



Melbourne City Council

MINUTES

Meeting Number 51
Tuesday, 24 June 2008
5.30pm

PRESENT

Lord Mayor John So
Deputy Lord Mayor Gary Singer
Councillor Brindley
Councillor Clarke
Councillor Jetter
Councillor Ng
Councillor Shanahan
Councillor Snedden
Councillor Wilson

To be confirmed at the meeting of Council
on 29 July 2008.

1. COMMENCEMENT OF MEETING AND APOLOGIES

The meeting commenced at 5.36pm.

The Chair Lord Mayor John So, read the following acknowledgment statement:

"I welcome Councillors, Management and members of the public in attendance to the City of Melbourne. We respectfully acknowledge that we are meeting on the traditional land of the Kulin Nation. This special place is now known by its European name of Melbourne. Today, Melbourne is one of the great multicultural cities of the world, a significant meeting place. For the great Kulin Nation, Melbourne has always been an important meeting place and location for events of social, educational, sporting and cultural significance."

The Chair Lord Mayor John So, advised that the agenda comprised of:

- eleven Reports from Committees, one of which was confidential, one item of General Business; and two Reports from Management; and
- no apologies had been received.

The Chair Lord Mayor John So acknowledged the attendance of Mr Zhu Weishan, Leader of the Tianjin Government Leaders Group and other delegates from the Leaders Group at the meeting.

The Chair Lord Mayor John So, on behalf of the Council, expressed condolences regarding the passing of Nat Bonnacci. He advised that Nat Bonacci was responsible for the structural innovation on CH2 and in particular the unique green concrete vaulted ceiling that assists in the night purging of the building in summer as well as containing the air removal ducts for the office floors. Mr Bonacci's role and energy in the initial design phases of CH2 was inspirational and infectious and encouraged the team on to a higher level of excellence. Mr Bonacci's excellence was acknowledged in 2007 by the Institute of Engineers awarding Bonacci, and the CH2 Team, the Sir William Hudson Award for Australian Engineering Excellence, the highest engineering award in the country.

2. REQUEST TO FILM THE MEETING AND TAKE PHOTOGRAPHS

The Chair Lord Mayor John So stated that requests were received from Channel 7 and Channel 9 to film the proceedings of the meeting and for a photographer from the Herald Sun to take photographs. In accordance with the Council adopted guidelines for the Broadcasting of Committee and Council Meetings the request must be considered as the first item at the Meeting.

Moved: Cr Shanahan

That the Council resolve to allow filming and photographs to be taken during proceedings in accordance with the request made by Channel 7, Channel 9 and the Herald Sun.

Seconded: Cr Jetter

Carried unanimously.

3. DECLARATIONS OF PECUNIARY INTEREST OR CONFLICTS OF INTEREST

There were no declarations of pecuniary interest or conflicts of interest.

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

Moved: Deputy Lord Mayer Gary Singer

That the minutes of the open meeting No 50, held on Tuesday, 27 May 2008, be confirmed.

Seconded: Cr Shanahan

Carried unanimously.

5. MATTERS ARISING FROM THE MINUTES (Agenda Item 4)

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

6. REPORTS FROM COMMITTEES (Agenda Item 5)

SUBMISSION/ITEMS OF CORRESPONDENCE

The Chair Lord Mayor John So advised that the following items of correspondence had been received.

In relation to **Agenda Item 5.1**, "*City of Melbourne Submission to State Government on the East West Link Needs Assessment (EWLNA) Recommendations*"

- Alice Good, resident;
- Ian Bird on behalf of the Carlton Residents Association Inc;
- Julianne Bell, Convenor of Royal Park Protection Group;
- Andrew Pawluk, resident;
- Diana Pawluk, resident;
- Jason Millford, resident;
- Kerrie Gilbert, resident;
- Linda Hayes, resident;
- Michael Becker, resident;
- Paul Devereux, resident;
- Paul Prentice, resident;
- Kavitha Chandrashekeran, resident;
- Johanna van Klaveren, commuter;
- Yarrow Andrew, commuter;
- Anna Stempel, commuter;
- Donna Lancaster, resident;
- Pamela Frost, resident;
- Peter Brohier, business owner;
- Jane Good on behalf of the Kensington Flemington Junior Sports Club; and
- Nina Scott, commuter.

In relation to **Agenda Item 5.2**, "*Proposed Restricted Retail Premises (Costco) at Waterfront City, 331-383 Footscray Road, Docklands*":

- Stuart McGurn, Director Fulcrum Town Planners.

In relation to **Agenda Item 5.3**, "*Draft Amendment to Council's Activities Local Law 1999 Regarding Toy Vehicles*":

- Michele Anderson on behalf of Richard Marshall, Richard Cookesley, Paul O'Halloran, Rodger Gardner and Emmanuel Vassallo.

In relation to **Agenda Item 7.1**, "*Notice of Motion: Cr Snedden, Public Consultation; The Local Government Amendment (Elections) Bill 2008*":

- Roger Gardner, Michele Anderson, Emmanuel Vassallo and Paul O'Halloran, residents; and
- Peter Nicoll Chairman, Melbourne Business Council.

Copies of the written submissions were circulated to Councillors prior to the commencement of the meeting.

STATUS OF CONFIDENTIAL ITEMS

The confidential item was not brought forward for consideration in the open session of the meeting.

PLANNING COMMITTEE

5.1. City of Melbourne Submission to State Government on the East West Link Needs Assessment (EWLNA) Recommendations

On 2 April 2008 Sir Rod Eddington released his report Investing in Transport – East West Link Needs Assessment (EWLNA) which he has submitted to State Government. The State Government are seeking comment on the EWLNA report by 15 July 2008.

Moved: Cr Ng

1. *That Council:*
 - 1.1. *abandon Council's support for an East West Road Tunnel;*
 - 1.2. *oppose the use of parks for any works associated with an East West Road Tunnel;*
 - 1.3. *note the redrafted submission to the EWLNA reflecting this change along with the prioritisation of all public transport initiatives including the Doncaster Rail (refer Attachment 1 to the Council Report);*
 - 1.4. *request a further report to the Planning Committee on redrafting its Transport Policy to reflect these changes; and*
 - 1.5. *state its strongest possible objection to any use of Holland Park or Royal Park or any other Park for the purposes of any road works or associated activities.*

Seconded: Cr Brindley

Amendment

Moved: The Deputy Lord Mayor Gary Singer moved the following amendments:

- *replace paragraph 1.1 above with "oppose the Eddington East West Road Tunnel and the use or reduction of any parkland and disruption to the community"; and*
- *to add "provide in principle support for the development of a sustainable transport infrastructure to reduce congestion across Eastern and Western Melbourne and to continue discussions with the State Government along these lines."*

Seconded: Cr Wilson

Discussion ensued.

The amendment was put and carried with the Chair Lord Mayor John So, Deputy Lord Mayor Gary Singer and Councillors Clarke, Ng, Jetter and Wilson voting in favour of the amendment and Councillors Brindley, Shanahan and Snedden voting against the amendment.

Amendment

Moved: Cr Clarke moved the following additional paragraphs:

- *"recognise that the Eddington Report fails to adequately deal with North-South traffic movements at Hoddle Street off the Eastern Freeway*
- *that Council call on the State Government to adequately fund public transport as an alternative transport solution to overcome the congestion on our road network;*
- *that the City of Melbourne request abutting Councils to undertake its own study to identify solutions for resident, commuter and freight movement in the City of Melbourne and broader study area and adequately resource such a study by the city's budget in the 2008/2009 financial year."*

Seconded: Cr Snedden

Discussion ensued.

The amendment was put and lost with Councillors Clarke, Jetter and Snedden voting in favour of the amendment, and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Ng, Shanahan and Wilson voting against the amendment.

Cr Clarke suggested that the words "as a high priority for the Doncaster Rail" be included after the words "public transport initiatives including" at paragraph 1.3 above.

