



CITY OF MELBOURNE

Council Meeting

Minutes

**Meeting Number 52
Tuesday 30 August 2016
5.30pm**

**Council Chambers
Level 2
Melbourne Town Hall**

Present

Lord Mayor, Robert Doyle
Deputy Lord Mayor, Susan Riley
Councillor Richard Foster
Councillor Rohan Leppert
Councillor Kevin Louey
Councillor Stephen Mayne
Councillor Cathy Oke
Councillor Ken Ong
Councillor Beverley Pinder-Mortimer
Councillor Jackie Watts
Councillor Arron Wood

Confirmed at the meeting of Council meeting
on Tuesday 27 September 2016

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 three reports from Committee, 27 reports from management of which 15 were confidential and two items 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 meeting

Moved: Cr Ong

That the minutes of meeting No 51, held on Tuesday 26 July 2016, be confirmed.

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

4. Matters arising from the minutes of the previous meeting

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

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*.

In relation to **Agenda item 5.2: Planning Scheme Amendment C190 Arden-Macaulay**

Items of correspondence:

- Geoff Leach
- Sam Williams, Urbis.

5. Reports from Committee

Planning Portfolio

5.1 The Completion of the Future Melbourne 2026 Plan

The purpose of this report was to present the Future Melbourne 2026 plan which is the community's refresh of Future Melbourne.

Moved: Cr Ong

1. *That Council:*

1.1 *Notes the Future Melbourne 2026 Plan as the community's vision and goals for the future development of the municipality and resource for the next Council.*

- 1.2 *Acknowledges and thanks the Future Melbourne Ambassadors and citizens' jury for their work, deliberations, commitment and passion in preparing the Future Melbourne 2026 Plan.*

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Pinder-Mortimer, Watts and Wood.

5.2 Planning Scheme Amendment C190 Arden-Macaulay

The purpose of this report was to finalise a proposal to adopt the Planning Scheme Amendment C190 Arden-Macaulay.

The Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood each declared an indirect conflict of interest. The conflict of interest was due to receipt of an applicable gift under section 78C of the *Local Government Act 1989*, as they had received an election campaign donation from Allied Mills, a submitter.

The Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood all left the meeting at 5.33pm prior to any discussion taking place.

Cr Ong was appointed as Chair of the meeting.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Adopts Planning Scheme Amendment C190 as shown in Attachment 7 to the report to the Future Melbourne Committee of 2 August 2016 agenda item 6.3, subject to one change to the Design and Development Overlay Schedule 63 such that in Area 8 the Shiel Street frontage is changed from a Residential Interface Street to the following:*

| | |
|--------------------------------------|---|
| <i>Area 8 Shiel Street interface</i> | <i>Development at the frontage must not exceed a height of 3 storeys. Development above the street wall should be set back at least 2 metres for every one metre in height.</i> |
|--------------------------------------|---|

- 1.2 *Submits the adopted Amendment to the Minister, requesting that Amendment C190 be approved in conjunction with a Ministerial Amendment under section 20(4) of the Planning and Environment Act 1987 that introduces a suitable interim development contributions control over the area affected by Amendment C190.*
- 1.3 *Requests that Government identify and secure open space along the Moonee Ponds Creek corridor for future recreational purposes, consistent with the Arden Macaulay Structure Plan 2012.*

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Ong, Councillors Foster, Leppert, Mayne, Oke, and Watts.

The Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley and Councillors Louey, Pinder-Mortimer and Wood returned to the meeting at 5.44pm after the vote had been taken.

The Lord Mayor, Robert Doyle, resumed the role of Chair.

Finance and Governance Portfolio

5.3 Melbourne International Flower and Garden Show – proposed new six year licence (2018 – 2023)

The purpose of this report was to recommend to Council the essential terms of the proposed new six year licence and to provide an assessment of the operator's performance for 2016.

Moved: Cr Mayne

1. *That Council:*

- 1.1 *Subject to completion of the 2017 event to Council's satisfaction and all necessary approvals from the Minister responsible for the Crown Land (Reserves) Act 1978 first being obtained, grant to Flower and Garden Show Limited a licence to use the Carlton Gardens for the running of the Melbourne International Flower and Garden Show for three years with an option to extend for a further three years.*
- 1.2 *Sets the annual licence fee at \$145,000 increasing by CPI each year after Year 1.*
- 1.3 *Sets the annual Public Projects Contribution at \$35,000; increasing by CPI each year after Year 1.*
- 1.4 *Sets the bond amount to \$250,000.*
- 1.5 *Notes that the final terms and conditions of the licence will be agreed, and the licence entered into, under delegation.*

Seconded: Cr Pinder-Mortimer

The motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood and Councillors Foster and Watts voting against the motion.

