



**CITY OF MELBOURNE**

## **Council Meeting**

### **Minutes**

**Meeting Number 23  
Tuesday 27 September 2022  
5.30pm**

**Council Chambers  
Level 2  
Melbourne Town Hall**

#### **Present**

Lord Mayor Sally Capp (Chair)  
Deputy Lord Mayor Nicholas Reece  
Councillor Dr Olivia Ball  
Councillor Roshena Campbell  
Councillor Elizabeth Doidge  
Councillor Davydd Griffiths  
Councillor Jamal Hakim  
Councillor Philip Le Liu  
Councillor Rohan Leppert  
Councillor Kevin Louey

#### **Apology**

Councillor Jason Chang

Confirmed at the meeting of Council  
on Tuesday 25 October 2022

# 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 Wednesday 28 September.
- the agenda comprises of eleven reports from management, of which five were confidential, and one item of general business
- an apology had been received from Councillor Chang
- Councillor Doidge was participating in the meeting virtually.

## 2. Disclosures of conflicts of interest

The Lord Mayor advised that conflicts of interest should be disclosed as they arose.

## 3. Confirmation of minutes of the previous meeting

Moved: Deputy Lord Mayor Nicholas Reece

*That the minutes of meeting No 22, held on Tuesday 30 August 2022, be confirmed.*

Seconded: Cr Griffiths

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

## 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 the following submissions had been received in accordance with the Council's Governance Rules.

### Submissions

In relation to Agenda item 6.1, **Review of intended re-introduction of outdoor dining and busking permit fees:**

#### Items of correspondence:

- Paaawan Engineer, Cuff Cafe
- Gerard Kelly
- Paul Waterson
- Joanne Gamvros, Bar Lourinha
- Paddy O'Sullivan, CEO, The Australian Hotels Association (Victoria)
- Kern Kapoor
- Andrew Leonedas
- Joseph Kornides
- Chris Thrum
- Mark O'Rielly, The Australian Hotels Association (Victoria).

## Confirmed minutes

In relation to Agenda item 6.6, **Melbourne International Flower and Garden Show proposed new licence - 2024 - 2029:**

### Items of correspondence:

- Group Submission:
  - o Fiona Bell, President, Protectors of Public Lands (Vic)
  - o Dr Barry Clark, vision scientist, committee member of the International Dark Sky Association (IDA) Vic. Chapter
  - o Mary-Lou Howie
  - o Bea McNicholas, Director, Walk in St Kilda Road and Environs; Convenor, Planet Ark National Tree Day, Nature Care, Heritage & Lighting Expert Events
  - o Margaret O'Brien, for Friends of Royal Exhibition Building and Carlton Gardens
  - o The Hon. Kelvin Thomson, Convenor, Planning Democracy.
- Bea McNicholas, Director, Walk in St Kilda Road and Environs; Convenor, Planet Ark National Tree Day, Nature Care, Heritage & Lighting Expert Events
- The Hon. Kelvin Thomson, Convenor, Planning Democracy
- Fiona Bell, President, Protectors of Public Lands (Vic)
- Felicity Watson, Executive Manager, Advocacy, National Trust of Australia (Victoria)

In relation to Agenda item 7.1, **Notice of Motion, Cr Leppert: Notice periods for significant reports:**

### Items of correspondence:

- Rafael Camillo, President, Residents 3000 group
- Bea McNicholas, Director, Walk in St Kilda Rd & Environs, Convenor Planet Ark National Tree Day, Nature Care, Heritage and Lighting Expert events
- Stan Capp, President of EastEnders
- Bob Evans
- Michael JG Kennedy, Chair, Coalition of Residents and Business Associations – Melbourne.

## 5. Reports from Committee

There were no reports from Committee for consideration.

## 6. Reports from management

There were six reports from management for consideration.

### 6.1 Review of intended re-introduction of outdoor dining and busking permit fees

The purpose of this report was to provide management's recommendations to Council on whether outdoor dining and busking permit fees should be re-introduced from 1 November 2022.

Moved: Cr Campbell

#### 1. That Council:

- 1.1. *Re-introduces parklet and outdoor dining fees (with a 50 per cent discount applied to parklets) from 1 November 2022 until 30 June 2023 in all areas of the City of Melbourne except Docklands, realising revenue of up to \$716,000*
- 1.2. *Introduces a payment plan program to consider hardship requests for permit fee payments*
- 1.3. *Supports existing temporary highly utilised laneways being transitioned to regular intermittent road closures managed by City Infrastructure from 1 November 2022*

## Confirmed minutes

- 1.4. *Provides continued support for outdoor dining permit holders in Docklands by waiving permit fees until 30 June 2023 resulting in \$34,000 revenue foregone*
- 1.5. *Provides continued support for buskers by waiving busking permit and application fees until 30 June 2023 resulting in \$22,000 revenue foregone*
- 1.6. *Ceases the home food delivery parking permit scheme by 31 October 2022.*

Seconded: Cr Hakim

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

### **6.2 Referred documents from the 12 August 2022 and 16 September 2022 Audit and Risk Committee Meetings**

The purpose of this report was to advise Council of the outcomes of the City of Melbourne Audit and Risk Committee (ARC) meetings held on 12 August 2022 and 16 September 2022.

Moved: Cr Le Liu

*That Council notes the unconfirmed minutes of the meetings of the Audit and Risk Committee held on 12 August 2022 and 16 September 2022 as shown in Attachment 2 and Attachment 3 of the report from management.*

Seconded: Cr Hakim

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

### **6.3 Audit and Risk Committee 2021-22 Annual Activity Report**

The purpose of this report was to present to Council the Audit and Risk Committee 2021-22 Annual Activity Report.

Moved: Cr Le Liu

*That Council notes the Audit and Risk Committee 2021-22 Annual Activity Report and its subsequent publication on Council's website.*

Seconded: Cr Griffiths

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

## Confirmed minutes

### 6.4 2021-22 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 2022 in accordance with sections 98 and 99 of the *Local Government Act 2020* (the Act) and to seek 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 2021–22 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: Deputy Lord Mayor Nicholas Reece

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

### 6.5 Schedule of Council and Future Melbourne Committee meetings 2023

The purpose of this report was to resolve the dates, times and location for meetings of the Council and its Future Melbourne Committee (FMC) for 2023.

Moved: Cr Le Liu

1. *That Council:*
  - 1.1. *approves the schedule of Council and Future Melbourne Committee (FMC) meeting dates for 2023, as detailed in Attachment 2 of the report from management, with the following changes:*
    - 1.1.1. *The 17 October Future Melbourne Committee meeting to be moved to 24 October, at the same time and location;*
    - 1.1.2. *The 14 November Future Melbourne Committee meeting to be held in the Town Hall Commons and commence at 5.30pm;*
    - 1.1.3. *The addition of a Future Melbourne Committee meeting on 21 November 2023 to be held in Southbank and commence at 6pm;*
  - 1.2. *authorises the Director Governance to make the necessary arrangements to finalise the neighbourhood FMC schedule, and to publish on Council's website venue details for each meeting.*

Seconded: Cr Leppert

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

## Confirmed minutes

### 6.6 Melbourne International Flower and Garden Show proposed new licence – 2024 - 2029

The purpose of this report was to:

- recommend Council enter into a new six year licence with Flower and Garden Show Limited (the Licensee) for the Melbourne International Flower and Garden Show (MIFGS) to be held in Carlton Gardens South
- provide an assessment of MIFGS and the Licensee's past performance.

Moved: Cr Leppert

1. *That Council:*

- 1.1. *subject to all necessary approvals from the Minister responsible for the Crown Land (Reserves) Act 1978 first being obtained, grants to Flower and Garden Show Limited (Licensee) a licence to use the Carlton Gardens South for the running of the Melbourne International Flower and Garden Show for three years (2024-2026) with an option to extend the licence for a further three years (2027- 2029) by mutual agreement*
- 1.2. *approves:*
  - 1.2.1. *an annual licence fee of \$160,000 in year one increasing by CPI each subsequent year*
  - 1.2.2. *an annual Public Projects Contribution of \$40,000 in year one increasing by CPI each subsequent year*
  - 1.2.3. *an annual bond amount of \$250,000*
- 1.3. *notes that the final terms and conditions of the licence will be negotiated and agreed, and the licence entered into, under delegation.*

Seconded: Lord Mayor Sally Capp

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

### 7. General business

There was one item of General business for consideration.

#### 7.1 Notice of Motion, Cr Leppert: Notice periods for significant reports

Moved: Cr Leppert

*That Council commences a process to amend the Governance Rules by undertaking community consultation on the proposal in the attachment to the notice, and considers a report setting out any public feedback and a final proposal by no later than the 13 December 2022 Council meeting.*

Seconded: Cr Le Liu

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

### 8. Urgent business

There were no items of proposed urgent business for consideration.

## Confirmed minutes

### 9. Closure of meeting to the public

Moved: Deputy Lord Mayor Nicholas Reece

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 14.1 and 14.4 as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*
  - 1.2 *Agenda items 14.2 as it contains Private commercial information, which, if released, would unreasonably expose the applicants for grants to disadvantage, by disclosing financial information to competitors.*
  - 1.3 *Agenda items 14.3 and 14.5 as it contains Private commercial information, which if released, would unreasonably expose the business to disadvantage by disclosing financial information to competitors.*

Seconded: Cr Hakim

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

The Lord Mayor declared the meeting closed to the public at 6.24 pm.

Confirmed at the meeting of Council on Tuesday 25 October 2022.



Chair  
Council

