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## **Minutes of the Ordinary Meeting of Bayside City Council**

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Tuesday 29 March 2011

The Meeting commenced at 7.00pm

**PRESENT:**

Cr Alex del Porto (Mayor)  
Cr Felicity Frederico  
Cr Clifford Hayes  
Cr James Long BM JP  
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
Heather Johnson	Director Community Services
Guy Wilson-Browne	Director Infrastructure Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman declared the meeting open at 7.00pm and invited Cr Frederico to read the prayer.

## 1. Prayer

Cr Frederico 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 Long 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 Cooper-Shaw was submitted to this meeting.

**Moved: Cr Norris**

**Seconded: Cr Hayes**

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

**CARRIED**

#### **4. Disclosure of any Conflict of Interest of any Councillor**

There were no declarations of interest submitted to the meeting.

#### **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 8 March 2011**

**Moved: Cr Long**

**Seconded: Cr Hayes**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 8 March 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 2 public questions to the Meeting:

### 1. Mr Kevin Spencer

**As seen by the increasing elaborate and costly print material recently produced by council, such as "What's our city's Future" and "Inclusive Bayside" and bearing in mind Bayside City Councils \$17 million debt,**

- a) **What action, if any, is being taken by council to cut costs and reduce debt that would otherwise prevent spending on such scandalous wasting of ratepayers money on expensive print material.**

#### Response

*Council has adopted a Long Term Financial Strategy and Long Term Financial Plan which includes a debt reduction program. The Strategies are reviewed annually, and readopted by Council as a process of monitoring, measuring and continuous refinement. The annual budget is developed in line with the Long Term Financial Plan in order to maintain discipline with Council's longer term objectives.*

- b) **Being an environmental conscious council, why is council not using recycled paper or that which is certified by recognized management such as the Forest Steward Council (FSC).**

#### Response

*Wherever possible Council uses recycled paper for various publications. The 'What's Our City's Future' material is produced on recycled and / or reconstituted paper. Individual topic papers, posters and folders have been printed on 50% recycled and 50% reconstituted paper. Feedback forms, invitations and questionnaires have been printed on 50% recycled paper. All printing material is Forest Steward Council (FSC) endorsed.*

### 2. Mr Kevin Spencer

**With respect to the recent Bright N Sandy Food & Wine festival, the community is not informed as to the involvement of council in this commercial venture.**

- a) **What was the total cost to Bayside Council with its involvement with this event, such as staff time, advertisements, entertainers etc.**

#### Response

*Council is still finalising accounts for the event, but the anticipated total net expenditure will be \$157,461 (net of revenue of \$48,511). Sponsors contribute in kind services as well as revenue, and must be engaged each year: in 2011 Council received financial sponsorship of \$5,000. Expenditure included marketing; professional event organisers; performers; activities and demonstrations; provisions for exhibitors and crew costs on the day.*

*Approximately 340 hours of Council staff time was contributed by areas across Council in support of this event.*

**b) Who profited from the event, and was any money given to charity.****Response**

*This event was an initiative of the Bayside Tourism Network in 2005, who proposed the event to promote tourism to Bayside and support local businesses. The event has grown in popularity and this year attracted around 17,000 persons. This is double the number since inception. The event is promoted as a Bayside Council event, with signage and promotional materials. It benefits local traders by showcasing them, and is a key cultural event for the municipality, meeting Council's objectives of promoting business and tourism opportunities within Bayside.*

*There was no profit generated from the event. During the Victorian Bushfire appeal in 2009 Council donated the gate takings to the appeal. This reduced income to Council from the entry fee and increased net expenditure in that year.*

## **7. Petitions to Council**

There were no petitions submitted to the meeting.

## **8. Reports by Advisory Committees**

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### **8.1 Assembly of Councillors Records**

Corporate Services - Governance  
File No: COR/1234

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**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**

### **Table of Contents**

- 10.1 Proposal to wind up the Black Rock House Committee of Management
- 10.2 Highett Neighbourhood Character Review
- 10.3 Delivered Meals Service
- 10.4 Constitutional Recognition of Local Government
- 10.5 Municipal Association of Victoria – State Council Meeting – call for motions
- 10.6 Australian Local Government Association – 2011 National General Assembly of Local Government
- 10.7 Financial Report for the Eight (8) Months to 28 February 2011
- 10.8 VCAT Decisions
- 10.9 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 10.2 – Highett Neighbourhood Character Review**

Mr Don Percy	Mr David Tolj
Ms Trish Boase	Mr David Rowley
Ms Heather Dennis	Ms Annette Howlett
Mrs Maree Bowker	

**Item 10.7 – Financial Report for the Eight (8) Months to 28 February 2011**

Mr George Reynolds

**10.1 Proposal to wind up the Black Rock House Committee of Management**

Community Services – Libraries & Culture  
File No: FOL/11/370

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**Moved: Cr Norris**

**Seconded: Cr Russell**

That Council:

1. discontinues the Black Rock House Committee of Management, with liaison meetings between the licensees and Council officers to continue on a regular basis; and
2. thanks the members of the committee for their hard work and congratulates the committee on the positive development of Black Rock House.

**CARRIED**

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**10.2 Highett Neighbourhood Character Review**

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City Strategy – Urban Strategy  
File No: FOL/10/215881

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*It is recorded that Mr Don Percy, Mr David Tolj, Ms Trish Boase, Mr David Rowley, Ms Heather Dennis, Ms Annette Howlett and Mrs Maree Bowker spoke in relation to this matter.*

*Cr Norris vacated the Chamber at 7.35pm and re-entered at 7.39pm.*

**Moved: Cr Long****Seconded: Cr Hayes**

That Council:

1. receives the report and the consideration of community response to the *Highett Neighbourhood Character Review Draft August 2010* report (contained in Attachments 2 and 3 of this report);
2. does not adopt the final version (Attachment 1 to this report) of the *Highett Neighbourhood Character Review March 2011* report;
3. notifies all submitters of the outcomes of this report and processes to be subsequently followed; and
4. receives a further report regarding the inclusion of the residential areas in Highett being properties bounded by Tibrockney Street, Sterling Avenue and Beaumaris Parade and properties along Noyes Street and Sydenham Street in precinct G1.

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

**DIVISION:**   **FOR:**           Crs Hayes and Long (2)  
                  **AGAINST:**   Crs Frederico, Norris, Russell and del Porto (4)

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

That this item be deferred to the Ordinary Meeting of Council on the 24 May 2011 to enable further consultation on the matter.

**DIVISION:**   **FOR:**           Crs Frederico, Norris, Russell and del Porto (4)  
                  **AGAINST:**   Crs Hayes and Long (2)

**CARRIED**

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### **10.3 *Delivered Meals Service***

Community Services – Aged & Disability Services  
File No: FOL/11/34

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*Cr Long vacated the Chamber at 8.11pm and re-entered at 8.13pm.*

**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That Council notes the report.

**CARRIED**

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### **10.4 *Constitutional Recognition of Local Government***

Corporate Services - Governance  
File No: COR 1234

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**Moved: Cr Hayes**

**Seconded: Cr Norris**

That Council:

1. resolves to declare its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund Local Governments directly and also for inclusion of Local Government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition; and
2. writes to the local Federal Member of Parliament and also to the Prime Minister, Leader of the Opposition, Minister for Local Government, Shadow Minister for Local Government and the state government Minister for Local Government and Shadow Minister for Local Government and the President of the Australian Local Government Association, to inform them of Council's resolution.

**CARRIED**

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**10.5      *Municipal Association of Victoria – State Council Meeting – call for motions***

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Corporate Services - Governance  
File No: COR1234

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**Moved: Cr Hayes****Seconded: Cr Long**

That Council submit the following notice/s of motions to the Municipal Association of Victoria for consideration at the State Council meeting to be held on Thursday 26 May 2011:

1.      Environmental Sustainable Design for State Government Buildings

That the MAV urges the newly elected State Government to demonstrate leadership in Environmental Sustainable Design (ESD) requiring high ESD standards for State government funded and constructed building projects.

2.      Street Lighting

That the MAV requests the State Government to allocate additional funds to assist replacement of street lights with more energy efficient lights, particularly in view of the timing requirements and the financing costs for the replacement of street lights and urges the State Government to accelerate this important cost effective program.

3.      Resource Recovery

That the MAV urges the State Government to urgently investigate alternatives for resource recovery and processing waste in light of recent difficulties encountered for the disposal of green waste to landfill.

4.      Population Growth

That the MAV urges the State Government to demonstrate leadership in setting constraints on the accelerating population growth of Melbourne, considering the effect of rapid population growth on the provision and maintenance of physical and social infrastructure and ecosystems necessary to sustain the health and wellbeing of local communities.



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

That Council submit the following notice/s of motions to the Municipal Association of Victoria for consideration at the State Council meeting to be held on Thursday 26 May 2011:

1. Environmental Sustainable Design for State Government Buildings

That the MAV urges the newly elected State Government to demonstrate leadership in Environmental Sustainable Design (ESD) requiring high ESD standards for State government funded and constructed building projects.

2. Street Lighting

That the MAV requests the State Government to allocate additional funds to assist replacement of street lights with more energy efficient lights, particularly in view of the timing requirements and the financing costs for the replacement of street lights and urges the State Government to accelerate this important cost effective program.

3. Resource Recovery

That the MAV urges the State Government to urgently investigate alternatives for resource recovery and processing waste in light of recent difficulties encountered for the disposal of green waste to landfill.

The Amendment was Put and **LOST**

The Original Motion moved by Cr Hayes and seconded by Cr Long became the Motion before the Chair.

The Motion was Put and **CARRIED**

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**10.6 Australian Local Government Association – 2011 National General  
Assembly of Local Government**

Corporate Services - Governance  
File No: COR1234

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**Moved: Cr Hayes**

**Seconded: Cr Russell**

That Council approves the attendance of the Mayor Cr del Porto, Cr Long and Cr Frederico at the ALGA National Assembly to be held in Canberra from 19-22 June 2011.

**CARRIED**

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**10.7 Financial report for eight (8) months to 28 February 2011**

Corporate Services - Finance  
File No: COR/20686

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*It is recorded that Cr Norris vacated the Chamber at 8.36pm and re-entered at 8.41pm.*

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

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council notes the financial report for the eight month period ended 28 February 2011.

**CARRIED**

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**10.8 VCAT Decisions**

City Strategy – Statutory Planning  
File No: FOL/11/316

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**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**

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**10.9 Council Action Awaiting Report**

Corporate Services - Governance  
File No: FOL 1234

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**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council notes the Council Action Awaiting Report for the period to March 2011 and updates the comments status section for the next meeting.

**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 forum where discussions took place regarding waste management.

### **Metropolitan Transport Forum – Cr Russell**

Cr Russell reported on his attendance at a recent meeting, where discussions included improving the transport ticketing system, rail links to Avalon Airport, increased focus on customer service, consolidation of growth in major activity centres and developing new metropolitan planning to better consider and integrate public transport.

### **Municipal Association of Victoria – Cr Long**

Cr Long reported on the recent 2011 Strategic Plan Forum held on 24 March 2011.

### **Victorian Local Governance Association – Cr Norris**

Cr Norris provided a six monthly update from the VLGA. Topics discussed included the large number of events held for Women in Local Government, ensuring the public understand Council's role and how best to communicate with the public and transport issues.

### **Inner South Metropolitan Mayors' Forum – Cr del Porto**

Cr del Porto reported on the Inner South Metropolitan Mayors' Forum where items of discussion included height and planning controls and electric line clearance issues.

### **Metropolitan Waste Management Forum – Cr Long**

No report was submitted to the meeting.

Cr Hayes provided a report on the Metropolitan Housing Group Study where discussions included an MAV submission, building a productive sustainability facility in Victoria and road infrastructure.

Cr Norris made a presentation to Council on behalf of Earthwatch for Council's involvement in the Micro-Bat study undertaken in Bayside.

**Moved: Cr Long**

**Seconded: Cr Frederico**

That the Councillors' reports be received and noted.

**CARRIED**

## 12. Urgent Business

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That the matter of the proposed burn at Gramatan Avenue Beaumaris be dealt with as a matter of urgent business.

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

**DIVISION:**   **FOR:**           Crs Hayes, Frederico, Russell and del Porto (4)  
                  **AGAINST:**   Crs Norris and Long (2)

**CARRIED**

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council delay the proposed burn at Gramatan Avenue Beaumaris until the Ecological Burn and Post-Burn Bushland Management Policy is reviewed and endorsed by Council.

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

**DIVISION:**   **FOR:**           Crs Frederico (1)  
                  **AGAINST:**   Crs Hayes, Norris, Russell, Long and del Porto (5)

**LOST**

### **13. Notices of Motion**

*Cr Norris vacated the Chamber at 9.27pm and re-entered at 9.30pm.*

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#### **13.1 Notice of Motion 196 – Review of Railway Zone 1**

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**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council write to the Minister for Transport and to local State members of parliament reiterating previous requests from Council and the MAV for the State Government to review the railway zone 1 system in order to encourage greater usage and relieve pressure on zone one municipalities and their local road networks.

### **AMENDMENT**

**Moved: Cr Long**

**Seconded: Cr Hayes**

That Council:

1. write to the Minister for Transport and to local State members of parliament reiterating previous requests from Council for the State Government to review the Sandringham Line zone designation;
2. also propose that the Minister review the Bus Zone in order to encourage greater usage and alleviate road and parking congestion; and
3. authorise the Mayor to make representation to the Minister of Transport to advance the request.

The Amendment was Put and **CARRIED** and became the Motion before the Chair.

The Motion moved by Cr Long and seconded by Cr Hayes was Put and **CARRIED**

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**13.2 Notice of Motion 197 – CSIRO Highett Site Grassy Woodland**

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**Moved: Cr Long****Seconded: Cr Hayes**

That Cr Norris be granted leave of Council to amend Notice of Motion 197.

**CARRIED**

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

In view of the recognition of the Highett Grassy Woodland in the Bayside Planning Scheme, the findings in the draft Open Space Strategy, and the forthcoming disposal of the CSIRO Highett site, Council resolves to:

1. advocate urgently for the retention of substantial areas, amounting to perhaps three or four hectares, of the CSIRO Highett site to provide for the conservation – as naturally as possible – of the very significant vegetation community and passive recreation, together with appropriate access;
2. be prepared to accept such areas into the Council's ownership and management;
3. pursue advocacy on this basis, to relevant State and Federal Ministers and Members of Parliament, including through deputations, and to others as appropriate;
4. receive a further report on this matter at the earliest opportunity, given the possibility of this matter advancing rapidly.

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

That Council grant Cr Norris a one minute extension to speak to this item.

**CARRIED**



## **14. Confidential Business**

*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.*

### **Table of Contents**

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

*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 10.19pm.*

**CONFIRMED THIS 29 DAY OF MARCH 2011**

**CHAIRMAN: .....**