6. Reports from management

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: Cr Wood

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

Seconded: Deputy Lord Mayor, Susan Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.2 Library and Centres Internet and Network support services contract No 100060

The purpose of this report was to seek Council approval to award a contract for the provision of internet services, wireless LAN and network support services to six City of Melbourne library sites and Kensington Town Hall.

Moved: Cr Wood

1. *That Council:*

- 1.1 *Awards the contract for the provision of Library and Centres Internet and Network support services to EasyWeb Digital Pty Ltd for a term of three years commencing 1 October 2016 for an approximate annual contract sum for Libraries and Kensington Town Hall of \$130,000 otherwise in accordance with the negotiated terms and conditions of contract.*
- 1.2 *Approves extending the contract to City of Melbourne additional sites as they become available for an optional Annual Contract sum approximated to be a total of \$40,000.*

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.3 City of Melbourne Arts Infrastructure Framework

The purpose of this report was to seek endorsement of the draft City of Melbourne Arts Infrastructure Framework.

The Lord Mayor, Robert Doyle, declared an indirect conflict of interest due to close association under section 78 of the *Local Government Act 1989*, as the Lord Mayor's wife is employed by ACMI.

The Lord Mayor left the meeting at 5.49pm prior to any discussion taking place.

The Deputy Lord Mayor, Susan Riley assumed the role of Chair of the meeting.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Endorses the Melbourne Arts Infrastructure Framework (MAIF) and its recommendations.*
- 1.2 *Authorises the Acting Director City Communities to make further minor editorial changes to the MAIF prior to publication.*

Seconded: Cr Watts

The motion was put and carried unanimously with the following Councillors present: The Chair, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

The Lord Mayor, Robert Doyle returned to the meeting at 5.54pm after the vote had been taken and resumed the role of Chair.

6.4 Supported Housing Options Feasibility Study

The purpose of this report was to approve the Supported Housing Options Feasibility Study and Terms of Reference.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Authorises a further \$75,000 contribution to the Salvation Army to continue operating its homeless drop-in service on Bourke St until 30 November 2016 and requests management to pursue third party contributions to help fund the service into 2017.*

- 1.2 *Endorses the Supported Housing Options Feasibility Study and Terms of Reference (Attachment 3 of the report from management).*
- 1.3 *Notes that Councillors will be briefed on the outcomes and recommendations of the study in December 2016.*
- 1.4 *Resolves that agenda item 7.2 therefore lapses.*

Seconded: Lord Mayor, Robert Doyle

Cr Watts moved that the following wording be added to the recommendation:

- 1.5 *Resolves to make a \$1 million capital grant to Vincent Care to assist with the \$42 million redevelopment of Ozanam House and Bailly House at 179-191 Flemington Road, North Melbourne, to be funded out of the unallocated \$2 million added to the 2016-17 budget to help manage Melbourne's homelessness crisis.*

Seconded: Cr Mayne

The amendment was put and lost with the following Councillors voting for the amendment: Councillors Foster, Mayne and Watts and The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Leppert, Louey, Oke, Ong, Pinder-Mortimer and Wood voting against the amendment.

The substantive motion

The substantive motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

The resolution reads:

1. *That Council:*
 - 1.1 *Authorises a further \$75,000 contribution to the Salvation Army to continue operating its homeless drop-in service on Bourke St until 30 November 2016 and requests management to pursue third party contributions to help fund the service into 2017.*
 - 1.2 *Endorses the Supported Housing Options Feasibility Study and Terms of Reference (Attachment 3 of the report from management).*
 - 1.3 *Notes that Councillors will be briefed on the outcomes and recommendations of the study in December 2016.*
 - 1.4 *Resolves that agenda item 7.2 therefore lapses.*

6.5 Online gift register for Councillors

The purpose of this report was to recommend an appropriate framework and guidelines for the adoption of a gift register for Councillors to be considered by the next Council.

