



Minutes of the Ordinary Meeting of Bayside City Council

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

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

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

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

1. Prayer

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

3. Apologies –

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

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 Special Meeting of Council held on Tuesday 25 October 2011

Moved: Cr Norris

Seconded: Cr Hayes

That the minutes of the Special Meeting of Bayside City Council held on Tuesday 25 October 2011 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

5.2 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 8 November 2011

Moved: Cr Hayes

Seconded: Cr Norris

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 8 November 2011 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 63 of Council's Governance Local Law No 1, the following individuals submitted 22 public questions to the Meeting:

1. Mr Barry Brooker (not present in the chamber)

QUESTION ONE:

IN RESPECT OF PLANNING APPLICATIONS, Since 30 June 2006 to 30 June 2011, on how many occasions has Council exercised its discretion regarding non-compliance regarding a lack of required on-site spaces and just how many on-site car parking / waivers / dispensations involved?

QUESTION TWO:

NOTING ABOVE, on how many occasions if at all, has VCAT vetoed Council's 'discretionary waiver' and importantly, where Council may have determined Refusal has VCAT allowed Permit to Issue?

Response

- a) Council has formally approved waiver or reduction of car parking requirements in 153 applications during the period June 2006 to June 2011. A labour intensive manual analysis of the reports relating to each of the 153 applications would be required to identify exactly how many spaces were approved to be waived or reduced in total. It is estimated that the task would take approximately two weeks of staff time. The author of the question will be contacted to discuss this matter, the purpose of the request, and whether this can be met by other means.
- b) Council's records do not identify an instance where VCAT has overturned Council's approval of a reduction or waiver of car parking requirement. This is likely because the car parking requirements in the Planning Scheme are very conservative, and have been proven by empirical research to be substantially above actual car parking demand rates for most uses. The existing Car Parking clause in the planning scheme has been reviewed by a State Government appointed advisory committee which recommended changes to both the structure of the parking control clause and also the actual rates for most listed uses. Council is awaiting advice from the State Government on its response to the review recommendations.

Council's records indicate that there were 49 applications during the period June 2006-2011 which were refused by Council with a ground identifying a reduction in car parking, and subsequently determined by VCAT. Of these 49 cases, VCAT directed the grant of a permit for 28 applications, although in all cases there were other issues which required consideration and influenced the VCAT in making its decision.

2. Ms Sue Hardiman (not present in the chamber)

In relation to the cost of providing services to Councillors or reimbursement of expenses

- a) What conclusions can be drawn from telecommunication costs for a particular Councillor as to his or her engagement with or representation of constituents.
- b) What were the specific details of any bicycle related reimbursement claims for out-of-pocket expenses paid in the last 12 months.

Response

- a) We draw no conclusion from this different reimbursement claims.
- b) Councillors are entitled to claim out of pocket expenses including travel allowance. The 2010/2011 Annual Report indicates one Councillor has claimed a bicycle allowance of \$36.00 for the 2010/2011 financial year.

3. Ms Sue Hardiman (not present in the chamber)

In respect of attendance of Councillors at meetings of all types, Council Meetings; Planning Committee Meetings; Assembly of Councillors; Council Only Meetings

- a) Would Council provide particulars for each Councillor of attendance at each such meeting in the last 12 months?
- b) Would Council indicate the importance of the attendance of the Mayor at such meetings so that he or she has first-hand knowledge of all matters coming before Council?

Response

- a) Details of Councillors attendance at Planning Committee Meetings, Council Meeting and Assembly of Councillors are detailed within the Annual Report for the period July 2010 to June 2011. Details relating to the period July 2011 to November 2011 can be found in the minutes and notes of these meetings on Council's website. Councillor only meetings do not require minutes or notes.
- b) The Mayor's attendance at meetings is preferable particularly where he or she is the Chairperson. However there may be occasions where the Mayor is required to be in more than one place and a nominated representative being usually the Deputy Mayor would represent the Mayor in his or her absence.

4. Mr George Reynolds (not present in the chamber)

- (a) Would council advise which councillors voted to cease the in home child care system and,
- (b) When and who voted for the resolution to modify the Resources Plan to allow the retention of head office staff to add to the large bank of redundant staff on the payroll of Bayside City Council?

