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

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The Meeting was held in the Brighton Town Hall  
corner Wilson and Carpenter Streets Brighton  
on Tuesday 8 March 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 BM JP  
Cr Michael Norris  
Cr Simon Russell

**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 Cooper-Shaw to read the prayer.

## 1. Prayer

Cr Cooper-Shaw 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 Frederico 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.

Cr del Porto acknowledged the celebration of the 100<sup>th</sup> Anniversary of International Women's Day on Tuesday 8 March 2011.

## 3. Apologies – .There were no apologies submitted to the meeting.

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

- Cr Long declared an Indirect Conflict of Interest in Item 14.1 where residential amenity may be altered, as Cr Long is a resident/ratepayer in close proximity to the subject site.

#### **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 February 2011**

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Hayes**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 8 February 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**

Council chambers Civic Centre, Boxshall Street, Brighton.

As I understand, the Council Chambers are presently unable to be used due to storm water inundation some weeks ago. What is the extent of damage to the council chambers and was this damage due to negligence by council property maintenance department in not carrying out regular maintenance surveys, and will there be any cost to ratepayers attributed to the remedial works.

### **Response**

The water damage in the chambers was caused by a leak due to a split canister in the water cooler. This is a design fault of the water cooler and it has since been replaced with a model with a safety valve to ensure that this incident can not happen again. The slab was saturated and water leaked into the library area below and the carpet in the chambers was removed. This water leak occurred over a weekend, therefore was undetectable by maintenance staff.

The cost for replacing the flood damaged books is estimated at \$5,400 including cataloguing and processing. Costs for drying out the structure and installation of the new carpet will be collated at the completion of the works. All costs will be claimed through Council's insurance.

### **2. Mr Kevin Spencer**

Council employee vehicle fleet.

What is the current number of vehicles owned or on lease to council and how many are for full time use by staff and what controls are in place to regulate vehicle use costs and prevent potential misuse in view of councils review of its Fraud Protection Policy.

### **Response**

Council currently leases 88 vehicles. All of these vehicles have an operational requirement. Vehicles are sourced from two different suppliers to ensure best value for money at the time the lease is entered into. The manner in which the fleet is structured delivers to Council and to employees a mutual benefit in relation to pre-tax benefits and presents Council with an efficient way to manage the fleet.

Council fleet vehicles are on operating leases. Vehicle use costs are therefore restricted mainly to fuel and e-tags. Council has a Fuel Card Usage procedure and monitors and records fuel usage and trends to check reasonableness and identify if there is any significant variation from typical monthly usage or spend.

## **7. Petitions to Council**

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### **7.1 Petition – Brickwood Street Brighton**

Corporate Services - Governance  
File No: COR/1234

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#### **Petition to investigate the problems in Brickwood Street, Brighton (35 signatures)**

“We the undersigned residents hereby petition Bayside City Council to investigate the problems caused in Brickwood Street, Brighton 3186 due to parking of cars mainly associated with the school (Star of the Sea) from 8.00am to 4.00pm. For eight (8) months of the year the cleaning of the street is impossible due to the number of parked cars.

Brickwood Street is affected by the continued falling of leaves and bark from June to December followed by the falling of leaves and bark in Autumn (March to June).

The leaves and bark are continually blocking the drains and causing minor flooding to some houses.”

**Moved: Cr Hayes**

**Seconded: Cr Long**

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

**CARRIED**

**7.2 Petition: Concourse Shopping Centre Beaumaris**Corporate Services - Governance  
File No: COR/1234

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Petition: Concourse Shopping Centre Beaumaris (121 signatures)

“Despite numerous requests for action to be taken by the Bayside City Council to alleviate flooding of roads and shops in the Concourse Shopping Centre Beaumaris, these events continue to occur and have become more frequent over the last 12 months. Shop owners incur significant costs and inconvenience as a result of the flooding and there is potential for injuries and property damage for not only the shop owners but the general public who utilize the shopping centre precinct. We the undersigned therefore request that the Bayside City Council take immediate action to remedy the situation.”

