



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 4 May 2010

The Meeting commenced at 7.00pm

PRESENT:

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

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 7pm and invited Cr Long to read the prayer.

1. Prayer

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

Moved: Cr del Porto

Seconded: Cr Frederico

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

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

Prior to the Chairman calling for any declarations of interest, the Chairman advised the meeting that he intends to split item 10.9 relating to the 2010/2011 Proposed Budget into 5 separate parts to address any Councillors conflicts of interest in the budget.

- Cr del Porto declared a Direct Conflict of Interest in Item 10.9 Part C relating to the capital works items RPS05 Hurlingham Park Cricket Nets, RPS15 Hurlingham Park Playground, NPS13 Hurlingham Park Water Sustainability and RPS01 Hurlingham Park Lighting given he now resides in Milliarda Grove which is opposite Hurlingham Park and will affect his amenity.
- Cr del Porto declared a Direct Conflict of Interest in Item 10.9 Part C relating to the capital works items RR06 Church Street Activity Centre Footpath Replacement and NR8 Well Street New Car park Construction as Cr del Porto will have a direct and financial interest as he owns a property in Well Street Brighton which is in the Church Street Major Activity Centre
- Cr Long declared a Direct Conflict of Interest in Item 10.9 Part D relating to the Binnie Street East Brighton Drain, as Cr Long owns a property and is a resident of Binnie Street.

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 13 April 2010

Moved: Cr del Porto

Seconded: Cr Cooper-Shaw

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 13 April 2010 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

There were no questions submitted to this meeting.

7. Petitions to Council

7.1 Petition – Church Street and Huntingfield Road Brighton

Corporate Services - Governance
File No: COR1234

Consideration of a petition from residents requesting Bayside City Council to review the permit of the business at 133 – 135 Were Street, Brighton.

“We the undersigned would like to bring to your attention that due to the persistent expansion of the restaurant business at 133-135 Were Street, Brighton known as J’s Surf & Turf, most of which has occurred through repeated breaking of the law by the proprietors not adhering to their permit of a maximum of 29 seated customers (usually to 60 or more without penalty from Bayside Council), the residential environs (classified as Residential C) has become extremely dangerous for the surrounding residents.”

Moved: Cr Frederico

Seconded: Cr del Porto

That the petition be received and a report be submitted to Council on this matter

CARRIED

8. Reports by Advisory Committees

There were no reports from 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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- 10.1 Elsternwick Park – delineation of dog on-leash area
- 10.2 New Street Railway Crossing – Determination of the Panel appointed to resolve the dispute between Council and Metro Trains Melbourne
- 10.3 Petition – Request to install bollards in laneway between Huntingfield Road and Burrows Street, Brighton
- 10.4 Bayside Arts and Cultural Centre
- 10.5 Municipal Early Years Plan 2010 - 2013
- 10.6 Review of Council / Committee Meeting Cycle
- 10.7 Coastal Climate Change Advisory Committee Issues and Options Paper
- 10.8 Council Plan 2009 – 2013 Review – 2010 and Long Term Financial Plan
- 10.9 Budget 2010 /2011
- 10.10 Delivered Meals Service Legal Requirements
- 10.11 Delivered Meals Location and Service Delivery Model
- 10.12 Economic Development Strategy Steering Group
- 10.13 MAV Draft Strategic Plan 2010 - 11
- 10.14 Essential Services Commission Performance Monitoring and Reporting Framework for Local Government
- 10.15 Draft Cheltenham Activity Centre Structure Plan
- 10.16 Municipal Strategic Statement Review and Rewrite
- 10.17 Financial Report for the Nine (9) Months to 31 March 2010
- 10.18 VCAT Decisions
- 10.19 Council Action Pending

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 – Elsternwick Park – delineation of dog on-leash area

1. Mrs Felicity Todd
2. Mr Michael Nugent

Item 10.2 – New Street Railway Crossing – Determination of the Panel appointed to resolve the dispute between Council and metro Trains Melbourne

1. Ms Kristin Stegley

Item 10.3 – Petition – Request to instal bollards in laneway between Huntingfield Road and Burrows Street, Brighton

