



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Wednesday 14 December 2011

The Meeting commenced at 7.05pm

PRESENT:

Cr Louise Cooper-Shaw (Mayor)
Cr Alex del Porto
Cr Felicity Frederico
Cr Clifford Hayes
Cr James Long
Cr Michael Norris
Cr Simon Russell JP

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Shiran Wickramasinghe	Director City Strategy
Sharon Pearsons	Director Corporate Services
Guy Wilson-Browne	Director Infrastructure Services
Kaylene Conrick	Director Community Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Mayor declared the meeting open at 7.00pm and invited Cr Hayes to read the prayer.

1. Prayer

Cr Hayes read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

Cr Frederico read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.
- ◆ They loved this land, they cared for it and considered themselves to be part of it.
- ◆ We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. Apologies –

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Frederico declared an Indirect Conflict of Interest by close association in item 10.3 - Response to the Petition for more Netball Courts in Bayside given her daughter is a signatory to the petition.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 29 November 2011

Moved: Cr Norris

Seconded: Cr Frederico

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 29 November 2011 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

5.2 Confirmation of the Minutes of the Annual Meeting of Council held on Thursday 1 December 2011

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Annual Meeting of Bayside City Council held on Thursday 1 December 2011 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

It is recorded Cr Norris vacated the Chamber at 7.06pm and re-entered at 7.08pm.

6. Public Question Time

In accordance with Section 63 of Council's Governance Local Law No 1, the following individuals submitted 21 public questions to the Meeting:

1. Mr Peter Boyle (Present in the Chamber)

Beach Boxes

For the 2010/11 financial year please advise:

- a) what sales were made by Council of council Beach Boxes giving: Box identification number; date of sale; amount of sale/ date of settlement (payment)
- b) Please advise how these sales are treated in the Financial Statements for the year ended 30 June 2011. (Financial Statements are the Income Statement; Balance Sheet; changes in Equity; Cash Flow Statement; Notes to and forming part of the Accounts).

Response

a)	<i>Bathing Box 76</i>	<i>Sold \$215,000</i>	<i>04/12/2010</i>	<i>Settled 23/12/2010</i>
	<i>Bathing Box 58A</i>	<i>Sold \$221,000</i>	<i>18/06/2011</i>	<i>Settled 15/07/2011</i>
	<i>Bathing Box 58B</i>	<i>Sold \$260,000</i>	<i>18/06/2011</i>	<i>Settled 18/08/2011</i>

- b) *The sales of the 3 bathing boxes was budgeted for in 2010/11 and income from the sale of the 3 bathing boxes was reported in the Comprehensive Income Statement under User charges, fees and fines.*

One was paid in full and reported as cash flows from operating activities in the cash flow statement. The other two were unpaid as at 30 June 2011 and reported in the balance sheet under current trade and other receivables.

2. Mr Peter Boyle (Present in Chamber)

Sale of land re: Barr Street road reserve, East Brighton, and 52-54 Middle Crescent, Brighton

Please advise in respect of each of the above:

- a) the date when the contract of sale, section 173 agreement was signed on behalf of Council; the name of the purchasing party; the date signed by the purchasing party; the amount of deposit paid in accord with the contract; the date payment of the deposit was received by Council; whether the deposit is non-refundable.
- b) how the above transactions were reported in the Financial Statements of Council in the year ended 30 June, 2011. (Financial statements being the Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, Notes to and forming part of the Accounts.)

