



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 16 March 2010

The Meeting commenced at 7.00pm

PRESENT:

Cr Clifford Hayes (Mayor)
Cr Alex del Porto
Cr Felicity Frederico
Cr James Long BM JP
Cr Michael Norris
Cr Simon Russell JP

OFFICERS IN ATTENDANCE:

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

The Chairman declared the meeting open at 7.05pm 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 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 Mr Chris Carroll, former Councillor of Bayside from 2003 to 2005.

2. Acknowledgement of Original Inhabitants

Cr del Porto 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 Louise Cooper-Shaw was submitted to this meeting.

Moved: Cr del Porto

Seconded: Cr Russell

That the apology from Cr Cooper-Shaw be received and leave of absence be granted.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

The Chairman indicated that he proposed to split Item 10.2 into 4 parts and deal with each amendment separately hence item 10.2 was split into 10.2.1, 10.2.2, 10.2.3 and 10.2.4.

- Cr del Porto declared a Direct Conflict of Interest in Item 10.2.3 on the agenda as Cr del Porto owns a property in Well Street Brighton which is in the Church Street Major Activity Centre
- Cr Russell declared an Indirect Conflict of Interest by close association in Item 10.4 on the agenda as Cr Russell lives opposite the hospital and this may have subsequent parking issues.
- Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.2.4 on the agenda as Cr Frederico's father owns a property in Beach Road Hampton which is within the Hampton Street Major Activity Centre.
- Cr Norris declared a Direct Interest in Item 10.2.4 on the agenda as Cr Norris part owns a residential property within the Hampton Major Activity Centre.
- Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.2.2 as Cr Hayes mother owns a property in the Bay Street Major Activity Centre.

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 16 February 2010

Moved: Cr del Porto

Seconded: Cr Norris

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 16 February 2010 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

There were 2 public questions submitted to the Meeting.

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

1. Mr George Reynolds

In relation to the answers Council gave to my questions at the February meeting (in relation, et al, to the 10th January Meeting of Council) would Council please advise:

- (a) At which meeting of Council was delegation given for staff to hold official Council Meetings when no Councillors were present nor invited, and
- (b) How did Council receive advice from the office of the Minister for Planning to split amendment C75 into two parts as gazetted on 18th February 2010, if "no communication took place between the Minister's Office and Council" on the matter?

Response

- a) Mr Reynolds questions to the February meeting referred to a meeting on 18 January and not 10 January. As per the response in February, Council's Planning staff hold delegated authority to determine planning applications under the Instrument of Delegation from Council. No meeting of Council was held on either January 10 or 18.
- b) In response to Mr Reynolds question in February he was advised that there had been no faulty communication with the Minister as asserted by the question.

In response to Council's resolution of 15 December 2009 to request the Minister to exercise his ministerial powers to remove interim heritage overlay controls from 3 sites that were part of Amendment C75. The Department of Planning and Community Development via an email of 7 January 2010 advised that to give effect to Council's request it would be necessary that amendment C75 be split into 2 parts, with part 2 including the 3 sites to be removed from interim controls. It was part 2, which was gazetted on 16 February 2010.

2. Mr George Reynolds

Now that Council has had a month to research the correct information, would Council please advise the staff turnover information I requested at the February Council meeting for the two planning departments and make this information publicly available at this meeting?

Response

a. Staff turnover rates for Statutory Planning and City Futures

Year	Statutory Planning	Urban Strategy
2006/07	42%	35.7%
2007/08	27.7%	35.7%
2008/09	11.2%	53.5%
2009 /10 - YTD	5.6%	37%

Please note that the City Futures Department is now known as Urban Strategy. The figures provided are for the Strategic Planning staff employed in that department.

In relation to casual and consulting planners, the actual number of individuals would require significant perusal of Council's accounts to determine. I do however provide the following details of the cost of temporary/relief staff in each department.

Year	Statutory Planning	Urban Strategy
2006/07	\$23,687	\$3,438
2007/08	\$25,674	\$14,638
2008/09	\$25,133	\$13,970

Please note that these figures do not include the cost of consultants employed under specific project briefs.

7. Petitions to Council

There were no petitions submitted to the Council for consideration.