The Deputy Lord Mayor Gary Singer and Cr Wilson as mover and seconder respectively, agreed to incorporate Cr Clarke's suggestion.

Cr Clarke suggested the addition of the following paragraphs:

- *that Council call on the State Government to adequately fund public transport as an alternative transport solution to overcome the congestion on our road network; and*
- *that the City of Melbourne request abutting Councils to undertake its own study to identify solutions for resident, commuter and freight movements in the City of Melbourne and broader study area and adequately resource such a study by the city's budget in the 08/09 financial year.*

The Deputy Lord Mayor Gary Singer and Cr Wilson, as mover and seconder respectively, agreed to incorporate Cr Clarke's suggestion.

Cr Brindley offered an apology to the Manager Strategic Planning and Sustainability, David Mayes, for his comments during the Planning Committee meeting held on 3 June 2008, which was not in accordance with the Councillor Code of Conduct. He also stated that the administration is a lot more accountable in their conduct than that of some Councillors. Cr Brindley acknowledged the administration for doing great work even when in a difficult situation. He also congratulated the residents and the public for their participation.

The substantive motion was put and carried with the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Clarke, Jetter, Ng, Snedden and Wilson voting in favour of the motion and Councillor Shanahan voting against the motion.

The motion in its entirety reads:

1. *That Council:*
 - 1.1. *oppose the Eddington East West Road Tunnel and the use or reduction of any parkland and disruption to the community;*
 - 1.2. *oppose the use of parks for any works associated with an East West Road Tunnel;*
 - 1.3. *provide in principle support for the development of a sustainable transport infrastructure to reduce congestion across Eastern and Western Melbourne and to continue discussions with the State Government along these lines;*
 - 1.4. *note the redrafted submission to the EWLNA reflecting this change along with the prioritisation of all public transport initiatives including a higher priority for the Doncaster Rail (refer Attachment 1 to the Council Report);*
 - 1.5. *request a further report to the Planning Committee on redrafting its Transport Policy to reflect these changes;*
 - 1.6. *state its strongest possible objection to any use of Holland Park or Royal Park or any other Park for the purposes of any road works or associated activities;*
 - 1.7. *that Council call on the State Government to adequately fund public transport as an alternative transport solution to overcome the congestion on our road network; and*
 - 1.8. *that the City of Melbourne request abutting Councils to undertake its own study to identify solutions for resident, commuter and freight movements in the City of Melbourne and broader study area and adequately resource such a study by the city's budget in the 08/09 financial year.*

ADJOURNMENT OF MEETING

Moved: Cr Brindley

That Council adjourn at 6.40pm and resume at 6.43pm.

Seconded: Cr Ng
Carried unanimously.

RESUMPTION OF MEETING

The meeting resumed at 6.44pm with all members present.

5.2. Proposed Restricted Retail Premises (Costco) at Waterfront City, 331-383 Footscray Road, Docklands

The purpose of this report is to advise Council of an application to the Minister for Planning for the construction of restricted retail premises at Waterfront City, Docklands.

Moved: Cr Ng moved the recommendation contained in the Report from Management subject to the additional paragraph:

- *note the Minister's decision of 23 June 2008.*

Seconded: Cr Brindley

Cr Clarke suggested the additional paragraph:

“that Council requests a meeting with the Minister to discuss the process surrounding consideration of Council’s comments regarding Planning Applications at Docklands.”

Cr Ng and Cr Brindley, as mover and seconder respectively, agreed to incorporate Cr Clarke’s suggestion.

The motion was put and carried unanimously.

The motion in its entirety reads:

1. *That Council:*
 - 1.1. *endorse the comments provided by Council Officers in response to the application (refer Attachment 2 to the Committee Report).*
 - 1.2. *note the Minister’s decision of 23 June 2008*
 - 1.3. *requests a meeting with the Minister to discuss the process surrounding consideration of Council’s comments regarding Planning Applications at Docklands.*

5.3. Draft Amendment to Council’s Activities Local Law 1999 Regarding Toy Vehicles

The purpose of this report is to consider draft amendment to Council’s Activities Local Law 1999 regarding toy vehicles and approve commencement of the statutory public notice and submission procedure required by the Local Government Act 1989.

