



**CITY OF MELBOURNE**

## **Council Meeting**

### **Minutes**

**Meeting Number 46  
Tuesday 29 October  
5.30pm**

**Council Chambers  
Level 2  
Melbourne Town Hall**

#### **Present**

Lord Mayor, Sally Capp  
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

#### **Apology**

Deputy Lord Mayor, Arron Wood

Confirmed at the meeting of Council  
on Tuesday 26 November 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 12 reports from management, of which six were confidential and two items of general business.
- An apology had been received from Deputy Lord Mayor, Arron Wood.

## 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 Frances Gilley

*That the minutes of meeting No. 44 held on Tuesday 24 September and special meeting No. 45 held on 15 October 2019, be confirmed.*

Seconded: Cr Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp 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 6.6, **Publishing Tender Recommendations**

#### Item of Correspondence

- Stephen Mayne.

In relation to Agenda item 7.1, **Proposed travel by Councillor Nicholas Reece, Sydney, November 2019.**

#### Item of Correspondence

- Chris Thrum.

In relation to Agenda item 7.2, **Post travel report by Councillor Rohan Leppert, Auckland, New Zealand, August 2019.**

#### Item of Correspondence

- Chris Thrum.

## **Confidential Agenda item**

### **Agenda item 14.3 Office of Literature – further three-year funding agreement**

Moved: Cr Riley

*That Council moves Agenda item 14.3 Office of the City of Literature – further three-year funding agreement into the open meeting of Council.*

Seconded: Cr Leppert

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

## **5. Reports from Committee**

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

## **6. Reports from management**

There were seven 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 to the management report.*

Seconded: Cr Riley

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

### **6.2 Connected Communities Grants 2020 Recommendations**

The purpose of this report was to seek Council's endorsement of the recommendations of the external assessment panel for the inaugural Connected Communities Grants 2020.

#### **Part 1**

Moved: Cr Pinder-Mortimer

##### **1. That Council:**

- 1.1. *Approves the 2020 Connected Communities grants as detailed in Attachment 3 of the report from management, with the exclusion of Impact Grant number 42, The Huddle, Huddle Holiday Program and Small Grant number 33, Carlton Resident's Association Inc, operational costs.*
- 1.2. *Authorises the Acting Director City Communities to approve funding for up to three reserve applications in the event that one or more of the recommended projects (Attachment 3 of the report from management) cannot proceed or declines funding.*

- 1.3. *Authorises management to enter into negotiations with the organisations responsible for the recommended projects (Attachment 3 of the report from management) and authorises the Acting Director City Communities to execute final funding agreements with each organisation in accordance with this Council resolution and the Community Grants and Partnerships Framework.*

Seconded: Cr Watts

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

## **Part 2**

Lord Mayor, Sally Capp declared an indirect conflict of interest in this matter because of receipt of applicable gift under Section 78 C of the *Local Government Act 1989*. Lord Mayor, Sally Capp received a campaign donation from a grant recipient. She left the meeting at 5.49 prior to discussion taking place.

Cr Watts declared an indirect conflict of interest in this matter because of close association under Section 78 of the *Local Government Act 1989*. Cr Watts's husband is Treasurer of Carlton Residents Association, who are grant recipients. She left the meeting at 5.49pm prior to discussion taking place.

### **Chair of the meeting**

Moved: Cr Reece

*Council resolves that Cr Leppert assume the role of Chair for Part 2 of Agenda item 6.2 Connected Communities Grants 2020 Recommendations.*

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece and Riley.

Moved: Cr Pinder-Mortimer

#### *1. That Council*

- 1.1. *Approves the following 2020 Connected Communities grants as detailed in attachment 3 of the report from management:*

- 1.1.1. *\$10,000 for Impact Grant number 42, The Huddle, Huddle Holiday Program*

- 1.1.2. *\$1,550 for Small Grant number 33, Carlton Resident's Association Inc, operational costs.*

Seconded: Cr Reece

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Leppert and Councillors Frances Gilley, Le Liu, Louey, Oke, Pinder-Mortimer, Reece and Riley.

