



**CITY OF MELBOURNE**

## **Council Meeting**

### **Minutes**

**Meeting Number 34  
Tuesday 11 December 2018  
5.30pm**

**Council Chambers  
Level 2  
Melbourne Town Hall**

#### **Present**

Lord Mayor, Sally Capp  
Deputy Lord Mayor, Arron Wood  
Councillors Nicolas Frances Gilley  
Councillor Philip Le Liu  
Councillor Rohan Leppert  
Councillor Kevin Louey  
Councillor Cathy Oke  
Councillor Beverley Pinder-Mortimer  
Councillor Nicholas Reece  
Councillor Susan Riley  
Councillor Jackie Watts

Confirmed at the meeting of Council  
on Tuesday 26 February 2019

## 1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor, Sally Capp, 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 two reports from Committee, 10 reports from management of which two were confidential and two items of general business.
- There were no apologies received from Councillors.

Lord Mayor, Sally Capp made statement to acknowledge and congratulate Councillors Louey and Oke who recently received the MAV's Victorian Councillor Service Award which is a program that recognises the long service to local government by Councillors. Both Councillors received the 10 years' Service Award.

## 2. Disclosures of conflicts of interest

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

## 3. Confirmation of minutes of the previous meetings

Moved: Cr Oke

*That the open minutes of Council meeting No 32, held on Tuesday 27 November 2018, and Special Council Meeting No 33, held on 29 November 2018, be confirmed.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

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

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

### Submissions/Correspondence

The Chair, Lord Mayor, Sally Capp, advised that the following submissions had been received in accordance with the Council's *Meeting Procedures Code*.

#### Submissions

In relation to **Agenda item 6.8, 'Transport Strategy Refresh Discussion Papers – Stakeholder Report'**:

#### Items of correspondence:

- Claudia Marck
- Jenny Blake
- Rodney Brown
- John Nelson
- Shane Westcott
- Damien Codognotto, MRA
- Paul Davis
- Ben Rossiter, Victoria Walks, Inc.
- Rob Salvatore, Victorian Motorcycle Council
- Ray Lindner
- Simon Pritchard.

In relation to **Agenda item 7.2, 'Notice of Motion, Cr Leppert: Funding Request':**

**Item of correspondence:**

- Chris Thrum.

**5. Reports from Committee**

**Planning (General) Portfolio**

Councillors Oke and Reece declared an indirect conflict in this matter because of a conflicting duty under Section 78B of the *Local Government Act 1989*. Both Councillors are employed by the University of Melbourne, which is impacted by the matter. Councillors Reece and Oke left the meeting at 5.35pm prior to any discussion taking place.

The Deputy Chair, Cr Leppert presented the one report from Committee in relation to the Planning (General) Portfolio.

**5.1 Amendment C320 154-160 Leicester Street, Carlton (known as the former Corkman Irish Pub)**

The purpose of this report was to advise Council of the approval of Planning Scheme Amendment C346 by the Minister for Planning for the land at 154-160 Leicester Street, Carlton (the site) and to recommend that therefore Planning Scheme Amendment C320, progressed for the site by the City of Melbourne, be abandoned.

Moved: Cr Leppert

1. *That Council:*

- 1.1. *Abandons the Melbourne Planning Scheme Amendment C320 in accordance with Section 23(1) of the Planning and Environment Act 1987.*
- 1.2. *Advises the Minister for Planning in writing that Amendment C320 has been abandoned in accordance with Section 28 of the Planning and Environment Act 1987.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Pinder-Mortimer, Riley and Watts.

Councillors Reece and Oke returned to the meeting at 5.37pm after the vote had been taken.

**5.2 Notice of Motion, Cr Frances Gilley: Traditional owner entitlement to enrol and nominate in City of Melbourne elections**

The purpose of this report was to recommend Council support Traditional Custodians of lands and waters within the Melbourne City Council municipal district being entitled to enrol to vote in Melbourne City Council elections and to qualify as candidates to be a City of Melbourne Councillor.