Moved: Cr Ng

1. *That Council:*
 - 1.1. *pursuant to Part 5 of the Local Government Act 1989 (“the Act”), propose to make the Activities (Riding of Toy Vehicles in Prescribed Areas) Local Law 2008, to enhance the ability of the Council to regulate and manage the riding of toy vehicles under the Activities Local Law 1999 (“Principal Local Law”), in accordance with the proposed Local Law at Attachment 1 to the Committee Report (“proposed Local Law”);*
 - 1.2. *pursuant to section 223 of the Act, approve the establishment of a committee to be called the Activities (Riding of Toy Vehicles in Prescribed Areas) Local Law 2008 Submissions Committee (“Local Law Amendment 2008 Committee”) and appoint the Manager Engineering Services, the Manager Community Safety and Wellbeing and the Manager Legal Services, or the persons from time to time acting in those positions, to the Local Law Amendment 2008 Committee for the purpose of:*
 - 1.2.1. *considering any written submissions received in relation to the proposal;*
 - 1.2.2. *hearing any persons wishing to be heard in support of them; and*
 - 1.2.3. *reporting back with recommendations to Council through the Planning Committee;*
 - 1.3. *note that any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a meeting of the Local Law Amendment 2008 Committee, scheduled to be held on Tuesday, 22 July 2008 commencing at 3.00 pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne;*
 - 1.4. *authorise the Manager Governance Services, or the person acting from time to time in that position, to carry out any administrative procedures necessary to enable Council to perform its functions under Section 223 of the Act;*
 - 1.5. *note that adoption of the proposed Local Law is subject to Council being satisfied it complies with the Victorian Charter of Human Rights;*
 - 1.6. *endorse the initial Charter analysis at Attachment 2 to the Committee Report and resolves in principle it is satisfied that to the extent the proposed Local Law impacts on human rights, the limitation is reasonable taking into account the matters detailed at paragraph 8 of the Committee Report;*

- 1.7. *note that the necessary actions to give public notice of the proposed Local Law will be carried out under delegation; and*
- 1.8. *request the Planning Committee receive a report in relation to the consideration of a Skate Park in the Docklands vicinity.*

Seconded: Deputy Lord Mayor Gary Singer
Carried unanimously.

In response to questions raised by Cr Clarke about the definition of toy vehicles, the Manager Legal Services, Kim Wood, made the following comments:

- the proposal includes areas outside the Town Hall which displays the same signage as that in the Docklands area;
- the proposal would target specific prescribed areas which would be dealt with under delegation;
- the Road Safety Act covers public roads and roadways so Local Laws are not applicable; and
- this is not specific to skateboards and applies to all toy vehicles including bikes and non-motorized vehicles.

MARKETING AND EVENTS COMMITTEE

5.4. Event Partnership Program Recommendations, Round 1, 2008/09

The purpose of this report is to provide an overview of the Event Partnership Program for the first round for the 2008/09 financial year. The specific funding recommendations are contained in the accompanying confidential report.

Moved: Cr Jetter

That Council note the information in the Committee Report.

Seconded: Deputy Lord Mayor Gary Singer
Carried unanimously.

FINANCE AND GOVERNANCE COMMITTEE

5.5. Melbourne Convention Centre Development Update on Public Realm Areas and Associated Costings

The purpose of this report is to update the Council on the public realm areas within the development that will be funded by Council's financial contribution to the Melbourne Convention Centre Development project and to advise of the associated costings for delivery of the public realm works.

Moved: Cr Shanahan

1. *That Council:*
 - 1.1. *confirm the overall area of public realm within the project to be funded by Council's financial contribution subject to:*
 - 1.1.1. *listings of municipal type works to be undertaken in each year of the project; and*
 - 1.1.2. *confirmation that all public realm areas will be available for public access at all times;*
 - 1.2. *endorse the release of subsequent payments of Council's financial contribution for the public realm under the Memorandum of Understanding between the State Government and the Council being \$5.14m in the 2007/08 financial year and \$10.88m in the 2008/09 financial year (due 1 July 2008).*

Seconded: Cr Ng

Amendment
Moved: Cr Clarke moved the addition of the following paragraph:

- *"provide the funding excluding public roadways".*

Seconded: Cr Snedden

The mover and seconder did not agree to incorporate the addition to the motion.

The amendment was put and lost with Councillors Brindley and Clarke voting in favour of the amendment, and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Jetter, Ng, Shanahan, Snedden and Wilson voting against the amendment.

The substantive motion was put and carried with the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting in favour of the motion and Councillors Clarke and Snedden voting against the substantive motion.

The motion in its entirety reads:

1. *That Council:*
 - 1.1. *confirm the overall area of public realm within the project to be funded by Council's financial contribution subject to:*
 - 1.1.1. *listings of municipal type works to be undertaken in each year of the project; and*
 - 1.1.2. *confirmation that all public realm areas will be available for public access at all times;*
 - 1.2. *endorse the release of subsequent payments of Council's financial contribution for the public realm under the Memorandum of Understanding between the State Government and the Council being \$5.14m in the 2007/08 financial year and \$10.88m in the 2008/09 financial year (due 1 July 2008).*

5.6. Adoption of 2008/2009 Annual Plan and Budget

The purpose of this report is to adopt the 2008/09 Annual Plan and Budget.

Cr Shanahan in his capacity as Chair of the Finance and Governance Committee advised the Council that the Deputy Lord Mayor Gary Singer would move this recommendation as he voted against it at the Finance and Governance Committee meeting of 19 June 2008.

Moved: Deputy Lord Mayor Gary Singer

1. *That Council resolve to adopt the 2008/09 Annual Plan and Budget subject to the following amendments:*
 - 1.1. *include \$65,000 capital funding for additional works on traffic calming initiatives in Gatehouse Street;*
 - 1.2. *include \$20,000 funding for the Toy Library as part of the overall Community Service grants program;*
 - 1.3. *allocate \$80,000 operational funding from within existing budgeted funds towards the Venny;*
 - 1.4. *allocate an additional \$80,000 operational funding towards the Kensington Community Children's Co-Operative;*
 - 1.5. *refer any additional funding for the 55 plus Carlton Senior Citizens back to Community Services for assessment on its merits;*
 - 1.6. *include \$75,000 funding for the Paris Opera Ballet as part of the overall Event Cap funding;*
 - 1.7. *allocate an additional \$110,000 funding to implement the North & West Melbourne Residential Parking Scheme;*
 - 1.8. *allocate \$90,000 of triennial funding for additional grants from within the \$250,000 contingency fund;*
 - 1.9. *given the likely completion of the capital works on the Fawkner Park Children's Centre until late in the budget year, defer consideration of any additional operational funding until 2009/10;*
 - 1.10. *allocate an additional \$25,000 for South Bank Planning work;*
 - 1.11. *funding for maintaining and cleaning toilets in New Quay (\$75,000) and Docklands Waterways Marina Upgrade (\$30,000) to be included from within the existing Docklands budget as a priority;*
 - 1.12. *request a report be brought to the July Community Services Committee to consider the application by La Mama;*
 - 1.13. *fund the St Kilda Road precinct in the amount of \$30,000;*

- 1.14. *note that public notice will be given of Council's decision in accordance with section 130(2) of the Local Government Act 1989; and*
- 1.15. *advise each of the submitters of the Council's decision in relation to this matter and the reasons for the decision.*

Seconded: Cr Ng

The motion was put and carried with the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Jetter, Ng and Wilson voting in favour of the motion and Councillors Brindley, Clarke, Shanahan and Snedden voting against the motion.

Cr Clarke stated that he is not opposed to the Convention Centre being built but he does oppose Council funding the project to such a large scale.

5.7. Revised Councillor Expenses and Resources Guidelines

The purpose of this report is to consider revised Councillor Expenses and Resources Guidelines.

Moved: Cr Shanahan

That Council adopt the revised Councillor Expenses and Resources Guidelines dated June 2008.

Seconded: Cr Ng
Carried unanimously.

COMMUNITY SERVICES COMMITTEE

5.8. Meat Market – Lease and Funding Agreement

The purpose of this report is:

- to consider the outcomes of the management of the Meat Market in Courtney Street North Melbourne by the City of Melbourne, as part of the Arts House program, over the last three years; and
- to seek endorsement to renew legal arrangements (Crown Land Lease and Funding Deed) between Council and the State Government, through Arts Victoria, to continue the successful management arrangements for the Meat Market, on the same terms as the previous agreement.

Moved: Cr Wilson

1. *That Council:*
 - 1.1. *endorses a further term of the Meat Market Crown Land Lease and Funding Deed for three years commencing 1 July 2008, with provision for two further terms of one year each, generally in the form of the existing agreements;*
 - 1.2. *notes that key elements of the arrangement include:*
 - 1.2.1. *that the Meat Market is managed to maximise outcomes for support for the arts through provision of cultural venues, creative development and housing the arts in the municipality;*
 - 1.2.2. *that there is no net cost impact for Council from the normal operations of the Meat Market;*
 - 1.2.3. *that Council will convert the management fee for the operation of the Meat Market, calculated at \$77,250 annually, into a contribution towards creative development projects at the Meat Market; and*
 - 1.3. *notes that the necessary documentation will be finalised under delegation.*

Seconded: Deputy Lord Mayor Gary Singer
Carried unanimously.

5.9. 'Housing the Arts' – Progress Report

The purpose of this report is to advise Council on the overall progress of 'Housing the Arts' initiatives following the report of September 2007 and to consider specific recommendations with regard to:

- subsidised tenancies for arts organisations at the North Melbourne Town Hall (NMTH); and
- an agreement between Australia Post and Council to convert vacant space above the North Melbourne Post Office into artist studios.

Moved: Cr Wilson

1. *That Council:*
 - 1.1. *notes the terms of reference, membership and operation of the Housing the Arts Working Group;*
 - 1.2. *notes the information regarding 'Housing the Arts' initiatives in the City of Melbourne;*
 - 1.3. *approves the recommendations for subsidised tenancies for arts organisations at the North Melbourne Town Hall;*
 - 1.4. *notes the subsidised tenancies for arts organisations at the Meat Market, as approved by the State Government;*
 - 1.5. *endorses the proposal to enter into a licence with Australia Post for use of spaces above the North Melbourne Post Shop as artist studios and notes that required documentation will be finalised under delegation;*
 - 1.6. *support in principle the utilisation of 602 Little Bourke Street as a 'Housing the Arts' project and request management to complete a feasibility study to look at its alternate uses, including its conversion for use as arts studios, performing arts and arts exhibition space, and commercial space appropriate to the above, and to present a paper to the September meeting of the Community Services Committee; and*
 - 1.7. *request Management to present a report to the September meeting of the Community Services Committee on the possibility of using the Boyd High School site as a 'Housing the Arts' project as detailed in paragraph 17.5 of the Committee Report and paragraphs 10-13 of Attachment 2 to the Committee Report.*

Seconded: Cr Brindley
Carried unanimously.

5.10. Active Melbourne Sport and Recreation Grants Scheme

The purpose of this report is to seek Council's approval to provide grant funding under the Active Melbourne Community Sport and Recreation Grants Scheme 2008/09 to recommended (community sports clubs/organisations and individual) applicants.

Moved: Cr Wilson

1. *That Council:*
 - 1.1. *approve the allocation of grants, as recommended by the Community Sport and Recreation Grants Review Panel as part of the Active Melbourne Community Sport and Recreation Grants Scheme 2008/09; and*
 - 1.2. *request the requirement for individual award recipients to be involved in role modelling/mentoring be monitored and evaluated across the year.*

Seconded: Deputy Lord Mayor Gary Singer

Amendment
Moved

Cr Clarke moved that the following paragraph be deleted:

- *"request the requirement for individual award recipients to be involved in role modelling/mentoring be monitored and evaluated across the year".*

Seconded: Cr Snedden

The amendment was put and lost with Councillors Clarke and Snedden voting in favour of the amendment and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting against the amendment.

Alternative
Motion Cr Clarke

“That Council defer consideration of this item to the next Community Services Committee meeting”.

Seconded Cr Snedden

The motion was put and lost with Councillors Clarke and Snedden voting in favour of the motion and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting against the motion.

Moved: Cr Wilson

“That the matter be further considered in the confidential session of this Council meeting.”

Seconded: Cr Shanahan
Carried unanimously.

7. REPORTS FROM MANAGEMENT

6.1. Outcomes from the Commercial Waste Trial

The purpose of this report is to provide details of the outcome of the commercial waste trial conducted in three nominated CBD laneways during the period 1 December 2007 to 31 May 2008.

Moved: Deputy Lord Mayor Gary Singer

1. *That the Council:*
 - 1.1. *note the findings of the ‘Outcomes of the Commercial Waste Trial’ report;*
 - 1.2. *endorse the proposal of management to develop service standards for commercial waste collection to be prepared in collaboration with businesses and the waste management industry;*
 - 1.3. *note that a request will be made for a price for commercial waste collection in the CBD as part of the ‘Waste Management Services Contract’ tender as a Schedule of Rates item;*
 - 1.4. *considers amending its Environment Local Law (“Principal Local Law”) in respect of commercial waste management, including the ability to enforce the service standards referred to in paragraph 2.2 above;*
 - 1.5. *requests a draft amending local law be prepared by the Administration for presentation to the relevant Committee to consider its terms and whether to commence the statutory public notice and submission procedure required by the Local Government Act 1989 (“the Act”); and*
 - 1.6. *note that adoption of an amendment to the Principal Local Law is subject to:*
 - 1.6.1. *an independent assessment to ensure the proposed Local Law complies with National Competition Policies and clause 2(j) of schedule 8 of the Act;*
 - 1.6.2. *compliance with the Victorian Charter of Human Rights.*

Seconded: Cr Ng

Alternative
Motion: Cr Brindley

“That the outcomes from the Commercial Waste Trial be deferred to the July Environment Committee meeting.”

Seconded: Cr Snedden
Carried.

In response to questions raised by Councillors, the Manager Engineering Services, Geoff Robinson made the following comments:

- a submissions committee consisting of the Manager Legal Services, the Manager Engineering Services and another be constituted to consider all submissions;
- this is not time sensitive;
- it is relevant to the subsequent report ; and
- opposition to run these out and form a Local Law or standard will extend the whole process.

Cr Wilson expressed his appreciation and thanked Mr Geoff Robinson and all staff involved for the tremendous work done in this area.

6.2. Waste Management Services Report

The Council's current waste management service contracts expire concurrently on 2 April 2009. A tender renewal program will therefore be necessary to support the commencement of the new service from 3 April 2009. The purpose of this report is to seek Council's endorsement of the service scope and procurement plan for the provision of an integrated waste management service. The service will include the collection of residential waste and recyclable products, the collection of hard and green waste and street litter bins.

Alternative

Motion: Cr Snedden

"That this matter be deferred to the next meeting of the Finance and Governance Committee for consideration".

Seconded: Cr Clarke

The alternative motion was put and lost with Councillors Clarke and Snedden voting in favour of the alternative motion and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting against the alternative motion.

In response to questions raised by Councillors, the Manager Engineering Services, Geoff Robinson made the following comments:

- it is time sensitive; and
- the current contract expires in April 2009 and the caretaker period commences on 3 October, which will be too late for tendering.

Moved: Cr Ng

1. *That Council:*
 - 1.1. *approve the provision and scope of the integrated waste management service for the collection and transport of domestic waste and recyclable materials through a single service provider contract;*
 - 1.2. *endorse the contracting and procurement strategy as detailed in this report;*
 - 1.3. *note that the tender includes pricing options for the provision of a waste disposal solution which supports the State Government's Towards Zero Waste Policy waste reduction to landfill targets; and*
 - 1.4. *note that the tender will include pricing options for the provision of a commercial waste and recycling collection service for small to medium commercial properties.*

Seconded: Deputy Lord Mayor Gary Singer

The substantive motion was put and carried with the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting in favour of the motion and Councillors Clarke and Snedden voting against the motion.

8. GENERAL BUSINESS (Agenda Item 7)

There was one item of General Business.

**7.1. Notice of Motion: Cr Snedden,
Public Consultation; The Local Government Amendment (Elections) Bill 2008**

Moved: Cr Snedden

1. *That Council resolve as follows:*
 - 1.1. *the Administration give notice of a public meeting at Council, on a date to be determined, to allow affected owners and occupiers of single car park lots and mooring berths an opportunity to comment on the proposed State Government legislative changes to voting entitlements as outlined in the Local Government Act 1989 and the City of Melbourne Act 2001; and*
 - 1.2. *that in light of proposed legislative changes and further community debate on the issue, the Minister for Local Government be requested, as a matter of urgency, to undertake a comprehensive Electoral Representation Review of the City of Melbourne.*

Seconded: Cr Clarke

Foreshadowed
Motion: Deputy Lord Mayor Gary Singer

1. *That Council:*
 - 1.1. *write to the State Government and request they not proceed with its foreshadowed changes to City of Melbourne Act without further community debate;*
 - 1.2. *request The Minister for Local Government to undertake a comprehensive Electoral Representation governance review of the City of Melbourne after the Council adopts the Future Melbourne Plan.*

Discussion ensued in regard to voter eligibility. Cr Snedden suggested inserting 25 June 2008 to paragraph 1.1

Cr Snedden's motion was put and was lost with Councillors Clarke and Snedden voting in favour of the motion and the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Brindley, Jetter, Ng, Shanahan and Wilson voting against the motion.

Cr Ng seconded the Deputy Lord Mayor Gary Singer's motion.

The motion was put and carried with the Chair Lord Mayor John So, the Deputy Lord Mayor Gary Singer and Councillors Clarke, Jetter, Ng and Wilson voting in favour of the motion and Councillors Brindley, Shanahan and Snedden voting against the motion.

The motion in its entirety reads:

1. *That Council:*
 - 1.1. *write to the State Government on 25 June 2008 and request they not proceed with its foreshadowed changes to City of Melbourne Act without further community debate; and*
 - 1.2. *request The Minister for Local Government to undertake a comprehensive Electoral Representation governance review of the City of Melbourne after the Council adopts the Future Melbourne Plan.*

9. URGENT BUSINESS (Agenda Item 8)

There were no items of Urgent Business.

10. CLOSURE OF OPEN MEETING (Agenda Item 9)

Moved: Deputy Lord Mayor Gary Singer

That pursuant to section 89(2)(h) of the Local Government Act 1989, the meeting of the Council be closed to members of the public for the consideration of Agenda Item 5.11, because it contains information which, if released, may prejudice the Council or any person.

Seconded: Cr Ng

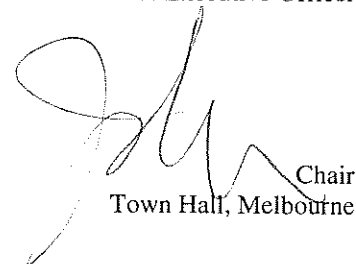
Carried unanimously.

The Chair Lord Mayor John So declared the meeting closed to members of the public at 8.00pm.

To be confirmed in open Council on 29 July 2008.



Chief Executive Officer



Chair
Town Hall, Melbourne