Moved: Cr Mayne

1. *That Council requests management establish an online gift register commencing on 1 November 2016, capturing all council-related gifts, benefits or hospitality valued at more than \$150 received and kept by Councillors after 1 November 2016 and that such register:*
 - 1.1 *Contain the following details of all gifts (including hospitality and in-kind benefits) received and kept by each Councillor as a result of them being a Councillor:*
 - 1.1.1 *name of Councillor receiving gift/benefit/hospitality*
 - 1.1.2 *date gift/benefit/hospitality received*

- 1.1.3 *description of gift/benefit/hospitality*
- 1.1.4 *specific value of any donations but other estimates of the precise value of hospitality or physical gifts can appear as ">\$150"*
- 1.1.5 *reason gift/benefit/hospitality was offered (if known)*
- 1.1.6 *name of provider of gift/benefit/hospitality*
- 1.2 *Is designed as a single perpetual online gift register for all Councillors to be updated on a quarterly basis with the ordering being chronological based on the date the gift was declared.*

Seconded: Cr Oke

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.6 Municipal Order for dog control in Return to Royal Park area

The purpose of this report was to make a Municipal Order for dog controls in the new area of parkland returned to Royal Park.

Moved: Cr Wood

- 1. *That Council:*
 - 1.1 *Makes an order (Order) pursuant to section 26(2) of the Domestic Animals Act 1994 (Act) prohibiting dogs in the new section of Royal Park as identified in Attachment 2 of the report from management.*
 - 1.2 *Publishes the Order in The Age and the Victorian Government Gazette in accordance with section 26(3) of the Act.*

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.7 Proposed New Road Discontinuance and Sale Policy

The purpose of this report was to seek approval of a proposed new Road Discontinuance and Sale Policy and the introduction of an application fee of \$2500 for each application for discontinuance.

Moved: Lord Mayor, Robert Doyle

That Council defer this item until the next appropriate Council meeting of November or December 2016.

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.8 2015–16 Council Works Program Fourth Quarter report

The purpose of this report was to inform the Council of the financial performance of the 2015–16 Council works program at the end of the fourth quarter.

Moved: Lord Mayor, Robert Doyle

1. *That Council:*

- 1.1 *Notes the 2015–16 Council Works Program fourth quarter report.*
- 1.2 *Approves the proposed carry forward funding for projects totalling \$26.41 million included in Attachment 7 of this report.*
- 1.3 *Approves the program adjustments to the 2015–16 Council Works Program that are included in Attachment 4 of the report from management.*

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.9 Procurement Policy Review

The purpose of this report was to seek endorsement of the revised draft Procurement Policy.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Notes its obligations under section 186A of the Local Government Act 1989 to review its current Procurement Policy, at least once every financial year.*
- 1.2 *Endorses the amended Procurement Policy with marked up changes.*

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.10 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 Reserve for the quarter ending 30 June 2016, in accordance with the Council resolution of December 2015.

Moved: Cr Mayne

That Council accepts the quarterly Queen Victoria Market Renewal Program Reserve report as at 30 June 2016.

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.11 Management of Online Event Listings - Contract 3550

The purpose of this report was to recommend awarding a tender for the provision of services to manage event listings on the What's On website for two years with two, one-year extension options.

Moved: Cr Mayne

That Council awards the contract for the Management of Online Event Listings on the What's On website to John Ryan trading as Sitegeist for a term of two years commencing 1 October 2016 with two options to extend the contract term by up to a further one year each, for an annual contract sum of \$167,000 and otherwise in accordance with the negotiated terms and conditions of contract.

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

6.12 Online register of election campaign donations

The purpose of this report was to inform Council of attempts to seek an independent body to host an online register of election campaign donations related to the Council elections in October 2016.

Moved: Cr Mayne

1. *That Council, unless specifically advised not to do this by the State Government, agrees to offer a maximum of \$10,000 to a third party which agrees to host an online register of donations which implements the resolution passed by the Future Melbourne Committee on 19 April 2016, with the following additional requirements:*
 - 1.1. *The register will only require a single disclosure for Leadership tickets and council tickets running under the one banner with either the Lord Mayoral candidate or the lead council candidate responsible for providing the information.*
 - 1.2. *Applications to host the register are open to bodies such as universities, the VEC, the MAV, the VLGA, not for profit organisations, individual bloggers and media organisations, provided they undertake not to comment on the contents of the register for a period of at least one hour after it is updated at midday on October 7, October 14, and November 11.*
 - 1.3. *Register hosts are required to lodge their application to host the register with Keith Williamson (Keith.williamson@melbourne.vic.gov.au) by 5pm on 20 September 2016, outlining the funding required, their credentials and the format they propose to adopt.*
 - 1.4. *When the register host has been selected by officers (or if no suitable host is identified), the CEO will authorise a media release to be issued announcing the outcome of the process before 5pm on Friday, 29 September.*
 - 1.5. *Funding will be provided 50% up front and 50% at the conclusion of the process and contact details for candidates is to be sourced by the register host from the VEC website;*
 - 1.6. *Where a candidate or group of candidates has not declared any donations, a distinction is to be made between those who have actively indicated nil donations as opposed to those who have not communicated with the register host.*

Seconded: Cr Watts

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

7. General business

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

7.1 Notice of Motion, Cr Leppert: Queen Victoria Market trader licence fee relief

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Notes the amendments made by management to the Queen Victoria Market Precinct Renewal Implementation Framework (Attachment 1 of the report from management) as directed by Council at its previous meeting, and endorses the final Implementation Framework as amended.*
- 1.2 *Recognises that the successful implementation of the master plan will require frequent, detailed and genuine discussions between Queen Victoria Market management and traders, and requests a full briefing to Cr Forum setting out the proposed handling of such discussions as well as the status of the Queen Victoria Market Retail Strategy.*
- 1.3 *Endorses in principle the establishment of a compensation fund for the purposes of providing licence fee relief for traders whose income is demonstrably affected by the Queen Victoria Market renewal, and indicates a willingness to forego the annual return to Council from Queen Victoria Market (up to approx. \$4 million per year) during the renewal in order to create such a fund.*
- 1.4 *Requests management to work with the management of Queen Victoria Market to propose a suitable framework and mechanisms for a compensation fund for market traders.*

Seconded: Lord Mayor, Robert Doyle

Cr Mayne moved that the following wording replace paragraph 1.3.

Endorses in principle the establishment of a compensation fund for the purposes of providing relief for traders whose income is demonstrably affected by the Queen Victoria Renewal with Council making a \$1.5million contribution for license fee payments in 2017-18 and QVM Pty Ltd encouraged to match this contribution from its cash reserves to establish a \$3million fund before the major renewal work commences in late 2017.

Seconded: Cr Foster

The amendment was put and lost with the following Councillors voting for the amendment: Councillors Foster, Mayne and Watts and The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Leppert, Louey, Oke, Ong, Pinder-Mortimer and Wood voting against the amendment.

The Substantive motion

The substantive motion was put and carried with the following Councillors voting for the motion: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Oke, Ong, Pinder-Mortimer, Watts and Wood and Councillor Mayne voting against the motion.

The resolution reads:

1. *That Council:*

- 1.1 *Notes the amendments made by management to the Queen Victoria Market Precinct Renewal Implementation Framework (Attachment 1 of the report from management) as directed by Council at its previous meeting, and endorses the final Implementation Framework as amended.*

- 1.2 *Recognises that the successful implementation of the master plan will require frequent, detailed and genuine discussions between Queen Victoria Market management and traders, and requests a full briefing to Cr Forum setting out the proposed handling of such discussions as well as the status of the Queen Victoria Market Retail Strategy.*
- 1.3 *Endorses in principle the establishment of a compensation fund for the purposes of providing licence fee relief for traders whose income is demonstrably affected by the Queen Victoria Market renewal, and indicates a willingness to forego the annual return to Council from Queen Victoria Market (up to approx. \$4 million per year) during the renewal in order to create such a fund.*
- 1.4 *Requests management to work with the management of Queen Victoria Market to propose a suitable framework and mechanisms for a compensation fund for market traders.*

7.2 Notice of Motion, Councillor Stephen Mayne: Homelessness spending in 2016-17

This motion lapsed due to the resolution in relation to Agenda item 6.4.

8. Urgent business

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

9. Closure of meeting

Moved: Cr Pinder-Mortimer

That pursuant to sections 89(2)(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 6.13.1 as they contain information relating to contractual matters.*
- *Agenda items 6.14.1 as they contain information which if released would prejudice the Council or any person.*
- *Agenda item 6.15.1 as it contains information relating to a proposed development.*

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer, Watts and Wood.

The Chair, Lord Mayor, Robert Doyle, declared the meeting closed at 7.09pm.

Confirmed at the meeting of Council on Tuesday 27 September 2016.

Chair
Council