Moved: Cr Frances Gilley

1. *That Council:*

- 1.1. *Agrees in principle that Australian electoral franchises based on entitlements associated with land should include Traditional Owner as a class of entitlement, and that the City of Melbourne should pilot this inclusive franchise at the next general election in October 2020.*
- 1.2. *Authorises Councillor Frances Gilley, on behalf of Council, to approach the Local Government Minister, Minister for Aboriginal Affairs and Premier to request that Cabinet approve the development of a submission on a proposed Bill to amend the City of Melbourne Act 2001 to entitle Traditional Custodians of lands and waters within the Melbourne City Council municipal district to enrol to vote in Melbourne*

*City Council elections and to qualify as candidates to be a City of Melbourne Councillor.*

- 1.3. *Notes the key issues and potential drafting instructions included as Attachment 1 to the Notice of Motion.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

## **6. Reports from management**

There were eight 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: Cr Oke

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

Seconded: Cr Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **6.2 Funding support requests December 2018**

The purpose of this report was to seek direction from Council as to whether recent requests for funding should be funded from the discretionary fund.

Moved: Cr Oke

1. *That Council approves:*

- 1.1. *The purchase of a table of 10 purchase at the International Women's Day Forum and High Tea, organised by Australia China Business Council, to the value of \$1500.*
- 1.2. *The purchase of a table of 10 purchase for TEN Women's International Women's Day Charity Event - Safe Cities, to the value of \$3000.*
- 1.3. *The purchase of a corporate table of 10 to the UN Women International Women's Day Breakfast on Tuesday 5 March 2019 at Crown Melbourne to the value of \$1700.*
- 1.4. *The purchase of a group booking for 10 City of Melbourne participants to attend the 'Not In My Workplace Summit' to be held in Melbourne on 21 February 2019 at a total cost of \$1000.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **6.3 Health and Wellbeing Laboratory Testing contract: No 3572**

The purpose of this report was to award a tender for the provision of Health and Wellbeing Laboratory Testing for three years with a two year extension option.

Moved: Deputy Lord Mayor, Arron Wood

*That Council awards the contract for the provision of Health and Wellbeing Laboratory testing to Dairy Technical Services Ltd for a term of three years commencing 1 April 2019 with an option to extend the contract term by up to a further two years in accordance with the agreed schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract.*

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **6.4 Melbourne Knowledge Week Growth**

The purpose of this report was to seek endorsement of multi-year funding to incrementally grow the Melbourne Knowledge Week (MKW) festival over 2019–21, in alignment with Council's Knowledge City Strategy 2014–18 that states, 'Melbourne Knowledge Week will undergo managed growth, in partnership with a range of organisations, businesses and individuals within the sector, to reach premier event status.'

Moved: Cr Watts

1. *That Council:*

- 1.1. *Endorses the proposed Melbourne Knowledge Week Growth Plan and budget increase for an additional \$150,000 in 2019–20, and \$170,000 in 2020–21. This budget increase, along with the external sponsorship target of \$360,000 for 2019–20 and 2020–21.*
- 1.2. *Notes this will result in a total operating budget of \$1,040,000 for Melbourne Knowledge Week from 2020–21.*

Seconded: Cr Le Liu

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **6.5 Queen Victoria Market Pty Ltd Annual Report 2017-18**

The purpose of this report was note the Queen Victoria Market Pty Ltd Annual Report 2017–2018.

Moved: Deputy Lord Mayor, Arron Wood

*The Council notes the Queen Victoria Market Pty Ltd Annual Report 2017–2018.*

Seconded: Lord Mayor, Sally Capp

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **6.6 QVM Committee of Trustees: appointment of additional trader member**

The purpose of this report was to appoint an additional trader member to the Queen Victoria Market Committee of Trustees for a one year renewable term.