1. Mr Ian Coppock
2. Mr Rod Frank
3. Mr Harry Barrass
4. Ms Cecilia Morris

Item 10.5 – Municipal Early Years Plan 2010 - 2013

1. Mrs Jennifer Hayes

Item 10.7 – Coastal Climate Change Advisory Committee Issues and Options Paper

1. Mr Michael Nugent

Item 10.8 – Council Plan 2009 – 2013 Review – 2010 and Long Term Financial Plan

1. Mr Michael Nugent

Item 10.9 – Budget 2010/2011

1. Mr Michael Nugent

10.1 Elsternwick Park – delineation of dog on-leash area

Infrastructure Services - Amenity Protection
File No: COR/5964

It is recorded that Mrs Felicity Todd and Mr Michael Nugent spoke in relation to this item.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council:

1. proceed to consult with residents regarding Draft Dog Order No. 4 and the proposal to delineate the on-leash and off-leash areas through partial fencing, planting and signage;
2. consult with the community regarding the construction of partial fencing and or planting around the playground and picnic areas as per option 2 outlined in this report;
3. inform the community of the proposed construction of a new fence around the lake; and
4. receive a further report within four months on this matter following the consultation period.

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

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

CARRIED

10.3 *Petition – Request to install bollards in laneway between Huntingfield Road and Burrows Street, Brighton*

Infrastructure Services – Asset Management Administration
File No: COR/3296

It is recorded that Mr Ian Coppock, Mr Rod Neville and Ms Cecilia Morris spoke in relation to this item.

It is further recorded that Mr Harry Barrass was not present in the Chamber.

Moved: Cr del Porto

Seconded: Cr Long

That Council defer the matter to allow consultation with abutting residents and residents in Huntingfield Road on the proposed installation of a bollard at the southern end of the laneway.

CARRIED

10.4 *Bayside Arts and Cultural Centre*

Community Services / Arts and Culture
File No: COR/257-02

Moved: Cr del Porto

Seconded: Cr Long

That Council adopt Option One, the consideration of an operational budget of \$160,000 in the 2010-2011 budget process, for provision of a gallery program at the Brighton Arts and Culture Centre.

CARRIED

10.5 Municipal Early Years Plan 2010 -2013

Community Services – Family Services
File No: COR/1560

It is recorded that Mrs Jennifer Hayes spoke in relation to this item.

Moved: Cr Norris

Seconded: Cr Frederico

That Council:

1. adopt the Municipal Early Years Plan (MEYP) 2010-2013 as attached to this report;
2. thank the key stakeholders for their contribution in the preparation of the Municipal Early Years Plan; and
3. launch the Plan formally with an event hosted by the Mayor inviting key stakeholders.

CARRIED

10.6 Review of Council and Committee Meeting CycleCorporate Services - Governance
File No: COR/1234**Moved: Cr Cooper-Shaw****Seconded: Cr Long**

That Council:

1. adopt the following Council and Committee meeting schedule for 2010 based on the current three week cycle of meetings; and

| Date | Cycle |
|---------------------------|-----------------------|
| Tuesday 6 July 2010 | Spare Week |
| Tuesday 13 July 2010 | Planning Committee |
| Tuesday 20 July 2010 | Council Meeting |
| Tuesday 27 July 2010 | Councillor Briefing |
| Tuesday 3 August 2010 | Planning Committee |
| Tuesday 10 August 2010 | Council Meeting |
| Tuesday 17 August 2010 | Councillor Briefing |
| Tuesday 24 August 2010 | Planning Committee |
| Tuesday 31 August 2010 | Council Meeting |
| Tuesday 7 September 2010 | Spare Week |
| Tuesday 14 September 2010 | Councillor Briefing |
| Tuesday 21 September 2010 | Planning Committee |
| Tuesday 28 September 2010 | Council Meeting |
| Tuesday 5 October 2010 | Spare Week |
| Tuesday 12 October 2010 | Councillor Briefing |
| Tuesday 19 October 2010 | Planning Committee |
| Tuesday 26 October 2010 | Council Meeting |
| Tuesday 2 November 2010 | Public Holiday |
| Tuesday 9 November 2010 | Councillor Briefing |
| Tuesday 16 November 2010 | Planning Committee |
| Tuesday 23 November 2010 | Council Meeting |
| Tuesday 30 November 2010 | Councillor Briefing |
| Thursday 2 December 2010 | Annual Meeting |
| Tuesday 7 December 2010 | Planning Committee |
| Tuesday 14 December 2010 | Council Meeting |
| Tuesday 21 December 2010 | Planning Committee |