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

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

**CARRIED**

## **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 Frederico**

**Seconded: Cr Cooper-Shaw**

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

**CARRIED**

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### **8.2 *Audit Committee Meeting held on 9 February 2011***

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Hayes**

**Seconded: Cr Norris**

That Council notes the minutes of the Audit Committee meeting held on 9 February 2011 and endorses the actions of the Audit Committee

**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 Overhanging hedge at 23 David Street, Hampton
- 10.2 Tree Removal Application – 26 North Road, Brighton
- 10.3 Street and Park Tree Management Policy
- 10.4 Amendment C105 – Planning Scheme Anomalies
- 10.5 Bay Street Brighton – Request to Purchase Part of Road Reserve
- 10.6 Bayside's Advisory Committees
- 10.7 Eco Living Centre
- 10.8 Open Space Sustainable Water Management Strategy
- 10.9 Review of Council's Fraud Protection Policy
- 10.10 Bayside Charitable Trust
- 10.11 Long Term Financial Strategy 2011/12 – 2021/22
- 10.12 Draft Bayside Open Space Strategy
- 10.13 Audit Committee Remuneration
- 10.14 Council Plan Activities Quarterly Performance Report – October 2010 to December 2010
- 10.15 Financial Report for the Seven (7) Months to 31 January 2011
- 10.16 VCAT Decisions
- 10.17 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 – Overhanging hedge at 23 David Street, Hampton**

1. Mr Simon Hare

**Item 10.2 – Tree Removal Application – 26 North Road, Brighton**

1. Mr Parmjit Singh

**Item 10.6 – Bayside's Advisory Committees**

1. Mr Ken Blackman

**Item 10.7 – Eco Living Centre**

1. Mr Ken Blackman

**Item 10.12 – Draft Bayside Open Space Strategy**

1. Mr Michael Halstead-Lyons

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**10.1 Overhanging hedge at 23 David Street, Hampton**

Infrastructure Services – Asset Management Services  
File No: FOL/10/79039

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*It is recorded that Mr Simon Hare spoke in relation to this matter.*

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Frederico**

- A: That Council notes that the Bayside City Council Building Department will consider an application for the construction of a 1.83 metre front fence at 23 David Street, Hampton, and that subject to approval, the appeal in relation to the Cypress hedge will be withdrawn and the hedge will be removed.
- B: That in the event the approval for the construction of the fence is not granted, this matter be re-presented to Council for consideration.

**CARRIED**

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**10.2 Tree Removal Application – 26 North Road, Brighton**

Infrastructure Services – Amenity Protection  
File No: PSF/11/183

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*It is recorded that Mr Parmjit Singh spoke in relation to this matter.*

**Moved: Cr Russell**

**Seconded: Cr Long**

That Council grant Mr Parmjit Singh three minutes to speak in relation to this matter.

**CARRIED**

**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That Council endorses the decision by the delegated officer to not allow the *Quercus robur* (English Oak) to be removed from 26 North Road, Brighton.

**CARRIED**

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### **10.3 *Street and Park Tree Management Policy***

City Strategy – Environmental Sustainability & Open Space  
File No: COR

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**Moved: Cr Norris**

**Seconded: Cr Long**

That Council:

1. resolves that the Bayside Tree Strategy (2005) be reviewed and integrated with the proposed new Street and Park Tree Management Policy; and
2. receives a report on the revised Bayside Tree Strategy and proposed Street and Park Tree Management Policy in July 2011.

**CARRIED**

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### **10.4 *Amendment C105 – Planning Scheme Anomalies***

City Strategy – Urban Strategy  
File No: FOL/10/215976

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council:

1. supports the removal of the Heritage Overlays that currently apply to 171 Were Street, Brighton East and 174 Highett Road, Highett as these overlays are no longer required, the heritage properties having been demolished; and
2. requests a Ministerial Amendment for the rezoning in accordance with Section 20(4) of the Planning and Environment Act 1987.

**CARRIED**

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**10.5 Bay Street Brighton – Request to Purchase Part of Road Reserve**

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City Strategy / Executive  
File No: FOL/10/17150**Moved: Cr Hayes****Seconded: Cr Cooper-Shaw**

That Council:

1. advises Clarendon Investments Pty Ltd that its request to purchase the subterranean land below the indented car parking area and footpath adjacent to 382 Bay Street, Brighton is not supported; and
2. informs Clarendon Investments Pty Ltd of the Bay Street Village Master Plan and the likely future implementation timeframe.

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

**DIVISION:** **FOR:** Crs Hayes, Norris, Cooper-Shaw, Long and del Porto (5)  
**AGAINST:** Crs Frederico and Russell (2)

**CARRIED**

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**10.6 Bayside's Advisory Committees**

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CEO – Communications & Customer Service  
File No: COR/2195*It is recorded that Mr Ken Blackman spoke in relation to this matter.***Moved: Cr Cooper-Shaw****Seconded: Cr Hayes**

That Council:

1. endorses the proposal to adopt a revised advisory committee framework incorporating:
  - a) Forums, Reference Groups and Networks as outlined in this report
  - b) Additional Forums addressing City Development and Recreation and Open Space
  - c) Revised outline terms of reference for Forums, Reference Groups and Networks; and
2. approves the proposed framework for the purposes of further consultation with existing advisory groups.

**CARRIED**

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**10.7 Eco Living Centre**City Strategy – Environmental Sustainability & Open Space  
File No: COR/5084

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*It is recorded that Mr Ken Blackman spoke in relation to this matter.*

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

That Council:

1. considers the forthcoming evaluation of the SECCCA Sustainable Homes Pilot Project to better understand the community demand for an eco living support and the role that existing community facilities can play in meeting that demand;
2. ceases investigation into Council facilities or sites for their suitability for the development of an Eco Living Centre given the uncertainties in demand, the high capital and operating costs, and the absence of clear evidence of community support or value for money;
3. investigates provision of web-based, on-line communication tools for information and advice on ecologically sustainable living resources including information about Council programs and initiatives; and
4. provides a further report on the outcomes of this investigation to the Council meeting in July 2011.

**CARRIED**

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**10.8 Open Space Sustainable Water Management Strategy**City Strategy – Environmental Sustainability & Open Space  
File No: FOL/11/316

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

That Council adopts the Open Space Sustainable Water Management Plan with the addition of a strategic recommendation that the impact of stormwater quality and extraction on the water in existing storages (e.g. the lake in Basterfield Park) be formally assessed to determine the impact on water quality and aquatic life prior to finalisation of any project proposal.

**CARRIED**

**10.9      *Review of Council's Fraud Protection Policy***

Corporate Services - Governance  
File No: COR1234

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**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council adopts the Fraud Prevention Policy dated 8 March 2011 as attached to the report.

**CARRIED**

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**10.10      *Bayside Charitable Trust***

Community Services – Recreation & Social Development  
File No: FOL/11/581

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**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council continues further investigations and community engagement activities to establish a Bayside Community Fund.

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

**DIVISION:**    **FOR:**            Crs Frederico, Norris and Russell (3)  
                         **AGAINST:**      Crs Hayes, Cooper-Shaw, Long and del Porto (4)

**LOST**

**Moved: Cr Hayes**

**Seconded: Cr Cooper-Shaw**

That Council discontinues any further investigations or community engagement activities to establish a Bayside Community Fund.

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

**DIVISION:**    **FOR:**            Crs Hayes, Cooper-Shaw, Long and del Porto (4)  
                         **AGAINST:**      Crs Frederico, Norris and Russell (3)

**CARRIED**

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**10.11 Long Term Financial Strategy 2011/12 – 2021/22**

Corporate Services – Governance  
File No: COR 1234

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*It is recorded that Cr Norris left the hall at 8.43pm and re-entered at 8.44pm*

*It is recorded that Cr Hayes left the hall at 8.44pm and re-entered at 8.45pm.*

**Moved: Cr Long**

**Seconded: Cr Cooper-Shaw**

That Council adopts the Long Term Financial Strategy 2011/12 – 2021/22 (version 2.5) dated 24 January 2011.

**CARRIED**



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**10.14 Council Plan Activities Quarterly Performance Report – October  
2010 to December 2010**

Corporate Services - Governance  
File No: COR 1234

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**Moved: Cr Norris**

**Seconded: Cr Long**

The Council notes the Council Plan Activities Quarterly Performance Report for October to December 2010.

**CARRIED**

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**10.15 Financial report for seven (7) months to 31 January 2011**

Corporate Services - Finance  
File No: COR20686

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Long**

That Council notes the financial report for the seven month period ended 31 January 2011.

**CARRIED**

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**10.16 VCAT Decisions**

City Strategy – Urban Strategy  
File No: COR/1234

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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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**10.17 Council Action Awaiting Report**

Corporate Services - Governance  
File No: COR/1234

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*It is recorded that Cr Cooper-Shaw left the hall at 9.21pm and re-entered at 9.24pm.*

**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That Council notes the Council Action Awaiting Report for the period to February 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**

Cr Long reported that the next MAV State Council Meeting is scheduled for 26 May 2011. Cr Long also advised of the appointment of the new MAV President Cr Bill McArthur and the MAV Board Representative Cr Coral Ross for the South East Region.

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

Cr Norris reported on his attendance at a forum on 3 March where affordable housing was discussed.

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

Cr del Porto reported on his attendance at the Inner South Metropolitan Mayor's Forum held at Stonnington last week. He reported that the issues relating to Planning and VCAT were very similar across the other member Councils.

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

No report was submitted to the meeting.

**Moved: Cr Long**

**Seconded: Cr Cooper-Shaw**

That the Councillors' reports be received and noted.

**CARRIED**

## **12. Urgent Business**

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### **12.1 *Contract No 091020X – Simpson Reserve Pavilion upgrade***

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**Moved: Cr Long**

**Seconded: Cr Frederico**

That the matter relating to the Simpson Reserve Pavilion be dealt with as a matter of urgency and be considered in confidential business.

**CARRIED**

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

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#### **13.1 *Notice of Motion 194 – Royal Avenue Tennis Facilities***

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**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council receive a report in the May cycle on the Royal Avenue Tennis facilities in relation to the condition of the courts and facilities and the intentions of the current tenant, in the wider context of Council's Tennis facilities and strategies.

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

**DIVISION: FOR:** Crs Hayes, Frederico, Russell, Cooper-Shaw and  
del Porto (5)

**AGAINST:** Crs Norris and Long (2)

**CARRIED**

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#### **13.2 *Notice of Motion 195 – Reward increase for vegetation vandalism***

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**Moved: Cr Norris**

**Seconded: Cr Hayes**

That Cr Long be granted leave of Council to amend Notice of Motion 195.

**CARRIED**

**Moved: Cr Long**

**Seconded: Cr Russell**

That Bayside City Council conduct a review of its Tree Vandalism Reward Policy (27 March 2007) to determine the effectiveness of the reward criteria and the levels of monetary reward and that a revised policy be presented to Council on 24 May 2011. The review to include due consideration of increasing the reward amounts for information that leads to conviction for vandalism of vegetation in Bayside in general and the Bayside foreshore in particular.

**CARRIED**

**14. Confidential Business****Moved: Cr Hayes****Seconded: Cr Long**

*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 Contract 101159X – Binnie Street Drain, East Brighton
- 14.2 Contract 101113 – Provision of Secure Offsite Archival Secondary Storage
- 14.3 Contract No 101161X – Tramway Parade pavement rehabilitation works from Cloris Avenue to Griffiths Street, Beaumaris
- 14.4 Urgent Business – Contract No 091020X – Simpson Reserve Pavilion upgrade

*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 10.13pm.*

**CONFIRMED THIS 29 DAY OF MARCH 2011****CHAIRMAN: .....**