Response

a) *Re: Barr Street road reserve, East Brighton*

1. *Date contract and section 173 agreement signed by Council – 18/3/2011*
2. *Name of Purchasing Party – Pakenham Hills Pty Ltd*
3. *Date contract and section 173 agreement signed by Purchaser – 23/9/2010*
4. *The amount of deposit paid - \$230,580*
5. *Date deposit paid – The deposit of \$230,580.00 was paid on 12 October 2010. It is held in an investment account.*
6. *The purchase is conditional upon the purchaser obtaining planning approval by no later than 3 years after the date of sale*

a) *Re: Land to rear 52-54 Middle Crescent, Brighton*

1. *Date contract signed by Council - 28 September 2011*
2. *Name of Purchasing Party – Brighton & Districts Branch Helping Hand Association for the Intellectually Disabled Inc*
3. *Date contract signed by Purchaser – Yet to be signed*
4. *The amount of deposit paid - Yet to be paid*
5. *Date deposit paid - Yet to be paid*
6. *Conditional upon the purchaser obtaining a planning permit for the development of an educational and community facility for intellectually disabled persons on the subject site within 18 months after the date of sale of the contract, with settlement to occur 30 days after the issue of the planning permit*

b) *No income was reported from the sale of either of these properties in 2010/11.*

*Barr Street was classified as a contingent asset under note 28(ii).
52-54 Middle Crescent was transferred from non-current assets, property, plant and equipment, infrastructure to current assets, non-current assets held for sale and referred to in note 13.*

3. Mrs Anne Boyle (Not present in the Chamber)

Publications

Council produces a number of publications. As per Council's website, updated 11 April 2011, there are ten publications. For these or any amended number in respect of the calendar year 2011 please advise for each publication:

- a) the number of editions in the year; the average number of copies per edition; the average number of pages per edition; the cost of each publication for the year, including distribution; to whom publications are distributed (e.g all ratepayers or particular groups, and if the latter how are these identified). Where there is a further edition to be issued prior to the end of the calendar year please note this to be the case.
- b) Please advise what staff costs are included in the total cost of each publication, and what staff costs for work performed by staff are not included in the cost figures.

Response

- a) *Council will respond to this request in writing as it will take some time to compile the information requested.*
- b) *Staff costs are not allocated to the production of each publication.*

4. Mrs Anne Boyle (Not present in the Chamber)

Catering Costs

Council has advised that for the period July, 2010 to October, 2011 the total amount paid to Caterers was \$128,345. Further, it was advised that all meetings involving Councillors, mostly with staff but for the Christmas function also with partners and guests, was \$57,774.06.

- a) Please advise how the difference of \$70,571 was spent.

While this need not be an exact record it should provide a fair reporting of where and how the money was spent and should show any large single amount e.g. staff Christmas function.

Costs of catering by type of meeting were provided in answer to a question at the 8 November 2011 ordinary meeting of council. This provided information as to: Meeting type and number; Costs by type of meeting; those present (councillors, staff, guests, partners) but not the number. I note that Meeting Type of "Councillor only meetings" has a tick against Councillors and Officers. Are officers present at a Councillor only meeting (not a question, merely seeking clarification)?

- b) Please advise the cost per person by Meeting Type.

Response

- a) *The amount of \$70,571 relates to catering costs associated with citizenship ceremonies, openings and receptions, various staff meetings and staff Christmas function over a period of 15 months.*
- b)

2010 – 2011 and July to October 2011

Meeting type	No of Meetings	Catering Costs	Cost per person
<i>Council Meetings</i>	19	\$17,771.25	\$55.00 per person
<i>Planning Committee Mtgs</i>	22	\$15,589.25	\$54.40 per person
<i>Assembly of Councillors</i>	64	\$16,791.56	\$16.30 per person
<i>Councillor only meetings</i>	3	\$1,558	\$74.19 per person
<i>Councillors Xmas Dinner</i>	1	\$5,300	\$106.00 per person
<i>Annual Meeting Reception</i>	1	\$734	\$14.68 per person

5. Ms Sue Hardiman (Not present in the Chamber)

Council having recently provided certain information about Councillors would now provide in relation to each Councillor the following information:

- a) Age, years resident in Bayside, and whether presently residing in the Ward for which elected
- b) Particulars of voluntary (unpaid) community service within Bayside

Response

Given this question relates to individual Councillors and is not a Council matter, your question has been referred to individual Councillors to respond to you directly if they choose to provide the information sought.

6. Ms Sue Hardiman (Not present in the Chamber)

In relation to service by any Councillor in the Defence Force of Australia or of the United Kingdom (including Reserves) will Council advise

- a) *For each such Councillor the highest rank to which he or she was or is appointed*

Part 2 of your question is disallowed in accordance with Section 63 (8) (a) of the Governance Local Law No: 1 on the basis that it relates to a matter outside the duties, functions and powers of Council.

Response

- a) Given this question relates to individual Councillors and is not a Council matter, your question has been referred to individual Councillors to respond to you directly if they choose to provide the information sought.

7. Mr George Reynolds (Present in the Chamber)

Given that Council wages bill was \$2 million over budget for 2010/11 and the expenditure for the current year is already \$1.6 million over budget, together with statements that surplus staff displaced by the close down of social benefit services will be redeployed elsewhere in Council, will Council please advise:

- a) the number of staff per department as planned in the four year Strategic Resource Plan required under 126(2) (b) of the Act, at December 31st 2011, and
- b) the number of staff per department currently employed including the vacant positions at 9th December 2011?

Response

Data is currently being collated that details information by Division, the number of staff and the number of vacancies as at December 2011. An answer to this question will be provided in writing.

8. Mr George Reynolds (Present in the Chamber)

Given the acknowledged shortage of both active and passive recreational space in parts of Bayside, would Council advise

- a) the approximate total area of recreational open space within the City, and
- b) identify the area or areas of open space fenced and locked out of use between sunrise and sunset (and unavailable to residents) with the names of the persons or organisations (other than Council Staff but including Councillors) who have been issued keys to allow access to such locked areas.

Response

- a) *The approximate total area of open space in Bayside is 441 Ha including golf courses and approximately 294 Ha excluding golf courses.*
- b) *The only area of open space that is fenced and unavailable to residents at all times is approximately 4.5Ha (1%) of foreshore reserve near cliffs where public access is unsafe. Only Council staff and contractors have keys to access these areas.*

The public golf courses comprise approximately 147 Ha (33%) of fenced open space. The golf course lessees have keys for access.

Approximately 5.6Ha (1.27%) of open space (bushland reserve) is fenced for conservation purposes. Friends Groups are provided access to these reserves for the purpose of monitoring plants and wildlife, undertaking maintenance, hosting community planting days and working bees. Community members are able to access these areas on open days or by appointment.

Keys to access fenced bushland reserves are issued to the Coordinator of the Friends Group operating at the reserve if access is required at times that cannot be easily arranged with Council or its contractor. The Coordinators of Friends Groups who currently have a key issued by Council are:

*Co-Coordinator Friends of Brighton Dunes
Co-Coordinator Friends of George Street Reserve*

A key has also been issued to Cr Norris in his capacity as the Coordinator of Bay Road Heathland Sanctuary and Coordinator of the Friends of Native Wildlife.

9. Mr Barry Brooker (Not present in the Chamber)

I would, with due respect, like to ask Council IN RESPECT of NORTH WARD; just how many ' car parking waivers and a lack of on-site spaces' were afforded to shrewd operators since 30 June 2006 to 30 June 2011?

Response

Council will respond to this request in writing as it will take some time to compile the information requested.

10. Mr Barry Brooker (Not present in the Chamber)

WITH DUE RESPECT, since Council's established 'Seven Ward Structure', I ask council in respect of flooding reports dealing with commercial and residential issues in each of City of Bayside Wards;

- a) The recorded number of flooding incidents and reports in each Ward; (MAC's & residential);
- b) What abiding remedial action of any, taken by Council's professional officers,

Response

- a) *Since the start of the calendar year Council has received approximately 500 requests for assistance related to flooding. We do not collate this information on a Ward basis.*
- b) *All drains and pits in Bayside are inspected and cleaned on a regular basis including some critical drains which are inspected on a monthly basis. Also in these critical high priority areas Council is installing additional or grated pits to improve the capacity of the drainage system. A total of 17 drains have been identified as urgent priority and Council is spending \$1.2M this financial year to conduct design analysis and identify improvements.*

Council is also continuing to implement the recommendations of the 2009 Stormwater Drainage Network Improvement Strategy and will conduct flood mapping next financial year with a view to creating a Special Building Overlay for Council's Drainage System.

It should also be noted that whilst the current drainage system is based on historic rainfall and storm events, Council engineers are now using a design intensity increased by 30% to allow for the affects of Climate Change. Melbourne Water are also currently conducting investigations to assist with future designs.

11. Ms Amelia Matlock (Not present in the Chamber)

Will the ceiling at Hampton Child Care Centre be repaired as previously budgeted, approved and scheduled over the Christmas 2011 break?

If not, what assessment of the environment has been undertaken to ensure that there is no risk to the staff, children and parents?

Response

Recently some remedial works were undertaken on the ceiling in response to an identified workplace matter. Council takes its responsibility to provide suitable and safe premises for children, parents and staff seriously and buildings are maintained and works undertaken to ensure this. Council has budgeted for ceiling works at the Hampton Child Care Centre in its 2011/12 Budget, however, given Council's recent decision to undertake an EOI process in relation to Leasing, Refurbishment and Operation of Council's Hampton and Sandringham Child Care Centres the budgeted works will not proceed until Council considers the EOI's in March 2012.

12. Mr CP Williams (Not present in the Chamber)

The minutes of the Ordinary Meeting of Council held on 29 November 2011 record that over the last two years, there were 35 cases where Council had resolved to refuse planning applications for which Council staff had recommended approval. In subsequent hearings at VCAT into the 35 cases, the Tribunal granted approval to 31 of the planning applications, thus largely vindicating the earlier recommendations by Council staff.

- a) In how many of these 35 cases were outside legal/professional services used to represent council at the VCAT hearings and what was the cost of these services?
- b) Given that in 31 of the 35 above cases VCAT ruled against Council decisions, do Councillors believe it would be more helpful to them in performing their duties to attend a course in Planning Law rather than the Australian Institute of Company Directors course which four Councillors have attended at a cost of \$5,900 per person?

Response

- a) *Council employs a Planning Lawyer on staff to handle the majority of Council's VCAT representation needs. This means that not the number of cases where Council employs external representation at VCAT are limited.*

In respect of the 35 cases where Council adopted a different view to the officer recommendation, external representation was engaged for 9 cases.

Council does not maintain an on-going record of costs of individual VCAT cases, or distinguish external representation costs relating to 'Council overturn' decisions from external representation costs for other VCAT hearings. Accordingly, information relating to the cost of these services specific to the 9 cases cannot be provided.

- b) *Elected representatives in Local and State Government are not required to hold qualifications in Law or Urban Planning. Councillors draw on a range of experience and expertise when exercising their decision making power.*

13. Mr CP Williams (Not present in the Chamber)

In response to a question at the Ordinary Meeting of Council held on 29 November 2011, it was advised that following Council's withdrawal from the Family Day Care Scheme, the Family Day Care Co-ordinator and other staff were to be redeployed to Child Care Centres.

- a) How many staff were redeployed and what is the annual cost (wages/salaries and oncosts), of these redeployed staff?
- b) Did these redeployed staff fill current vacancies or were additional positions created, over and above the staff levels approved for Child Care Centres prior to Council's withdrawal from the Family Day Care Scheme?

Response

Matters relating to staff are under the authority of the Chief Executive Officer in accordance with the local Government Act 1989. Your question has been referred to the CEO

14. Mr John Atkinson (Not present in the Chamber)

Concerning the office of mayor

- a) If it contends that the mayor has beyond those pertaining to the office of councillor any functions rights duties or powers other than those set in the Local Government Act (precedence, allowance, calling a special meeting, taking the chair at council meetings) would council please provide particulars of every such contention, together with the legislative judicial or other legal authority upon which it relies in support of every such contention; and
- b) At which meeting or meetings did council make any resolution regarding the provision of a gown, neck ribbon or badge for wear by the mayor.

Response

- a) *There are no other functions rights, duties or powers other than those set out in the Local Government Act.*
- b) *Council resolved in 1997 to purchase a Mayoral Robe to be worn by the Mayor at Civic and ceremonial functions and resolved in 1999 to purchase a Mayoral Pendant.*

15. Mr John Atkinson (Not present in the Chamber)

Concerning the office of mayor

- a) As I for one utterly reject and find ludicrous any suggestion that any mayor leads me I would be pleased to know what is meant exactly by the statement on the front page of the council's website and in a media release "Former Deputy Mayor Elected To Lead The City"; and
- b) How has the office of mayor morphed into a full-time job, and what (beyond those matters occupying all councillors) would a typical day include.

Response

- a) *The press release refers to Leading the Council, which ultimately means the mayor facilitates and leads the decision making process for the City.*
- b) *Over a number of years the office of mayor has moved towards more of a full time role, and depends on the Mayor of the Day.*

A typical day may include meetings with various residents or community organisations on issues, meetings with Councillors, meetings with the Chief Executive Officer or other senior officers, attendance at functions, liaison with other Mayors, liaise with local Members of Parliament and reading incoming correspondence and/or reading reports etc.. Each day is varied.

16. Ms Anghared Rhys Jones (Not present in the Chamber)

With reference to recent council decisions to terminate provision of certain services:

- a) As to the land on which the independent living units and the two child care centres are located, when was each parcel of land acquired, for what particular purpose, and where is that purpose documented
- b) In relation to the publication of requirements for expressions of interest in continuing the operation of the child care centres, why can those requirements not be found on the council website.

Response

- (a) *A response is currently being prepared and will be forwarded to the author in writing.*
- (b) *The advertisement for the EOI for the leasing, refurbishment and operation of Council's Hampton and Sandringham Child Care Centres is advertised on Council's website in the public notice section, tenders and latest news. Council is currently in the process of developing and implementing an Electronic Tender System which is expected to be live early 2012.*

17. Ms Anghared Rhys Jones (Not present in the Chamber)

With reference to the statutory duty of the CEO to ensure that resolutions of the council are implemented without delay (LGA s94A (1) (b)] and noting the resolution of council at its meeting on 8 November that the analysis supporting its decision to close two child care centres be published on its website and that as at 13 December that material does not there appear:

- a) Would council confirm that the CEO has no authority to set aside or vary or delay the implementation of any resolution; and
- b) When will the analysis be published in accordance with the resolution.

Response

(a) *All Council resolutions are enacted in timely manner.*

(b) *In respect to Council's decision to make available documentation, a document titled "Response to the Save Our Centres Groups" integrating information from a number of source documents is now on Council's website in three locations; Public Notices, Tenders and Latest News*

18. Mr Marc Scharpenack (Not present in the Chamber)

In reference to Council's letter to families dated 1 December 2011 entitled changes to Child Care Fees, which outlines fee increases across all rooms in the two Council operated child care centres in Sandringham and Hampton, and which states that 'these increases are required in order to meet the new National Childcare Regulations in 2012' can Council please confirm;

- a) apart from the improved staff to child ratios in the 0-2 age group coming into effect in January 2012, what changes are being implemented in 2012 in the 2-3, 3-4 and 4-5 rooms as a result of the National Child Care Regulations; and
- b) How these fee increases in 2012 in the 2-3, 3-4 and 4-5 rooms are calculated to reflect the changes being implemented in these rooms as a result of the National Child Care Regulations?

Response

a) *The National Child Care Regulations concentrates on staff to child ratios and staff qualifications including implementation of compulsory child care study and the requirement for all staff to have enrolled in appropriate children's services training.*

The impact of additional staff training requirements means that extra staff will be required to backfill while staff are undergoing training increasing costs. The implementation of compulsory child care study aims to assist in the provision of quality outcomes for all children and families

b) *The fee increases have been calculated taking into consideration the new staff to child ratios, increase in backfill requirements and increase in operating costs.*

19. Mr Kevin Spencer (Present in the Chamber)

As a ratepayer of the City of Bayside, I find the apparent extension or further term of the employment contract of the council CEO, without the position being advertised repugnant. Taking into serious consideration the fiduciary responsibility of a CEO, the exorbitant salary package given, together with the withholding of his performance review, all of which should be available for community scrutiny, I therefore ask the following:

- a) How can the CEO declare that consideration of his re-appointment be construed as a confidential matter and closed to members of the public?
- b) Isn't it a conflict of interest when the CEO declares, that consideration of his re-appointment by council be made a confidential matter?

Response

- a) *The Chief Executive Officer's (CEO) contract with Council is a personnel matter and may also be seen as a contractual matter, both of which are provided for in the Local Government Act as confidential matters under section 89 (2).*
- b) *This is a matter for a Council decision, rather than one for the CEO and as such there is no conflict of interest for a CEO to declare.*

A CEO's decision in such a matter is limited to his or her choice to accept or not accept any offer made by the Council.

20. Mr Kevin Spencer (Present in the Chamber)

At the Annual General Meeting of Bayside City Council held on 1 December 2011, it was resolved that a letter of appreciation be rightfully presented to the outgoing mayor

Cr Alex del Porto in recognition of his mayoral duty during his term of Mayor. This was followed by a presentation to the former mayor.

- a) What is councils policy with regard to gifts to retiring council employees, councillors and mayors?
- b) What was the value of the presentation to the former mayor at the AGM?

Response

- a) *Council provides a letter under seal for all retiring Councillors and Mayors. In addition each retiring Mayor receives a photographic mayoral portrait, and a mayoral pictorial scrapbook, which provides a historical record of the Mayors Term of Office.*

Retiring Council employees receive a small corporate gift depending on the years of service and appropriate morning / afternoon tea hospitality in accordance with an organisation policy.

- b) *The value of presentations to the former Mayor at the Annual Meeting of Council are as follows:*

<i>Letter Under Seal</i>	<i>\$20.00</i>
<i>Mayoral Portrait (Framed)</i>	<i>\$80.00</i>
<i>Mayoral Pictorial Scrapbook</i>	<i>\$150.00</i>

21. Mr Rod Binnington (Present in the Chamber)

In the Council's Media Release (September 29th 2011) referring to the closure of 18 Independent Living Units in Sandringham and Beaumaris, council refers to a 'Review' which apparently shows that the units will "require major investment in coming years to maintain their suitability".

In reference to the Council 'Review', which apparently formed the basis for the decision to close the Independent Living Units, will Council please provide all the evidence, including engineering/architectural and financial documentation which informed the final decision by Councillors to close the Units?

Response

Information is currently being compiled. An answer to this question will be provided in writing.

7. Petitions to Council

There were no petitions submitted to Council

8. Reports by Advisory Committees

8.1 Assembly of Councillors Records

Corporate Services - Governance
File No: FOL/1234

Moved: Cr del Porto

Seconded: Cr Frederico

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act.

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees submitted to Council

10. Reports by the organisation

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- 10.5 Review of Local Law 2 – ‘Neighbourhood Amenity’
- 10.6 Amendment C108 – MSS Corrections and 31 Service Street, Hampton Heritage Overlay Deletion
- 10.7 Review of Bayside Health and Wellbeing Plan 2009 – 2013
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- 10.9 Financial report for four (4) months to 31 October 2011
- 10.10 VCAT Decisions
- 10.11 Council Action Awaiting Report

REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

Item 10.3 – Response to the Petition for more Netball Courts in Bayside

Miss Ella Quinlan

Item 10.8 – Risk Management Policy

Mr George Reynolds

Item 10.9 – Financial report for four (4) months to 31 October 2011

Mr George Reynolds

10.2 2 Rossmith Avenue Beaumaris – Request for Removal of Street Trees

City Strategy – Environmental Sustainability & Open Space
File No: A/14605

Moved: Cr Norris

Seconded: Cr Russell

That Council:

1. retains the two *Acmena smithii* (*Lilly Pilly*) in Rossmith Avenue adjacent to 2 Rossmith Avenue, Beaumaris in accordance with Council policy; and
2. informs the resident of this decision.

CARRIED

It is recorded Cr Frederico declared an Indirect Conflict of Interest by close association in item 10.3 - Response to the Petition for more Netball Courts in Bayside given her daughter is a signatory to the petition.

Cr Frederico vacated the Chamber at 7.46pm prior to consideration of this matter.

10.3 Response to the Petition for more Netball Courts in Bayside

Community Services – Recreation & Social Development
File No: FOL/1234

It is recorded that Miss Ella Quinlan spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Long

That Council:

1. notes that research to inform the preparation of the Bayside Recreation Strategy 2012-22 includes the determination of current and future needs for netball facilities.
2. notifies the lead petitioner of Council's actions in response to the Petition.

CARRIED

It is recorded that Cr Frederico was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

It is recorded that Cr Frederico entered the Chamber at 7.56pm.

10.4 Sustainable Water Plan for Brighton Golf Course and Dendy Park

City Strategy – Environmental Sustainability & Open Space
File No: PSF/11/2402

Moved: Cr Norris

Seconded: Cr Hayes

That Council support the application to the third round of funding from the Department of Sustainability, Environment, Water, Population and Communities on 7 December 2011 seeking \$1.275M (ex GST) to implement the Sustainable Water Plan for Brighton Golf Course and Dendy Park.

CARRIED

10.5 *Review of Local Law 2 'Neighbourhood Amenity'*

Infrastructure Services -
File No: FOL/11/963

Moved: Cr Frederico**Seconded: Cr Long**

That Council:

1. notes the Local Law Community Impact Statement and the Summary of Section 223 Submissions;
2. having considered submissions in accordance with Section 223 of the Local Government Act 1989, revokes the existing Local Laws 2,3,4,5,6,7,8, and 10 and makes the new Local Law 2 '*Neighbourhood Amenity*' Report as circulated and tabled on 14 December 2011. The reasons for making this new Local Law are to:
 - a) secure community safety;
 - b) protect public assets;
 - c) enhance neighbourhood amenity;
 - d) embrace best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
 - e) be consistent with Council's overall objectives and policies, in particular:
 - to maintain neighbourhood character;
 - to preserve our built and natural heritage;
 - to provide equitable access to services and facilities;
 - to provide equity in access to our open space and foreshore;
 - to maintain suitable infrastructure; and
 - to provide a sense of community in our villages and activity centres;
 - f) provide for the administration of Council's powers and functions;
 - g) consolidate Council's previous Local Laws 2, 3 and 4; and
 - h) revoke any redundant Local Laws;
3. affixes the common seal to the new Local Law 2 '*Neighbourhood Amenity*' attached to this Report;
4. gives Public Notice of the making of Local Law No. 2 '*Neighbourhood Amenity*' in the *Age* newspaper and the *Victoria Government Gazette*, *Bayside Leader* and on Council's website;
5. forwards a copy of Local Law No. 2 '*Neighbourhood Amenity*' to the Minister of Local Government, in accordance with Section 119(4) of the *Local Government Act 1989*;

6. thanks the submitters for their comprehensive and informative submissions, and authorises the Chief Executive Officer to write to the submitters advising of Council's decision to make the new Local Law and the reasons for it; and
7. confirms its resolution of 8 November 2011, so that the Orders made under sections 10A and 25 of the *Domestic Animals Act* 1994 on that date take effect upon Local Law 2 '*Neighbourhood Amenity*' commencing to operate.

CARRIED

**10.6 Amendment C108 – MSS Corrections and 31 Service Street, Hampton
Heritage Overlay Deletion**

City Strategy – Urban Strategy
File No: FOL/11/3520

Moved: Cr Frederico

Seconded: Cr Norris

That Council:

1. supports the correction of the numbering of Clause 22 Local Policies in the MSS (Clause 21) to avoid confusion for users of the planning scheme when cross referencing;
2. supports the removal of the Heritage Overlay (HO331) that currently applies to 31 Service Street, Hampton as the property does not have any heritage significance; and
3. requests a Ministerial Amendment for the correction of the numbering of Clause 22 Local Policies in the MSS (Clause 21) and the removal of the Heritage Overlay in accordance with Section 20(4) of the *Planning and Environment Act 1987*.

CARRIED

10.7 Review of Bayside Health and Wellbeing Plan 2009 - 2013

Community Services - Recreation & Social Development
File No: FOL/11/360

Moved: Cr Norris

Seconded: Cr Hayes

That this report on the review of the City of *Bayside's Health and Wellbeing Plan 2009-2013* be received and noted.

CARRIED

10.8 Risk Management Policy

Corporate Services – Commercial Services
File No: COR1234

It is recorded that Mr George Reynolds spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Hayes

That Council adopts the Risk Management Policy dated December 2011 as attached to this report

CARRIED

10.9 Financial report for four (4) months to 31 October 2011

Corporate Services – Finance
File No: COR20686

It is recorded that Mr George Reynolds spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council notes the financial report for the four month period ending 31 October 2011.

CARRIED

10.10 VCAT Decisions

City Strategy – Statutory Planning
File No: COR1234

Moved: Cr Norris

Seconded: Cr Long

That the report on VCAT decisions on planning applications handed down since the last Council Meeting be received and noted.

CARRIED

10.11 Council Action Awaiting Report

Corporate Services – Governance
File No: FOL/1234

Moved: Cr del Porto

Seconded: Cr Long

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

Association of Bayside Municipalities – Cr Norris

No report was submitted to the meeting.

MAV Environment Committee – Cr Norris

No report was submitted to the meeting.

Metropolitan Transport Forum – Cr Russell

No report was submitted to the meeting.

Municipal Association of Victoria – Cr Long

Cr Long reported on his recent attendance at the MAV meeting and invited the Mayor to attend the next meeting.

Victorian Local Governance Association – Cr Norris

No report was submitted to the meeting.

Inner South Metropolitan Mayors' Forum – Cr Cooper-Shaw

No report was submitted to the meeting.

Metropolitan Waste Management Forum – Cr Frederico

No report was submitted to the meeting.

Moved: Cr del Porto

Seconded: Cr Hayes

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

There were no items of urgent business submitted to the meeting.

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

14. Confidential Business

Moved: Cr Russell

Seconded: Cr Hayes

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;*
- (b) The personal hardship of any resident or ratepayers;*
- (c) Industrial matters;*
- (d) Contractual matters;*
- (e) Proposed developments;*
- (f) Legal advice;*
- (g) Matters affecting the security of Council property;*
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) A resolution to close the meeting to members of the public.*

CARRIED

Table of Contents

- 14.1 Royal Avenue Tennis Facility – Consideration of New Lease
- 14.2 Supply and Installation of IT Storage
- 14.3 Re-appointment of the Chief Executive Officer

It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.30pm.

CONFIRMED THIS 17 DAY OF JANUARY 2012

CHAIRMAN: