



Melbourne City Council

MINUTES

**Meeting Number 23
Thursday, 19 December 2002
5.00 pm**

PRESENT

Lord Mayor, John So
Deputy Lord Mayor, Susan Riley
Councillor Redwood
Councillor Chamberlin
Councillor Goonan
Councillor Kitching
Councillor Ng
Councillor Nicholson
Councillor Risstrom

To be confirmed at the meeting of
Council on 30 January 2003

1. COMMENCEMENT OF MEETING AND APOLOGIES

The meeting commenced at 5.03pm.

The Lord Mayor advised that the agenda comprised eleven Reports from Committee, one of which was confidential, one Report from Management and one item of General Business.

The Lord Mayor further advised that no apologies had been received.

2. DECLARATION OF PECUNIARY INTEREST

There were no declarations of pecuniary interest.

3. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the open meeting No 21, held on Thursday, 28 November 2002, be confirmed.

Moved: Cr Chamberlin

Seconded: Cr Redwood

Carried unanimously

4. MATTERS ARISING FROM THE MINUTES

Cr Chamberlin queried whether the progress of agenda item 5.5, *Queensbridge Project Precinct*.

The Director City Projects, Arts & Culture, Rob Adams, advised that a land issue associated with the franchise holders was still an issue. He indicated that this was an issue for the State Government to resolve and that the Council's \$4million contribution to the project would not be made available until it had been resolved. Mr Adams further advised that design works were continuing to be progressed.

5. REPORTS FROM COMMITTEE

Submission/Items of Correspondence

The Lord Mayor, John So, advised that no items of correspondence or submissions had been received.

Environment, Community and Cultural Development Committee

5.1 Cultural Development Network

This report sought Council approval to establish the ongoing relationship between the Cultural Development Network and Council, including consideration of a proposed Resource Support Agreement.

Resolved:

That Council approve the Resource Support Agreement between the City of Melbourne and the Cultural Development Network Incorporated for a period of three years.

Moved: Cr Redwood

Seconded: Cr Risstrom

Carried unanimously

5.2 Proposed Amendments to the Environment Local Law No 2 of 1999

This report updated Council with regard to the current review of the Environment Local Law and sought endorsement to commence the formal statutory notification and submission process in accordance with the provisions of the *Local Government Act 1989*.

Cr Redwood, incorporating comments from Cr Nicholson, moved the recommendation contained in the Management Report, subject to paragraph 4.1 being amended to read as follows:

“4.1 pursuant to Part 5 of the Local Government Act 1989 (“the Act”), propose to make the Environment Local Law (General Amendment) Local Law 2002:

4.1.1 as amended in accordance with the Committee resolution, a copy of which is attached to the Council Report as Attachment 1 (“Local Law”);

4.1.2 subject to clauses 3.7 and 5.1 being added and a new clause 5.4, replacing the existing clause 5.3, to read as follows:

‘3.7 In relation to any premises, all necessary steps must be taken to ensure any adverse impact on the amenity of the area arising from:

(a) nuisances caused or constituted by the storage and disposal of waste and recyclable material; or

(b) nuisances caused or constituted by the delivery or collection of items or things; or

(c) noise and emissions,

as a result of the use or operation of any premises is controlled and prevented (Category 1 offence).

5.1 Waste including hard waste, green waste and recyclable material from any premises must only be collected on such days and at such times as are prescribed by Council.

5.4 The delivery of any items or things to any premises or collections from any premises must not cause any nuisance or disturb the amenity of the area. (Category 1 offence).

For the purposes of clause 3.7 and 5.4, the amenity of the area will be considered to be disturbed where any relevant noise can be heard in a habitable room in residential premises regardless of whether any door or window giving access to the room is open.’

4.1.3 Subject to the addition of a new sub-clause into clause 7.1 in addition to the present ones: ‘7.1.6 the collection and delivery of items to any premises.’ “

Cr Nicholson seconded Cr Redwood’s motion.

Cr Redwood’s motion was put and carried unanimously.