Moved: Lord Mayor, Sally Capp

1. *That Council:*

- 1.1. *Endorses the appointment of Greg Smith as an additional trader member on the QVM Committee of Trustees.*
- 1.2. *Notes the above appointment is subject to appropriate reference checks.*

Seconded: Cr Reece

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

## **6.7 Establishment of a section 86 Committee**

The purpose of this report was to establish the Legal Proceedings Committee to make decisions on matters referred to it by the Chief Executive Officer, concerning Supreme Court proceedings by Robert Doyle against the Council or its officers.

Moved: Lord Mayor, Sally Capp

1. *That Council:*

- 1.1. *Establishes the Legal Proceedings Committee (the Committee), pursuant to section 86 of the Local Government Act 1989 (Act).*
- 1.2. *Appoints the Lord Mayor and Councillors Frances Gilley and Leppert to be members of the Committee.*
- 1.3. *By Instrument of Delegation pursuant to section 86 of the Act, delegates to the Committee the powers, duties and functions of Council to make decisions in respect to Supreme Court proceedings by Robert Doyle against the Council or its officers, where the Chief Executive Officer is of the view that the matter should be referred to the Committee, subject to the conditions and limitations identified in the Instrument of Delegation as detailed in Attachment 2 of the report from management.*

Seconded: Cr Frances Gilley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

## **6.8 Transport Strategy Refresh Discussion Papers – Stakeholder Report**

The purpose of this report was to inform Council of the outcomes of community engagement undertaken to inform the refresh of the Transport Strategy.

Moved: Cr Frances Gilley

1. *That Council:*

- 1.1. *Notes the findings of the independent analysis of stakeholder comments about the draft Transport Strategy.*
- 1.2. *Requests Management to finalise the draft Transport Strategy taking into consideration feedback from the community, and report back to Council by March 2019.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

## **7. General business**

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

### **7.1 Notice of Motion, Cr Pinder: Change to membership and terms of reference of the Homelessness Advisory Committee**

Moved: Cr Pinder-Mortimer

1. *That Council resolves as follows:*
  - 1.1. *The membership and terms of reference of the City of Melbourne's Homelessness Advisory Committee (Committee) be revised to include an additional member.*
  - 1.2. *That the additional member of the Committee provide for participation by Victoria Police through a representative who has portfolio responsibilities or active involvement in programs aimed at responding to homelessness issues within the municipality.*
  - 1.3. *The People City Portfolio Chair writes to Victoria Police seeking nomination of a representative to become a member of the Committee.*
  - 1.4. *The City of Melbourne's Chief Executive Officer is authorised to make the appointment of an additional member following a nomination from Victoria Police.*
  - 1.5. *That management update the terms of reference of the Committee to provide for the changes included in this motion.*

Seconded: Deputy Lord Mayor, Arron Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

### **7.2 Notice of Motion, Councillor Leppert: Funding request**

Councillor Watts declared an indirect conflict in this matter because of receipt on an applicable gift under Section 78C of the *Local Government Act 1989*. Councillor Watts has received tickets totalling more than \$500 from La Mama. Councillor Watts left the meeting at 6.14pm prior to any discussion taking place.

Moved: Cr Leppert

1. *That Council:*
  - 1.1. *Allocates \$30,000 from the Discretionary Fund to La Mama as a contribution towards the preparation and lodgement of Heritage, Planning and Building permit applications and associated documentation to support a rebuild of La Mama Theatre at 205-207 Faraday Street, Carlton, following the fire that occurred on 19 May 2018.*
  - 1.2. *Notes that this contribution has no bearing on the City of Melbourne in its statutory roles of assessing and/or determining any referrals or permit applications.*

Seconded: Lord Mayor, Sally Capp

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece and Riley.

Councillor Watts returned to the meeting at 6.18pm after the vote had been taken.

## 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 section 89(2)(d) of the Local Government Act 1989, the meeting of Council be closed to members of the public for the consideration of Agenda items 6.9 and 6.10, as they contain information about contractual matters.*

Seconded: Cr Frances Gilley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

The Chair, Lord Mayor, Sally Capp, declared the meeting closed at 6.19pm.

Confirmed at the meeting of Council on Tuesday 26 February 2019.



Chair  
Council