

# Confirmed minutes



## Council Meeting Minutes

Meeting Number 38  
Tuesday 26 September 2023  
5.30pm

Council Chamber  
Level 2  
Melbourne Town Hall

### Present

Lord Mayor Sally Capp AO (Chair)  
Councillor Dr Olivia Ball  
Councillor Jason Chang  
Councillor Elizabeth Doidge  
Councillor Davydd Griffiths (via Zoom)  
Councillor Jamal Hakim  
Councillor Philip Le Liu  
Councillor Rohan Leppert (via Zoom)

### Apologies

Deputy Lord Mayor Nicholas Reece  
Councillor Kevin Louey  
Councillor Roshena Campbell

Confirmed at the meeting of Council  
on Tuesday 31 October 2023

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

### **1. Commencement of meeting and apologies**

The meeting commenced at 5.31pm.

The Chair, Lord Mayor Sally Capp, welcomed attendees to the meeting, acknowledged the Traditional Owners of the land, and 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 27 September 2023.
- apologies were received from the Deputy Lord Mayor and Councillors Campbell and Louey.

### **Adjournment of meeting**

Moved: Lord Mayor Sally Capp

*That the meeting be adjourned to deal with technical issues.*

Seconded: Cr Le Liu

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

The meeting was adjourned at 5.33pm.

The meeting resumed at 5.35pm.

### **Further adjournment of meeting**

Due to continuing technical issues, the meeting was further adjourned.

Moved: Cr Hakim

*That the meeting be adjourned to deal with technical issues.*

Seconded: Cr Doidge

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

The meeting was adjourned at 5.38pm.

The meeting resumed at 5.39pm.

### **Statement – Resignation of the Hon. Daniel Andrews MP**

The Lord Mayor read the following:

*On behalf of the City of Melbourne, I thank the Premier for his leadership and dedication during the past nine years. His hard work and commitment during the toughest of times is undisputable.*

*We particularly note initiatives such as the \$200 million Melbourne City Recovery Fund, the \$1.6 billion investment in Melbourne's arts precinct, and commitments to social change across issues such as mental health, domestic violence and Treaty.*

*The completion of the Metro Tunnel Project will be a legacy that will future-proof our city for generations to come and make us more accessible and connected than ever.*

*We recognise Dan Andrews has always been highly motivated by his belief in what is best for Victoria.*

*We wish the Premier and his family all the best for the next chapter, and look forward to working with his successor to continue to cement Melbourne as Australia's most liveable city.*

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

### **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 Le Liu

*That the minutes of meeting No 37 held on Tuesday 29 August 2023 be confirmed.*

Seconded: Cr Doidge

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

### **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 no submissions had been received.

### **5. Reports from Committee**

There was one report from Committee.

The Lord Mayor called on Cr Leppert as chair of the Heritage Portfolio to present agenda item 5.1.

#### **5.1 North Melbourne Heritage Review - Melbourne Planning Scheme Amendment C403 (Panel Report and Final Adoption)**

The purpose of this report was to recommend that Council, having considered the Amendment C403 Panel's report and recommendations, adopts Planning Scheme Amendment C403.

Moved: Cr Leppert

1. *That Council:*

- 1.1. *Considers the independent Planning Panel's report for North Melbourne Heritage Review Amendment C403 (Attachment 2 of the report from management).*
- 1.2. *Adopts the North Melbourne Heritage Review Amendment C403 in accordance with section 29(1) of the Planning and Environment Act 1987 with the changes in the amendment documentation as shown in Attachment 4 of the report from management, subject to the removal of Flemington Bridge Station from the amendment.*
- 1.3. *Requests management submit the adopted amendment to the Minister for Planning for approval in accordance with section 31(1) of the Planning and Environment Act 1987.*
- 1.4. *Requests management submit the information referred to as prescribed information under section 31(1) of the Planning and Environment Act 1987 with the adopted amendment.*
- 1.5. *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.*

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- 1.6. *Requests that the CEO write to her counterpart at the City of Moonee Valley setting out this resolution and suggesting that the City of Moonee Valley includes the City of Melbourne's side of the Flemington Bridge Railway Station in their proposed Moonee Valley Heritage Study planning scheme amendment under section 8B of the Planning and Environment Act 1987, in order that a consistent approach can be taken to the Station as a whole, including reasonable permit exemptions (for example, any works required to bring the Station into compliance with Commonwealth Disability Discrimination provisions would not require a permit under the Heritage Overlay).*

Seconded: Cr Griffiths

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

### 6. Reports from management

There were three reports from management.

#### 6.1 Higson Lane Proposed Discontinuance

The purpose of this report was to:

- Update Council of the outcome of the deferred item 5.4 on the agenda for the Council meeting on 25 August 2020 in relation to the proposal to discontinue and sell a section of Higson Lane, Melbourne (Road).
- Inform Council of an alternative proposal to discontinue and sell part of the Road (Alternative Proposal).
- Seek Council approval to commence a new statutory process pursuant to section 206(1) and clause 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* to consider the Alternative Proposal.

Moved: Cr Le Liu

1. *That Council:*

- 1.1. *Abandons the proposal (Current Proposal) to discontinue and sell part of Higson Lane, Melbourne (Road), for the reason that the Road is still reasonably required for general public use and is to be retained under Council's care and management.*
- 1.2. *Approves the commencement of a new statutory process pursuant to section 206(1) and clause 3 of Schedule 10 of the Local Government Act 1989 and section 114 of the Local Government Act 2020 to consider an alternative proposal to discontinue and sell part of the Road to Parasol Investment Company Pty Ltd.*
- 1.3. *Requests management notify in writing every person who has lodged a written submission to the Current Proposal of the Council's decision and reasons for its decision.*

Seconded: Lord Mayor Sally Capp

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

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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 Council at the end of the fourth 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. *Adopts the Council Plan 2021–25 quarter four summary report and performance report (refer Attachments 2 and 3 of the report from management) and publishes 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. *Adopts the 2022–23 Council Works Program quarter four 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. *No new budget allocation.*
  - 1.3.2. *Additional budget from external funding for:*
    - 1.3.2.1. *271 Collins Street Office Tenancy Fitout – \$500,000 to fitout multiple tenancies for Creative Arts industry use. The project is funded through Melbourne City Revitalisation Fund \$350,000 and Creative Victoria \$150,000.*
  - 1.3.3. *Additional budget from internal funding:*
    - 1.3.3.1. *Pedestrian Monitoring Program (expansion of sensor network) – increase of \$95,752 to accelerate works.*
    - 1.3.3.2. *Pedestrian Monitoring (renewal and maintenance of sensors) – increase of \$72,598 to complete urgent works this financial year.*
  - 1.3.4. *Reduce budget for:*
    - 1.3.4.1. *Poplar Road Pedestrian Crossing – The Department of Transport and Planning (DTP) took the lead in consulting with stakeholders, completed extensive community engagement in 2022, and currently assisting in resolving issues identified by their internal technical teams; it will hand over the project to City of Melbourne for delivery in 2023–24. Accordingly, the DTP funding still needs to be confirmed. Therefore, the \$750,000 grant funding will be taken off the project in the current financial year, and the \$750,000 Council funding will be carried forward to the next financial year.*
- 1.4. *Notes funding and accounting adjustments for:*
  - 1.4.1. *Aboriginal Melbourne – City Village Level 7 Fit Out – the external contribution of \$45,000 budget is an OPEX funding and cannot be converted to CAPEX. Therefore, it will be funded through Accommodation Modification Program.*
  - 1.4.2. *Accommodation Modification Program – Budget adjustment; shifting \$45,000 to City Village Level 7 Fit Out for Aboriginal Melbourne to cover the budget requirements that could not be funded through external contribution, due to operational nature of the external funding.*

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

- 1.4.3. *Advance Urban Design – \$60,000 budget adjustment shifted to Advance Landscape Architecture Design and Advance Parks Design projects for unexpected additional strategic and design advice.*
- 1.4.4. *Advance Landscape Architecture Design – additional increase of \$30,000 to the project.*
- 1.4.5. *Advance Parks Design – \$30,000 additional increase to the project.*
- 1.4.6. *Advance Streetscape Design – \$10,000 budget adjustment shifted to Advance Industrial Design project to cover unexpected additional work.*
- 1.4.7. *Advance Industrial Design – \$10,000 additional increase to the project.*
- 1.5. *Adopts the 2022–23 fourth quarter Financial Performance Report (Attachments 7 to 10 of the report from management).*

Seconded: Lord Mayor Sally Capp

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

### **6.3 2022–23 Draft Consolidated Financial Statements and Performance Statement**

The purpose of this report was to seek:

- 'In principle' approval of the Council's draft Consolidated Financial Statements and Performance Statement for the year ended 30 June 2023 in accordance with sections 98 and 99 of the *Local Government Act 2020* (the Act).
- Authorisation for two Councillors to certify the Statements in their final form after any changes recommended or agreed by the Auditor-General have been made, in accordance with section 99(3) of the Act.

Moved: Cr Le Liu

1. *That Council:*

- 1.1. *Approves in principle the 2022–23 Consolidated Financial Statements and Performance Statement.*
- 1.2. *Nominates and authorises the Lord Mayor Sally Capp and Councillor Philip Le Liu to certify and approve the Consolidated Financial Statements and Performance Statement in their final form after any changes recommended, or agreed with the Auditor General have been made on behalf of Council.*
- 1.3. *Acknowledges the declaration made by the Chief Executive Officer and Principal Accounting Officer (Chief Financial Officer) which is provided in accordance with good governance principles and gives the Council greater surety of the information contained in the statements.*

Seconded: Cr Hakim

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

### **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 Hakim

1. *That pursuant to section 66 of the Local Government Act 2020 (Act), the meeting of the Council be closed to members of the public for the consideration of the items under the following categories:*
  - 1.1. *Agenda items 13.1, 13.5, 13.6 and 13.7 as they contain private commercial information which if released would unreasonably expose the business to disadvantage by disclosing financial information to competitors.*
  - 1.2. *Agenda item 13.2 as it contains private commercial information which if released would unreasonably expose the grant applicants to disadvantage by disclosing financial information to competitors.*
  - 1.3. *Agenda items 13.3 and 13.4 as they contain Council business information which if released would prejudice the Council's position in commercial negotiations.*
  - 1.4. *Agenda items 13.8 and 14.1 as they contain personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

Seconded: Cr Le Liu

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

The Lord Mayor declared the meeting closed to the public at 6.10pm.

Confirmed at the meeting of Council on Tuesday 31 October 2023.



Chair  
Council