2. Consider the meeting cycle for 2011 at the 2010 Annual Meeting of Council.

CARRIED

10.7 Coastal Climate Change Advisory Committee Issues and Options PaperCity Strategy / Urban Strategy
File No: COR/2574

Cr del Porto vacated the Chamber at 8.20pm and re-entered at 8.24pm.

It is recorded that Mr Michael Nugent spoke in relation to this item.

Moved: Cr Norris**Seconded: Cr Cooper-Shaw**

That Council:

1. note the Coastal Climate Change Advisory Committee Issues and Options Paper.
2. adopt the proposed submission attached as Appendix 2 as Council's response to the paper and forward the submission to Planning Panels Victoria.

CARRIED

10.8 Council Plan 2009-2013 Review – 2010 and Long Term Financial PlanCEO – People & Performance
File No: COR

It is recorded that Mr Michael Nugent spoke in relation to this item.

Moved: Cr Frederico**Seconded: Cr Cooper-Shaw**

That Council:

1. adopts in principle:
 - the Council Plan 2009-2013 - Revised 2010 for the period 1 July 2010 to 30 June 2013; and
 - the Strategic Resource Plan for the period 1 July 2010 to 30 June 2014
2. adopts the Long Term Financial Plan document presented to Council at this meeting as the 'proposed' Budgeting and Reporting Framework for the purpose of Section 137 of the Local Government Act 1989
3. give public notice of the Council Plan 2009-2013 - Revised 2010, the Strategic Resource Plan 2010-2014 and the Long Term Financial Plan 2010/11-2020/21, in accordance with Section 223 of the Local Government Act 1989, and;
4. establish a Special Committee of Council to hear submissions pursuant to Section 223 of the Local Government Act 1989, consisting of all Councillors with a quorum of four Councillors to be held on Wednesday 9 June 2010 at 6.30 pm at the Council Chambers, Boxshall Street, Brighton.

CARRIED

10.9 Budget 2010/2011Corporate Services - Finance
File No: COR1234

It is recorded that the Chairman advised the meeting once again that he proposes to split this item into 5 separate parts to accommodate various Councillors Conflicts of Interest.

- *Cr del Porto declared a Direct Conflict of Interest in Item 10.9 Part C relating to the capital works items RPS05 Hurlingham Park Cricket Nets, RPS15 Hurlingham Park Playground, NPS13 Hurlingham Park Water Sustainability and RPS01 Hurlingham Park Lighting given he now resides in Milllara Grove which is opposite Hurlingham Park and will affect his amenity.*
- *Cr del Porto declared a Direct Conflict of Interest in Item 10.9 Part C relating to the capital works items RR06 Church Street Activity Centre Footpath Replacement and NR8 Well Street New Car park Construction as Cr del Porto will have a direct and financial interest as he owns a property in Well Street Brighton which is in the Church Street Major Activity Centre*
- *Cr Long declared a Direct Conflict of Interest in Item 10.9 Part D relating to the Binnie Street East Brighton Drain, as Cr Long owns a property and is a resident of Binnie Street.*

It is recorded that Mr Michael Nugent did not pursue his right to speak on this item.

Part A**Moved: Cr Norris****Seconded: Cr Frederico**

That Council formally prepares the 2010/11 Proposed Budget for the purpose of Section 127 of the *Local Government Act 1989* excluding;

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.
4. Binnie Street Drain, East Brighton \$640,000.

CARRIED**Part B****Moved: Cr del Porto****Seconded: Cr Long**

That Council adopts in principle the Schedule of Discretionary Fees and Charges attached to the 2010/11 Proposed Budget excluding those relating to goods, signs on footways.

CARRIED

10.9 Budget 2010/2011 (Continued)Corporate Services - Finance
File No: COR1234

Part C

It is recorded that Cr del Porto declared a conflict of interest in part C given he owns a property in Well Street Brighton and resides in Milliarda Grove and accordingly Cr del Porto vacated the Chamber at 8.52pm prior to the consideration of this part.