Response

- a) On 13 December 2010 Council resolved to withdraw from the Family Day Care Scheme and a division on the motion was not called. I therefore am unable to provide specific voting details.
- b) There is no redundant staff on Council's payroll. The Resource Plan was not modified to reflect the minor changes as the Family Day Care Providers were contractors and the Family Day Care Coordinator and other related staff were re-deployed to Child Care Centres.

5. Mr George Reynolds (not present in the chamber)

- (a) Would Council advise which councillors voted to relocate the residents from its low cost accommodation, and
- (b) How does Council intend to prove its authority to deal with the issue of the accommodation being part of a charitable gift to the Mayor and Citizens of the City of Sandringham?

Response

- a) A division of the motion was not called, therefore am unable to provide voting details.
- b) Council is not aware of any specific charitable gift however understands that a fundraising campaign organised by Council aimed to raise up to \$20,000 toward the construction costs of the Sandringham units. Council as the owner and manager of the sites on behalf of the community for over 35 years believes there are no restrictions on its ability to make decisions on the future use and operation of the facilities. It is of course a given that Council assets and resources will always be applied in the service of the community.

6. Mr Mark Devine (not present in the chamber)

- 1) What financial returns does Council currently receive from the provision of any service currently provided under any of Council's Community Services Portfolios?
- 2) Does Council have an intent to prioritise financial return as a key determinant of ongoing service provision in any area currently administered by Council Community Service Portfolios?

Response

1. Fees and charges in the Community Services Division represent 31% of the total fees and charges of \$11.2 budgeted to be received by Council in 2011/2012.

Council will receive \$3.5m in fees and charges across its Community Services division in the 2011/2012 financial year. This represents 5.2% of the total rates and charges revenue of \$66m. If these fees and charges were not received then rates across the municipality would need to be increased by the equivalent of \$3.5m.
2. Fees and charges from all services, not only Community Services offset rates to provide services for the greater community of Bayside and enable Council to support a greater range of services and facilities.

7. Ms Amelia Matlock (present in the chamber)

1. What is council's platform on community based provision of service?
2. In view of the motion 205 (13.2 of Agenda 29.11.2011) on what terms does Council anticipate a Community Based or Not For Profit Model would be in a position to offer a return on investment?

Response

1. The Council Plan, Commitment One, includes Strategic Objective 1.1 that people in Bayside will enjoy a high quality of life and well-being. One of the indicators is that: Bayside residents have access to a comprehensive range of accessible high quality services which meet the diverse needs. Council works with all providers, including both community based and for-profit business models, to achieve this overall goal of high quality life and well-being for all people in the municipality.
2. "Return on investment" is not a term used in the draft notice of motion before tonight's meeting. In an EOI process, respondents may need to submit a proposal on the type and value of any returns that they would provide to Council and the wider community. These could include returns such as social, as well as financial benefits.

8. Mr John Atkinson (not present in the chamber)

In relation to the participation of councillors in the planning permit process would council advise -

- (a) Of VCAT decisions received in the last 2 years in cases where the recommendation of council's professional officers was to grant a permit or to support an application but the council or its planning committee resolved otherwise, the total number of such decisions of the tribunal, and in how many did the tribunal direct that a permit issue; and
- (b) For each councillor, particulars of his or her qualifications in law or urban planning.

Response

- a) Of the 146 Bayside cases which were recorded as having been decided at VCAT over the last 2 years, 35 involved cases where Council had resolved to refuse an application when Council officers had recommended support (or 24% of total Bayside cases during the period). Of these 35 cases, the VCAT determined to grant approval in 31 cases (or 89% of the cases involving Council refusal after recommendation of support by officers).
- b) Elected representatives in Local and State Government are not required to hold qualifications in law or urban planning. The current Councillors do not have specific qualifications in these disciplines.

