

Confirmed minutes

1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor, Sally Capp, advised that:

- the meeting was being streamed live and that an audio and video recording would be made available on the City of Melbourne website before close of business tomorrow
- the agenda comprised of two reports from committee, eight reports from management, three of which were confidential, and one item of confidential general business
- Councillors Frances Gilley, Leppert, Oke, Pinder-Mortimer, Riley and Watts were participating in the meeting via livestream.
- No apologies had been received

The Lord Mayor, Sally Capp, made a statement regarding homelessness in the City of Melbourne, and Victoria more generally. The Lord Mayor acknowledged the announcement from the State Government that up to 2,000 people experiencing homelessness in the city will have accommodation extended until April 2021. Pathways into long term housing will also be prioritised as part of the \$150million package from the Victorian government. The Lord Mayor congratulated everyone involved in putting that package together.

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 Pinder-Mortimer

That the minutes of meeting No 55, held on Tuesday 30 June 2020, be confirmed.

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.

Moved: Cr Reece

That the minutes of special meeting No 56, held on Tuesday 7 July 2020, 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 one submission had been received in accordance with the Council's *Meeting Procedures Code*.

Submission

In relation to Agenda item 5.2, '**Notice of motion, Cr Watts: Local Government Electoral Reform**' one item of correspondence had been received from Chris Thrum.

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5. Reports from Committee

There were two reports from Committee for consideration in the open session.

Environment Portfolio

Cr Oke presented one agenda item relating to the Environment Portfolio.

5.1 Activities (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020

The purpose of this report was to recommend Council make the Activities (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020.

Moved: Cr Oke

1. *That Council:*

1.1. *Makes the Activities (Greening, Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020 as proposed in the public notice published in The Age and the Victorian Government Gazette on 14 May 2020 (Proposal)*

for the reasons that:

1.1.1. *The introduction of a permit process in respect to green infrastructure will allow a focused approach to support initiatives to expand greening across the City of Melbourne.*

1.1.2. *Other than in respect to vaping, no objections were received to the Proposal.*

1.1.3. *In respect to vaping:*

1.1.3.1. *To avoid confusion, consistency of laws between the Council and the State is critical from both a communication and enforcement perspective, and the Proposal aligns the Council's local law with the Tobacco Act 1987.*

1.1.3.2. *Whilst the Council is not in a position to determine the health risks and benefits of vaping from a medical perspective, when it comes to public health issues, a cautious approach in line with the Victorian Government policy, is preferable.*

1.1.3.3. *When restrictions on smoking were first introduced into the Council's local laws in May 2012, it was to 'manage public places to enhance their enjoyment by the general public' by prohibiting smoking in smoke free areas, and the adverse impact on the amenity of a public place from vaping is similar to that of smoking.*

1.1.3.4. *The restriction would only apply in 'smoke free areas' within the City of Melbourne so its additional impact on people vaping would be limited.*

1.2. *Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.*

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, Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

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Local Government Electoral Reform

Cr Watts presented one agenda item relating to Local Government Electoral Reform.

5.2 Notice of Motion, Cr Jackie Watts: Local Government Electoral Reform

The purpose of this report was to recommend that Council request the Lord Mayor write to the Minister for Local Government in relation to Local Government Electoral Reform.

Moved: Cr Watts

1. *That Council request:*

1.1. *The Lord Mayor to write to the Minister for Local Government to:*

1.1.1. *Express Council's congratulations on Minister Shaun Leane's appointment to the local government portfolio and welcoming of overdue local government reforms delivered through the passing of the Local Government Act 2020, but noting that some of the reforms do not apply to the municipality of Melbourne.*

1.1.2. *Call on the State Government to:*

1.1.2.1. *Commit to undertaking a review of the City of Melbourne Act 2001 (CoM Act) in sufficient time for the 2024 local government elections, noting that the CoM Act has not been reviewed since introduction.*

1.1.2.2. *Consider as part of a review of the CoM Act, an amendment to entitle Traditional Custodians of lands and waters within the Melbourne City Council municipal district to enrol to vote in Melbourne City Council elections.*

