



**Melbourne City Council
Community and Culture Committee**

MINUTES

**Meeting Number
Tuesday, 15 November 2005
6.30pm**

PRESENT

Cr Wilson (Chair)
Deputy Lord Mayor, Gary Singer (Deputy Chair)
Cr Brindley
Cr Clarke
Cr Jetter
Cr Ng
Cr Shanahan
Cr Snedden

To be confirmed at the next meeting of the
Community and Culture Committee
on 6 December 2005.

1. COMMENCEMENT OF MEETING (Agenda Item 1)

The meeting commenced at 6.55pm. The Chair, Cr Wilson, called for a Councillor to move the following motion:

That the meeting of the Community and Culture Committee be adjourned until 7.30pm.

Moved: Deputy Lord Mayor, Gary Singer

Seconded: Cr Jetter

Carried unanimously

RESUMPTION OF MEETING (Agenda Item 1 continued)

The Meeting resumed at 7.32pm with the following Committee members in attendance; the Chair, Cr Wilson, and Councillors Brindley, Shanahan, Wilson, Snedden and Ng.

The Chair, Cr Wilson, advised that:

- the meeting is being recorded for the purposes of ensuring the accuracy of the minutes;
- the agenda comprises six Reports from Management; and
- the Deputy Lord Mayor, Gary Singer, and Cr Jetter were required to attend other Council related business and will be apologies for the remainder of the meeting.

2. REQUEST TO FILM AGENDA ITEM 5.2, "GRAFFITI MANAGEMENT PLAN"

The Chair advised the Committee that in accordance with the Broadcasting Guidelines adopted by Council on 21 December 1999, preliminary approval has been given by the Chief Executive and the Committee Chair, for Nicholas Hansen, Director of the film 'Rash', to film Agenda Item 5.2, "*Graffiti Management Plan*". He further advised that the Broadcasting Guidelines provide that consideration of a request to film, must be dealt with by the Committee as the first item of business.

Discussion ensued regarding the nature and purpose of the request and the context of the use of the film.

The Chair called on a Councillor to move the following motion:

That the Community and Culture Committee approve Agenda Item 5.2, "Graffiti Management Plan", being filmed.

Moved: Cr Snedden

Seconded: Cr Ng

Carried with the Chair, Cr Wilson, and Councillors Shanahan, Brindley and Ng voting for the motion and Councillors Snedden and Clarke voting against the motion.

3. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST (Agenda Item 2)

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING (Agenda Item 3)

Resolved:

That the open minutes of meeting No 8, held on Tuesday, 11 October 2005, be confirmed.

Moved: Cr Ng

Seconded: Cr Shanahan

Carried unanimously

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

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

6. REPORTS FROM MANAGEMENT (Agenda Item 5)

The Chair, Cr Wilson, advised that the following submissions/items of correspondence had been received in accordance with the Council's *Conduct of Meetings Local Law 2001*.

Correspondence:

In relation to Agenda Item 5.2, Graffiti Management Plan:

- Helga Baker; and
- Esther Anatolitis, Express Media.

Requests to Speak:

In relation to Agenda Item 5.2, Graffiti Management Plan:

- Professor Alison Young, University of Melbourne;
- Andrew Mac, Director, Citylights Project Inc; and
- Russell Kerr, Transfer Press;
- Dr Mark Halsey, University of Melbourne;
- Flora Georgiou;
- Peter Matthews, President, Residents 3000 Inc;
- Brendan;
- Benjamin Pederick;
- Jeff Stewart, Artist in Residence;
- Marcos Davidson; and
- Marc De Jong.

Copies of all items of written submissions/correspondence were circulated to Councillors prior to the meeting.

In accordance with Council's Broadcasting Guidelines, the Chair, Cr Wilson, asked whether any submitter had any objection to being filmed. No objections were received.

REFERRAL NOTICE PROCESS

The Chair, Cr Wilson, advised members of the Committee and the public that:

- in accordance with the resolution of the Council on 26 April 2005, where the Committee makes a decision on the basis of fewer than five members voting in favour of it, the decision may be referred, by a Councillor, to Council for decision; and
- information in relation to the referral notice process is available from the Secretariat Officers.

ORDER OF BUSINESS

The Chair, Cr Wilson, called on a Councillor to move the following motion:

That the Order of Business be amended to deal with Agenda Items 5.5 and 5.6 prior to the consideration of the remainder of the agenda.

Moved: Cr Clarke

Seconded: Cr Snedden

Carried unanimously

5.5. Tender Evaluation Report: Wellness Services

The purpose of this report was to seek Committee approval to award a contract to Lyndon Piasri Pty Ltd for the management of the Wellness Services tender.

Resolved:

1. *That the Community and Culture Committee recommend Council:*
 - 1.1. *award the contract for the Management of Wellness Services to Lyndon Piasri Pty Ltd in accordance with the submitted Schedule of Rates for a term of eight months commencing November 2005 with an option of a one year extension and otherwise in accordance with the negotiated terms and conditions of contract;*
 - 1.2. *by instrument of delegation sealed by the Council under section 98(1) Local Government Act 1989 ("the Act") delegate to the Chief Executive Officer, or the persons from time to time acting in that position, the authority to enter into the contract and to do all things incidental and ancillary to the same;*
 - 1.3. *under section 98(3) of the Act, authorise the instrument of delegation to the Chief Executive Officer, or the person from time to time acting in that position, to empower him or her to delegate any power, duty or function delegated to him or her under the paragraph above, to a member of Council staff; and*
 - 1.4. *resolve that the instrument of delegation referred to in paragraph 2.2 of this report will cease and be of no further effect upon the completion of all necessary steps and the execution of all necessary documents to enter into the contract with the successful tenderer.*

Moved: Cr Clarke

Seconded: Cr Brindley

Carried unanimously

5.6. Tender Evaluation Report: Melbourne City Sports Activity Program

The purpose of this report was to seek Committee approval to award a contract to Victorian YMCA Community Programming Pty Ltd for the Melbourne City Sports Activity Program tender.

Resolved:

1. *That the Community and Culture Committee recommend Council:*
 - 1.1. *award the contract for the Melbourne City Sports Activity Program to Victorian YMCA Community Programming Pty Ltd for a contract price of \$410,639 and for a term of three and a half years commencing 1 Jan 2006, with an option for a two year extension and otherwise in accordance with the negotiated terms and conditions of contract;*
 - 1.2. *by instrument of delegation sealed by the Council under section 98(1) Local Government Act 1989 ("the Act") delegate to the Chief Executive Officer, or the persons from time to time acting in that position, the authority to enter into the contract and to do all things incidental and ancillary to the same;*
 - 1.3. *under section 98(3) of the Act, authorise the instrument of delegation to the Chief Executive Officer, or the person from time to time acting in that position, to empower him or her to delegate any power, duty or function delegated to him or her under the paragraph above, to a member of Council staff; and*
 - 1.4. *resolve that the instrument of delegation referred to in paragraph 2.2 of this report will cease and be of no further effect upon the completion of all necessary steps and the execution of all necessary documents to enter into the contract with the successful tenderer.*

Moved: Cr Clarke

Seconded: Cr Brindley

Carried unanimously

5.1. Ratification of Schedule of Meeting Dates for 2006

The purpose of this report was to ratify the dates, times and venue for meetings of the Community and Culture Committee for the period February to December 2006.

Cr Brindley moved the recommendation contained in the management report subject to the meeting commencement time being changed from 6.30pm to 7.00pm.

Cr Ng seconded Cr Brindley's motion.

The motion was put and carried unanimously.

Resolved:

That the Community and Culture Committee ratify the schedule of meeting dates, times (as amended) and venue as outlined in Attachment 1 to the management report.

5.2. Graffiti Management Plan

The purpose of this report was to present the City of Melbourne Graffiti Management Plan to the Committee following community consultation.

The Group Manager Engineering Services, Geoff Robinson, provided the Committee with a presentation and highlighted that paragraph 2.2 incorrectly identified that the matter would be considered by Council.

Cr Shanahan left the meeting at 7.50pm and returned at 8.03pm.

In response to questions raised by Councillors, the Director Assets & Services, Terry Makings, and the Group Manager Engineering Services, Geoff Robinson, made the following comments:

- Council will cover the cost of graffiti removal for the elderly or infirm, and in instances where small businesses are regular targets;
- technically graffiti other than 'heritage' graffiti should be removed;
- if a property owner wants the graffiti to remain, then there will be a process that will be required to be undertaken;
- the "planning permit application process" referred to in the report should be renamed to avoid confusion; and
- \$200K has been allocated for graffiti removal for this financial year and the exact figure for 2006/07 is to be determined.

Comments made by Professor Alison Young, University of Melbourne, included:

- adoption of this Strategy would be a serious mistake for the Council;
- zero tolerance should only be applied to outer suburbs;
- and the proposed Plan needs to be tailored to the differing social issues and demographics in the City of Melbourne ;
- the Plan is not evidence based and graffiti is not linked to crime;
- graffiti is not high on the list of social concerns and rapid removal does not deter repeat graffiti;
- the proposed Plan bears no resemblance to the original Strategy;
- reference has been made in the report to public consultation, however 70-75 per cent of the submissions received were in favour of the former Strategy; and
- want to see the City of Melbourne adopt an appropriate Plan.

Comments made by Andrew Mac, Director, Citylights Project Inc, included:

- not aware of any high tolerance areas in Melbourne;
- art is intrinsic to areas like Hosier Lane etc, it is accepted by the community and local businesses and it is photographed and studied;
- Melbourne has become the stencil capital of the world;
- publications ie Lonely Planet are being prepared with maps identifying graffiti hot spot attractions in Melbourne;
- Melbourne is an international city of cultural standing, a leader within culture; and
- it questions the appropriateness for the Council to define 'culture'.

Comments made by Russell Kerr, Transfer Press, included:

- his belief in the cultural significance of this artwork;
- clarification should be provided regarding the role of street art, the definition of graffiti/street art and the perception of the public;
- the entire community does not oppose this art;
- our streets have a role in the expression of community based messages;
- grassroots organisations should be able to access avenues to display street art and murals;
- perhaps a curator could determine what is street art and what is vandalism; and
- the Committee should decline the Plan in its current form.

Comments made by Dr Mark Halsey, University of Melbourne, included:

- appreciate the aesthetics for Commonwealth Games, but the graffiti artists will be here after the games and we need to consider costs and benefits;
- believe the Strategy is based on fear;
- the public wants Council to spend its money wisely;
- the proposed Plan will increase graffiti;
- the lines of trust established between graffiti artists and Council are being jeopardised; and
- all documentation received in relation to the Graffiti Strategy should be released for public comment.

Comments made by Flora Georgiou, included:

- recognise the aesthetic value of street art; and
- ask Council to accept graffiti as a popular art form used by recognised educational institutions.

The Committee noted that Peter Matthews, President, Residents 3000 Inc, was not present at the meeting to address the Committee.

Comments made by Brendan, included:

- it has been the practice that when something is tagged and it is covered up, re-tagging at the site occurs;
- there are massive murals on shop walls outside Caledonian Lane which lots of people come to see;
- the lane is brighter and there has been a decrease in the number of drug related problems in the lane;
- at the request of the owners, I have painted local business entrances and business has increased;
- people are attracted to the area and it has cost the City of Melbourne nothing; and
- I have been a graffiti artist for the past 10 years.

Comments made by Benjamin Pederick, included:

- the current Plan does not differentiate between good and bad graffiti;
- being reactive will not stop graffiti;
- street art is utilised by children as a form of self expression – it is a youth culture;
- graffiti writers know how authorities operate and can have a surface prepared at Council's expense;
- the Plan should reference Melbourne as an Arts Capital;
- there needs to be a distinct difference made between street art and vandalism;
- need positive engagement between the community and artists; and
- ask Council to defer the vote tonight until all public documents are released for community consultation.

Comments made by Jeff Stewart, Artist in Residence, included:

- these young peoples' work is a legitimate art form and a significant form of culture;
- the work currently undertaken in Melbourne should not be stifled, but encouraged and nurtured;
- zero tolerance does not work;
- this work is a legitimate form of expression and important for the self esteem of many youths in the city;
- what someone calls vandalism may be someone else's lifeline; and
- this work can assist people into further education and artistic career paths.

Comments made by Marcos Davidson, included:

- the definition of graffiti is very broad;
- graffiti is a tribal, nomadic and egalitarian form of art;
- street art does not create an unsafe environment;
- street art should not be seen as an abhorrent form of art; and
- the continuous removal of graffiti is a gratuitous waste of ratepayer's money.

The Committee noted that Marc De Jong was not present at the meeting to address the Committee.

Cr Brindley moved the following motion:

1. *That the Community and Culture Committee:*
 - 1.1. *note the outcomes of the community consultation;*
 - 1.2. *recommend Council endorse the original Graffiti Management Strategy; and*
 - 1.3. *note that negotiations have commenced with the State Government Justice Department and other State Government Agencies on the matter of managing the removal of graffiti from State owned assets as a matter of priority.*

Cr Brindley's motion lapsed for want of a seconder.

Incorporating Councillor comments, Cr Ng moved the following motion:

1. *That the Community and Culture Committee:*
 - 1.1. *note the outcomes of the community consultation;*
 - 1.2. *endorse the revised City of Melbourne Graffiti Management Plan (Attachment 1), which includes the following key directions:*
 - 1.2.1. *zero tolerance approach to graffiti (which is defined as 'tagging and/or stand alone stencils');* and
 - 1.2.2. *rapid response times for graffiti removal from Council assets;*
 - 1.2.3. *to positively engage graffiti writers in mentoring an arts program in designated locations;*
 - 1.2.4. *advocacy of the State Government to encourage anti graffiti legislation, to support MCC initiatives;*
 - 1.2.5. *promotion of a reporting hotline operated by Council;*
 - 1.3. *note that negotiations have commenced with the State Government Justice Department and other State Government Agencies on the matter of managing the removal of graffiti from State owned assets as a matter of priority; and*
 - 1.4. *recommend Council take action under its Activities Local Law 1999 to:*
 - 1.4.1. *require relevant public agencies to clean up graffiti on their property in the City of Melbourne within 28 days from the notice served;*
 - 1.4.2. *request these agencies to establish a regular graffiti maintenance schedule to keep up the graffiti removal in the future; and*
 - 1.5. *note that this decision is being made under delegation from the Council and is subject to the referral notice process.*

Cr Clarke seconded Cr Ng's motion.

In response to questions raised by Councillors, Professor Alison Young, University of Melbourne, made the following comments:

- most people do not like tagging, except those in the culture;
- the rights of property owners should be respected;
- I am at a loss to understand why stencils have appeared in the proposed Plan when they were not in the original Strategy;
- stencils should not be grouped in with tagging;
- readers of the proposed Plan here tonight have found the Plan alienating; and
- Council should not want to take an antagonistic stance.

Cr Brindley foreshadowed the following alternative motion:

1. *That the Community and Culture Committee:*
 - 1.1. *note the outcomes of the community consultation;*
 - 1.2. *recommend Council debate the original Graffiti Management Strategy; and*
 - 1.3. *note that negotiations have commenced with the State Government Justice Department and other State Government Agencies on the matter of managing the removal of graffiti from State owned assets as a matter of priority.*

The Chair, Cr Wilson, put Cr Ng's motion to the vote.

The Chair, Cr Wilson, and Councillors Clarke and Ng voted for the motion and Councillors Brindley, Shanahan and Snedden voted against the motion. The Chair, Cr Wilson, used his casting vote to vote for the motion. The motion was carried.

Cr Brindley's foreshadowed motion duly lapsed.

ADJOURNMENT OF MEETING

The Chair, Cr Wilson, adjourned the meeting at 9.13pm for five minutes. Cr Shanahan seconded the Chair's motion. The motion was put and carried unanimously.

RESUMPTION OF MEETING

The meeting resumed at 9.19pm with the following Committee members present; the Chair, Cr Wilson, and Councillors, Brindley, Clarke, Shanahan and Snedden.

5.3. Safe City Cameras Program Audit Committee Annual Report 2004

The purpose of this report was to present to Committee the annual Safe City Cameras Program (SSCP) Audit Committee Report for 2004.

The Chair, Cr Wilson, advised the Committee of a letter addressed to Ms Morrell and Mr Makings informing them that the Selection Board for the Australian Crime and Violence Prevention Awards has commended Council's "Safe City Cameras Program" (SCCP), and decided that it is worthy of a Certificate of Merit in the 2005 Awards.

Resolved:

1. *That the Community and Culture Committee:*
 - 1.1. *note the Audit Report for 2004; and*
 - 1.2. *accept the recommendation made by the Safe City Cameras Program Audit Committee to ensure full compliance with all visitor entry procedures.*

Moved: Cr Brindley

Seconded: Cr Snedden

Carried unanimously

Cr Ng returned to the meeting at 9.21pm.

5.4. Municipal Public Health Plan – CityHealth 2005-2009

The purpose of this report was to inform Committee about the planning, theory and development process behind the proposed Municipal Public Health Plan – *CityHealth 2005-2009*, and seek Committee approval of the plan.

The Chair, Cr Wilson, congratulated the administration for their work in relation to this matter.

Resolved:

That the Community and Culture Committee endorse the Municipal Public Health Plan – CityHealth 2005-2009.

Moved: Cr Brindley

Seconded: Cr Clarke

Carried unanimously

6. GENERAL BUSINESS (Agenda Item 6)

There were no items of General Business.

7. URGENT BUSINESS (Agenda Item 7)

There were no items of Urgent Business.

8. PUBLIC QUESTIONS (Agenda Item 8)

There were no questions raised by members of the public.

7. CLOSURE OF OPEN MEETING (Agenda Item 9)

The open meeting concluded at 9.24pm.

To be confirmed at the next meeting of the Community and Culture Committee on 6 December 2005.



Chair
Community and Culture Committee
Town Hall
Melbourne