



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 2 August 2011

The Meeting commenced at 7.00pm

PRESENT:

Cr Alex del Porto (Mayor)
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
Charles Turner	Acting Director Infrastructure Services
Fran Duiker	Executive Manager Communications and Customer Service
Stephen Thorpe	Manager Environmental Sustainability & Open Space
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Mayor 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 Hayes

Seconded: Cr Russell

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 12 July 2011

Moved: Cr Norris

Seconded: Cr Russell

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 12 July 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 4 public questions to the Meeting:

1. Mr Robert Grey – Present in the Chamber

With regard to point 5 of the resolution concerning admendment C90 adopted by council on the 24 May.

5. To develop a communication plan to include appropriate meetings for the public and various community groups to attend in late June early July. We note that during the council meeting on the 24th, the intent of the council was to hold this meeting in Black rock.

My question is when is the planned community consultation meeting to be held and what venue in Black Rock has been selected.

Response

A public information session in relation to Amendment C90 is to be held at the Adult Activity Day Centre 2 Karrakatta Street Black Rock 6.30pm - 9.00pm on Wednesday 24 August.

Public advertising will be undertaken in the week commencing 8 August. The advertising will include, information on Council's website, sign boards in the village, letters to all submitters and advertising in the Leader Newspaper the week before the information session.

A further meeting for Business Operators in the Black Rock Village has been arranged for Tuesday 16 August at 2 Karrakatta Street , Black Rock. All business operators have been advised in writing.

In addition to the proposed public information sessions, Amendment C90 has been publicised in the following way:

- *Display of two notice boards in the shopping centre advising of the Amendment and inviting submissions*
- *Letter to all residents in the Black Rock post code advising of the Amendment and inviting submissions*
- *Meeting with owners of 24 properties in the area (including Mr Grey)*

2. Mr Daniel Bourke – Not present in the Chamber

As the council only allowed 3 working days to attend I'm sorry but I cannot make it. But we local residents are not surprised as this is typical of the sort of treatment we receive with the council and their favour of soccer players over what we consider to be a further impost on our lives living in Crawford St.

With all the vandalism around this club and rubbish left after soccer games we now have to face people drinking alcohol after playing.

As there will be no control over the players especially opposition sides we the neighbors will have to contend with faster cars roaring down the street and loud mouths calling out at all times.

This facility was designed for small groups not a major team like the Argonauts which wish to keep expanding. I like all the neighbors in this street absolutely oppose this Liquor request.

And if the council thinks less of its rate payers than a football team then we're all in trouble.

I wish to call for a stay of this decision until we all have further notice. Some time in September.

Response

Council has been working with the club and interested parties over a period of months and extensive consultation has occurred where all views and concerns have been taken into consideration. As soon as an item is confirmed for a Council agenda, interested parties are advised immediately. This is in accordance with Council's governance processes and community consultation framework.

3. Mr Kevin Spencer – Present in the Chamber

Given the recent media reporting re the "My School Website" that private schools have wealth and resources amounting to multi millions of dollars in profits, assets, trusts & investments and bearing in mind these private schools have bought up valuable rateable properties in which amounts to a considerable loss of rate income to the city and yet these same schools enjoy all manner of council services provided by the ratepayers.

- A. What are these private schools contributing financially in return for council services such as roads, footpaths, drainage and other services.
- B. Would council take action by way of an inquiry by the State Government for a more equitable contribution by private schools to off-set such costly services provided by council.

Response

- a) *Section 154(2) of the Local Government Act, defines properties which are exempt from rates and charges including properties of the Crown, Public Statutory bodies and land used for Charitable and Religious purposes. This includes advancement of education. However, school owned properties not used for educational purposes, eg Head Master residence, will attract normal residential Rates and Charges.*
- b) *Council would decide to participate or not in any enquiry by the State Government once the nature of any such enquiry were known.*

4. Mr Kevin Spencer – Present in the Chamber

Following my Email to council and several phone calls to staff with regard to a derelict house at 884 Hampton Street Brighton which has been subject to police action after a gathering of undesirables and various criminal activities.