Moved: Cr Frederico**Seconded: Cr Cooper-Shaw**

That Council includes the following amendments into the 2010/11 Proposed Budget;

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.

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. Cr del Porto entered the Chamber at 8.53pm

Part D

It is recorded that Cr Long declared a conflict of interest in part D given he owns and resides in Binnie Street East Brighton and accordingly Cr Long vacated the Chamber at 8.53pm prior to the consideration of this part.

Moved: Cr Cooper-Shaw**Seconded: Cr del Porto**

That Council Includes the following amendment into the 2010/11 Proposed Budget:

1. Binnie Street Drain, East Brighton \$640,000.

CARRIED

It is recorded that Cr Long 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. Cr Long entered the Chamber at 8.54pm

10.9 *Budget 2010/2011 (Continued)*

Corporate Services - Finance
File No: COR1234

Part E

Moved: Cr Frederico

Seconded: Cr del Porto

That Council:

1. Gives Public Notice of the preparation of the 2010/11 Proposed Budget and makes available copies of the proposed budget for public inspection purposes.
2. In accordance with Section 223 of the Local Government Act 1989, a Special Committee of Council be established consisting of Councillors with a quorum of four (4) Councillors to hear submissions in relation to the 2010/11 Proposed Budget on Wednesday 9 June 2010 at 7.30 pm at the Council Chambers, Civic Centre, Brighton.

CARRIED

10.10 Delivered Meals Service legal requirements

Community Services – Aged and Disability Services
File No: COR/1493

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

That Council:

1. having given due consideration to the risks, liabilities and benefits involved, and having complied with subsections 5A and 5C of Section 193 of the Local Government Act, makes an application for shares in RFK Pty Ltd (trading as Community Chef) and in Regional Kitchen Pty Ltd in accordance with the constitution and Shareholders Agreement of both companies. Such application will be made subject to receipt of the approval required under S193 (5G) of the Local Government Act;
2. authorises the Chief Executive Officer of RFK Pty Ltd and Regional Kitchen Pty Ltd to be appointed to act on behalf of Council for the purpose of obtaining approval under S193(5G) for Council to become a shareholder in companies with the power to borrow;
3. appoints the Director Community Services, as its Shareholder Representative;
4. approves the payment for shares and administration costs for the Regional Kitchen Pty Ltd of \$290,127 (\$245,127 prior to 30 June 2010 and a further administrative contribution of \$45,000 prior to 31 December 2010);
5. approves the payment for administration costs in RFK Pty Ltd (trading as Community Chef) of \$53,591.34 (\$27,981.34 prior to 30 June 2010 and a further estimated administrative contribution of up to \$25,610 prior to 31 December 2010, based on number of meals purchased);
6. authorises the execution of two Deeds of Accession whereby it will become bound under the terms of the Shareholder's Agreement of Community Chef (in RFK Pty Ltd) and the Shareholder's Agreement of Regional Kitchen Pty Ltd; and
7. authorises the affixing of the Council Seal on the two Deeds of Accession in the presence of the authorised persons and that those persons sign the two Deeds of Accession.

CARRIED

10.11 *Delivered Meals Location and Service Delivery Model*

Community Services – Aged and Disability Services
File No: COR/1493

Moved: Cr Cooper-Shaw**Seconded: Cr Frederico**

That Council:

1. approve the retrofit of the vacant house on the Brighton golf links at 232 Dendy Street Brighton as a meals distribution centre at a budgeted cost of \$275,000; and
2. approve the establishment of a staffing model as outlined in this report to recruit and oversee the delivery of meals by a volunteer workforce.
3. seek expressions of interest to identify the advantages and disadvantages of entering into a sub-contract arrangement with a local community based organisation to undertake volunteer recruitment and training on behalf of Council.
4. utilise a proportion of the proposed staffing arrangements to sub-contract to a community based organisation to undertake volunteer recruitment and training on behalf of Council, if analysis demonstrates advantages to the Bayside community.

