



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 14 June 2011

The Meeting commenced at 7.00pm

PRESENT:

Cr Louise Cooper-Shaw (Deputy Mayor)
Cr Felicity Frederico
Cr Clifford Hayes
Cr Michael Norris
Cr Simon Russell JP
Cr James Long BM JP

OFFICERS IN ATTENDANCE:

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

In accordance with the Annual Meeting of Council, minutes dated 2 December 2010, the Deputy Mayor is appointed as Acting Mayor in the absence of the Mayor.

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

1. Prayer

Cr Norris 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

The Acting Mayor invited Councillors, staff and members of the gallery to remain standing to observe one minute silence to pay respect and reflect on the recent passing of Mrs Jeannette Patrick, former Councillor of Brighton from 1973 to 1976.

2. Acknowledgement of Original Inhabitants

Cr Hayes 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 Boonwerung 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 – .

An apology from Cr del Porto was submitted to this meeting.

Moved: Cr Norris

Seconded: Cr Hayes

That the apology of Cr del Porto be received and leave of absence be granted.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Cooper- Shaw declared a Direct Conflict of Interest in item 10.6 – Highett Neighbourhood Character Review as she owns a property within Highett Neighbourhood Character areas under review.

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 24 May 2011

Moved: Cr Hayes

Seconded: Cr Long

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 24 May 2011 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 66 of Council's Governance Local Law No 1, the following individuals submitted 8 public questions to the Meeting:

1. Mr Robert Grey (Not present in the Chamber)

With regard to the council motion November 2009:

While awaiting approval from the Minister for Planning inform the community and advertise the completion of the Black rock Village – Neighbourhood Activity Centre Structure Plan. What is the councils definition of (Black Rock) Community.

Response

The Council resolution of 17 November 2009 does not define the geographic extent of consultation. Depending on the nature of the matter it is typical for owners and occupiers of land affected by an amendment to be notified. The definition of a community is dependent on the context in which it is being considered.

2. Mr Robert Grey (Not present in the Chamber)

Noting that in Bayside the creation of nett new dwellings over the past 10 years has well exceeded the rate required to achieve the Melbourne 2030 estimated opportunities set out in the Southern Regions Housing Statement, which Council has endorsed, of accommodating 6100 nett new dwellings in Bayside by 2030. Does Council still endorse the high density shop top apartment model for Neighbourhood Activity Centres that do not have mass transit systems such as light rail?

Response

The Southern Regional Housing Statement was prepared in 2006 by the Southern region municipalities. The 6100 net new dwellings per annum as a identified above and in the Southern Regional Housing Statement was an estimate of housing opportunities within Bayside from 2001 to 2031 and was not considered a requirement, rather a capacity that could be achieved by the municipality. It is true that Bayside's net housing provision did exceed this earlier estimate.

The State Government however subsequently released revised population projections, Victoria in Future 2008 following the 2006 census. The increased population projections for Melbourne and the audit of Melbourne 2030 lead to the State Government Housing Growth Requirements project currently underway. This work proposes to assess housing capacity in each municipality and set new municipal housing requirements.

Council's draft Bayside Housing Strategy 2011 acknowledges the role that Neighbourhood Activity Centres can play in accommodating housing growth in accordance with State Policy and the draft preferred option 7 proposes to focus development within these centres, while acknowledging access to various public transport modes.

3. Mr Greg Lewis (Not present in the Chamber)

Could someone kindly advise why Black Rock residents were not “initially” advised and consulted regarding the proposed planning scheme amendments to the Black Rock Village?

Response

Owners and occupants of property within the Black Rock Structure Plan area, along with owners and occupants of land directly abutting the Structure Plan boundary were notified by letter and a notice was also placed in the Bayside Leader. Council has since resolved at its Ordinary Meeting of 24 May 2011 to extend the consultation period of Amendment C90, which proposes to include the Black Rock Structure Plan into the Planning Scheme, to 31 August 2011, along with writing to all property owners and occupiers within the suburb of Black Rock, the erection of signs, newspaper advertisements and the development of a communication plan.

4. Mrs Aurawan Grey (Not present in the Chamber)

With regard to the council resolution adopted November 09 where the the council “Seeks to protect views towards – and enhance the (BRNAC) Centre’s relationship with – the foreshore”.

Was this “protection of views” resolution adopted to protect the views of existing residences surrounding the BRNAC to the foreshore and bay?.