- A. Will council have staff show cause as to why appropriate action should be taken as to their failure to respond to these complaints and alleviate the nuisance.
- B. If this derelict house is not offending the neighbourhood character, what is councils definition of neighbourhood character given this example and the numerous so called post modern developments that stand out like the proverbial sore thumb throughout the City of Bayside.

Response

Council has limited powers and ability to take action against properties which are deemed to be unsightly by the community. The property at 884 Hampton Street has been inspected and deemed not to be unsightly under Local Law No. 2 Environment. However, an unfenced pool of water in the rear of the premises was identified during the building inspection and deemed to be unsafe. An emergency order was issued on Monday 01 August requiring a protective fence across the front of the property within 5 days.

7. Petitions to Council

There were no petitions submitted to this meeting.

8. Reports by Advisory Committees

8.1 Assembly of Councillors Records

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Frederico

Seconded: Cr Long

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

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.

10. Reports by the organisation

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- 10.1 Bayside Argonauts Soccer Club Liquor Licence Request
- 10.2 Petition response for Castlefield Reserve to be a dog off-leash area
- 10.3 Traffic Management – Cochrane Street Speed Cushions Survey
- 10.4 Review of the Domestic Animal Management Plan
- 10.5 Half Moon Bay Beach Renourishment
- 10.6 Bayside's Engagement Forums
- 10.7 Review of the Design and Location of Street Lights
- 10.8 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 10.1 – Bayside Argonauts Soccer Club Liquor Licence Request

Mr John Turner
Dr Judy Wilson
Mr Paul Mantas

Item 10.2 – Petition for Castlefield Reserve to be a dog off-leash area

Mrs Andrea Maglio	Ms Rosanne Gibb
Miss Renata Jakl	Mr Brian Coughlan
Mrs Dallas Wickenden	Mr Ken Blackman
Mr John Hannam	

Item 10.3 – Traffic Management – Cochrane Street Speed Cushions Survey

Mr Kevin Streets
Dr John Sime
Dr Tim Gray
Ms Prue Mercer

10.1 Bayside Argonauts Soccer Club Liquor Licence Request

Corporate Services – Commercial Services
File No: COR/808

*It is recorded that Dr Judy Wilson and Mr Paul Mantas spoke in relation to this matter.
It is further recorded that Mr John Turner was not present in the Chamber.*

Moved: Cr Russell

Seconded: Cr Norris

That Council:

1. provides landlord consent for the Bayside Argonauts Soccer Club to utilise the Renewable Limited Club Licence on the following conditions:
 - a) the Club attaining level 2 of the Goods Sports Program within 12 months of receiving landlord consent;
 - b) the Club erecting signs and barriers to ensure that the Licensed Area is clearly marked as a wet area and that consumption of alcohol is not permitted outside this area;
 - c) the Club continuing to monitor and clean up all litter in the Reserve on the Club's allocated training and game days;
 - d) the Club using its best endeavours to ensure members and guests park within the parking area of the Reserve on the Club's allocated training and game days;
 - e) the Club using its best endeavours to ensure that its members and guests enter and depart the Reserve on the Club's allocated training and game days in a quiet and orderly manner;
 - f) the Club providing written notice to its members advising them to ensure they adhere to good neighbour principles and that they enter/exit the Reserve and Crawford Street in a quiet and orderly manner and to respect the local amenity of the area;
 - g) the Club arranging a community information session with Club representatives, residents and Council officers in 12 months time to discuss any issues associated with the Club's liquor licence;
2. erects an advisory sign at the exit of the Reserve car park reminding drivers exiting the car park to leave quietly as they are entering a residential area;
3. undertakes, in consultation with the Crawford Street residents, a survey to investigate the feasibility of implementing parking restrictions in Crawford Street to control vehicle volume and speed in street;
4. commences parking enforcement in Crawford Street and periodically patrols the Reserve and Crawford Street during the Club's allocated home and away games to ensure parking compliance.
5. monitors and evaluates any traffic measures implemented in 12 months time and implements any changes determined appropriate by Council's traffic engineers; and
6. advise submitters of Council's decision.