9. Mr John Atkinson (not present in the chamber)

Concerning the qualifications and training of councillors --

- (a) Noting the statement contained in the organisation's response to budget submissions that the academic and professional qualifications would be published in the annual report, and noting further that such information was not there provided, would council now provide in respect of each councillor the academic and professional qualifications of that councillor; and
- (b) As to formal training courses related to the statutory duties of councillors (whether under the LGA or otherwise) would council provide in respect of each councillor: year first elected, course undertaken, year course undertaken, cost to council, whether all elements completed, and whether any certificate or the like issued.

Response

a)

Cr Alex del Porto	B.A. (Hons) M.A Melb Post Grad Sec. ACU
Cr Michael Norris	M.A, M. Sc (Econ)
Cr James Long	B.A. (Multidiscipline)
Cr Clifford Hayes	Adv. Dip App. Sci. (Farm Management)
Cr Felicity Frederico	B. Bus. (Mktg) Certificate of Business (Tourism)
Cr Louise Cooper-Shaw	B. Comm, B-Ed. Grad Dip Criminology M.A. (applied Psych) M. Ed.
Cr Simon Russell	Nil

- b) Unfortunately details of previous training and qualification of Councillors is not readily available without detailed investigation and research back to 1997. Listed below are training courses undertaken during the current term of Council.

Cr del Porto

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
1997	Australian Institute of Company Directors	2011	\$5,900	Completed	Yes

Cr Hayes

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2005	Media Training	2009	\$1,350	Completed	Yes
	Presentation Training	2009	\$800	Completed	Yes
	Australian Institute of Company Directors	2011	\$5,900	Completed	Yes

Cr Long

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2005	Media Training	2009	\$1,350	Completed	Yes
	Presentation Training	2009	\$800	Completed	Yes

Cr Norris

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2005	Media Training	2009	\$1,350	Completed	Yes
	Presentation Training	2009	\$800	Completed	Yes

Cr Frederico

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2008	Media Training	2009	\$1,350	Completed	Yes
	Presentation Training	2009	\$800	Completed	Yes
	Australian Institute of Company Directors	2011	\$5,900	Not Completed	No

Cr Cooper-Shaw

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2008	Australian Institute of Company Directors	2011	\$5,900	Not Completed	No

Cr Russell

Year elected	Course undertaken	Year course undertaken	Cost to Council	Course Elements completed	Certificate issued
2008	Nil	Nil	Nil	Nil	Nil

10. Ms Anghared Rhys Jones (not present in the chamber)

Bravery Garden

1. On what date was the budget for 2011-2012 adopted and on what date was the notice of motion by Cr Cooper Shaw received.
2. What public consultation was undertaken before any commitment was made to this project

Response

1. The budget was adopted on 28 June 2011. Cr Cooper-Shaw's Notice of Motion relating to the establishment of a Bravery Garden was presented to the 24 May 2011 Ordinary Meeting of Council.
2. No public consultation has been undertaken in relation to this project.

11. Ms Anghared Rhys Jones (not present in the chamber)

Child Care Centres

1. Why was there no consultation of the community at large prior to the decision, and on which of the grounds set out in the Act was the council meeting closed to the public.
2. If this isn't the greatest bungle of the present Council, what was?

Response

1. Over the period of time, a number of options have been investigated and considered and Council was mindful of the potential impact on staff and families. The matter was heard in a confidential Council Meeting as allowed under Section 89 (2) (a) of the Local Government Act, which relates to personnel matters and this allowed staff to be advised in an appropriate manner, by qualified Council staff.
2. The second question is a statement of opinion to which Council has no comment.

12. Mr Rod Binnington (present in the chamber)

It is noted that no consultation with the community, or residents, or allocating agency took place prior to the decision to close the Independent Living Units in Sandringham and Beaumaris.

- a) Would the Council please explain why no consultation with the stakeholders (mentioned above) was undertaken, and
- b) Will the Council revisit the decision to close the Units, working openly and transparently with the stakeholders (including the community), in line with the Council's publicly-promoted policies of "Community Engagement" and "Real Conversations"?

Response

- a) Mindful of the potential impact of this decision on residents, the information was delivered to them personally by trained Council staff, with professional counselling support available as required. It was not considered appropriate prior to the decision being made to consult with them on the options, without causing distress and uncertainty. Key stakeholders including social housing providers, Southern Health, and other aged care case managers were consulted when investigating the options.
- b) Council considered a wide range of possibilities and did not make the decision to close the units lightly. However, the options were carefully considered and the decision is a responsible one in the context of Council's overall budget and service provision responsibilities. It has been implemented with concern for the needs of the tenants and in a manner informed by the community engagement policy.

13. Mr David Cockburn

In the Council's Media Release (September 29th 2011) referring to the closure of 18 Independent Living Units in Sandringham and Beaumaris, Council refers to a 'review' which shows that the units will "require major investment in coming years to maintain their suitability". It is noted that the Housing Strategy Feb 2011 is still in draft form and out for consultation at the moment. This Housing Strategy has not been adopted by Council.

Will Council please provide all the other evidence, including engineering/architectural and financial documentation, which informed the final decision by Councillors to close the Independent Living Units?

Response

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

The decision was not based on cost factors alone. Given the changing nature of social housing provision, with increased capacity and funding by state government supported housing associations, Council decided that this was not an ongoing role for Council and ratepayer subsidy.

14. Mr David Cockburn (present in the chamber)

Will the Council please provide an itemised list of costs incurred by Council or its agents for maintenance of Council owned Independent Living Units over the last 5 years?

Response

This information will require considerable Council officer time to compile and would not be easy to present in public question time. Council staff have not been able to complete this request in the time required, however will contact the author to discuss the detail required and the purpose.

15. Mr Rod Binnington (present in the chamber)

The following question relates to the closure of the Independent Living Units in Sandringham and Beaumaris.

Will the Council please provide a list of any State or Commonwealth Government funding provided to Council for services that relate in any way to the Independent Living Units over the last 5 years?

Response

Council has not received any State or Commonwealth funding in the last five years related to the ILUs.

16. Dr Sally Cockburn (present in the chamber)

The following question relates to the Council owned Independent Living Units:

- a) As required under resolution 6.1 of June 28 2004 of Bayside Council (referring to item 86 of Council meeting 21 June 2004 – to accept the Aged and Disability Service Review 2004) will the Council please provide and make the following documents public: the Annual Property Inspection Reports for Council's Independent Living Units, the Service Agreement with Southern Health (the 'allocating agency'), the Contract with the managing Agent, and the Annual reviews of the Aged & Disability Services Best Value Review?
- b) If these documents do not exist can Council please explain why the 2004 resolution mentioned above was not implemented in relation to the recommendations mentioned in part a).

Response

There has never been a service agreement with Southern Health that can be located. A Council report in 2008 states it was a verbal agreement.

Port Phillip Housing Association advised Council that it was not feasible for it to acquire and operate the Beaumaris site, despite a state government grant to redevelop the site.

17. Sister Patrice Timoney (present in the chamber)

Can Council confirm whether it has had any discussions with any party/parties in relation to sale of either 1-3 Sandringham Rd, Sandringham or 51 Haldane St / 82 Dalgetty Rd, Beaumaris? If so please list the dates of these discussions.

Response

Discussions were undertaken with the Port Phillip Housing Association between 2007 and 2009 with a view to the Association purchasing and redeveloping the Beaumaris site, increasing the current number of units from 8 to 18. These discussions resulted in the Association advising Council that they could not make the venture financially viable, even with a contribution from the Office of Housing towards the cost. Further discussions were held with the Loddon Mallee Housing Association in 2010, who also advised that they could not make the Beaumaris site viable for social housing. Loddon Mallee also reviewed the Sandringham site and expressed interest in redeveloping the site for mixed housing development but this was not progressed further because it required a significant redevelopment and disruption to current use and tenants.

18. Sister Patrice Timoney (present in the chamber)

The tenants at the Independent Living Units in Sandringham and Beaumaris were given the assurance, through Southern Health and their lease agreements with the managing agents, that they would be living in the units with “indefinite tenure”.

Why was the socially and morally important decision to close the Independent Living Units, in Sandringham and Beaumaris, made in a secret Council Meeting ie: closed to the Public?

Response

Council advised Southern Health in writing and in person when Council commenced initial discussions in 2007, that due to this review, residents could only be placed on 12 month agreements, with month by month extension thereafter. Leases prior to this date are not all available however Council is not aware of a lease with the specific commitment to “indefinite tenure”.

The decision was considered as a Confidential report according to Section 89 (2) (b) of the Local Government Act which relates to personal hardship of any resident or ratepayer. Mindful of the potential impact of this decision on residents, the information was delivered to them personally by trained Council staff, with professional counselling support available as required. It was not possible prior to the decision being made to consult with them on the options, without causing distress and uncertainty.

19. Ms Sinead Horgan (not present in the chamber)

Could Council please advise if the Motion 205 is passed whether this will then require Save Bayside Community Child Care group to submit for a Community Managed Model through the EOI process for assessment in March?

Response

The Save Bayside Community Child Care will have the opportunity to submit an EOI if such a process is put in place.

20. Mr Kevin Spencer (present in the chamber)

Given I have previously questioned the whereabouts of the City of Baysides Works Of Art Register and the response given that public access to the database register will not be available until November 2012;

- A. Is the fact that the register has not been continuous with the works of Art Register held by the previous councils of Brighton and Sandringham following there amalgamation, an indication of apparent maladministration of Bayside Council by not maintaining a true record of precious public property, the list of which should be available at all times to the community?
- B. As the historic "Billilla" property in Brighton is being leased for commercial purposes, whereas it was purchased by the former Brighton Council for public purposes. Are the various high valued works of art etc belonging to Billilla still in situ within the home, and if not where are they?

Response

- a) The current database is not available for community access. Over the next 12 months the current information will be incorporated into a database for public display. If Mr Spencer would like to view the arts register, the list of items can be viewed through arrangement with the Manager of Libraries and Culture.
- b) The lease arrangements for Billilla incorporate responsibility for care of all assets associated with the property. The majority of the Bayside Cultural Collection is currently held in purpose built storage areas at the Bayside arts and culture centre in Brighton. Other items are on display in council facilities, the corporate centre, libraries and Black Rock House.

21. Mr Kevin Spencer (present in the chamber)

Given the exorbitant salaries that councillors were very happy to give to councils senior administration management employees, without so much a disclosure of their performance reviews to the ratepayers who unknowingly have to foot the bill;

- A. Why is it then that administration is apparently incapable of answering correspondence within the correspondence charter time-frame without the community having to seek the State Ombudsmans intervention?
- B. With our deteriorating road pavements breaking up throughout the City of Bayside, why are the service requests for road faults and pot holes not being promptly attended to by this highly paid administration?

Response

- a) Council staff endeavour to respond to all correspondence within the Charter timeframes. In some instances responding to correspondence can be delayed when researching complex matters, and it is important that a response is well informed.
- b) Council maintains a comprehensive road asset management system that provides clear evidence that all local roads in Bayside are consistently maintained in accordance with service levels and response times defined in Council's Road Management Plan.

22. Mr Andrew Shore (not present in the chamber)

Has Council included the potential loss of 3 year old and 4 year old kindergarten places at the Sandringham and Hampton Long Day Child Care Centres when assessing the total number of kindergarten places for the purpose of the Kindergarten Feasibility Study being voted on at tonight's meeting?

If yes, what have they concluded these places to number at each site?

Response

The report presented to Council on 29 November 2011, includes information about the costs required to upgrade Council's infrastructure to meet the future requirements for three and four year old kindergarten places in community managed kindergartens in the City of Bayside. Whilst it considers the total number of three year and four year old places available in both long day care and kindergarten services, this report's primary focus is on the impact of both the State and Federal policy and legislative changes on community managed kindergarten places located in both Council, Church and not-for-profit facilities. Hampton Child Care Centre provides 27 places for 4-5 year old children with 15 of these children attending a kindergarten program in a different community managed kindergarten service. Sandringham child care centre does not currently provide a 3 year old kindergarten program.

7. Petitions to Council

7.1 *Petition: Graffiti*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Long

Seconded: Cr Frederico

That the petition be received and referred to the Chief Executive Officer for consideration.

CARRIED

8. Reports by Advisory Committees

8.1 *Assembly of Councillors Records*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

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

CARRIED

8.2 *Minutes of the Audit Committee Meeting held on 9 November 2011*

Corporate Services - Governance
File No: COR/1234

Moved: Cr Hayes

Seconded: Cr Norris

That Council:

1. notes the minutes of the Audit Committee meeting held on 9 November 2011 and endorses the actions of the Audit Committee.
2. invites the Chairman of the Audit Committee to brief Councillors on the activities of the Committee bi-annually.

CARRIED

9. Reports by Special Committees

9.1 *Minutes of a Special Committee of Council to Hear Submissions in relation to the Local Law 2*

Infrastructure Services -
File No: FOL/1234

Moved: Cr Long

Seconded: Cr Cooper-Shaw

That Council notes the minutes of the Special Committee of Council held on 16 November 2011.

CARRIED

9.2 *Minutes of a Special Committee of Council to recommend membership to the Council's Recreation and Open Space Engagement Forum held on 8 November 2011*

Corporate Services - Governance
File No: COR/1234

Moved: Cr Norris

Seconded: Cr Frederico

That Council notes the minutes of the Special Committee of Council to recommend appointments to the community engagement forum known as Recreation and Open Space Forum held on 8 November 2011.

CARRIED

9.3 *Recommendations for Appointments to the Recreation and Open Space Forum*

CEO – Communications & Customer Service
File No: COR/2195

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That this matter be considered in-camera.

CARRIED

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 10.2 – Developing a Sustainable Kindergarten Sector in Bayside

Ms Claire Mumme

10.1 Family Day CareCommunity Services – Family Services
File No: 1560

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

That Council:

1. notifies the Department of Education and Early Childhood Development and the Department of Education, Employment and Workplace Relations of its intention to cease providing family day care services within the notice period (from 1 January 2012) and provides details of its preferred provider;
2. advises current families and promotes for wider community information to the broader community that Windermere Child and Family Services is the new Family Day Care provider in the municipality; and
3. completes its contracts with the Family Day Care educators on 31 December 2011 and assists them to transition from Council to the Windermere Child and Family Services' Family Day Care scheme from 1 January 2012.

CARRIED

10.2 Developing a Sustainable Kindergarten Sector in BaysideCommunity Services
File No: 1560

*It is recorded that Ms Claire Mumme spoke in relation to this matter.***Moved: Cr Hayes****Seconded: Cr Frederico**

That this item be deferred for one meeting cycle to enable consultation with the Save our Centres community group.

CARRIED

10.3 2 Rossmith Avenue Beaumaris – Request for removal of Street trees

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

Moved: Cr Russell

Seconded: Cr Norris

That this item be deferred to the next meeting cycle for consideration.

CARRIED

10.4 Petition regarding flooding of properties in Mackenzie Street

City Strategy – Environmental Sustainability & Open Space
File No: FOL/10/215860

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council:

1. receives a further report on the preparation of a catchment analysis in February 2012; and
2. advises the petitioners of the assessment that has been conducted to date and the next steps.

CARRIED

10.5 Quarterly Performance Report

Corporate Services - Governance
File No: FOL/11/588

Moved: Cr Norris

Seconded: Cr Long

That Council notes the Council Plan Activities Quarterly Performance Report for July – September 2011.

CARRIED

10.6 VCAT Decisions

Corporate Services - Governance
File No: COR 1234

Moved: Cr Cooper-Shaw

Seconded: Cr Norris

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

CARRIED

10.7 Council Action Awaiting Report

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

Association of Bayside Municipalities – Cr Norris

Cr Norris reported that he was unable to attend the meeting held last week due to illness. However, he indicated that Council Officer Mr Thorpe attended the meeting which provided an insight into ABM Workshop on sea level rise and the coast.

MAV Environment Committee – Cr Norris

No report was submitted to the meeting.

Metropolitan Transport Forum – Cr Russell

No report was submitted to the meeting.

Municipal Association of Victoria – Cr Long

No report was submitted to the meeting.