1.1.3. *Implement, in the interim and in time for forthcoming council elections, the following electoral funding reforms under the Local Government Act 2020:*

1.1.3.1. *Candidates be required to disclose any donation and/or in kind gift within three business days of receipt.*

1.1.3.2. *Capping donations to candidates at not more than \$4,000 from any one person or organisation within any 12 month period.*

1.1.3.3. *Prohibit taking donations from persons who personally own or hold controlling interests in companies that actively engage in the property development industry or derive gambling income in Victoria.*

1.2. *City of Melbourne Officers investigate options for the City of Melbourne or other entities to establish platforms for democratic debate if local government elections in October are held during a period of physical distancing and restrictions on public gatherings.*

Seconded: Cr Oke

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

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Moved: Deputy Lord Mayor, Arron Wood

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

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.

6.2 Small Business Grants round one recommendations 2020-21

The purpose of this report was seek endorsement for the first round of Small Business Grants 2020-21.

Moved: Cr Riley

1. *That Council:*

- 1.1. *Approves management's recommendations for the Small Business Grants program as detailed in Attachment 4 of the report from management.*
- 1.2. *Authorises the General Manager City Economy and Activation to approve funding for all seven reserve applications to a total value of \$105,000 in the event one or more of the recommended businesses cannot proceed or declines funding.*
- 1.3. *Notes business grants programs and support for businesses are being reviewed to ensure we continue to evolve programs and services and support recovery from the economic impact of COVID19.*

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.

6.3 Local Government Act 2020

The purpose of this report was to implement the first raft of obligations on the Council required by the *Local Government Act 2020*.

Cr Frances Gilley left the meeting at 6.10pm and returned at 6.11pm.

Moved: Cr Oke

1. *That Council:*

- 1.1. *Dissolves the Legal Proceedings Committee.*
- 1.2. *Revokes the redundant instruments of delegation by the Council to the position of Lord Mayor under the City of Melbourne Act 2001 made by resolution of Council on 16 December 2004 and 16 December 2008.*
- 1.3. *By instrument of delegation sealed by the Council under section 11(1) of the Local Government Act 2020 (LGA 2020) delegates to the person from time to time holding the position of Chief Executive Officer, all of Council's powers, duties and functions under the LGA 2020 and any other Act including the powers to appoint an Acting Chief Executive Officer for a period not exceeding 28 days, enter into a contract for not more than \$2 million (exclusive of GST) and expend money not exceeding \$2 million (exclusive of GST) in any single instance, subject to:*
 - 1.3.1. *the restrictions contained in sections 11(2) and 11(3) of the LGA 2020*

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- 1.3.2. *compliance with Council's General Delegations Policy.*
- 1.4. *By instrument of delegation sealed by the Council under section 118(1) of the Road Management Act 2004 (RMA), delegates to the persons from time to time holding the positions referred to in column 1 of Attachment 2 of the report from management, Council's powers and functions as a road authority under the RMA identified in column 2 and 3 of Attachment 2, subject to:*
- 1.4.1. *the conditions and limitations identified in column 4 of Attachment 2*
- 1.4.2. *the restrictions contained in section 118(1) of the RMA and section 11(2) of the LGA 2020*
- 1.4.3. *compliance with Council's General Delegations Policy.*
- 1.5. *By instrument of delegation sealed by the Council under section 58A of the Food Act 1984 (the Food Act) delegates to:*
- 1.5.1. *the person from time to time holding the position of Director Health and Wellbeing, Council's 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*
- 1.5.2. *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*
- 1.5.3. *the persons from time to time holding the positions referred to in Attachment 3 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:*
- 1.5.4. *the restrictions contained in section 11(2) of the LGA 2020*
- 1.5.5. *compliance with Council's General Delegations Policy.*
- 1.6. *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 4 of the report from management, its powers under section 53M of the EPA in relation to septic tank systems subject to:*
- 1.6.1. *the restrictions contained in section 11(2) of the LGA 2020*
- 1.6.2. *compliance with Council's General Delegations Policy.*
- 1.7. *Revokes instruments of delegation CCL-2019-1, CCL-2019-2 and CCL-2019-3, such revocation to take effect immediately after the execution of the instruments of delegation referred to in paragraphs 1.4 to 1.6 above.*
- 1.8. *With effect on 1 September 2020, revokes instrument of delegation 360 to the Chief Executive Officer and instrument of delegation 441 to the Chief Legal Counsel.*
- 1.9. *Pursuant to section 41 of the LGA 2020, adopts the Council expenses policy in respect to reimbursement of out of pocket expenses to Councillors and members of delegated committees of Council, identified in Attachment 5 of the report from management (with the track changes to the existing policy identified in Attachment 5 accepted).*
- 1.10. *Revokes the policy in relation to the reimbursement of expenses for Councillors and members of Council committees, adopted by Council pursuant to section 75B of the Local Government Act 1989.*

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- 1.11. *Pursuant to section 53 of the LGA 2020, establishes the Audit and Risk Committee comprising:*
 - 1.11.1. *Geoff Harry (Chair)*
 - 1.11.2. *Deputy Lord Mayor, Arron Wood*
 - 1.11.3. *Councillor Le Liu*
 - 1.11.4. *Therese Ryan*
 - 1.11.5. *Stuart Hall.*
- 1.12. *Pursuant to section 54(1) of the LGA 2020, approves the charter for the Audit and Risk Committee identified in Attachment 6 of the report from management (with the track changes to the existing charter identified in Attachment 6 accepted).*
- 1.13. *By instrument of authorisation sealed by the Council under section 188 of the Planning and Environment Act 1987 authorise the officers listed at Attachment 7 of the report from management, to carry out the duties and functions and exercise the powers of an 'authorised officer' within the meaning of the Planning and Environment Act 1987.*
- 1.14. *Revokes the previous instruments of authorisation under section 188 of the Planning and Environment Act 1987 made by resolution of Council on 28 February 2017, 31 July 2018, 30 October 2018 and 30 July 2019, such revocations to take effect immediately after the execution of the instrument of authorisation referred to in paragraph 1.13 above.*

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.

6.4 Referred Documents from the May 2020 Audit and Risk Committee meeting

The purpose of this report was to advise Council of the outcomes of the City of Melbourne Audit and Risk Committee meeting held on 8 May 2020.

Moved: Deputy Lord Mayor, Arron Wood

1. *That Council:*
 - 1.1. *Notes the minutes of the meetings of the City of Melbourne Audit and Risk Committee (ARC) held on 8 May 2020.*
 - 1.2. *Ratifies the election of Geoff Harry to the position of Chair of the ARC for 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 Establishment of the City of the Future/Recovery Taskforce as an Advisory Committee of Council

The purpose of this report is to recommend Council formally establish the City of the Future/Recovery Taskforce as an advisory committee and adopt the attached Terms of Reference

Cr Le Liu Cr left the meeting at 6.49pm and returned at 6.50pm.

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Moved: Lord Mayor, Sally Capp

1. *That Council:*

- 1.1. *Formally establishes the City of the Future/Recovery Taskforce as an advisory committee of Council.*
- 1.2. *Adopts the Terms of Reference as amended (refer Attachment 2 of the report from management).*
- 1.3. *Notes the establishment of the City Economy Advisory Board by the Chief Executive Officer*

Seconded: Cr Louey

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 no items of General business for consideration in the open session.

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

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 items under the following categories:*
 - 1.1 *Agenda items 14.1 and 14.3 as they contain private commercial information which if released would unreasonably expose the businesses to disadvantage by disclosing financial information to competitors.*
 - 1.2 *Agenda item 14.2 as it contains legal privileged information which if released would, would breach a declaration of confidentiality between the parties.*
 - 1.3 *Agenda item 15.1 as it contains council business information that would prejudice the Council's position in commercial negotiations if prematurely released.*

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.

The Chair, Lord Mayor, Sally Capp, declared the Open meeting closed at 7.07 pm.

Confirmed at the meeting of Council on Tuesday 25 August 2020.


Chair
Council