CARRIED

10.2 Petition response for Castlefield Reserve to be a dog off-leash area

Infrastructure Services – Amenity Protection
File No: FOL/11/6

It is recorded that Mrs Andrea Maglio, Ms Rosanne Gibb, Miss Renata Jakl, Mr Brian Coughlan, Mrs Dallas Wickenden, Mr Ken Blackman and Mr John Hannam spoke in relation to this matter.

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

That Council receive a report to consider repealing the current order in relation to dog off-leash areas made under the Domestic Animal Act 1994 and consider making a new order to include Castlefield Reserve as an off-leash area for a 12 month trial period.

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

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

LOST**Moved: Cr Russell****Seconded: Cr Hayes**

That Council

1. does not make any changes to the existing dog on leash provision in Castlefield Reserve;
2. notes the content of the petition and that any proposed changes to expand dog off-leash areas will be considered as part of the Domestic Animal Management Plan review; and
3. notifies the head petitioner accordingly.

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

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

CARRIED

It is recorded that Cr Norris vacated the Chamber at 8.18pm and re-entered at 8.26pm.

10.3 Traffic Management – Cochrane Street Speed Cushions SurveyInfrastructure Services – Asset Management Services
File No: FOL/11/9

It is recorded that Mr Kevin Streets, Dr John Sime, Dr Tim Gray and Ms Prue Mercer spoke in relation to this matter.

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

That Council:

1. notes the outcome of the resident survey which indicates that 60% of Cochrane Street residents do not support the removal of the speed cushions;
2. acknowledges that in this instance a significant detrimental impact on residents in the vicinity of the speed cushions warrants consideration of alternative devices;
3. requires the removal of speed cushions in Cochrane Street between Bay Street and Head Street and approve the installation of two new intersection roundabouts along the section of Cochrane Street, subject to funds of approximately \$120,000 being identified for removal of the speed cushions and the installation of the new roundabouts, at the first quarter or mid-year budget review 2011/2012; and
4. advises residents of Cochrane Street accordingly.

Moved: Cr Russell**Seconded: Cr Hayes**

That the meeting be adjourned at 8.52pm for 2 minutes to allow for an amendment to be prepared.

CARRIED**Moved: Cr Russell****Seconded: Cr Long**

That the meeting be resumed at 8.54pm.

CARRIED

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

That Council:

1. notes the outcome of the resident survey which indicates that 60% of Cochrane Street residents do not support the removal of the speed cushions;
2. acknowledges that in this instance a significant detrimental impact on residents in the vicinity of the speed cushions warrants consideration of alternative devices;
3. calls for a report on the efficacy of other options for speed reduction involving the removal of one or more cushions. These options to include the removal of some cushions and the construction of two roundabouts;
4. consults with residents of Cochrane Street on these options;
5. considers a report on the results of the consultation together with budget considerations;
6. determines to evaluate the effects of any changes that are implemented; and
7. advises residents of Cochrane Street accordingly.

The Chairman used his casting vote against the AMENDMENT, and the AMENDMENT was **LOST**

The Original Motion Moved by Cr Hayes and Seconded by Cr Long became the Motion before the Chair.

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

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

The Chairman used his casting vote in favour of the Motion and the Motion was **CARRIED**

10.4 *Review of the Domestic Animal Management Plan*

Infrastructure Services – Amenity Protection
File No: FOL/11/25

Moved: Cr Norris

Seconded: Cr Long

That Council:

1. notes the success of the existing Domestic Animal Management Plan detailed in Attachment 1; and
2. notes the project plan for review of the Domestic Animal Management Plan, as outlined in Attachment 3.