The Council’s resolution, in its entirety, reads as follows:

That Council:

- *pursuant to Part 5 of the Local Government Act 1989 (“the Act”), propose to make the Environment Local Law (General Amendment) Local Law 2002:*
 - *as amended in accordance with the Committee resolution, a copy of which is attached to the Council Report as Attachment 1 (“Local Law”);*
 - *subject to clauses 3.7 and 5.1 being added and a new clause 5.4, replacing the existing clause 5.3, to read as follows:*
 - ‘3.7 In relation to any premises, all necessary steps must be taken to ensure any adverse impact on the amenity of the area arising from:*
 - (a) nuisances caused or constituted by the storage and disposal of waste and recyclable material; or*
 - (b) nuisances caused or constituted by the delivery or collection of items or things; or*
 - (c) noise and emissions,*
 - as a result of the use or operation of any premises is controlled and prevented (Category 1 offence).*
 - 5.1 Waste including hard waste, green waste and recyclable material from any premises must only be collected on such days and at such times as are prescribed by Council.*

- 5.4 *The delivery of any items or things to any premises or collections from any premises must not cause any nuisance or disturb the amenity of the area.(Category 1 offence).*

For the purposes of clause 3.7 and 5.4, the amenity of the area will be considered to be disturbed where any relevant noise can be heard in a habitable room in residential premises regardless of whether any door or window giving access to the room is open.'

- *Subject to the addition of a new sub-clause into clause 7.1 in addition to the present ones: '7.1.6 the collection and delivery of items to any premises.'* “
- *by instrument of delegation sealed by the Council pursuant to Section 98 (1) of the Act, delegate to the Chief Executive Officer, or person from time to time acting in that position, its powers, duties and functions under Part 5 of the Act including the power (without limitation);*
 - *pursuant to Section 119 (2) of the Act, to determine the purpose and general purport of the Local Law;*
 - *pursuant to Section 119 (2) of the Act, to prepare and give a notice in the Government Gazette and a public notice in “The Age” newspaper stating the matters specified in paragraphs (a) to (c) of that sub-section;*
 - *provided no submission relating to the Local Law is received by the Council within the time specified in Section 223 of the Act, to make the Local Law and to prepare and give a notice in the Government Gazette and a public notice in “The Age” newspaper stating the matters specified in Section 119 (3) of the Act; and*
 - *to undertake such other actions as are necessary and convenient to enable the making of the Local Law;*
 - *approve the establishment of a special committee to be called the Environment Local Law (General Amendment) Local Law 2002 (Submissions) Committee and appoint the Manager, Governance Services, the Group Manager, Engineering Services, the Group Manager, Sustainable Regulatory Services and the Principal Officer Street Activity, or the persons from time to time acting in those positions, to the special committee for the purpose of considering any written submissions received in relation to the proposal, hearing any persons wishing to be heard in support of them, and reporting back with recommendations to Council. 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 Submissions Committee scheduled to be held at 4.00pm on 3 March 2003 at the Melbourne Town Hall; and*
 - *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; and*
 - *note that consultations with stakeholders will be conducted during the submissions period.*

Planning, Development and Services Committee

5.3 Commonwealth Games Village

This report updated Council on the development chosen by the State Government for the Commonwealth Games Village and recommended that Council work with the Government to ensure that its environmental and social objectives are achieved.

Resolved:

That Council:

- *confirm the Council's opposition to the Commonwealth Games Village being sited at Parkville;*
- *request a further report on the details of the design of the development and the Integrated Wetlands Precinct Option (when they become known) to enable a submission to be made to the independent panel expected to be appointed by the Minister early in the new year;*
- *seek the public release of the Environmental Advisory Committee Report;*
- *seek public release of the reasons why the government ruled out the Jolimont option and the reasons why the Grocon bid was excluded;*
- *act to ensure that any development, both for the Commonwealth Games and beyond, achieves environmental, social objectives and fiscal management consistent with Council policy; and*
- *ask the Minister to consult with the Council on the findings of the independent panel before making any final decisions in relation to the development.*

Moved: Cr Kitching

Seconded: Cr Goonan

Carried unanimously

5.4 Activities Local Law Review 2002

This report updated Council with respect to the 2002 review of the Activities Local Law No 1 of 1999 and sought endorsement to commence the formal statutory notification and submission process in accordance with the provisions of the *Local Government Act 1989*.

Cr Ng, incorporating comments from Cr Nicholson, moved the recommendation contained in the Management Report, subject to paragraph 4.1 being amended to read as follows:

“4.1 pursuant to Part 5 of the *Local Government Act 1989* (“the Act”), propose to make the *Activities Local Law (General Amendment) Local Law 2002*:

4.1.1 as amended in accordance with Committee’s resolution, a copy of which is attached to the Council Report as Attachment 1 (“Local Law”);

4.1.2 subject to clauses 11.7 and 11.8 being amended to read as follows:

‘Collection of waste from premises

11.7 Waste including hard waste, green waste and recyclable material from any premises must only be collected on such days and at such times as are prescribed by the Council.

Deliveries to premises

11.8 The delivery of any items or things to any premises or collections from any premises must not cause any nuisance or disturb the amenity of the area.

For the purposes of this clause 11.8, the amenity of the area will be considered to be disturbed where any relevant noise can be heard in a habitable room in residential premises regardless of whether any door or window giving access to the room is open.

4.1.3 Subject to the addition in the Table to clause 13.7:

11.8	Delivery or collection causing a nuisance	\$2000
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Cr Nicholson seconded Cr Ng’s motion.

Cr Ng’s motion was put and carried unanimously.

The Council’s resolution, in its entirety, reads as follows:

That Council:

- pursuant to Part 5 of the *Local Government Act 1989* (“the Act”), propose to make the *Activities Local Law (General Amendment) Local Law 2002*:
 - as amended in accordance with Committee’s resolution, a copy of which is attached to the Council Report as Attachment 1 (“Local Law”);
 - subject to clauses 11.7 and 11.8 being amended to read as follows:

‘Collection of waste from premises

11.7 Waste including hard waste, green waste and recyclable material from any premises must only be collected on such days and at such times as are prescribed by the Council.

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11.8 The delivery of any items or things to any premises or collections from any premises must not cause any nuisance or disturb the amenity of the area.

For the purposes of this clause 11.8, the amenity of the area will be considered to be disturbed where any relevant noise can be heard in a habitable room in residential premises regardless of whether any door or window giving access to the room is open.

➤ Subject to the addition in the Table to clause 13.7:

11.8	Delivery or collection causing a nuisance	\$2000
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- *by instrument of delegation sealed by the Council pursuant to Section 98 (1) of the Act, delegate to the Chief Executive Officer, or person from time to time acting in that position, its powers, duties and functions under Part 5 of the Act including the power (without limitation):*
 - *pursuant to Section 119 (2) of the Act, to determine the purpose and general purport of the Local Law;*
 - *pursuant to Section 119 (2) of the Act, to prepare and give a notice in the Government Gazette and a public notice in “The Age” newspaper stating the matters specified in paragraphs (a) to (c) of sub-section 119(2);*
 - *provided no submission relating to the Local Law is received by the Council within the time specified in Section 223 of the Act, to make the Local Law and to prepare and give a notice in the Government Gazette and a public notice in “The Age” newspaper stating the matters specified in Section 119 (3) of the Act; and*
 - *to undertake such other actions as are necessary and convenient to enable the making of the Local Law;*
- *approve the establishment of a special committee to be called the Activities Local Law (General Amendment) Local Law 2002 Submissions Committee and appoint the Manager Governance Services, the Group Manager Sustainable Regulatory Services, the Group Manager Engineering Services and the Principal Officer Street Activity, or the persons from time to time acting in those positions, to the special committee for the purpose of considering any written submissions received in relation to the proposal, hearing any persons wishing to be heard in support of them, and reporting back with recommendations to Council. 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 Submissions Committee scheduled to be held at 4.00pm on 10 March 2003 at the Melbourne Town Hall;*
- *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; and*
- *note that consultations with stakeholders will be conducted during the submissions period.*

Finance, Corporate Services and Governance Committee

The Chair, Finance, Corporate Services and Governance Committee, Cr Chamberlin, moved the recommendations contained in the Council Reports with respect to agenda items 5.5 and 5.6 inclusive.

Cr Redwood seconded Cr Chamberlin’s motion

Cr Chamberlin’s motion was put and carried unanimously.

The relevant information in relation to each of these agenda items, including the Council resolution is detailed hereunder.

5.5 Review of Regional Library Agreement

This report recommended commencement of the formal review process of the Regional Library Agreement and the appointment of a Councillor and Council Officer to represent Council’s interests.

Resolved:

That Council:

- *approve the establishment of a Joint Special Committee (Regional Library Agreement Review) consisting of a Councillor and a Council Officer appointed by both the City of Melbourne and the City of Yarra, to consider the scope of the review and to hear and review submissions in relation to the review of the Regional Library Agreement and report back to the respective Councils via their appropriate Committee; and*
- *appoint Councillor Redwood and Sue Morrell as Council’s representatives on the Joint Special Committee (Regional Library Agreement Review).*

Moved: Cr Kitching

Seconded: Cr Goonan

Carried unanimously

Cr Redwood stated for the record her support for the Council resolution in the light of her previously stated concerns in relation to governance arrangements.

5.6 Tender: Fleet Maintenance and Management Services [Contract No. 59/2/3178]

This report provided information regarding the contract renewal process for Fleet Maintenance and Management Services. Approval was sought in closed Council to assess a tender from the preferred tenderer for the provision of Fleet Maintenance and Management Services.

Resolved:

That Council note this information report.

Marketing and Business Development Committee

Cr Goonan thanked Cr Kitching for chairing the meeting of the Marketing and Business Development Committee during her absence due to illness.

5.7 Swanston Street Business Attraction Package

This report advised Council on matters related to retail business in Swanston Street, recommended changes to the Swanston Street Business Development Package with its extension to Elizabeth Street and introduced a Retail Core Performance Monitor.

Resolved:

That Council:

- *note the report;*
- *endorse the proposal to formulate a Retail Business Development Package and to extend it to include Elizabeth Street during 2003 and other locations as desirable into the future; and*
- *endorse the introduction of a limited Retail Core Performance Monitor to “track” and identify potential new changes in the performance and perceptions of major retail sectors of the CBD.*

Moved: Cr Goonan

Seconded: Cr Kitching

Carried unanimously

5.8 Precinct Marketing Program – Quarterly Report

This report sought approval to release quarterly funds to those precincts who have applied for funding under the Precinct Marketing Program.

Resolved:

That Council formally approve funding for the Hardware and Westend Precincts.

Moved: Cr Goonan

Seconded: Deputy Lord Mayor, Susan Riley

Carried unanimously

5.9 Representation on City Centre Executive

This report considered the need for further representation of the newly appointed City Centre Executive.

Resolved:

That Council:

- *request the City Centre Executive to utilise the clause within the Terms of Reference to co-opt additional non-voting members to assist with special projects or initiatives, or to fill a particular gap in the existing membership; and*
- *review the need to appoint additional members to the City Centre Executive after twelve months of operation.*

Moved: Cr Goonan

Seconded: Deputy Lord Mayor, Susan Riley

Carried unanimously

5.10 Use of the Space in the Melbourne Town Hall Formerly Occupied by the Melbourne Visitor Centre

This report recommended that a review be undertaken into the potential uses of the total street frontage of the Melbourne Town Hall Administration Building.

The Director Marketing and Corporate Affairs, Scott Chapman, advised the Council of the changes in circumstances since the Council resolution of February 2001 and assured Council that a mobility centre was one component under consideration in the review to be reported back to the Marketing and Business Development Committee in March 2003. The Chief Executive Officer, Michael Malouf, advised that any budget implications associated with that review would either be identified in the nine-month financial review or considered in the preparation of the 2003/2004 budget.

Resolved:

That Council:

- *approve a review being undertaken of potential uses of the total street frontage of the Melbourne Town Hall Administration Building and that a report be submitted to the Marketing and Business Development Committee in March 2003; and*
- *ascertain the previous Council resolution with respect to the Visitor Information Centre and any change in circumstances since that time.*

Moved: Cr Goonan

Seconded: Cr Redwood

Carried unanimously

6. REPORTS FROM MANAGEMENT

6.1 Council and Committee Meeting Dates: July to December 2003

This report confirmed the meeting dates, times and venue for meetings of the Council and Committees for the period July to December 2003.

Resolved:

That Council approve the schedule of Council and Committee meeting dates for the period July to December 2003, as attached.

Moved: Cr Goonan

Seconded: Cr Redwood

Carried unanimously

7. GENERAL BUSINESS

7.1 Notice of Motion: Cr Risstrom – Peaceful Alternatives to a War on Iraq

Cr Risstrom moved the following motion:

“We, the Councillors of the City of Melbourne, call upon the Australian Government not to involve Australia in a war against Iraq.

We believe peaceful alternatives to a war on Iraq should be pursued for many reasons, including the following:

- there is no clear evidence that Iraq poses an immediate threat to Australia or any of our allies;
- there is no established link between Iraq and the shameful attacks of September 11, 2001;
- democracy in Iraq cannot be enforced by war. Australia must play a part in diplomatic and peaceful solutions to this conflict, and should help the Iraqi people move towards democracy; and
- there is no need for Australia to support or be involved in this conflict.

We, as elected representatives of our community, oppose:

- an attack on Iraq;
- Australian involvement in war on Iraq; and
- pre-emptive strikes by any nation against another.

We, as Councillors in this city of great multi-cultural diversity and tolerance, ask the Australian Government and our people to put the interests of peace and the world community above those of the United States.”

Cr Redwood seconded Cr Risstrom's motion.

During general discussion in relation to this matter Cr Kitching foreshadowed an alternative motion.

Cr Risstrom's motion was put and lost with Crs Chamberlin, Redwood and Risstrom voting for the motion and the Chair, Lord Mayor (John So), Deputy Lord Mayor (Susan Riley) and Crs Goonan, Kitching, Ng and Nicholson voting against the motion.

Cr Kitching, incorporating comments from Councillors, moved the following motion:

"We, the Councillors of the City of Melbourne,

- *note the United Nations Chapter 7 investigation and the resolutions of the Security Council;*
- *fully support the United Nations and the Australian Government's efforts to enforce the United Nations resolutions on Iraq as the best way to ensure that peace is maintained; and*
- *urge the Iraq Government to cooperate completely with the United Nations' weapons inspectors and comply with all United Nations' resolutions to ensure conflict is avoided."*

Cr Goonan seconded Cr Kitching's motion.

During general discussion Cr Kitching raised a Point of Order in respect to which nation supplied Iraq with its chemical weapons.

The Lord Mayor ruled that as the Council does not have these facts then Councillors should refrain from making references to specific countries.

Cr Kitching's motion was put and carried with the Chair, Lord Mayor (John So), Deputy Lord Mayor (Susan Riley) and Crs Chamberlin, Goonan, Kitching, Ng and Redwood voting for the motion and Crs Nicholson and Risstrom voting against the motion.

8. URGENT BUSINESS

8.1 Amendment C20 to the Melbourne Planning Scheme

Cr Kitching raised the issue of reaffirming Council's resolution with respect to Amendment C20 to the Melbourne Planning Scheme and briefly identified why the proposed notice of motion met the criteria for urgent business.

Cr Redwood seconded Cr Kitching's motion.

Cr Kitching's motion was put and carried with the Chair, Lord Mayor (John So), Deputy Lord Mayor (Susan Riley) and Crs Chamberlin, Goonan, Kitching, Nicholson, Redwood and Risstrom voting for the motion and Cr Ng voting against the motion.

Cr Kitching, incorporating suggestions from several members, moved the following motion:

"That Council:

- *reaffirm the decision of the Planning, Development and Services Committee with respect to Amendment C20 made on 27 June 2002 and make a press release in relation to this matter; and*
- *seek a meeting with the Minister for Planning to raise matters of concern and implementation."*

Cr Nicholson seconded Cr Kitching's motion.

Cr Kitching's motion was put and carried unanimously.

9. CLOSURE OF MEETING TO THE PUBLIC

The Council moved into closed session with the following resolution:

Resolved:

“That pursuant to the provisions of section 89(2) (d) of the Local Government Act 1989, the meeting of the Council be closed to members of the public for consideration of agenda item 5.11 because it contains information relating to contractual matters.”

Moved: Cr Chamberlin

Seconded: Cr Ng

Carried unanimously

The Lord Mayor, John So, declared the meeting closed at 6.19pm.

Confirmed in open Council on 30 January 2003.

Chief Executive Officer

Chairman
Town Hall, Melbourne