Lord Mayor, Sally Capp and Councillor Watts returned to the meeting at 5.52pm after the vote had been taken.

Lord Mayor, Sally Capp resumed the role of chair of the meeting.

### **6.3 Update of delegations and Council documents – organisational realignment**

The purpose of this report was to update delegations and other Council approved documents as a result of changes arising from the organisational realignment carried out by the Chief Executive Officer pursuant to section 94A(1) of the *Local Government Act 1989*.

Moved: Cr Oke

1. *That Council:*
  - 1.1. *By instrument of delegation sealed by the Council under section 118(1) of the Road Management Act 2004 (RM Act), delegate to the persons from time to time holding the positions referred to in Attachment 3 of the report from management, its powers and functions as a road authority under the RM Act subject to:*
    - 1.1.1. *the restrictions contained in section 118(1) of the RM Act and section 98(1) of the Local Government Act 1989*
    - 1.1.2. *compliance with Council's General Delegations Policy.*
  - 1.2. *By instrument of delegation sealed by the Council under section 58A of the Food Act 1984 (the Food Act) delegate to:*
    - 1.2.1. *the person from time to time holding the position of Director Health and Wellbeing, its powers and discretions 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*
    - 1.2.2. *the persons from time to time holding the position of Team Leader – Health and Wellbeing, the power to issue orders under section 19(2) of the Food Act*
    - 1.2.3. *the persons from time to time holding the positions referred to in Attachment 4 of the report from management, its powers and discretions under Part III of the Food Act in relation to temporary food premises and mobile food premises,*  
*all subject to:*
      - 1.2.4. *the restrictions contained in section 98(1) of the Local Government Act 1989*
      - 1.2.5. *compliance with Council's General Delegations Policy.*
  - 1.3. *By instrument of delegation sealed by the Council under section 53M(8) of the Environment Protection Act 1970 (EPA), delegates to the persons from time to time holding the positions referred to in Attachment 5 of the report from management, its powers under section 53M of the EPA in relation to septic tank systems subject to:*
    - 1.3.1. *the restrictions contained in section 98(1) of the Local Government Act 1989*
    - 1.3.2. *compliance with Council's General Delegations Policy.*
  - 1.4. *With effect from 11 November 2019:*
    - 1.4.1. *amend the Council's General Delegations Policy in accordance with the changes identified in Attachment 2 of the report from management*
    - 1.4.2. *amend the Council's Delegation Policy for Planning Applications to provide the policy owner is the Director Planning and Building*
    - 1.4.3. *amend the membership of Council's Inner Melbourne Action Plan Implementation Committee to remove the Director City Strategy and Place and appoint the General Manager Strategy, Planning and Climate Change*
    - 1.4.4. *amend the Council's Meeting Procedure Code to refer to the Director Governance in place of the Manager Governance and Legal*
    - 1.4.5. *authorise the Director Governance to carry out administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act.*
  - 1.5. *With effect from 15 November 2019, revoke the Council instruments of delegation 448, CCL-2015-2 and CCL-2018-1.*

Seconded: Cr Reece

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

#### **6.4 Consideration of proposal to renew City of Melbourne Chair in Resilient Cities partnership with University of Melbourne**

The purpose of this report was to seek Council endorsement of a new five year partnership with the University of Melbourne in supporting a 'City of Melbourne Chair in Urban Resilience and Innovation'.

Councillors Oke and Reece declared an indirect conflict of interest in this matter because of a conflicting duty under Section 78 B of the *Local Government Act 1989*. Both Councillors are employed by the University of Melbourne. They left the meeting at 5.54pm prior to discussion taking place.

Moved: Cr Watts

*That Council approves a new five year agreement with The University of Melbourne to co-fund the 'Professorial Chair in Urban Resilience and Innovation' at an annual cost to Council of \$140,000 over the five year term, with the role to have a broader focus, incorporating innovation into resilience research, enhanced Council reporting and engagement requirements.*

Seconded: Lord Mayor, Sally Capp

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

Councillors Oke and Reece returned to the meeting at 6.07pm after the vote had been taken.

#### **6.5 Funding Support Requests October 2019**

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 Pinder-Mortimer

*That the Council approves a fee waiver of up to \$5000 excluding GST of daily hire fees for the Banner Program from Visit Victoria for the ICC T20 World Cup 2020 (Women's Tournament).*

Seconded: Cr Louey

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

#### **6.6 Publishing Tender Recommendations**

The Council's General Delegation Policy requires all contracts over \$2 million must be approved by Council. When contracts are proposed to be entered into that commit expenditure beyond the current financial year, Council approval must also be sought pursuant to the *Local Government Act 1989*.

Moved: Cr Leppert

*That Council defers the matter to the 26 November Council meeting and requests that additional advice and options be provided to the Council at that time. This includes reviewing the feasibility and ramifications of a tender awarding model that provides transparency of decisions made in open session of Council, while ensuring all tender commercially sensitive information provided remains confidential.*

Seconded: Cr Reece

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

### **14.3 Office of the City of Literature – further three –year funding agreement**

The purpose of this report was to seek Council's approval to enter into an agreement with the Victorian Government and the Wheeler Centre to continue funding the Office of the City of Literature for three years, 2019-2021.

Moved: Cr Leppert

1. *That Council:*

- 1.1. *Approves a further three-year partnership with the Victorian Government and the Wheeler Centre to support the operations of the Melbourne office of the City of Literature for the period 2019–21.*
- 1.2. *Commits \$135,000 per annum for this period to the office, subject to the Victorian Government providing equivalent funding over the same period.*
- 1.3. *Notes that a Memorandum of Understanding to this effect will be entered into with the Victorian Government and Wheeler Centre under delegation.*

Seconded: Cr Watts

Lord Mayor, Sally Capp requested the following wording be added to the motion '1.4 *Makes the management report and attachments (with personal information redacted) public on Council's website*'.

The mover Councillor Leppert and seconder Councillor Watts agreed to add Lord Mayor, Sally Capp's additional wording.

1. *That Council:*

- 1.1. *Approves a further three-year partnership with the Victorian Government and the Wheeler Centre to support the operations of the Melbourne office of the City of Literature for the period 2019–21.*
- 1.2. *Commits \$135,000 per annum for this period to the office, subject to the Victorian Government providing equivalent funding over the same period.*
- 1.3. *Notes that a Memorandum of Understanding to this effect will be entered into with the Victorian Government and Wheeler Centre under delegation.*
- 1.4. *Makes the management report and attachments (with personal information redacted) public on Council's website.*

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp 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 Proposed travel by Councillor Nicholas Reece, Sydney, November 2019**

The purpose of this report was to seek Council approval for Councillor Nicholas Reece to participate in the Public Space Design Forum in Sydney in November 2019.

Moved: Cr Reece

*That Council approves Councillor Nicholas Reece's proposal to travel to Sydney in November to speak at the Public Space Design Forum at a cost to Council estimated at \$1838.*

Seconded: Cr Leppert

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

## **7.2 Post travel report by Councillor Rohan Leppert, Auckland, New Zealand, August 2019**

The purpose of this report was to inform Council on meetings undertaken by Councillor Rohan Leppert with City of Auckland representatives on issues relating to public art whilst on private travel in New Zealand in August 2019.

Moved: Cr Leppert

*That Council notes the report by Councillor Rohan Leppert on meetings undertaken with City of Auckland representatives on creative and public art matters whilst on private travel in New Zealand in August 2019.*

Seconded: Cr Frances Gilley

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

## **8. Urgent business**

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

## **9. Closure of meeting**

Moved: Cr Frances Gilley

*That pursuant to sections 89(2)(d) 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 14.1, 14.2, 14.4 and 14.6 as they contain information which if released would prejudice the Council or any person.*
- *Agenda item 14.5 as it contains information about a contractual matter.*

Seconded: Cr Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp 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 6.24pm.

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



Chair  
Council