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 Frederico

Seconded: Cr Norris

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

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

13. Notices of Motion

13.1 Notice of Motion 204 – Traffic Report for Livingston Street and Worthing Road Highett

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That in response to recent concerns from residents in Livingston Street Highett and Worthing Road Highett between Highett and Wickham Roads relating to alleged speeding vehicles, an investigation be conducted to analyse traffic speed and volumes. Furthermore, that a report be submitted to Council on the outcomes of these investigations.

CARRIED

Moved Cr Hayes

Seconded Cr Long

That the Deputy Mayor take the Chair for consideration of item 13.2.

CARRIED

**13.2 Notice of Motion 205 – Hampton and Sandringham Child Care Centres
– Expression of Interest**

Moved Cr Norris**Seconded Cr Hayes**

That Council grant Cr del Porto leave to amend his Notice of Motion No: 205.

CARRIED**Moved: Cr del Porto****Seconded: Cr Norris**

A. That Council:

1. notes the levels of concern expressed by members of the community following its decision to transition out of the direct provision of Child Care services;
2. recognises the need to commit ongoing and increased resources to kindergarten services (where Council is the city's major provider).

B. Given that Council has received a number of expressions of interest by both private parties and parents regarding the ongoing provision of Child Care services, Council:

1. invites Expressions of Interest (EOI) from parties for the leasing, refurbishment and operation of the two Council-owned child care centres at Sandringham and Hampton;
2. aims to receive a report on the result of the EOI process in March 2012 with a view to proceeding to an invitation for Tenders at the earliest possible date; and

Further, given the EOI and proposed Tender process above, resolves to maintain the operation of the 0-2 years room at the Hampton Child Care Centre until the end of 2012 which will also enable parents a further 12 months to plan their child care.

C. Includes in the EOI process the following criteria:

1. The degree of maintenance and renewal of these community assets by the lessee / operator;
2. Capacity to sustain the provision of quality child care through the operations of the service; and
3. Community benefit including:
 - (a) Financial contribution of benefit to Council and thus the wider Bayside community; and/or;
 - (b) Contribution towards community engagement of parents and families or other social and community benefits.

D. Recognises that the above steps do not guarantee the continuation of these services beyond the foreshadowed closure dates of December 2012 and December 2013 respectively.

- E. Given the above, that the timeline for the report in response to the Urgent Business Item 12.3 of 8 November 2011 be deferred to March 2012 to align with the report on the result of the EOI process to allow interested parent representatives to fully participate in the process.

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

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

AGAINST: Cr Frederico (1)

CARRIED

Moved: Cr Long

Seconded: Cr Hayes

That the Mayor resume the Chair for the remainder of the meeting.

CARRIED

13.3 Notice of Motion 206 – Government Funding for four year old Kindergarten

Moved Cr Russell**Seconded Cr Hayes**

That Council grant leave for Cr Russell to amend his Notice of Motion No: 206.

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

Given the significant cost impact of the changes to kindergarten minimum attendance entitlements, and the heavy dependence of kindergartens on Council, and the uncertainty about the future for church and not-for-profit kindergartens, that Council calls upon both levels of government, by writing to and seeking meetings with local members of State and Federal Parliament and both lower and upper houses, appropriate Ministers, Shadow Ministers and Parliamentary Secretaries, to fully resource the costs of implementing the joint government commitment to a minimum 15 hours per week kindergarten for four year olds, and revised National Regulations, and to ensure that this initiative does not diminish access for three year olds to the education and development opportunities which kindergartens provide.

CARRIED

Cr Hayes acknowledged the Mayor Cr del Porto's term of office as it concludes on Thursday 1 December 2011, and thanked the Mayor for his leadership over the past 12 months.

The Mayor also acknowledged the Director Community Services, Heather Johnson given this is her last meeting with Bayside City Council.

14. Confidential Business**Moved: Cr Hayes****Seconded: Cr Cooper-Shaw**

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 Approval of deed of Variation of Lease – Bayside City Council & Leisure Management Services – Brighton Golf Course, Dendy Street
- 14.2 Contract 1404/0710 – Supply of Computers and Associated Implementation Services

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 10pm.

CONFIRMED THIS 14 DAY OF DECEMBER 2011**CHAIRMAN:**