CARRIED

10.12 *Economic Development Strategy Steering Group*

City Strategy – Urban Strategy
File No: COR/1116

Moved: Cr Cooper-Shaw**Seconded: Cr del Porto**

That Council:

1. appoint for a limited term until it adopts the Economic Development Strategy, the following Economic Development Strategy Steering Group:
 - Tim Roberts
 - Ian Shiers
 - Stephen Le Page
 - Justin Hilford
 - Anne Warner
 - Anthony Burke
 - Natalie Fairlie
 - Sam Calogero
 - Marcel Merkus
 - Michele Waddington
2. appoint Cr Louise Cooper-Shaw as the Chair of the Economic Development Strategy Steering Group.

CARRIED

10.13 *MAV Draft Strategic Plan 2010-11*CEO
File No: COR/29-06

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

That Council:

1. advises the Municipal Association of Victoria of its support for the draft Strategic Plan presented by the MAV for the 2010/11 year; and
2. requests the MAV to consider in addition advocacy for funding of Local Governments to assist in planning in relation to climate change, for example in relation to fire prone areas, coastal vulnerability, flooding and transition to low carbon futures.

CARRIED

10.14 *Essential Services Commission Performance Monitoring and Reporting Framework for Local Government*CEO
File No: COR/3875

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

That Council authorise the Chief Executive Officer in consultation with the Mayor to approve the final form of a joint submission from interested local governments in response to the Essential Services Commission's proposed 65 performance indicators reporting regime.

CARRIED

10.15 *Draft Cheltenham Activity Centre Structure Plan*City Strategy – Urban Strategy
File No: COR/1273

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

That Council:

1. having considered the draft Cheltenham Activity Centre Structure Plan adopt the 'Proposed Council Response' outlined in Attachment 1.
2. forward its response to Kingston City Council by the close of consultation on the 7 May 2010.

CARRIED

10.16 *Municipal Strategic Statement Review and Rewrite*City Strategy – Urban Strategy
File No: COR/1625-02

Moved: Cr del Porto**Seconded: Cr Long**

That Council:

1. adopt a two-staged approach to the rewrite of the Bayside Planning Scheme. Stage 1 to be a policy neutral translation of the Municipal Strategic Statement which is to be approved under Section 20(4) of the Planning and Environment Act 1987. Stage 2 to be a comprehensive rewrite of the Planning Scheme based on further strategic work undertaken by Council.
2. write to the Minister for Planning to seek endorsement of the two staged rewrite of the Bayside Planning Scheme.

CARRIED**Moved: Cr del Porto****Seconded: Cr Cooper-Shaw**

That Council adopt the recommendations contained in Items 10.17, 10.18 and 10.19 as a block motion.

CARRIED

10.17 *Financial report for nine (9) months to 31 March 2010*Corporate Services - Finance
File No: COR20686

That Council notes the financial report for the nine month period ended 31 March 2010.

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

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

That Council notes the Council Action Pending report for the period to April 2010.

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

11. Reports by Delegates

- ◆ Cr Norris reported on a meeting of the Association of Bayside Municipalities that he attended on 22 April 2010. Cr Norris reported on the initiative and projects being undertaken by Melbourne Water including flood management and stormwater issues.
- ◆ Cr Long advised that he attended the Dawn Service at the City of Horsham, he also advised Councillors that the City of Horsham extended greetings from the Councillors of the City of Horsham.

Moved Cr del Porto**Seconded Cr Cooper-Shaw**

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

Moved: Cr del Porto

Seconded: Cr Long

That the matter of rescheduling the Planning Committee Meeting on 15 June 2010 be considered as a matter of urgent business.

CARRIED

12.1 Rescheduling of Planning Committee

Moved: Cr del Porto

Seconded: Cr Long

That the Planning Committee Meeting scheduled for Tuesday 15 June 2010 be rescheduled to Thursday 17 June 2010 and public notice be given of the date.

With the consent of the meeting the Mover and Seconder withdrew the motion.

13. Notices of Motion

There were no Notices of Motion submitted to this meeting.

14. Confidential Business

There were no items of Confidential Business submitted to this meeting.

The Chairman declared the meeting closed at 9.17pm.

CONFIRMED THIS 25 DAY OF MAY 2010

Chairman: