



YARRA CITY COUNCIL
ORDINARY MEETING OF COUNCIL
MINUTES

held on Tuesday 8 February at 7.01pm
at the Richmond Town Hall

I. ATTENDANCE

Councillor Kay Meadows (Mayor)	Councillor Stephen Jolly
Councillor Annabel Barbara	Councillor Kathleen Maltzahn
Councillor Paul D'Agostino	Councillor Judy Morton
Councillor Jenny Farrar	Councillor Gurm Sekhon
Councillor Jackie Fristacky	

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil.

III. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil.

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor D'Agostino **Seconded:** Councillor Morton

That the minutes of the Ordinary Meeting of Council held on 14 December 2004 be confirmed.

CARRIED

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII. COUNCILLORS' FORUM

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City of Yarra – Minutes
Council Meeting – 8 February 2005

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the
cultural heritage of Yarra.***

ORDINARY MEETING OF COUNCIL

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CONFIDENTIAL BUSINESS REPORTS

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) contractual matters;
 - (b) matters prejudicial to Council and/or a third party.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

The Council meeting resumed in open session at 7.02pm.

The Mayor adjourned the meeting.

The Council meeting resumed in open session at 7.30pm.

PETITIONS AND JOINT LETTERS

5.1 Queens Parade, Clifton Hill – Parking Issues

A joint letter signed by 18 residents of Queens Parade, Clifton Hill has been received requesting angle parking be created along Queens Parade's southern service road.

COUNCIL RESOLUTION

Moved: Councillor Barbara

Seconded: Councillor Farrar

That the joint letter be received and referred to the appropriate officer for action.

CARRIED

5.2 Preservation of Willow Trees – Bordering St Georges Road Bridge

A petition with 75 signatures has been received requesting the preservation of two willow trees located on either side of the Merri Creek, bordering the St Georges Road bridge.

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the petition be received and referred to the appropriate officer for action.

CARRIED

5.3 Edinburgh Gardens Draft Master Plan – Off Lead Areas for Dogs

A petition with 114 signatures has been received requesting the 'off-lead' areas of the proposed Edinburgh Gardens Draft Master Plan be redesigned in consultation with dog owners.

COUNCIL RESOLUTION

Moved: Councillor D'Agostino

Seconded: Councillor Fristacky

That the petition be received and referred to the appropriate officer for action.

CARRIED

5.4 Park Street, North Fitzroy – Traffic Issues

A petition with 11 signatures has been received requesting Council not install speed humps as part of the LATMS in Park Street, North Fitzroy.

COUNCIL RESOLUTION

Moved: Councillor Maltzahn

Seconded: Councillor Fristacky

That the petition be received and referred to the appropriate officer for action.

CARRIED

5.5 Noone Street, Clifton Hill – Illegal Dumping of Rubbish

A petition with five signatories from Noone Street, Clifton Hill residents, has been received requesting that Council take action to address illegal dumping of rubbish in that street.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Farrar

That the petition be received and referred to the appropriate officer for action.

CARRIED

5.6 Bendigo Street, Collingwood – Road Safety Issues

A petition signed by 13 residents of Bendigo Street, Collingwood has been received, requesting Council install a safety barrier at the rear of their premises – which abut Hoddle Street near the Eastern Freeway exit.

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor D'Agostino

That the petition be received and referred to the appropriate officer for action.

CARRIED

5.7 Barkly Avenue, Richmond – Parking Issues

A petition with 14 signatories from residents of Barkly Avenue, Richmond, has been received requesting a Permit Only Zone be introduced in their street.

COUNCIL RESOLUTION

Moved: Councillor Sekhon

Seconded: Councillor Morton

That the petition be received and referred to the appropriate officer for action.

CARRIED

PUBLIC QUESTION TIME

1. Questions from Mr Ian Wood

Is Council still committed to the concept of Community Advisory Committees (CACs)? If so, what is the timeline for their reconstitution?

What is the justification for discontinuing the CACs for months after each Council election? Does Council intend to continue with this approach to the operation and review of the CACs?

Will Council give a commitment to consult all stakeholders (including members of the previous CACs) for feedback as part of the process of reconstituting these committees?

Answer

The Mayor advised that the future of Council's Community Advisory Committees will definitely be discussed by Councillors and that he would be advised of any outcomes as soon as any decisions were made.

2. Question from Mr Gary Philp

How can Council justify a 33 per cent increase in access membership fees at its leisure centres when past increases have always been in-line with inflation and especially as the Council budget appears to have such a favourable surplus?

Will Council undertake a review if leisure centre rates with a view to having fairer increases adopted?

Answer

The Director Community Development advised he would take the question on notice and reply directly to Mr Philp.

3. Questions from Mr Len Cooper

What is Council's position regarding the electrical sub-station at the North Carlton Library?

What is Council's position regarding the previous agreement for continued maintenance of a Community Contact Officer at the North Carlton Library?

Answers

The Chief Executive Officer advised that she would take the questions on notice.

4. Question from Mr Len Cooper

Will the transport issue be debated tonight?

Answer

The Mayor confirmed that the item was to be debated at this Council meeting.

5. Questions from Mr Michael Panettieri

Having made several approaches to the City of Yarra previously, can Council please assign a name to the laneway located at the rear of Wilson and McIlwraith Streets, Princes Hill?

Answer

The Mayor advised that Council has the authority to apply street names and assured Mr Panettieri the matter would be followed up.

GENERAL BUSINESS

6.1 Land Tax

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That a report be provided on actions to assess the land tax burden for Yarra's local businesses and the need for the State Government to index land taxes so that payments are more in line with inflation rather than escalating to prohibitive levels.

CARRIED

6.2 Yarra River Water Quality

COUNCIL RESOLUTION

Moved: Councillor Barbara

Seconded: Councillor Fristacky

That a report be provided to Council in March 2005 outlining current and proposed action by Council that will contribute to improving the water quality of the Yarra River.

CARRIED

QUESTIONS WITHOUT NOTICE

1. Question from Cr Fristacky

Can officers please advise how the City of Yarra is engaging with the community to promote involvement in Clean-up Australia Day events, and supporting groups and individuals in cleaning up across Yarra, in particular the Yarra River?

Answer

The Acting Director Asset Management advised that Yarra:

- (a) was working with its Environment Education Officer to promote the day;
- (b) would ensure the logistics of the day are covered;
- (c) would collect all litter collected and ensure it was appropriately disposed of; and
- (d) was engaging directly with schools.

2. Question from Cr Fristacky

Cr Fristacky asked for details on Council's involvement in the Business Clean Up Day.

Answer

The Acting Director Asset Management advised that he would take this question on notice

3. Question from Cr Jolly

Can Council Officers also please explain why businesses in Smith Street do not receive a recycling service?

Answer

The Acting Director Asset Management advised that he would take this question on notice

4. Question from Cr Farrar

Has there been any direct response or communication from Melbourne Water, to the City of Yarra's issues regarding Yarra River water quality and associated concerns?

Answer

The Acting Director Asset Management advised that he had not seen any response.

The Mayor advised that her office was setting up a meeting, with Council's Chief Executive Officer, with representatives of Melbourne Water and City West Water.

5. Question from Cr Sekhon

How is the Trainee Placement program performing? Is Yarra considering approaching the program in a coordinated manner, with a Council policy or strategy?

Answer

The Chief Executive Officer advised:

- (a) the program has been very successful with approval of 11 trainees with a focus on neighbourhood renewal and young people; and
- (b) whilst there was no formal Council policy in relation to the program, a policy could be prepared for Council's consideration.

FINANCE & RESOURCES COMMITTEE MEETING

**Held on Tuesday 1 February 2005 at 6.30 pm
at the Richmond Town Hall**

The meeting concluded at 7.24 pm.

ATTENDANCE

Councillor Jackie Fristacky (Chairperson)

Councillor Annabel Barbara

Councillor Paul D'Agostino

Councillor Kay Meadows

Councillor Gurm Sekhon

DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

1.1 2004/05 Monthly Financial Report – Period Ending 31 December 2004

File: 40/40/02
Responsible Officer: Acting Manager Management Accounting

Purpose

1. To provide a financial report for the six months ending 31 December 2004 and information on the current status of Council's financial performance and position.

Background

2. The 2004/05 Annual Budget was adopted by Council on 13 July 2004.
3. This report is being presented in accordance with section 138 of the *Local Government Act 1989* and Regulation 5 of the *Local Government (Finance & Reporting) Regulations 2004*.
4. The report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the period ending 31 December 2004.
5. The report is prepared on the basis of year to date, year-end forecast, cash and key balance sheet items analysing trends against budget.

Issues

6. The end of year forecast operating result at 31 December 2004 is projected to be a surplus of \$3.6m being a favourable variance of \$0.64m compared to the Annual Budget surplus of \$2.96m. This result is reflected by a favourable forecast income variance of \$0.49m and a favourable forecast expenditure variance of \$0.15m. The overall forecast variance comprises of the following significant variances:
 - (a) government grants favourable to budget by \$0.2m;
 - (b) parking revenue unfavourable to budget by \$0.27m;
 - (c) user charges, fees & fines favourable to budget by \$0.7m;
 - (d) employee costs unfavourable to budget by \$0.12m;
 - (e) other materials & services favourable to budget by \$0.25

For the detailed forecast results, refer paragraph 16.

7. As outlined in the Statement of Financial Performance, the year to date operating result reflects a favourable variance of \$3.42m. Refer paragraph 16.

8. The overall year to date variance in income is a favourable result of \$1.0m comprising the following significant variances:
 - (a) user charges, fees & fines income favourable to budget by \$0.97m, or 24.5 percent, mainly due to higher than expected Public Open Space contributions raised for the year to date due to an increase in applications for residential development in September and October.
9. The overall year to date variance in expenses is a favourable result of \$2.4m comprising the following variances:
 - (a) contract payments are favourable compared to budget by \$0.48m, or 6.5 percent, reflecting a lower than anticipated cost of various contract services to date; and
 - (b) other materials & services is favourable compared to budget by \$2.1m, or 19.1 percent, primarily reflecting lower than planned expenditure for consultants and professional services, contributions, materials, training and other expenses.
10. Council's cash position at the end of December stood at \$12.11m, reflecting a net cash outflow of \$0.18m for the year to date.
11. Rates outstanding as at the end of December totalled \$24.5m, of which \$1.0m pertains to rates outstanding from previous rate years.
12. Parking debtors amounted to \$3.9m (net of doubtful debt provisions). Infringements outstanding for more than 90 days are referred to the PERIN Court for collection.
13. Other debtors (net of doubtful debt provisions), including GST receivable, outstanding at the end of December were \$3.6m of which \$1.1m has been outstanding for more than 90 days.
14. The attached capital works report reflects expenditure to the end of December of \$6.58m compared to a year to date budget of \$7.98m and represents 39.2 percent of the annual capital works program. The current year-end Capital Works program forecast is currently \$17.77m, which includes 2003/04 unbudgeted carryover projects of \$1.28m approved in September 2004.
15. The purchase order compliance rate for the month of December was 99.9 percent against a target of 100 percent (excluding exempt payments).