Response

The Black Rock Shopping Centre is defined by State Policy as a Neighbourhood Activity Centre, where higher density housing should be encouraged. It should be designed to fit the context and enhance the character of the area while providing a variety of housing options for different types of households. The increase in height allowable under the Black Rock Structure Plan, with a proposed mandatory height control of 3 storeys is intended to meet this objective whilst also meeting the objective of protecting views of the foreshore, particularly from within the centre.

5. Mrs Aurawan Grey (Not present in the Chamber)

With regard to the council resolution adopted November 09 where the the council “Seeks to protect views towards – and enhance the (BRNAC) Centre’s relationship with – the foreshore”.

Why does this “protection of views” resolution now not seem to be for surrounding residences but only for shop top housing to enhance the profitability of developers as indicated in the council report labelled CPG Economic analysis final.

Response

The Economic Analysis was requested by the Department of Planning and Community Development (DPCD) to demonstrate that the built form controls and associated growth provided for by the Black Rock Structure Plan is commercially viable. The intent of the report was to demonstrate that the new controls are sufficient and that no further height increases are required to achieve commercial viability of development.

6. Mr Kevin Spencer

- A. Would council explain as to why its library services no longer sells off to the community antiquated or books that are no longer required and the subsequent financial loss to council.
- B. How many library books, reference or otherwise are lost to council library's due to malfunctioning checkout scanning machines or simply lost due to being taken without being checked out on loan.
I believe the security of our libraries leaves a lot to be desired and should be a matter of inquiry by council.

Response

- a) *Up until five years ago, direct sales of library items that were no longer required in the collection, were made to the public. A review found that the costs were higher than the income received being \$2,000 and there was a lack of suitable storage to hold discarded stock awaiting sale.*

Other Councils deal with the management of items that are no longer required in a number of different ways. At Bayside City Council the current practice is to donate books to a range of charitable institutions for sale and redistribution. This practice ensures that books are able to be utilised by persons who are disadvantaged, with minimal expenditure to Council. Books have been donated to a range of organisations, including the Lions Club and Family Life for resale, to local child care centres and nursing homes, and has sent children's stock to the Northern Territory, the Philippines and other Pacific countries for use in schools.

- b) *The average level of missing items is 0.9% of the collection of 190,000 items. Around 0.5% of these have been missing on a long-term basis, while the remaining 0.4% regularly turn over (they are listed as missing and returned within 6 weeks). These missing items can be due to items being misshelved, or left on tables in the library. Those items that are inadvertently taken from the library without going through the checkout system are usually returned.*

The self serve checkouts in the library branches will be undergoing a system upgrade in the next two months, as it has been identified that following the introduction of Radio Frequency Identification there is less checking of books leaving the library. Brighton branch already has a security system installed, and a budget allocation has been submitted to the 2011/12 Capital works budget to install security gates at three remaining library branches.

7. Mr Kevin Spencer

- A. What is the full cost to Bayside the Ratepayers for the Bayside Built Environment Awards taking into consideration the sponsor.
- B. If we must waste money on seemingly unnecessary developers promotion, why can't we have a category for the property that embraces the importance of neighbourhood character, which in the majority of developments they are a standard out in unacceptable design in neighbourhood character.

Response

- a) *The cost of the Bayside Built Environment Awards in the 2010/2011 financial year was approximately \$30,000. Sponsorship received for the 2010/2011 awards was in kind and provided in the form of advertising, including print media and signage boards.*

- b) *Council encourages good quality design that is responsive to the urban context, the natural environment and the community expectations. The Bayside Built Environment Awards judging guidelines place a high level of importance to criteria such as responsiveness to neighbourhood character, streetscape quality, local identity, heritage, public places and the natural environment in evaluating nominations. As these are important considerations for all of the categories, it is considered that an additional 'neighbourhood character' category is not required.*

8. Mr John Wallace

Ecological Burn and Post Burn Management Policy, specifically concerning the Bay Road Heatherland Sanctuary and its immediate proximity to Karinya Grove Residential Care Facility.

My wife and several other patients at Karinya suffer from Alzheimers Disease. If Councillors and Council officers had obtained specialist medical advice they would be aware that Alzheimer sufferers are very prone to chest infections from smoke inhalation. Burn offs create smoke. Because Alzheimer sufferers are much more vulnerable to infection and the ability to deal with it, even to the extent that death could result, this policy is of great concern and stress to me.

The question therefore is: Was proper medical advice obtained? For example, was a health risk analysis obtained?

As to advice, having regard to my background, I would suggest the individual councillors and relevant Council Staff obtain qualified legal advice as to their individual legal liability, both civil and criminal.

Response

Advice on the proposed Ecological Burn and Post-Burn Bushland Management Policy has been provided by the Department of Health, the Environment Protection Authority and the Asthma Foundation. They have provided some specific advice to help ensure that notification processes are appropriate to ensure that people are aware of any planned burns, the potential risks to their health from the smoke, and actions they can take to reduce the likelihood of any health impact.

The proposed policy says that Council will notify residents living within 250 metres of burn sites, the general community, community groups and fire brigades of the intention to carry out controlled Ecological Burns through a series of communications in the six months prior to the burn.

In addition, any public facilities within close proximity requiring special notification (ie: hospitals, schools, aged care facilities, child care centres, sports centres etc.) will also be notified.

The purpose of the notification is to give anyone affected by the planned ecological burn the opportunity to discuss the matter with Council to ensure that any health issues are addressed.

7. Petitions to Council

7.1 Petition: Castlefield Reserve

Corporate Services - Governance
File No: COR/1234

Petition for Castlefield Reserve to be an area for dogs off leash (28 signatures)

“We the undersigned, ratepayers in Bayside Council, call for the Council to prepare a report on Castlefield Reserve. We would like the oval in Castlefield Reserve to become an area for dogs off leash when it is not being used by schools or sporting clubs. This is a matter of some urgency as Sillitoe Reserve is temporarily closed.”

Moved: Cr Frederico

Seconded: Cr Long

That the petition be received and a report be submitted to Council in two cycles on this matter.

CARRIED

7.2 Petition: Ocean Street, HamptonCorporate Services - Governance
File No: FOL/1234

Petition to amend parking regulations in Ocean Street Hampton (3 signatures)

"We the undersigned hereby petition Bayside City Council as residents of Ocean Street, Hampton pray for urgent action be taken in regards to the current car parking problems being incurred by all Ocean Street residents that so many vehicle owners are using Ocean Street as their garage with cars parked daily to weekly and longer making life miserable for those of us that live in this leafy Hampton Street.

In addition, the street is being used as a rat run now that the New Street gates remain closed in an attempt to avoid the congestion in Hampton Street, especially with the railway boom gates near Hampton station.

We pray that Councillors give urgent consideration to amending the parking Regulations in Ocean Street, Hampton as currently exists in Willis Street (West of Hampton Street):

- (i) 1 hour parking 8am to 7pm Monday to Sunday; and
- (ii) 7pm to 8am Resident permit zone.

Councillors would be well aware of the abundant Council provided car parking for Hampton Street shopping and the large railway car park for commuters."

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

That the petition be received and a report be submitted to Council in 4 meeting cycles on this matter.

CARRIED

7.3 Petition: Support of a price on carbonCorporate Services - Governance
File No: FOL/1234

Petition for Council to support a price on carbon (12 signatures)

"We the undersigned, hereby petition Bayside City Council as follows. We request:

- that as a matter of urgency, Council write individually to the Prime Minister, the Victorian Premier and MPs Greg Combet, Mark Dreyfus, Tony Abbott, Greg Hunt, Daniel Andrews, Ryan Smith and Lisa Neville and also to Victorian Federal MPs and State MPs:
 - expressing strong support for the multi-party climate change committee;
 - requesting urgent action on climate change; and
 - calling for a price on carbon pollution and other incentives for investment in renewable energy and energy efficiency;
 - calling for policies to realise economic opportunities of a low carbon future and to ensure that low income and affected communities are assisted;
- that Council also write to the Municipal Association of Victorian and the Victorian Local Government Association in similar terms
- that Council continue to take an active role in advocacy on carbon pricing over the next 12 months;
- that Council issue a media release informing the community of details of Council advocacy and of the letter; and
- that Council actively use its website to inform the public on this issue including publishing any replies."

Moved: Cr Norris**Seconded: Cr Hayes**

That the petition be received and a report submitted to Council in one cycle on this matter.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Hayes, Norris and Cooper-Shaw (3)
 AGAINST: Crs Frederico, Long and Russell (3)

The Acting Chairperson used her casting vote in favour of the Motion, and the Motion was **CARRIED**

8. Reports by Advisory Committees

8.1 *Assembly of Councillors Records*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Long

Seconded: Cr Hayes

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 the meeting.

10. Reports by the organisation

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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 10.1 – Ecological Burn and Post-burn Management Policy

Mr Derek Wilson
Miss Heather Stewart
Dr Alan Sherlock
Ms Pauline Reynolds on behalf of Dr Valerie Tarrant
Mr Robert Saunders
Mr Ron Morris
Ms Pauline Reynolds
Dr David Cockburn
Mr John Wallace

Item 10.3 – Tree Removal Application – 50 Cromer Road, Beaumaris

Mr John Sanderson

Item 10.4 – Underground car park at the corner of Bay and Beach Roads, Sandringham

Mr Chris Voce

Item 10.6 – Highett Neighbourhood Character Review

Mrs Maree Bowker, Mrs Trish Boase, Mr David Rowley

Item 10.10 – Hampton Street, Hampton – Streetscape Masterplan

Ms Patricia Marshall

Item 14.1 – Royal Avenue Tennis Centre

Mr Tim McKimm

10.1 Ecological Burn and Post-burn Management Policy

City Strategy – Environmental Sustainability & Open Space
File No: FOL/11/29111/291

It is recorded that Mr Derek Wilson, Miss Heather Stewart, Dr Alan Sherlock, Ms Pauline Reynolds on behalf of Dr Valerie Tarrant, Mr Robert Saunders, Mr Ron Morris, Ms Pauline Reynolds, Dr David Cockburn and Mr John Wallace spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Hayes

That Council:

1. adopts the Ecological Burn and Post-Burn Bushland Management Policy dated 14 June 2011; and
2. writes to all respondents thanking them for their contributions and advising of Council's decision.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Hayes, Norris, Russell, Long and Cooper-Shaw (5)
 AGAINST: Cr Frederico (1)

CARRIED

10.2 Traffic Management – Cochrane Street Speed Cushions Survey

Infrastructure Services – Asset Management Services
File No: FOL/11/9

Moved: Cr Hayes

Seconded: Cr Long

That Item 10.2 Traffic Management – Cochrane Street Speed Cushions Survey be deferred for two cycles to enable further consultation with residents.

CARRIED

10.3 Tree Removal Application – 50 Cromer Road, BeaumarisInfrastructure Services – Amenity Protection
File No: PSF/11/597

It is recorded that Mr John Sanderson spoke in relation to this matter.

Moved: Cr Norris**Seconded: Cr Hayes**

That Council endorses the decision by the delegated officer to refuse the permit application for the removal of a *Cedrus deodara* (Deodar Cedar) at 50 Cromer Road Beaumaris.

LOST**Moved: Cr Frederico****Seconded: Cr Russell**

That Council grant a permit for the removal of a *Cedrus deodara* (Deodar Cedar) at 50 Cromer Road Beaumaris with the replacement of an advanced tree to the satisfaction of Council.

AMENDMENT**Moved: Cr Norris****Seconded: Cr Hayes**

That Council grant a permit for the removal of a *Cedrus deodara* (Deodar Cedar) at 50 Cromer Road Beaumaris with the replacement of an advanced native tree to the satisfaction of Council.

The Acting Chairperson used her casting vote against the motion and was **LOST.**

The Motion Moved by Cr Frederico and Seconded by Cr Russell became the motion before the Chair and was PUT and **CARRIED**

**10.4 Underground Car Park at the corner of Bay and Beach Road,
Sandringham**

Infrastructure Services – Asset Management Service
File No: FOL/10/215847

It is recorded that Mr Chris Voce spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Russell

That Council:

1. approves in principle the introduction of paid parking at the public underground car park at 122 Beach Road Sandringham with the following fee structure:
 - \$3 per four hours between 8am and 8pm;
 - \$500 for an annual overnight permit between 8pm and 8am;
 - \$3 for single overnight ticket between 8pm and 8am; and
2. consults with the Sandringham Traders Association and other key stakeholders regarding the proposed implementation.

CARRIED

10.5 Bay Road, Sandringham – school crossing improvement works

Infrastructure Services – Asset Management Services
File No: FOL/11/9

Moved: Cr Norris**Seconded: Cr Russell**

That Council:

1. notes the up-date from VicRoads on the trial installation of temporary kerbing works to improve safety at a supervised school crossing in Bay Road near the intersection of Fernhill Road, Sandringham; and
2. strongly supports the proposal by VicRoads to install pedestrian operated signals at the location of the school crossing.

CARRIED

It is recorded that Cr Cooper- Shaw declared a Direct Conflict of Interest in item 10.6 – Highett Neighbourhood Character Review as she owns a property within Highett Neighbourhood Character areas under review.

It is recorded that Cr Cooper-Shaw vacated the Chamber at 8.47pm prior to consideration of this matter.

In the absence of the Acting Chairperson, the Chief Executive Officer called for nominations for the position of Acting Chairperson for the consideration of Item 10.6.

Moved: Cr Norris**Seconded: Cr Hayes**

That Cr Russell take the Chair for consideration of Item 10.6 – Highett Neighbourhood Character Review.

CARRIED

Cr Russell took the Chair for the consideration of Item 10.6.

10.6 Highett Neighbourhood Character ReviewCity Strategy – Urban Strategy
File No: FOL/10/215881

It is recorded that Cr Cooper- Shaw declared a Direct Conflict of Interest in Item 10.6 – Highett Neighbourhood Character Review as she owns a property within Highett Neighbourhood Character areas under review.

It is recorded that Mrs Maree Bowker, Mrs Trish Boase and Mr David Rowley spoke in relation to this matter.

Moved: Cr Frederico**Seconded: Cr Norris**

That Council:

1. receives this report and the consideration of community responses to the *Highett Neighbourhood Character Review Draft August 2010* report (contained in Attachments 2 and 3 of this report);
2. adopts the final version (Attachment 1 to this report) of the *Highett Neighbourhood Character Review March 2011* report except:
 - a) In Appendix 3: Draft NCO Schedule, Clause 4.0 - Modification to Clause 54 and Clause 55 standards - delete Standard 'Walls on boundaries A11 and B18' and the accompanying 'Modified Requirement'.
 - b) The proposed NCO objectives and standard for 'side and rear setbacks' are modified to provide for setbacks consistent with the Bayside Residential 1 Zone Schedule where there is a direct abuttal with an existing residential property.
3. authorises the Director City Strategy to make any necessary minor editorial changes to the *Highett Neighbourhood Character Review March 2011* report and planning scheme amendment documentation;
4. seeks authorisation from the Minister for Planning to prepare a planning scheme amendment under section 8A(3) of the *Planning and Environment Act 1987* to amend the Bayside Planning Scheme by:
 - a) amending Clause 22.07 Neighbourhood Character Policy to include a new Precinct G3 two new residential areas in Highett being properties bounded by Tibrockney Street, Sterling Avenue and Beaumaris Parade and properties along Noyes Street and Sydenham Street and include 5-7 Sydenham Street in Precinct G1.
 - b) applying the Neighbourhood Character Overlay and corresponding schedule to the two areas proposed to be included in Precinct G3; and.
5. notifies all submitters of the outcomes of this report and the process to be subsequently followed.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Russell, Norris and Frederico (3)
 AGAINST: Crs Hayes and Long (2)

CARRIED

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

It is recorded Cr Cooper-Shaw returned to the Chamber at 9.18pm and resumed the Chair for the remainder of the meeting

10.7 Planning Scheme Amendment C98 – Bayside Gaming Policy

City Strategy – Urban Strategy
File No: FOL/10/223355-02

It is recorded that Cr Norris vacated the Chamber at 9.19pm.

Moved: Cr Long

Seconded: Cr Frederico

That Item 10.7 Planning Scheme Amendment C98 – Bayside Gaming Policy be deferred for one meeting cycle to enable further consultation.

CARRIED

10.8 Disability Strategy and Action Plan 2010-13

Community Services – Recreation & Social Development
File No: FOL/11/647

It is recorded that Cr Norris entered the Chamber at 9.25pm.

Moved: Cr Long

Seconded: Cr Hayes

That Council endorses the Disability Strategy and Action Plan 2010-2013 as set out as Attachment A in the report.

CARRIED

10.9 Medicare LocalsCommunity Services – Recreation & Social Development
File No: FOL/11/292

Moved: Cr Long**Seconded: Cr Norris**

That Council delegates the Chief Executive Officer to prepare and provide a letter to the Department of Health and Ageing and the South East Active Alliance stating Council's commitment to work collaboratively with the Medicare Local established in the Bayside area and its interest in being engaged in further discussion regarding Council's participation in the South East Active Alliance's proposed governance structures, subject to compliance with the Local Government Act.

CARRIED

10.10 Hampton Street, Hampton – Streetscape MasterplanInfrastructure Services – Asset Management Services
File No: FOL/11/472

It is recorded that Ms Patricia Marshall spoke in relation to this matter.

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

That Council adopts the draft Hampton Street Streetscape Masterplan as a guide for the consideration of future capital work proposals.

CARRIED

10.11 Road Asset Management PlanInfrastructure Services – Asset Management Services
File No: FOL/11/1029

It is recorded that Cr Russell vacated the Chamber at 9.54pm.

Moved: Cr Norris**Seconded: Cr Long**

That Council endorses the draft Road Asset Management Plan dated May 2011.

CARRIED

10.12 Bayside City Council 2012 Environment AwardsCity Strategy – Environmental Sustainability & Open Space
File No: FOL/11/215978

It is recorded that Cr Russell entered the Chamber at 9.57pm.

Moved: Cr Hayes**Seconded: Cr Frederico**

That Council:

1. continue the Australia Day Environment Awards through the provision of an individual ward and an organisational award (two awards);
2. expand the categories for the Australia Day Environment (Individual) Award to include a 'living more sustainably in your home' category;
3. expand the eligibility for the Australia Day Environment Award (Organisational) to include schools and businesses in Bayside;
4. revise the judging process for the Australia Day Environment Award to include an independent person with knowledge of environmental sustainability, two Councillors, Director City Strategy and Manager Environmental Sustainability and Open Space; and
5. include Australia Day Environment Award recipients and nominees in the review of the 2012 Award.

CARRIED

10.13 *Roof Decks in the Design and Development Overlay Schedule 2 (DDO2)*City Strategy – Urban Strategy
File No: FOL/10/215916

Moved: Cr Hayes**Seconded: Cr Norris**

That Council refers for inclusion as an action within the 2012/13 Council Annual Action Plan, an amendment to the Bayside Planning Scheme to vary the Design and Development Overlay, Schedule (DDO2) to include a planning permit requirement for a roof deck, including design and siting requirements for a roof deck and include the definition of a roof deck, similar to the requirements that currently form part of the Design and Development Overlay, Schedule 1 (DDO1).

CARRIED

10.14 *2011 Presidents Cup*City Strategy – Urban Strategy
File No: FOL/11/758

Moved: Cr Norris**Seconded: Cr Russell**

That Council:

1. supports the 2011 Presidents Cup being conducted at the Royal Melbourne Golf Club;
2. supports the event's declaration under the *Major Sporting Events Act 2009* as per the area defined in Attachment 1 and extending Council's support for Presidents Cup Event Management's submission to the Minister in a Letter of Support signed by the Mayor; and
3. authorises the Chief Executive Officer or his delegate to negotiate and reach agreement with Presidents Cup Event Management regarding the use of Council facilities on the basis that Council:
 - a) recovers all expenses associated with use of Council facilities including reinstatement of ground surfaces; and
 - b) the promotion of Bayside and the tourist opportunities / services available to international, national and local visitors.

CARRIED

10.15 *Audit Committee Meeting held on 11 May 2011*

Corporate Services - Governance
File No: COR 1234

Moved: Cr Hayes

Seconded: Cr Frederico

That Council notes the minutes of the Audit Committee meeting held on 11 May 2011 and endorses the actions of the Audit Committee.

CARRIED

10.16 *Vision Super – LASF Defined Benefit Plan – 30 June 2010 Actuarial Investigation*

Corporate Services - Finance
File No: FOL 1234

Moved: Cr Norris

Seconded: Cr Hayes

That Council:

1. approve the inclusion of the amount of \$843,518.77 plus contributions tax of 17.65%, totalling \$992,399.82 in the 2010/2011 Financial Statements for the purpose of recording this expense;
2. approve the payment of the above amount in the current financial year; and
3. approve the provisional inclusion of \$500,000 in the 2013/2014 Long Term Financial Plan to off-set any possible further call on the fund.

CARRIED

10.17 Council Media Protocol Policy

CEO – Communications & Customer Service
File No: 1234

Moved: Cr Long

Seconded: Cr Hayes

That Council adopt the revised Council Media Protocol Policy as attached and dated June 2011.

AMENDMENT

Moved: Cr Norris

That Council adopt the revised Council Media Protocol Policy as attached and dated June 2011 subject to the following alteration to section 6 with the inclusion of the following paragraph:

Councillors, where possible, should seek the advice of the communication and customer service department prior to responding to a media enquiry. The Department's advice should also be sought before a Councillor initiates any interaction with the media.

The Amendment **LAPSED** for want of a Seconder.

The Original Motion Moved by Cr Long and Seconded by Cr Hayes was PUT and **CARRIED**

10.18 *Integrated Transport Strategy – Project Brief*

City Strategy – Urban Strategy
File No: FOL/11/1090

Moved: Cr Norris

Seconded: Cr Russell

That Council:

1. adopts the Integrated Transport Strategy Project Brief as provided at Attachment 1.
2. receives a further report once the draft Integrated Transport Strategy has been completed.

CARRIED

10.19 *Council Action Awaiting Report*

Corporate Services - Governance
File No: FOL 1234

Moved: Cr Frederico

Seconded: Cr Long

That Council notes the Council Action Awaiting Report for the period to May 2011.

CARRIED

10.20 *VCAT Decisions*

City Strategy – Statutory Planning
File No: COR/1234

Moved: Cr Long

Seconded: Cr Norris

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

CARRIED

11. Reports by Delegates

Association of Bayside Municipalities – Cr Norris

No report was submitted to the meeting.

MAV Strategic Environment Advisory Group – Cr Hayes

Cr Hayes reported on his attendance at a recent meeting held on 2 June 2011, where topics discussed included the possibility of State Government funding for environmentally friendly street lighting and landfill charges.

Metropolitan Transport Forum – Cr Russell

Cr Russell reported on his attendance with the Director Infrastructure Services at a forum held on 9 June 2011 where the Minister Terry Mulder spoke regarding budget commitments. A Metropolitan Transport Forum study is proposed and is seeking Council feedback on suggested improvements to railway stations.

Municipal Association of Victoria – Cr Long

Cr Long reported on his attendance with Cr del Porto at the recent MAV State Council meeting. Cr Long advised that motions submitted by Bayside Council were adopted.

Victorian Local Governance Association – Cr Norris

No report was submitted to the meeting.

Inner South Metropolitan Mayors' Forum – Cr del Porto

No report was submitted to the meeting.

Metropolitan Waste Management Forum – Cr Long

No report was submitted to the meeting.

Moved: Cr Long

Seconded: Cr Russell

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

It is recorded that Cr Norris vacated the Chamber at 10.35pm and re-entered at 10.39pm.

Moved: Cr Hayes

Seconded: Cr Frederico

That a letter of condolence under seal of Council for the late Mrs Jeanette Patrick be dealt with as a matter of urgent business.

CARRIED

Moved: Cr Hayes

Seconded: Cr Long

That a letter of condolence under seal of Council be forwarded to the family of the late Mrs Jeanette Patrick, Brighton Councillor in recognition for her services to the community from 1973 - 1976.

CARRIED

13. Notices of Motion

13.1 Notice of Motion 202 – Introduction of a Carbon Price

Moved: Cr Norris

Seconded: Cr Hayes

That Council follows up its Resolution of 25 May 2010, which recognised the global emergency caused by excessive generation of greenhouse gases, substantial support for early action, and the need for a fixed carbon price given the deferral of the introduction of a wide-ranging market-based emissions trading system, by:

1. writing to the Prime Minister, The Hon Julia Gillard, the relevant Federal Ministers, the Leader of the Opposition, The Hon Tony Abbott, the Member for Goldstein, The Hon Andrew Robb, and Senators for Victoria, calling for the urgent introduction of a carbon price as an interim measure;
2. writing to the Presidents of the Municipal Association of Victoria and of the Victorian Local Governance Association to inform them of this resolution.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Hayes and Norris (2)
 AGAINST: Crs Frederico, Russell, Long and Cooper-Shaw (4)

LOST

Moved: Cr Long

Seconded: Cr Hayes

That the speaker in relation to Item 14.1 be heard in-camera.

CARRIED

14. Confidential Business**Moved: Cr Russell****Seconded: Cr Long**

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 Centre
- 14.2 Industrial Special Risk and Insurance Contract
- 14.3 Contract 101197X – New Street Drain, Brighton
- 14.4 Contract 101196X – Annual Kerb & Channel Replacement Works for 2011/12
- Contract 101191 – Provision of Internal Audit and Risk Management Services
- 14.5
- 14.6 Audit Committee – Appointment of an external member
- 14.7 Chief Executive Officer – Contract of Employment

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 11.25pm.

CONFIRMED THIS 12 DAY OF JULY 2011**CHAIRMAN:**