian Government Gazette.

Moved: Cr Le Liu

1. *That Council:*

- 1.1. *notes the outcome of the public engagement on the local laws as proposed by Council at its meeting of 29 August 2023 (proposed local laws)*
- 1.2. *having considered the submission received in response to the proposed local laws (Attachment 4 of the report from management), not make the requested change as:*
 - 1.2.1. *the matter raised is not unique to the City of Melbourne*
 - 1.2.2. *it is considered appropriately dealt with by State legislation which addresses serious criminal behaviour*
 - 1.2.3. *the Victorian Government has indicated legislation is likely in 2024*
- 1.3. *acknowledges the Chief Legal Counsel is of the opinion that the proposed local laws are consistent with the local law requirements in the Local Government Act 2020 and receives as tabled the certificates to this effect (Attachments 5 and 6 of the report from management)*
- 1.4. *subject to adding 2.5 penalty units for filming or conducting a special event without a permit in schedule 1 of the proposed Activities Local Law 2024, makes the Activities Local Law 2024 and Environment Local Law 2024 (Attachments 2 and 3 of the report from management) with the final changes identified accepted*
- 1.5. *notes the local laws will not commence until relevant processes, permits, delegations and authorisations have been prepared and are ready to operate and notice is published in the Victorian Government Gazette.*

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.

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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 the Council at the end of the second quarter of the financial year.

Moved: Cr Le Liu

1. That Council:

- 1.1. *Notes the Council Plan 2021-2025 quarter two 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 Chief Executive Officer to make any further minor editorial changes to the report prior to publication.*
- 1.2. *Notes the 2023-2024 Council Works Program quarter two 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. *Southern site cable relocation of \$3,460,211 for relocating high voltage cable and hydrology works. \$2,602,441 is an accounting adjustment for high voltage cable works by CitiPower and \$858,000 is a variation to the project to undertake hydrology works.*
 - 1.3.2. *Additional budget from external funding for*
 - 1.3.2.1. *Roadway renewal from \$3,000,000 to \$3,539,112 – received from the Federal Government as part of the Local Roads and Community Infrastructure Grant and from developers for road renewal works adjacent to their building sites.*
 - 1.3.2.2. *271 Collins St office tenancy fitout from \$485,000 to \$780,000 – received from the Melbourne City Revitalisation Fund to cater for delivery cost.*
 - 1.3.2.3. *Major streetscape improvements from \$5,000,000 to 5,072,727 – received from Banco Group as a contribution to the streetscape upgrade works.*
 - 1.3.3. *Additional budget from internal funding for*
 - 1.3.3.1. *Make Room Refurbishment from \$12,000,000 to \$13,500,000 to cover a milestone payment based on the current budget forecasting.*
 - 1.3.3.2. *Christmas Festival Decorations Program (Maintenance) from \$2,100,000 to \$2,600,000 to deliver the full scope of the Christmas Decorations Program.*
 - 1.3.3.3. *Parking Technology Services from \$662,588 to \$1,084,234 to deliver additional contract scope.*
 - 1.3.3.4. *Gateway to GMH Turner Street Works from \$797,473 to \$1,058,628 to complete the shared path delivery and installation of smart poles.*
 - 1.3.3.5. *Urban Forest Health (Pest and disease management) from \$340,000 to \$444,050 for the maintenance of 180 above-ground planters in parklets throughout the FY2023/24.*
 - 1.3.3.6. *Banner Pole Renewal - from \$20,000 to \$100,000 for design development and trial of banner poles.*
 - 1.3.3.7. *Birrarung Trial Floating Wetland - from \$55,000 to \$105,000 to fund additional planting and the reinforcement of edges of Docklands and*

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Turning basin sites.

1.3.4. Reduce budget for

- 1.3.4.1. Community Sports Pavilion Upgrade (Ryder Pavilion) - from \$2,750,000 to \$1,250,000 to defer part of the project cost from FY23/24 to FY24/25.*

1.3.5. Notes funding and accounting adjustments for:

- 1.3.5.1. Princes Bridge bluestone repair works transferred \$370,000 to the Cycle Infrastructure program to support the consolidation of projects within the overarching program.*
 - 1.3.5.2. The new Cycle Infrastructure program following the transfer of \$370,000 from Princess Bridge Bluestone Repair works, now equates to \$2,353,208.*
 - 1.3.5.3. Princes Bridge bluestone repair works for \$1,010,000 to consolidate project budget and to improve the visibility of the program.*
 - 1.3.5.4. Princes Bridge bluestone repair works for transfer of \$370,000 to Cycle Infrastructure to align with Parking Levy Agreement.*
 - 1.3.5.5. Bedford Street Pocket Park to include the grant provision of \$962,700 and reduce the Public Open Space Reserve allocation*
 - 1.3.5.6. New Climate Adaptation Urban Landscapes for transfer of \$447,035 to Bedford Street Pocket Park.*
 - 1.3.5.7. Property services renewal works for transfer of \$60,000 to Lady Huntingfield Childcare to provide a safe outdoor play space.*
- 1.4. Notes the 2022–23 second quarter Financial Performance Report (Attachments 6 to 9 of the report from management)*
 - 1.5. Notes, as at the end of the second quarter, as per Section 97 (3) of the Local Government Act 2020, the Chief Executive Officer is of the opinion a revised Budget is not required as our borrowing position is expected to be within budgeted expectation.*

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 Regent Management Company Pty Ltd: Trading Results for the financial year ended 30 June 2023

The purpose of this report was to inform Council of the financial performance for the year ended 30 June 2023 of Regent Management Company Pty Ltd.

Moved: Cr Le Liu

That Council notes the trading results of the Regent Management Company Pty Ltd for the financial year ended 30 June 2023.

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.

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6.4 The Melbourne Art Trust amendment of trust deed

The purpose of this report was to seek Council's consent to amendments to the trust deed (Deed of Trust) of The Melbourne Art Trust (the Trust).

Moved: Lord Mayor Sally Capp

1. *That Council:*

- 1.1. *Consents to the trustees of The Melbourne Art Trust (the Trust) entering into the Deed (Attachment 2 to the report from management) varying the Deed of Trust of the Trust*

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.

6.5 Proposed Submission – Local Government Reforms

The purpose of this report was to consider the Council submission to Local Government Victoria on the proposed 2024 local government legislative reforms

Moved: Cr Le Liu

1. *That Council resolves:*

- 1.1. *To adopt the Council submission (see Attachment 2 of the report from management) on the proposed 2024 local government legislative reforms subject to the following changes:*

1.1.1. *In relation to the proposed reform at Part 2.1, Council's position is: "Not support"; with the accompanying discussion: "More consultation and consideration of the consequences are required. An alternative approach could be pursued, being to limit the role of VCAT to considering applications about errors in law associated with CCP processes and findings, and not undertaking full merits hearings. Council is concerned that closing the VCAT avenue entirely could remove access to justice for genuinely harmed parties."*

1.1.2. *In relation to the proposed reform at Part 2.2, Council's position is: "Not support"; with the accompanying discussion: "More consultation and consideration of the consequences are required. An alternative approach could be pursued, being to require that Councils not indemnify Councillors against legal costs incurred in initiating or defending or otherwise being a party to a proceeding in relation to an application for an IAP made, or an application for a CCP process, only. Until it can be shown that arbiters take consistent approaches to matters of councillor conduct across the sector, it is premature to extinguish the possibility of councillor indemnification against legal costs incurred in exercising the legal right to judicial review. If the Government proceeds with its proposal on issue 1 (limiting VCAT's jurisdiction) it should not also proceed with its proposal at issue 2 in relation to removal of indemnification against legal costs incurred in the Supreme Court, at least not at this time."*

- 1.2. *To authorise the Director Governance to make any further minor editorial changes to the Council submission prior to it be submitted to Local Government Victoria.*

- 1.3. *The Council submission be submitted by the Director Governance to Local Government Victoria on or before 29 February 2024.*

Seconded: Cr Leppert

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.

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Leppert and Louey.

6.6 Proposed Road Discontinuance (and sale) - 559-577 King St, West Melbourne

The purpose of this report was to update Council on the outcome of the statutory public notification process for the proposed road discontinuance and sale of 41m² of land known as CL1091 (Road), being a portion of land abutting the rear of 559-577 King Street, West Melbourne (Development Land) to 577 King Street Developments Pty Ltd (the Applicant).

Moved: Cr Le Liu

1. That Council:

- 1.1. Discontinues the road identified as part of CL1091 (as shown on the plan in the public notice published in The Age on 11 October 2023 (Attachment 2 of the report from management) and sell the resulting 41m² of land to 577 King Street Development Pty Ltd for \$155,000.00 plus GST.*
- 1.2. Authorises management to take all necessary actions and execute all necessary documents to implement the discontinuance and sale.*

Seconded: Cr Leppert

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.

6.7 Update to 2024 Council and Committee meeting schedule

The purpose of this report was to request a Council resolution to make a minor change to the Council adopted 2024 meeting schedule by rescheduling the start time of the 5 March 2024 Future Melbourne Committee (FMC) meeting by one hour.

Moved: Lord Mayor Sally Capp

- 1. That Council resolves to amend the Schedule of Council and Future Melbourne Committee Meetings 2024 (Attachment 2 of the report from management) which makes the following change:*
 - 1.1. The starting time for the Future Melbourne Committee meeting scheduled on 5 March 2024 be changed to 6.30pm from 5.30pm.*

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.

7. General business

There were no items of general business.

8. Urgent business

There were no items of urgent business.

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9. Closure of meeting to the public

Moved: Cr Doidge


1. *That pursuant to section 66(1) and section 66(2)(a) of the Local Government Act 2020 (Act), the meeting of the Council be closed to members of the public for the consideration of the agenda items titled:*
 - 14.1 Council Business Information
 - 14.2 Private Commercial Information
 - 14.3 Private Commercial Information
 - 14.4 Private Commercial Information
 - 14.5 Private Commercial Information
2. *These agenda items are confidential information for the purposes of section 3(1) of the Local Government Act 2020 because:*
 - 2.1 *Agenda item 14.1 contains Council business information, being information which if prematurely released, would unreasonably prejudice the Council's position in commercial negotiations [Section 3(1)(a)].*
 - 2.2 *Agenda items 14.2, 14.3, 14.4 and 14.5 contain private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage [Section 3(1)(g)].*

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.

The Lord Mayor declared the meeting closed to the public at 6.20pm.

Confirmed at the meeting of Council on Tuesday 26 March 2024.



Chair
Council