16. Standard Statement of Financial Performance for the period ending 31 December 2004

	Actual YTD \$,000	Budget YTD \$,000	Variance YTD \$,000	Adopted Budget \$,000	Current Forecast \$,000	Budget Variance \$,000
Revenue from ordinary activities						
Rates	25,133	25,049	84	50,527	50,458	(69)
Victoria Grants Commission	706	702	4	1,405	1,413	8
Government Grants	2,555	2,408	147	4,996	5,221	225
Parking Revenue	8,313	8,344	(31)	16,386	16,119	(267)
User Charges, Fees and Other Fines	4,943	3,969	974	8,331	9,033	702
Leisure Centre Fees	2,392	2,409	(17)	4,857	4,814	(43)
Interest Received from Other Entities	235	249	(14)	497	507	10
Reimbursements & Contributions	1,017	916	101	2,055	1,977	(78)
Proceeds from Disposal of Assets	273	502	(229)	502	502	0
Inner Northern Group Training Pty Limited	0	0	0	34	34	0
	45,567	44,548	1,019	89,590	90,078	488
Expenses from ordinary activities						
Employee Costs	14,450	14,451	1	29,044	29,169	(125)
Contract Payments	6,911	7,392	481	15,133	15,173	(40)
Maintenance	2,308	2,135	(173)	4,528	4,459	69
Other Materials and Services	8,854	10,948	2,094	19,865	19,617	248
Bad and Doubtful Debts	1,060	1,060	0	2,150	2,150	0
Depreciation & Amortisation	6,988	6,989	1	13,977	13,977	0
Borrowing Costs	703	726	23	1,453	1,453	0
Written Down Value of Assets Sold	22	0	(22)	476	476	0
	41,296	43,701	2,405	86,626	86,474	152
Net Result before Transfers	4,271	847	3,424	2,964	3,604	640
Transfers to Reserves	(1,322)	(350)	(972)	(700)	(1,500)	(800)
Transfers from Reserves	0	0	0	955	955	0
Net Result after Transfers	2,949	497	2,452	3,219	3,059	(160)

Community Implications

17. The 2004/05 budget resources year five of the ten year vision endorsed by Council on 12 June 2001 and thus ensures achievement of the Council's strategic objectives and actions of the key strategic activities of the Council Plan 2004/08 adopted by Council at its meeting on Tuesday, 22 June 2004.

RECOMMENDATION

18. That the financial report for the six months ending 31 December 2004 be noted by Council.

Submission

Mr John Beckwith addressed the Committee on this item.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor D'Agostino

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Finance and Resources Committee recommendation be adopted.

CARRIED

Attachment 1 – Monthly Financial Report for the Period Ending 31 December 2004



Adobe Acrobat
Document

1.2 Proposed Road Discontinuance Abutting 7 & 9 Park Avenue, Alphington

File: 15/15/02/137
Responsible Officer: Coordinator Valuation & Revenue Services

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989* ('the Act') to consider discontinuing the road abutting 7 & 9 Park Avenue, Alphington which is shown as lots 1 and 2 on the plan contained in attachment 1 to this report ("Road") and being part of the land in certificate of title volume 3475 folio 831.

Background

2. In July 2004, Council was approached by the owner of 7 Park Avenue, Alphington and the owner of 9 Park Avenue, Alphington ("Owners") to discontinue and purchase the Road.
3. The Road is currently incorporated into the rear yards of the Owners' properties.

Consultations

Road Status

4. It is established by Council's solicitor that the Road is a road which Council has the power to consider discontinuing pursuant to the Act.

Adjoining Owners

5. A plan of the adjoining land is contained in Attachment 2 to this report. The Owners have obtained written consent from the following adjoining landowners to discontinue and purchase the Road:
 - (a) 11 Riverview Grove, Alphington; and
 - (b) 5 View Street, Alphington.

Statutory Authorities/Utilities

6. The following statutory authorities/utilities have been advised of the proposed discontinuance of the Road and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act:
 - (a) Yarra Valley Water;
 - (b) Melbourne Water;
 - (c) AGL;
 - (d) Origin;
 - (e) Telstra; and
 - (f) Optus.

7. Yarra Valley Water was the only authority with existing assets in the Road which are required to be saved under section 207C of the Act.

Site Inspection

8. A site inspection has been conducted by Kirkpatrick and Webber, surveyors, the results of which are contained in the site inspection report and photographs contained in attachment 3 to this report.
9. In summary, the report states that:
 - (a) the Road is not constructed;
 - (b) there is no evidence of the Road being used;
 - (c) the Road is not available for use by the public;
 - (d) a recent garage was built over the Road at the western end;
 - (e) all adjacent properties have direct access to abutting roads; and
 - (f) the western end of the Road is within the occupation of 9 Park Avenue and has a garage erected on the Road and the eastern end of the Road is within the fenced rear yard of 7 Park Avenue.

Report of Council's Building Surveyor

10. In 1986 building permit No. 1960 was issued by the former City of Northcote for the construction of a carport across the road, a further permit no. 8740 was issued in 1993 for alterations and additions – this permit incorrectly showed that the right of way had been acquired by adverse possession.
11. Correspondence on file shows that a staff member from Northcote advised that the works could be located in this position.
12. Building permit no. 20040785 for the construction of a garage and flat was issued by Metro Building Surveying on the 4 March 2004, a certificate of final inspection is yet to be issued for these works. The works are located in the exact position of the previously approved double carport.
13. It appears that there has been some errors made in issuing building permits by the former City of Northcote and more recently by the private building surveyor for structures that have been approved outside the restraints of the titled boundaries of the site (ie: over the laneway). The sale of the land to the adjoining owners will legalise past errors.

Public Notice

14. Before proceeding with the discontinuance, Council must give public notice of the proposed discontinuance in accordance with section 223 of the Act. The Act provides that a person may, within 14 days of the date of publication of the public notice, lodge a written submission regarding the proposed discontinuance.
15. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.

Financial Implications

16. The Owners have agreed to purchase the land for the current market value plus GST based on a valuation from the City Valuer. In addition, the Owners have agreed to pay Council's legal costs and disbursements in relation to the discontinuance and sale of the Road.

Legal Implications

17. Council must now consider whether or not to commence procedures to discontinue the Road pursuant to clause 3 of schedule 10 of the Act and sell the Road to the Owners.

Proposal

18. It is proposed that Council resolve to commence the statutory procedures to discontinue the Road pursuant to clause 3 of schedule 10 of the Act and sell the road to the Owners.

RECOMMENDATION

19. That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989*:
 - (a) resolves that the statutory procedures be commenced to discontinue the road abutting 7 and 9 Park Avenue, Alphington which is shown as lots 1 and 2 on the plan contained in attachment 1 to the report ("Road");
 - (b) now directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance be given in the "Melbourne Times" newspaper; and
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the land to the owners of 7 and 9 Park Avenue, Alphington for the current market value plus GST.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Barbara

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Fristacky

That the Finance and Resources Committee recommendation be adopted.

CARRIED

Attachment 1 – Title Plan

Attachment 2 – Plan of Adjoining Owners

Attachment 3 – Site Inspection Report & Photographs



Adobe Acrobat
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**PLANNING & COMMUNITY DEVELOPMENT
COMMITTEE MEETING**

**Held on Tuesday 1 February 2005 at 8.00 pm
at the Richmond Town Hall**

The meeting concluded at 8.37 pm.

ATTENDANCE

Councillor Jenny Farrar (Chairperson)

Councillor Kathleen Maltzahn

Councillor Kay Meadows

Councillor Judy Morton

APOLOGIES AND REQUESTS FOR A LEAVE OF ABSENCE

Apology – Councillor Stephen Jolly

**DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT
INTEREST**

Nil

2.1 Community Infrastructure in Public Schools Funding Policy

Executive Summary

Purpose

To brief Council on the State Government Education and Training Department's Community Facility Fund (CFF) and recommend a policy to guide Council decisions in relation to proposals regarding the joint development of community facilities within local state schools. Schools play a significant role within the Yarra community and Council values an ongoing and close association with them.

Key Issues

In March 2004, the State Government announced a new funding program, the CFF and invited Victorian state schools to form strategic partnerships with their local council to build or modernise facilities within schools that can be accessed and used by the broader community.

In August 2004 Council received a report outlining a request for funding from the Princes Hill Secondary College (PHSC) towards the cost of construction a joint community facility at the school.

Council currently has no policy to guide its decisions and or criteria by which to assess the merits of proposals from local schools regarding the joint development of community facilities.

Council approved this application in principle and further resolved that a joint use and funding policy be formulated for the shared use of educational facilities with broader opportunities for community use of school facilities in Yarra.

Financial Implications

The development of community facilities within local state schools may assist Council to achieve a number of its strategic directions in regard to the development of local community facilities, through partnerships and the sharing of costs with local schools and the State Government. All proposals will need to be considered and prioritised as part of Council's capital works program, through Council's normal budget process.

PROPOSAL

That Council adopt the Community Infrastructure in Public Schools Funding Policy and endorse the list of potential capital works projects as the basis for discussions with representatives from local state schools and the Regional Office of the Department of Education and Training..

RECOMMENDATION

1. That Council adopts the Community Infrastructure in Public Schools Funding Policy as outlined in Attachment 1.
2. It is proposed that Council endorse the following capital works projects, subject to the availability of funding, as a basis for Council's discussions with local schools regarding joint school/community facility developments:
 - (a) informal ball sport play areas including rebound walls, half-court basketball courts, all areas (Recreation Strategy Plan 2003/08);
 - (b) outdoor tennis and netball courts with lights (minimum 2 courts) – Fitzroy, Collingwood and Alphington (Recreation Strategy Plan 2003/08);
 - (c) playgrounds – Abbotsford, Collingwood and Fitzroy (Open Space Strategy);
 - (d) neighbourhood houses/ community centres (Finbar Neighbourhood House);
 - (e) development of family and children service hubs (co-locating a range of children and families services on one site); and
 - (f) modernisation and upgrading of school premises used for Council after-school programs.
3. That Council use the Net Community Benefit Tool" to assess the relative merit of any proposals for the development of joint school/community facilities.
4. That Council convene a meeting of local state schools to discuss Council's strategic directions, funding criteria and opportunities for the development of joint school/community facilities.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Morton

That the matter be referred to Council for further consideration.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Morton

1. That Council endorse option 3 and adopt the Community Infrastructure in Public Schools Funding Policy as outlined in Attachment 1.
2. It is proposed that Council endorse the following capital works projects, subject to the availability of funding, as a basis for Council's discussions with local schools regarding joint school/community facility developments:
 - (a) informal ball sport play areas including rebound walls, half-court basketball courts, all areas (Recreation Strategy Plan 2003/08);

- (b) outdoor tennis and netball courts with lights (minimum 2 courts) – Fitzroy, Collingwood and Alphington (Recreation Strategy Plan 2003/08);
 - (c) playgrounds – Abbotsford, Collingwood and Fitzroy (Open Space Strategy);
 - (d) neighbourhood houses/ community centres (Finbar Neighbourhood House);
 - (e) development of family and children service hubs (co-locating a range of children and families services on one site); and
 - (f) modernisation and upgrading of school premises used for Council after-school programs.
3. That Council use the Net Community Benefit Tool” to assess the relative merit of any proposals for the development of joint school/community facilities.
4. That Council convene a meeting of local state schools to discuss Council’s strategic directions, funding criteria and opportunities for the development of joint school/community facilities.

CARRIED

Attachment 1 – Community Infrastructure In Public Schools Funding Policy



Adobe Acrobat
Document

2.2 Proposed Public Exhibition of Amendment C62 to the Yarra Planning Scheme and combined Planning Permit Application PLO4/0681 at 46 – 60 Nicholson Street, Abbotsford (former Denton Hat Mills)

Executive Summary

Purpose

To seek Council approval to prepare and exhibit a combined planning scheme amendment and permit application pursuant to the *Planning and Environment Act 1987* (the Act) at 46 – 60 Nicholson Street, Abbotsford.

The amendment seeks to alter the schedule to the Heritage Overlay of the Yarra Planning Scheme (YPS) to allow prohibited uses (dwellings and office, floor area exceeding 500sqm) and apply the Environmental Audit Overlay (EAO) to the site. The proposal is to develop the land for residential dwellings, offices, a food and drinks premises and on-site car spaces.

Issues

The Denton Hat Mills buildings occupy the substantive part of the subject site. An adjacent vacant site to the south will be developed and integrated with the existing buildings. The existing buildings are listed with Heritage Victoria (H815) and are included in HO 40 and HO 339 under the YPS. Heritage Victoria issued a planning permit on 24 March 2004 for the redevelopment of the Denton Hat Mills buildings. The proposal will facilitate the retention and preservation of this State historic and cultural asset.

Following public exhibition of the proposal Council has three options: to abandon the amendment; to resolve submissions with the applicant and the submitters and approve the proposal; or to refer the submissions to Planning Panels Victoria for consideration.

Resource Financial Implications

The total cost of the amendment will be borne by the proponent.

Community Implications

During the public exhibition process all interested parties can consider and comment on the proposed development. All documents, including Attachments to this report, form part of the documentation for public exhibition.

Environmental Implications

The re-use of the Denton Hat Mill's buildings will facilitate the ongoing conservation of a significant building within the City of Yarra. An EAO will be applied to the site to manage reuse of industrial land.

City Plan, Strategy and Policy Implications

The conservation and re-use of the former Denton Hat Mill's buildings accords with Yarra's Council Plan 2004 – 2008, Council's Municipal Strategic Statement (MSS) and the State Planning Policy Framework (SPPF).

PROPOSED ACTIONS

That Council resolve to prepare and place on exhibition a combined amendment and planning permit application (Amendment C 62 and Planning Permit PL04/ 0681) to the land at 46–60 Nicholson Street, Abbotsford for residential dwellings, offices, a food and drink premises and on-site car spaces.

RECOMMENDATION

1. That Council resolve to prepare and place on exhibition a combined amendment and planning permit application (Amendment C 62 and Planning Permit PL04/ 0681) pursuant to Section 96A of the *Planning and Environment Act 1987* with respect to the land at 46 –60 Nicholson Street, Abbotsford to enable the partial demolition and the construction of alterations and additions and new works up to 6 levels on the subject site, and its use for the purpose of 114 dwellings, seven offices and one food and drinks premises (at ground level) and a waiver of the associated car parking requirement pursuant to the Yarra Planning Scheme (in accordance with the amendment and planning permit application documentation attached).

Submissions

The following people addressed the Committee on this item:

Mr Graham Partin; and

Ms Peta Bartlett (on behalf of the Applicant).

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Morton

Seconded: Councillor Meadows

1. That Council resolves to prepare and place on exhibition a combined amendment to the Yarra Planning Scheme (Amendment C62) and planning permit application (PL04/ 0681 – As Amended – refer Attachment 8) pursuant to Section 96A of the *Planning and Environment Act 1987*, with respect to the land at 46 –60 Nicholson Street, Abbotsford to enable the partial demolition and the construction of alterations and additions and new works on the subject site, and its use for the purpose of dwellings, offices and food and drinks premises (at ground level) and a waiver of the associated car parking requirement pursuant to the Yarra Planning Scheme (in accordance with the amendment and the modified planning permit application documentation attached).

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Farrar

Seconded: Councillor Jolly

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

- Attachment 1 – Location and Zoning Map**
- Attachment 2 – Council Resolution from 8 July 2003**
- Attachment 3 – Heritage Victoria Permit**
- Attachment 4 – Applicant’s Expert Reports**
- Attachment 5 – Amendment Documentation**
- Attachment 6 – Details of the Application**
- Attachment 7 – Planning and Design Guidelines**
- Attachment 8 – Draft Planning Permit (Amended)**
- Attachment 9 – Heritage Victoria Correspondence**



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2.3 Public Lighting Policy

File: 55/60/11-02
Responsible Officer: Manager Infrastructure

Purpose

1. To present a Public Lighting Policy to Council for adoption. The policy has been developed to:
 - (a) propose a set of principles for public lighting across Yarra;
 - (b) provide direction and consistency in the management of external public lighting throughout Yarra;
 - (c) define objectives and standards for public lighting across different areas of the City;
 - (d) identify appropriate standards to ensure the safety and security of the community;
 - (e) improve the environmental performance of public lighting installations, particularly the energy efficiency of lighting types with respect to reducing greenhouse gas emissions;
 - (f) inform negotiations for supply of power to unmetered public lighting, and for supply of Operation, Maintenance and Repair (OMR); and
 - (g) ensure that community safety standards, through the Crime Prevention Through Environmental Design (CPTED) Principles, are adhered to as part of all public lighting consultations and installations across Yarra.

Background

2. The existing policy was last reviewed in 1996. Since then there has been a change in industry requirements, namely a new Public Lighting Code and several Australian and New Zealand Standards.
3. *A new policy is required as the existing policy is confined to street lighting, and has no reference to:*
 - (a) energy efficiency;
 - (b) purchase of Green Power;
 - (c) non-standard street lighting poles, fittings and globes;
 - (d) possible development contribution options;
 - (e) right-of-way, car parks, and commercial areas; and
 - (f) new industry standards and codes.

Consultations

4. A report was presented to a Councillors' Briefing in July 2003. It was requested at the meeting that the Environment Community Advisory Committee be consulted on the draft Policy. The consideration of environmental aspects of public lighting that are incorporated in the proposed policy derive from comments received from Committee members.
5. Given the importance of this policy in respect of open space, community safety and urban amenity, consultation with staff from the Open Space, Social Planning (Community Safety) and Strategic Planning Units has taken place.
6. The electricity distributors, Citipower and AGL were consulted during the development of this policy, and in regards to the possibility of conducting a trial to test the policy.

Financial Implications

7. It is not possible to assess the financial costs of implementing the policy as:
 - (a) no assessment is available to determine where the lighting level requires improvement; and
 - (b) the costs of operation and maintenance of different lighting types are not available from industry.
8. There are several options for sharing costs of maintaining public lighting on roads and for maintaining approved non-standard lighting installed in association with new developments as outlined in the policy.

Environmental Implications

9. The proposed policy addresses environmental concerns associated with public lighting, namely the energy efficiency of the lighting type and installation and associated greenhouse emissions, and the impacts of light spill and glare on nearby residents and local wildlife.

Social Implications

10. The proposed policy addresses the need to ensure safety for pedestrian and vehicular traffic.

Council Plan, Strategy and Policy Implications

11. The proposed policy contributes to the implementation of the Greenhouse Action Plan, developed as part of Council's commitment to the 'Cities for Climate Protection' campaign in the Council Plan. It is also informed by the Safer Yarra Plan (November 2004).

Legal Implications

12. A representative from Maddocks has provided advice in regards to the legal means of sharing costs for the maintenance of approved non-standard lighting in new developments, which has been incorporated into the proposed policy.

13. The proposed policy is in accordance with relevant legislation and current standards.

RECOMMENDATION

14. That Council:

- (a) adopts the draft Public Lighting Policy (Attachment 1);
- (b) undertakes an assessment and review of the existing street lighting in Yarra and further refine the required level of street lighting in individual streets, based on the principles outlined in the proposed policy, and incorporating community consultation;
- (c) develops a definitive list of streets/areas that require an increase in street lighting level;
- (d) refers for consideration as part of the deliberations for that 2005/06 Budget a proposal to engage consultants to design a street lighting plan to meet street lighting code requirements and to inform resource allocation decisions; and
- (e) as part of the 2005/06 budget development, consideration be given to approving an increased level of funding for renewal of core street lighting infrastructure assets in future capital works programs to achieve 100% of compliance with Public Lighting Code.

Submissions

Mr John Beckwith addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Maltzahn

That the matter be referred to a future Councillors' Briefing for further consideration.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

That the Planning and Community Development Committee recommendation be adopted.

CARRIED

Attachment 1 – Draft Public Lighting Policy



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2.4 Australia Council – Proposed Restructure

Executive Summary

Purpose

To brief Council on the proposed restructure of the Australia Council for the Arts (AC), which includes the dissolution of the Community Cultural Development and New Media Boards.

To identify the implications and possible impact of this restructure on local community and cultural development.

To seek Council approval for future action and advocacy on this issue.

Key Issues

In 2004, the AC created a Future Planning Taskforce to review its organisational structure. On 7 December 2004, the full Board of the AC resolved to adopt significant changes to its operations as an outcome of the Future Planning Taskforce.

A major change to operations includes the dissolution of two of the nine boards: the Community Cultural Development (CCD) Board and the New Media Board.

The local community arts sector has registered strong concerns with Council regarding the changes to be adopted. A key concern is that opportunities will be reduced for funding and resources for community arts projects that specifically target communities either disadvantaged (socially, economically, or culturally) and /or not traditionally engaged with the arts.

Financial Implications

The AC's role as a major funding source for community and local government projects has often meant that local communities have been able develop longer-term projects.

There are very real concerns that local government will lose a major funding partner for grassroots community art projects that engage with disadvantaged communities, if the CCD Board is disbanded.

The July 2004 CCD Board funding announcements awarded over \$400,000 to projects of relevance to Council.

PROPOSAL

That Council officers:

- (a) continue to keep a watching brief on this issue and continue to liaise with other local government authorities and the local community arts sector; and
- (b) support advocacy initiatives calling for the continuation of the AC's CCD Board.

RECOMMENDATION

1. That Council write to the following people and outline its support for the continuation of the CCD Board:
 - (a) David Gonski AO, Chairman of the AC;
 - (b) Senator, the Hon Helen Coonan, Minister for Telecommunications, Information Technology and the Arts; and
 - (c) Senator, the Hon Rod Kemp, Minister for the Arts and Sport.
2. That a copy of this letter is sent to the:
 - (a) AC CEO, Jennifer Bott;
 - (b) the Hon Mary Delahunty MP Minister for the Arts;
 - (c) Chairperson of VicHealth;
 - (d) Dr Owen Donald, Executive Director of Office of Housing, Department of Human Services;
 - (e) President, Municipal Association Victoria;
 - (f) President, Victorian Local Governance Association; and
 - (g) Chairperson, Cultural Development Network.
3. That Council support advocacy initiatives within the local government and local community arts sectors, which call for the continuation of the AC's CCD Board.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Maltzahn

1. That Council undertake advocacy at the four levels outlined below being: federal; state; local; and the community sector.
Federal Level
2. That Council write to the following people:
 - (a) Senator, the Hon Helen Coonan, Minister for Telecommunications, Information Technology and the Arts;
 - (b) Senator, the Hon Rod Kemp, Minister for the Arts and Sport;
 - (c) David Gonski AO, Chairman of the AC; and
 - (d) AC CEO, Jennifer Bott.

3. That this letter outlines Council's concerns including:
 - (a) its support for the continuation of the CCD Board;
 - (b) its support for the motion passed at the public meeting regarding the Australia Council (held at the Melbourne Town Hall on 28th January 2005); and
 - (c) request an opportunity to be involved in the Australia Council's proposed consultation processes to take place over the next few months.
4. That a copy of the letter be sent to other affected key supporters of community cultural development including:
 - (a) Penny Hutchinson, Director, Arts Victoria;
 - (b) Chairperson of VicHealth;
 - (c) Dr Owen Donald, Executive Director of Office of Housing, Department of Human Services;
 - (d) President, Municipal Association Victoria (MAV);
 - (e) President, Victorian Local Governance Association (VLGA); and
 - (f) Chairperson, Cultural Development Network.

State Level

5. That Council writes directly to the Hon Mary Delahunty Minister for the Arts, informing her of Council's position and the impact of the restructure on community cultural development at a grassroots level.

Local Level

6. That Council encourages leadership and coordination at a local government level on this issue, including:
 - (a) liaison with other inner Melbourne councils; and
 - (b) liaison with the MAV and VLGA to encourage advocacy at a state-wide level.

Community Sector Level

7. That Council support advocacy initiatives within the local community arts sectors, which call for the continuation of the AC's CCD Board.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Barbara

Seconded: Councillor Morton

1. That Council undertake advocacy at the four levels outlined below being: federal; state; local; and the community sector.

Federal Level

2. That Council write to the following people:
 - (a) Senator, the Hon Helen Coonan, Minister for Telecommunications, Information Technology and the Arts;
 - (b) Senator, the Hon Rod Kemp, Minister for the Arts and Sport;
 - (c) David Gonski AO, Chairman of the AC; and
 - (d) AC CEO, Jennifer Bott.
3. That this letter outlines Council's concerns including:
 - (a) its support for the continuation of the CCD Board;
 - (b) its support for the motion passed at the public meeting regarding the Australia Council (held at the Melbourne Town Hall on 28th January 2005); and
 - (c) request an opportunity to be involved in the Australia Council's proposed consultation processes to take place over the next few months.
4. That a copy of the letter be sent to other affected key supporters of community cultural development including:
 - (a) Penny Hutchinson, Director, Arts Victoria;
 - (b) Chairperson of VicHealth;
 - (c) Dr Owen Donald, Executive Director of Office of Housing, Department of Human Services;
 - (d) President, Municipal Association Victoria (MAV);
 - (e) President, Victorian Local Governance Association (VLGA); and
 - (f) Chairperson, Cultural Development Network.

State Level

5. That Council writes directly to the Hon Mary Delahunty Minister for the Arts, informing her of Council's position and the impact of the restructure on community cultural development at a grassroots level.

Local Level

6. That Council encourages leadership and coordination at a local government level on this issue, including:
 - (a) liaison with other inner Melbourne councils and other councils that receive CCD funding; and
 - (b) liaison with the MAV and VLGA to encourage advocacy at a state-wide level.

Community Sector Level

7. That Council support advocacy initiatives within the local community arts sectors, which call for the continuation of the AC's CCD Board.

CARRIED

Attachment 1 – Restructure Statement from AC's Website

Attachment 2 – Article from 'The Australian'

Attachment 3 – Article from the 'Sydney Morning Herald'



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NOTICES OF MOTION

Notice of Motion – No. 1 OF 2005

Cr Kathleen Maltzahn

Background – The Urgent Need for Yarra Action on Transport

1. The number one environmental problem in Yarra is the huge, and growing, volume of traffic on the roads. The importance of this issue to residents and businesses in the City of Yarra is clearly demonstrated through the intense controversies that repeatedly surround Council processes designed to ameliorate the negative impacts of this traffic, and was recognised in the resolution on Integrated Transport adopted at the Council meeting on 14 December 2004.
2. Traffic growth is underpinned by the steady expansion of the freeway system and the neglect of alternative transport modes.
3. These transport policies, which adversely affect Yarra, are not inevitable consequences of Melbourne's urban form or the intrinsic nature of the car. Practical alternative policies exist and have been proved successful in cities that are similar to Melbourne. Current policies are the result of technical and budget choices that can be changed. The need for this change is urgent, but will not be achieved without significant improvement in the plans and practices of the State Government and its transport agencies.
4. Comparisons with other cities show that, with consistent application of appropriate policies and budget allocations, significant reductions in the volume of car traffic in the City of Yarra can be achieved by stabilising the growth in travel and by increasing the share of travel by modes other than the car in Melbourne as a whole. Achieving this 'mode shift' must be the fundamental aim of transport policy in Yarra and metropolitan Melbourne.
5. Due to the urgency of the current transport situation, the following motion is proposed.

MOTION

Moved: Councillor Maltzahn

Seconded: Councillor Jolly

1. That:
 - (a) Council resolves to develop a transport policy strategy for Yarra that is proactive in promoting changes to Melbourne's transport policies. The aim of the strategy is to achieve the 'mode shift' necessary to reduce traffic in Yarra and improve the local environment for residents;
 - (b) the strategy is to build on the report requested in the Council resolution of 14 December 2004 on Integrated Transport, and further position Yarra to:
 - (i) undertake actions within the City's direct control to improve conditions for pedestrians, cyclists and public transport;

- (ii) lobby governments and service providers for improvements to public transport services in Yarra;
 - (iii) advocate for changes to metropolitan transport policies to shift priority and funding from road construction to public transport, walking and cycling. This includes a moratorium on building freeways in Melbourne that contribute to increasing traffic through our municipality, and the establishment of public planning processes to permit expansion, improvement and integration of a multi-modal public transport system offering 'go anywhere, anytime' convenience;
 - (iv) work with other councils and organisations to establish an anti-freeway coalition;
 - (v) review the City's administrative structure and work programs necessary to achieve the above;
- (c) in recognition of the above, and in particular responding to the traffic threat posed by the Mitcham-Frankston Freeway will be of the highest priority for the Council, and will have primary call on Council resources. Council expects that from 1 July 2005, up to one per cent of its annual total expenditure will be allocated to acting on Council's transport strategy;
- (d) Council establishes a Transport Policy Committee (TPC), comprised of six members as follows:
- (i) three councillors;
 - (ii) that the Councillor members be Councillors Jolly, Maltzahn and Barbara.
 - (iii) three members selected by the Committee. These members must be individuals who are either:
 - experienced in advocating for increased funding for alternative forms of transport and a reduction in motor vehicles reliance; or
 - representatives of organisations with such experience).

The three external members of the committee shall be appointed for the period ending 12 months from now.

The Chief Executive Officer shall be entitled and should attend all meetings of the Committee but is not a member of the Committee and therefore will not have voting rights;

- (e) that the Committee membership be reviewed at the Council's ceremonial meeting in November or December 2005 in accordance with the normal arrangements;
- (f) the terms of reference for this Committee are to:
 - (i) develop Yarra's transport policy strategy by September 2005;
 - (ii) provide advice on Yarra's capacity to implement the strategy and any necessary changes; and
 - (iii) engage with residents, businesses, other relevant organisations, municipal peak bodies and other tiers of government in the formation of the strategy and its action plans;

- (iv) liaise with other relevant committees as necessary;
- (g) the TPC be a Special Committee under sections 86 and 88 of the *Local Government Act* 1989 ('the Act'), and shall report monthly to Council pursuant to section 86(5) of the Act;
- (h) Council resolves that pending delivery of the strategy, the TPC may make recommendations to Council on interim measures that may include financial assistance to community groups for work consistent with the aims of the strategy; and
- (i) the role, terms of reference and membership of the TPC shall be reviewed by Council at its first meeting in 2006, or at such later date as Council shall determine.

AMENDMENT

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

1. That:

- (a) Council resolves to develop a transport strategy for Yarra including a Sustainable Transport Plan that is pro-active in promoting changes to Melbourne's transport policies. The aim is to achieve the 'mode shift' necessary to reduce traffic in Yarra and improve the local environment for residents, schools, businesses and other stakeholders;
- (b) the strategy is to build on the work already undertaken in implementing Council's resolution of 14 December 2004 on Integrated Transport, and position Yarra to:
 - (i) further improve conditions for pedestrians, cyclists and public transport in Yarra;
 - (ii) work with other tiers of government and with service providers for improvements to public transport services in Yarra;
 - (iii) advocate for changes to metropolitan transport policies to shift priority and funding from road construction to public transport, walking and cycling. This includes a moratorium on building freeways in Melbourne that contribute to increasing traffic through our municipality, and the establishment of public planning processes to permit expansion, improvement and integration of a multi-modal public transport system offering 'go anywhere, anytime' convenience;
 - (iv) work with other councils and organisations to establish a sustainable transport coalition to pursue the above objectives;
- (c) in recognition of the above, and in particular, responding to the traffic threat posed by the Mitcham-Frankston Freeway, as a high priority for Council, Council recognises that implementation of the transport strategy will require significant additional resources and that this will need to be addressed through the 2005/06 budget;

- (d) Council establishes a Transport Policy Committee (TPC), comprised of members as follows:
- (i) Councillors D'Agostino, Fristacky, Jolly, Maltzahn and Morton;
 - (ii) external members representing organisations with objectives to enhance public transport modes and/or individuals with experience in transport planning;

The TPC shall have power to co-opt members from time to time as needed;

The Chief Executive Officer and staff with responsibility for transport should attend all meetings of the Committee.

- (e) the terms of reference for this Committee are to:
- (i) develop Yarra's transport strategy by September 2005;
 - (ii) engage with residents, schools, businesses, research institutions, other relevant organisations, municipal peak bodies and other tiers of government in the formation of the strategy and its action plans;
 - (iii) liaise with other relevant Council committees as necessary; and
 - (iv) advise on implementation and resourcing of the transport strategy.
- (f) the work undertaken in response to Council's 14 December 2004 motion on Integrated Transport and Sustainable Transport Planning be referred to the TPC;
- (g) the TPC report to Council at least quarterly with a progress report to be provided to Council in May 2005 to enable consideration of any budget or other resourcing implications; and
- (h) the role, terms of reference and membership of the TPC shall be reviewed by Council at its first meeting in 2006, or at such other date as Council shall determine.

The amendment was put and carried and became the substantive motion.

DIVISION

A division was called.

FOR: Cr Morton; Cr D'Agostino; Cr Fristacky; Cr Meadows; and Cr Barbara.

AGAINST: Cr Jolly; Cr Farrar; Cr Maltzahn; and Cr Sekhon.

PROCEDURAL MOTION

Moved: Councillor Farrar

Seconded: Councillor Sekhon

That standing orders be suspended to allow for public submissions.

CARRIED

Submissions

The following people addressed the Council on this matter:

Mr Paul Mees;

Ms Sivy Orr;

Mr Robert Frost;

Mr Len Cooper; and

Mr Ian Quick.

PROCEDURAL MOTION

Moved: Councillor Farrar

Seconded: Councillor Jolly

That standing orders be resumed.

CARRIED

With the agreement of the meeting, the Mayor adjourned the meeting for ten minutes.

The meeting adjourned at 9.25pm and reconvened at 9.35pm.

PROCEDURAL MOTION

Moved: Councillor Farrar

Seconded: Councillor Sekhon

That standing orders be suspended to allow for public submissions.

CARRIED

Mr Ian Wood addressed the Council on this matter.

PROCEDURAL MOTION

Moved: Councillor Sekhon

Seconded: Councillor Farrar

That standing orders be resumed.

CARRIED

The substantive motion (being the amendment previously put and carried) was then itself put and carried.

DIVISION

A division was called.

FOR: Cr Morton; Cr D'Agostino; Cr Fristacky; Cr Meadows; and Cr Barbara.

AGAINST: Cr Jolly; Cr Farrar; Cr Maltzahn; and Cr Sekhon.

There being no further business, the meeting concluded.

The Council meeting closed at 9.40pm.

Confirmed this 8th day of March 2005.

Mayor