8. Minutes of Advisory Committees

There were no minutes of Advisory committees submitted to Council for consideration.

9. Reports by Special Committees

There were no reports by Special Committees submitted to Council for consideration.

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 – Vegetation Controls in Residential Areas

1. Mr George Reynolds
2. Mr Chris Sutton

Item 10.2 – Major Activity Centre Controls

1. Ms Michelle Bentley

Item 10.3 – Sandringham Foreshore Coastal Management Plan

1. Pauline Luz
2. Michelle Bentley

Item 10.6 – Community Grants Policy

1. Mr John Grace

Item 10.13 – Hampton Teahouse

1. Ms Pauline Luz
2. Ms Michelle Bentley

Moved: Cr del Porto

Seconded: Cr Russell

That Cr Long take the Chair for consideration of Items 10.1 and 10.2.

CARRIED

10.1 Vegetation Controls in Residential AreasCity Strategy / Urban Strategy
File No: COR/4870

It is recorded that Mr. George Reynolds and Mr Chris Sutton spoke in relation to this item.

Moved: Cr Hayes**Seconded: Cr del Porto**

That Council:

1. note this report on vegetation controls in residential areas;
2. resolves that an amendment to the Bayside Planning Scheme be drafted to introduce new provisions to require residential development to set aside specific areas on properties for vegetation; and
3. receive a report on such amendment when it has been prepared.

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

That Council:

1. note this report on vegetation controls in residential areas;
2. resolves that an amendment to the Bayside Planning Scheme be drafted to introduce new provisions to require residential development to set aside specific areas on properties for vegetation; and
3. receive a report on such amendment when it has been prepared.
4. receive a report on current policy relating to Landscape Plans in Planning Permits in response to the Neighbourhood Character Policy and Vegetation Protection Overlay 3, and ways in which the definition of canopy trees of various sizes, the indigenous vegetation component, and flexibility to create high quality gardens, including home food production, can be strengthened.

The Amendment was **PUT** and a **DIVISION** was called.

DIVISION **FOR:** Crs Frederico and Norris (2)

AGAINST: Crs del Porto, Russell, Hayes and Long (4)

LOST

The Original **Motion** became the **Motion** before the Chair.

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

DIVISION **FOR:** Crs del Porto, Frederico, Norris, Russell, Hayes
and Long (6)

AGAINST: Nil

CARRIED

10.2 Major Activity Centre Controls

City Strategy / Urban Strategy
File No: COR/5790

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Item 10.2.3 on the agenda as Cr del Porto owns a property in Well Street Brighton which is in the Church Street Major Activity Centre

It is recorded that Cr Russell declared an Indirect Conflict of Interest by close association in Item 10.4 on the agenda as Cr Russell lives opposite the hospital and this may have subsequent parking issues.

It is recorded that Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.2.4 on the agenda as Cr Frederico's father owns a property in Beach Road Hampton which is within the Hampton Street Major Activity Centre.

It is recorded that Cr Norris declared a Direct Interest in Item 10.2.4 on the agenda as Cr Norris part owns a residential property within the Hampton Major Activity Centre.

It is recorded that Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.2.2 as Cr Hayes mother owns a property in the Bay Street Major Activity Centre.

It is recorded that Ms Michelle Bentley spoke in relation to this item.

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

That Council:

1. In respect of the Sandringham Major Activity Centre adopts Amendment (C100) to the Bayside Planning Scheme in the form attached to this report subject to including the south side of Sim Street Sandringham in Precinct 4E in the Precinct Map at clause 5-4-1, and the inclusion within the Amendment of the attic characteristic controls as currently contained within the Design and Development Overlay 1 of the Bayside Planning Scheme;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C100) to the Bayside Planning Scheme in respect of the Sandringham Major Activity Centre to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the Sandringham Major Activity Centre; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

10.2 Major Activity Centre Controls (Continued)

City Strategy / Urban Strategy
File No: COR/5790**AMENDMENT****Moved: Cr Hayes****Seconded: Cr del Porto**

That Council:

1. In respect of the Sandringham Major Activity Centre adopts Amendment (C100) to the Bayside Planning Scheme in the form attached to this report subject to including the south side of Sim Street Sandringham in Precinct 4E in the Precinct Map at clause 5-4-1, and the inclusion within the Amendment of the attic characteristic controls as currently contained within the Design and Development Overlay 1 of the Bayside Planning Scheme, and subject to restrictions that roof decks and their associated structures may not exceed the maximum height requirements of the zone;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C100) to the Bayside Planning Scheme in respect of the Sandringham Major Activity Centre to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the Sandringham Major Activity Centre; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

The **Amendment** was **PUT** and a **DIVISION** was called.**DIVISION FOR:** Crs del Porto, Frederico, Norris, Hayes and Long (5)**AGAINST:** Crs Russell (1)**CARRIED**The **Amendment** became the **Motion** before the Chair.The **Motion** was **PUT** and a **DIVISION** was called.**DIVISION FOR:** Crs del Porto, Frederico, Norris and Long (4)**AGAINST:** Crs Russell and Hayes (2)**CARRIED**

10.2 Major Activity Centre Controls (Continued)

City Strategy / Urban Strategy
File No: COR/5790

It was recorded that Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.2.2 as Cr Hayes mother owns a property in the Bay Street Major Activity Centre.

Cr Hayes vacated the Chamber at 8.39pm prior to this matter being considered.

10.2.2 Moved: Cr del Porto**Seconded: Cr Frederico**

That Council:

1. In respect of the Bay Street Major Activity Centre adopts an Amendment (C101) to the Bayside Planning Scheme in the form attached to this report and the inclusion within the Amendment of the attic characteristic controls as currently contained within the Design and Development Overlay 1 of the Bayside Planning Scheme, and subject to restrictions that roof decks and their associated structures may not exceed the maximum height requirements of the zone;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C101) to the Bayside Planning Scheme in respect of the Bay Street Major Activity Centre to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the Bay Street Major Activity Centre; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

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

DIVISION **FOR:** Crs del Porto, Frederico, Norris and Long (4)

AGAINST: Crs Russell (1)

CARRIED

It is recorded that Cr Hayes 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.

Following consideration of Item 10.2.2, Cr Hayes returned to the Chamber at 8.38pm.

10.2 Major Activity Centre Controls (Continued)

City Strategy / Urban Strategy
File No: COR/5790

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Item 10.2.3 on the agenda as Cr del Porto owns a property in Well Street Brighton which is in the Church Street Major Activity Centre

Cr del Porto vacated the Chamber at 8.39pm prior to this matter being considered.

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

That Council:

1. In respect of the Church Street Major Activity Centre adopts an Amendment (C102) to the Bayside Planning Scheme in the form attached to this report and the inclusion within the Amendment of the attic characteristic controls as currently contained within the Design and Development Overlay 1 of the Bayside Planning Scheme, and subject to restrictions that roof decks and their associated structures may not exceed the maximum height requirements of the zone;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare amendment (C102) to the Bayside Planning Scheme in respect of the Church Street Major Activity Centre to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the four the Church Street Major Activity Centre; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

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

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

CARRIED

It is recorded that Cr del Porto 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.

Following consideration of Item 10.2.3, Cr del Porto returned to the Chamber at 8.40pm.

10.2 Major Activity Centre Controls (Continued)

City Strategy / Urban Strategy
File No: COR/5790

It is recorded that Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.2.4 on the agenda as Cr Frederico's father owns a property in Beach Road Hampton which is within the Hampton Street Major Activity Centre.

Cr Frederico vacated the Chamber at 8.41pm prior to this matter being considered..

It is recorded that Cr Norris declared a Direct Interest in Item 10.2.4 on the agenda as Cr Norris part owns a residential property within the Hampton Major Activity Centre.

Cr Norris vacated the Chamber at 8.41pm prior to this matter being considered..

10.2.4 Moved: Cr del Porto**Seconded: Cr Hayes**

That Council:

1. In respect of the Hampton Street Major Activity Centre adopts an Amendment (C103) to the Bayside Planning Scheme in the form attached to this and the inclusion within the Amendment of the attic characteristic controls as currently contained within the Design and Development Overlay 1 of the Bayside Planning Scheme, and subject to restrictions that roof decks and their associated structures may not exceed the maximum height requirements of the zone;
2. Seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C103) to the Bayside Planning Scheme in respect of the Hampton Street Major Activity Centre to introduce the Activity Centre Zone and accompanying schedules and amend the Local Planning Policy Framework of the Bayside Planning Scheme;
3. Requests the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 to introduce interim height controls through a schedule to the Design and Development Overlay which mirrors the heights in the schedules to the Activity Centre Zone, for the Hampton Street Major Activity Centre; and
4. Authorises the Director City Strategy to make any minor editorial changes to the schedules to the Activity Centre Zone and any required changes to the Local Planning Policy Framework as a result of the introduction of the Schedules.

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

DIVISION **FOR:** Crs del Porto and Long (2)

AGAINST: Crs Russell and Hayes (2)

The Chair used his casting vote in favour of the Motion and the Motion was

CARRIED

10.2 Major Activity Centre Controls (Continued)

City Strategy / Urban Strategy
File No: COR/5790

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

Following consideration of Item 10.2.4, Crs Frederico and Norris returned to the Chamber at 8.44pm.

Moved: Cr Russell**Seconded: Cr del Porto**

That Cr Hayes resume the Chair for the remainder of the meeting.

CARRIED

10.3 Sandringham Foreshore Coastal Management Plan

City Strategy / Executive
File No: COR/296

It is recorded that Ms Pauline Luz and Ms Michelle Bentley spoke in relation to this item.

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

That Council:

1. note the advice from the Minister for Climate Change and Environment in response to matters raised in Council's resolution of 15 December 2009; and
2. inform the Department of Sustainability and Environment of its support for the final draft of the Sandringham Foreshore Coastal Management Plan 2008, subject to inclusion of a paragraph in the Business Plan section of the plan with wording as follows:

'This appendix has been prepared as an indicative budget for the Sandringham Foreshore Precinct, based on this plan and current revenues and expenditures. The responsibility for preparation of actual budget recommendations rests with the implementation committee, who will make recommendations for expenditure in line with the plan for final decision by the delegated land managers, Bayside City Council and Parks Victoria.

CARRIED

10.4 Proposed Planning Scheme Amendment to Rezone Sandringham Hospital – 193 Bluff Road, Sandringham

City Strategy / Urban Strategy
File No: COR/1625-02

It is recorded that Cr Russell declared an Indirect Conflict of Interest by close association in Item 10.4 on the agenda as Cr Russell lives opposite the hospital and this may have subsequent parking issues.

Cr Russell vacated the Chamber at 8.55pm prior to this matter being considered.

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

That Council:

1. supports the rezoning of the Sandringham Hospital at 193 Bluff Road, Sandringham from Residential 1 Zone (R1Z) to Public Use Zone 3 – Health and Community (PUZ3), subject to the signing of a Memorandum of Understanding (MOU) between Council and Alfred Health to require an agreed masterplan to be developed for the site considering community as well as hospital facilities by Alfred Health prior to rezoning; and
2. requests a Ministerial Amendment for the rezoning on behalf of Alfred Health, in accordance with Section 20(4) of the Planning and Environment Act 1987, advising the Minister for Planning that this is subject to a Memorandum of Understanding being entered into between Council and Alfred Health.

CARRIED

It is recorded that Cr Russell 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.

Following consideration of Item 10.4, Cr Russell returned to the Chamber at 9.02pm.

10.5 Local Planning Policy – Water Sensitive Urban Design (Stormwater Management) – Extension of sunset clause – municipal wide

City Strategy / Urban Strategy
File No: COR/1283**Moved: Cr Norris****Seconded: Cr Frederico**

That Council write to the Minister for Planning requesting an amendment to the Bayside Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, to delete clause 22.10-6 (Expiry); or if that is not acceptable, extend the sunset Clause for a three year period pending the introduction of any other similar controls at a Statewide level in either the planning or building systems.

CARRIED

10.6 Community Grants PolicyCommunity Services / Service Development
File No: COR/2159

It is recorded that Mr John Grace spoke in relation to this item.

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

That Council:

1. adopt the Bayside Community Grants Policy dated 16 March 2010 subject to the policy being amended to enable kindergartens to continue to be eligible for community grants;
2. revoke the Mayor's Community Chest Policy noting the Mayor's Community Chest is incorporated into the Bayside Community Grants Policy.
3. continue funding the four currently funded community centres: Sandybeach Community Centre, Hampton Community Centre, Castlefield Community Centre, Brighton Recreational Centre at 2009/10 levels subject to annual indexing, with funding to be an investment in the management and operation of each centre. Funding agreements to be for four years, with annual reporting requirements and a major review at two years;
4. continue to provide operational funding to Bayside Community Information and Support Service BayCISS at 2009/10 levels, indexed annually, recognising that BayCISS operates from several sites. That this funding be subject to a cooperative review of current building use and service provision;
5. discontinue grants to Bentleigh Bayside Community Health Service and Family Life after 30 June 2010. Redirect the grants, to be applied to investment in provision of community centres (or access to current centres) for all residents across the municipality, and to the new Contingency Grants;
6. provide funding to Highett Neighbourhood Community House on the same basis as other community centres, initially for one year only, subject to meeting all eligibility criteria contained in the policy, including implementation of satisfactory governance and management arrangements for the centre (from funds identified in part 4 above). If these criteria are met in the first year, establish a further three-year agreement, consistent with the timing and indexing factor for all centres;
7. investigate issues and needs regarding the future provision and management of a community centre in Beaumaris, and undertake a consultative project in 2010/11 from funds identified in part 4 above;
8. determine parts 2 to 7 above in principle, subject to 2010/11 budget consideration;
9. continue to investigate the level of indirect support provided to community organisations with a view to making any consequential adjustments to funding in future budgets; and
10. advise all relevant parties accordingly.

10.6 Community Grants Policy (Continued)

Community Services / Service Development

File No: COR/2159

AMENDMENT**Moved: Cr Norris**

That Council:

1. adopt the Bayside Community Grants Policy dated 16 March 2010 subject to the policy being amended to enable kindergartens to continue to be eligible for community grants;
2. revoke the Mayor's Community Chest Policy noting the Mayor's Community Chest is incorporated into the Bayside Community Grants Policy.
3. continue funding the four currently funded community centres: Sandybeach Community Centre, Hampton Community Centre, Castlefield Community Centre, Brighton Recreational Centre at 2009/10 levels subject to annual indexing, with funding to be an investment in the management and operation of each centre. Funding agreements to be for four years, with annual reporting requirements and a major review at two years;
4. continue to provide operational funding to Bayside Community Information and Support Service BayCISS at 2009/10 levels, indexed annually, recognising that BayCISS operates from several sites. That this funding be subject to a cooperative review of current building use and service provision;
5. discontinue grants to Bentleigh Bayside Community Health Service and Family Life after 30 June 2010. Redirect the grants, to be applied to investment in provision of community centres (or access to current centres) for all residents across the municipality, and to the new Contingency Grants;
6. provide funding to Highett Neighbourhood Community House on the same basis as other community centres, initially for one year only, subject to meeting all eligibility criteria contained in the policy, including implementation of satisfactory governance and management arrangements for the centre (from funds identified in part 4 above). If these criteria are met in the first year, establish a further three-year agreement, consistent with the timing and indexing factor for all centres;
7. investigate issues and needs regarding the future provision and management of a community centre in Beaumaris, and undertake a consultative project in 2010/11 from funds identified in part 4 above;
8. determine parts 2 to 7 above in principle, subject to 2010/11 budget consideration;
9. continue to investigate the level of indirect support provided to community organisations with a view to making any consequential adjustments to funding in future budgets and in the meantime consider favourably through the eligibility criteria for applications from organisations that do not have indirect support; and
10. advise all relevant parties accordingly.

The **Amendment Lapsed** for want of a Secunder.

The **Original Motion** became the **Motion** before the Chair and was **PUT** and
CARRIED

10.7 *Bayside Tourism Strategic Action Plan 2009 - 2013*City Strategy / Urban Strategy
File No: COR/1116

Moved: Cr Frederico**Seconded: Cr del Porto**

That Council:

1. adopt the Bayside Tourism Strategic Action Plan 2009-2013 subject to the addition of the words "if appropriate" at the end of the final paragraph under opportunities on page 12 of the plan; and
2. advise accordingly all persons and organisations contacted during consultation, or who made submissions.

CARRIED

10.8 *Brighton Bowling and Sporting Club*Community Services / Service Development
File No: COR/1360

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

That Council:

1. accept the Brighton Bowling Sporting Club's proposal that its new guest/visitor option and social membership provides satisfactory community access to the club's leased facility at Dendy Park for the purposes of meeting Council's request; and
2. authorise the Chief Executive Officer to negotiate a Deed of Agreement or similar document which maintains an affordable social membership option to all members' facilities

CARRIED

10.9 Bayside Tourism Network Membership

City Strategy / Urban Strategy
File No: COR/1126**Moved: Cr Frederico****Seconded: Cr del Porto**

That Council:

1. appoint to the Network for a two-year term the following new members:
 - Kel Costello
 - Corey Gorander
 - Craig James
 - Leonie Lockstone
 - Elizabeth McCormack
2. write to the candidates not selected for membership to thank them for their nominations

CARRIED

10.10 Youth Documentary Project 2010 – Councillor representative

Community Services / Arts and Culture
File No: COR/1566**Moved: Cr del Porto****Seconded: Cr Norris**

That Council, for the Youth Documentary Project:

1. adopt the judging criteria of:
 - a) Approach and investigation of the documentary form
 - b) Subject matter
 - c) Effort and commitment to the process
 - d) Intention and scope of the project
What were they trying to achieve?
 - e) Technical competency – camera
 - f) Technical competency – editing;
2. adopt the Office of Film and Literature Classification Board criteria as the selection criteria for selection of subject matter for films; and
3. appoint Councillor Long to the judging panel for 2010.

The Motion was **PUT** and a **DIVISION** was called.**DIVISION** **FOR:** Crs del Porto, Russell, Long and Hayes (4)
AGAINST: Crs Frederico and Norris (2)**CARRIED**

**10.11 *Petition – Ricketts Point Marine Sanctuary – Infrastructure
Improvements***

Infrastructure Services / Properties
File No: COR/1475-02

Moved: Cr Frederico

Seconded: Cr Russell

That Council grant Mrs Wright representing the Beaumaris Life Saving Club three minutes to speak to this item.

CARRIED

Moved: Cr Frederico

Seconded: Cr Russell

That Council:

1. notes the issues raised in the petition suggesting improvements to infrastructure at the Ricketts Point Marine Sanctuary;
2. considers provision to develop a Ricketts Point Management Plan with community involvement including Beaumaris Life Saving Club, Cultural Advisory Committee, the Bayside Tourism Network and other key stakeholders as part of the 2010/2011 budget process; and
3. advises the petition organiser or first named signatory to the petition of the above.

CARRIED

10.12 *Petition for Pedestrian Crossing at Charman Road Beaumaris*

Infrastructure Services / City Works
File No: COR/75

Moved: Cr Russell

Seconded: Cr Norris

That Council:

1. not support the proposed signalised pedestrian crossing on Charman Road near Gordon Street, Beaumaris, as studies show that VicRoads warrants are not met;
2. investigate alternative pedestrian safety options in conjunction with Kingston City Council; and
3. advise the lead petitioner accordingly.
4. advocate to the Victorian Police for increased enforcement of speeding vehicles in the vicinity of Bayside school crossings.

CARRIED

10.13 Hampton Teahouse

City Strategy / Executive
File No: COR/296

It is recorded that Ms Pauline Luz and Ms Michelle Bentley spoke in relation to this item.

Moved: Cr Russell

Seconded: Cr Frederico

That Council:

1. undertake appropriate research to determine the extent of market demand for a teahouse at Hampton;
2. define the scope and nature of the proposed facility including the potential locations and capital costs; and
3. undertake community consultation on the proposed Hampton Teahouse.

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

DIVISION **FOR:** Crs Frederico, Russell, Long and Hayes (4)

AGAINST: Crs del Porto and Norris (2)

CARRIED

Moved: Cr del Porto

Seconded: Cr Frederico

That Council adopt the recommendations contained in Items 10.14 to 10.20 as a block motion excluding Item 10.17.

CARRIED

10.14 *Municipal Health & Wellbeing Plan 2009 - 2013*Community Services / Service Development
File No: COR/5797

That Council:

1. adopt the Bayside Health and Wellbeing Plan 2009-2013; and
2. note that annual action plans will be developed to implement the broad goals and strategies of the Bayside Health and Wellbeing Plan 2009-2013.

Note: The above recommendation was **CARRIED** as part of a single motion.

10.15 *Long Term Financial Strategy*Corporate Services / Executive
File No: COR/1234

That Council adopts the Long Term Financial Strategy 2010/11 – 2020/21 paper attached that includes the following financial elements:

1. That Bayside City Council target to achieve a consistent and gradually strengthening underlying surplus results in the income statement in order to ensure the ongoing delivery of services and capital works programs.
2. That Council consider the most appropriate rating strategy to provide adequate funds to:
 - a) achieve a gradually strengthening underlying surplus in the income statement.
 - b) achieve a sustainable cash flow; and
 - c) fund capital renewal projects.
3. That the working capital ratio of Bayside City Council in the Long Term Financial Plan be targeted to show a strengthening trend of at least, a 1.5 ratio in the later years of the Plan.
4. That Council invests in high security, low risk financial products (mainly term deposits and bank bills) to safeguard Council's financial position.
5. That the budgeted cash position be sufficient to fund daily cash requirements as well as provide opportunities for funding of new acquisitions and short term contingencies.

10.15 Long Term Financial Strategy (Continued)

Corporate Services / Executive
File No: COR/1234

6. That wherever possible any material favourable budget variations realised in a given financial year be specifically quarantined and allocated to an infrastructure reserve. The reserve is to be used to fund either replacement infrastructure or held as a contingency to finance projects deemed as 'unavoidable' or to be allocated against the repayment of interest only loans that are due to be refinanced.
7. Any new loan borrowings are to be used to fund intergenerational capital investments where the community benefits are long term.
8. That capital expenditure on asset renewal projects be given priority over capital expenditure on new assets (upgrades and extensions).
9. That Council complete asset management plans for all classes of Council assets with a focus on ensuring the assets are fit for purpose and provide the desired level of service to the community.
10. That Council continues to consult with the community to determine how desired service levels will be reached including a combination of improved revenue raising, rationalisation and review of existing service levels.
11. Any new capital works (capital extension) proposals must include a lifecycle cost evaluation exercise that identifies and costs the asset construction, maintenance, operating and depreciation costs ie. Whole of lifecycle costs.
12. That Council, as part of the statutory process for the Council Plan/Strategic Resource Plan/Budget consultation, places the Long Term Financial Plan on exhibition for community comment.

Note: The above recommendation was **CARRIED** as part of a single motion.

10.16 *Licence to Citywide Service Solutions at 144 Talinga Road Cheltenham*

Commercial Services - Leasing
File No: COR/5048

That Council:

1. commences statutory procedures to enter a licence to occupy part of Council's depot at 144 Talinga Rd Cheltenham with Citywide Service Solutions P/L for a term of seven (7) years plus three (3) one-year terms (exercisable at Council's sole discretion), each subject to the service contract being renewed at the end of the seven (7) year term, at a commencement licence fee of \$55,000 per annum (plus GST) and four (4) per cent per annum rent increases;
2. establishes a Special Committee of Council in accordance with section 223 of the *Local Government Act 1989* consisting of three councillors to consider any submissions received pursuant to section 223 of the *Local Government Act 1989* at a meeting to be held at 6.30pm on Monday 10 May 2010 in the Council Offices, Boxshall Street, Brighton in relation to the proposed licence to Citywide Service Solutions P/L; and
3. authorise signing and sealing of a licence with Citywide Service Solutions P/L in the event that no submissions are received

Note: The above recommendation was **CARRIED** as part of a single motion.



**10.17 Council Plan Activities Quarterly Performance Report
October – December 2009**

CEO / People & Performance
File No: COR

Moved: Cr Norris

That Council accepts the Council Plan Activities Quarterly Performance Report for October to December 2009 with the exception of p19 where the progress should be marked as under 70% for the Activity "Council will undertake a self assessment against the Code of Conduct".

The **Motion lapsed** for want of a **Seconder**.

Moved: Cr del Porto

Seconder: Cr Russell

That Council accepts the Council Plan Activities Quarterly Performance Report for October to December 2009.

CARRIED

10.18 ***VCAT Decisions***City Strategy / Statutory Planning
File No: COR/1234

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

Note: The above recommendation was **CARRIED** as part of a single motion.

10.19 ***Financial report for seven (7) months to 31 January 2010***Corporate Services / Finance
File No: COR/20686

That Council:

1. note the financial report for the seven month period ended 31 January 2010; and
2. endorse the additional operating and capital expenditure items totalling \$1,613,700 that are included to the year end forecast result and that these are to be funded from the current year budget and cash reserves.

Note: The above recommendation was **CARRIED** as part of a single motion.

10.20 ***Council Action Pending***Corporate Services / Governance
File No: COR/1234

That Council notes the Council Action Pending report for the period September 2005 to February 2010.

Note: The above recommendation was **CARRIED** as part of a single motion.

11. Reports by Delegates

Cr Norris reported on his attendance at the General Meeting of the Association of Bayside Municipalities on 16 February 2010.

Cr Norris also reported on a coast conference and indicated a report will be provided to Council.

Cr Hayes reported on the Coastal Climate Change Conference attended in Adelaide on the effects of climate change.

Moved: Cr del Porto

Seconded: Cr Russell

That Councillors' reports be received and noted.

CARRIED

12. Urgent Business

Moved: Cr del Porto

Seconded: Cr Frederico

That the matter relating to the appointment of a Local Government Women's Ambassador for 2010 be considered as an item of Urgent Business.

CARRIED

12.1 Moved: Cr Long

Seconded: Cr del Porto

Local Government Managers Association National has declared 2010 to be the "Year of Women in Local Government".

That Bayside City Council resolves to create a Councillor role of Women's Ambassador for the year 2010 in recognition of the Year of Women in Local Government.

Role Statement

- The Role will involve the appointment of a female Councillor from Bayside City Council who will speak on behalf of Council on matters specifically related to or in the interests of women in general.
- The emphasis of the role is in particular to women's local and regional issues.
- On behalf of Council the Ambassador may, at the discretion of Council, attend conferences or forums, attend meetings or liaise with other groups on women's issues. The role shall report back to Council on any conferences attended.
- The role will recognise that the Mayor is the spokesperson for Council. The role will communicate with the Mayor, CEO or Manager Communications on any matter on women's issues before making any public statement.
- At the discretion of The Mayor the role may make public statements on behalf of women.
- In the absence of the Women's Ambassador, the Mayor may make or nominate a staff member in consultation with the Chief Executive Officer to make public statements to the media specifically on women's issues.

CARRIED

Moved: Cr Long

Seconded: Cr del Porto

That Council appoint Cr Cooper-Shaw as its Local Government Women's Ambassador for 2010 with Cr Frederico as a substitute representative.

The **Motion** was **LOST** by the casting vote of the Mayor.

Moved: Cr Norris

Seconded: Cr del Porto

That the matter of the appointment of a Local Government Women's Ambassador for 2010 be deferred to the next meeting cycle.

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

DIVISION **FOR:** Crs del Porto, Norris, Long and Hayes (4)

AGAINST: Crs Frederico and Russell (2)

CARRIED

13. Notices of Motion

There were no Notices of Motion submitted to this meeting.

14. Confidential Business**Moved: Cr Russell****Seconded: Cr del Porto**

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 Tenders for the Lease of the Management of Sandringham Golf Course
- 14.2 Procurement Australia Contract – Supply of Fuels at Retail Outlets
Contract No 0910103X – Traffic Signals installation and associated works in
- 14.3 Bluff and Balcombe Road, Black Rock
- 14.4 Contract 0910103X – Hampton Main Drain Stage 4
- 14.5 South Road / Barr Street Redevelopment

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 11.10pm.

CONFIRMED THIS 13 DAY OF APRIL 2010**CHAIRMAN:**