CARRIED

10.5 *Half Moon Bay Beach Renourishment*

City Strategy – Environmental Sustainability & Open Space
File No: FOL/11/462

Moved: Cr Russell

Seconded: Cr Norris

That Council provides in-principle support for the Half Moon Bay, Black Rock Beach Renourishment Design Report prepared by the Department of Sustainability and Environment.

CARRIED

10.6 Bayside's Engagement ForumsCEO – Communications & Customer Service
File No: COR/2195

The Chairman advised the meeting that he intends to split the item into 4 separate motions and deal with them one at a time.

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

That Council:

1. formally establishes and adopts the attached Terms of Reference for the:
 - Bayside Environmental Forum;
 - Bayside Arts and Culture Forum; and
 - Bayside Recreation and Open Space Forum.
2. winds up the Bayside Environmental Advisory Group (BEAG) and Bayside Cultural Advisory Committee (CAC); and
3. thanks the members of the Bayside Environmental Advisory Group and Cultural Advisory Committee for their contributions to the work of these bodies over time.

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

That Council appoints Councillor Hayes to the Bayside Environmental Forum for the period between now and the remainder of the Council term concluding at the October 2012 Municipal General Election;

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

That Council appoints Councillor del Porto to the Bayside Arts and Culture Forum for the period between now and the remainder of the Council term concluding at the October 2012 Municipal General Election;

CARRIED

Moved: Cr Russell

Seconded: Cr Long

That Council appoints Cr Frederico as its representative and Cr Norris as substitute representative to the Bayside Recreation and Open Space Forum for the period between now and the remainder of the Council term concluding at the October 2012 Municipal General Election and amend the Terms of Reference accordingly.

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

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

The Chairman used his casting vote against the Motion, and the Motion was **LOST**

Moved: Cr Norris

Seconded: Cr Hayes

That Council appoints Cr Norris as its representative and Cr Frederico as substitute representative to the Bayside Recreation and Open Space Forum for the period between now and the remainder of the Council term concluding at the October 2012 Municipal General Election and amend the Terms of Reference accordingly.

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

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

The Chairman used his casting vote in favour of the Motion, and the Motion was **CARRIED**

10.7 Review of the Design and Location of Street Lights

Infrastructure Services – Asset Management Services
File No: FOL/11/617

Moved: Cr Long

Seconded: Cr Norris

That Council:

1. adopts subcategory P5 lighting standard from *Australian/New Zealand Standard 1158.3.1:2005: Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements* for all local roads in Bayside and removal of additional lights in areas currently meeting subcategory P4 standard;
2. notes that, when a complaint is received in relation to poor lighting or localised dark patches, an assessment will be made regarding the necessity for the installation of additional lights if warranted; and
3. endorses the bulk replacement of all street lights in local streets with energy efficient lights starting in the north and finishing in the south of the municipality.

CARRIED

10.8 Council Action Awaiting Report

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Long

Seconded: Cr Russell

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

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

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.

Australian Local Government Association Conference

Councillors del Porto, Long and Frederico reported on their recent attendance at the Australian Local Government Association Conference in Canberra in June, providing details on various presentations and topics of interest.

Moved: Cr Long

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

There were no Notices of Motion submitted to the meeting.

14. Confidential Business

Moved: Cr Long

Seconded: Cr Russell

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

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- 14.1 Library Management System – Managed Service Contract – Contract No 0910143
- 14.2 Contract – Electricity Supply for Public Lighting
- 14.3 Extension of Hard Waste and Bundled Branches Collection Service – Contract No 070875
- 14.4 Chief Executive Officer’s Performance Plan 2011/12

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 10.12pm.

CONFIRMED THIS 23 DAY OF AUGUST 2011

CHAIRMAN: