



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 8 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
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

The Mayor invited Councillors, staff and members of the gallery to remain standing to observe one minute silence to pay respect and reflect on the recent passing of Mr Malcolm Walter Buxton, former Councillor of Mordialloc.

2. Acknowledgement of Original Inhabitants

Cr Norris 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

- Cr Russell declared an Indirect Conflict of Interest by close association in item 10.3 – Car Parking Advisory Committee 2011 as he owns a commercial property from which his wife is the sole trader in running a café.
- Cr Frederico declared an Indirect Conflict of Interest by close association in item 10.2 – Amendment C103 - Hampton Street Major Activity Centre as her father owns a property within the Hampton Street Major Activity Centre.
- Cr Norris declared a Direct Conflict of Interest in item 10.2 – Amendment C103 – Hampton Street Major Activity Centre as he is part-owner of a property within the Hampton Street Major Activity Centre.

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 11 October 2011

Moved: Cr Hayes

Seconded: Cr Norris

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 11 October 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 15 public questions to the Meeting:

1. Ms Sue Hardiman (Not present in the Chamber)

In relation to the cost to Council in the last financial year (2010-2011) and in four months of the current financial year (2011-) the provisions of refreshments to Council and their spouses or domestic partners would Council provide particulars of:

- a) the amounts spent in respect of each of the following:
Council Meetings; Planning Committee Meetings; Assembly of Councillors; Council Only Meetings; any other meetings including social functions and any reimbursement paid to Councillor or Councillors
- b) In respect of the providers of refreshments the names of the providers and the amount paid to each provider.

Response

The information has been collated and prepared in a spreadsheet which I do not propose to read through this evening but the written response will be forwarded tomorrow.

a)

2010 – 2011 and July to October 2011

Meeting type	No of Meetings	Catering Costs	Councillors & Officers	Partners / Guests
Council Meetings	19	\$17,771.25	✓	
Planning Committee Mtgs	22	\$15,589.25	✓	
Assembly of Councillors	64	\$16,791.56	✓	
Councillor only meetings	3	\$1,558	✓	
Councillors Xmas Dinner	1	\$5,300	✓	✓
Annual Meeting Reception	1	\$734	✓	✓

Reimbursements to Councillors

2010 – 2011 and July to October 2011

	Car mileage	Bicycle mileage	Childcare	Out of pocket expenses
Cr Clifford Hayes				\$126
Cr Alex del Porto	\$4,675			\$161
Cr James Long				
Cr Felicity Frederico	\$2,692		\$4,588	\$541
Cr Louise Cooper-Shaw	\$150			
Cr Michael Norris	\$2,073	\$51		\$1,206
Cr Simon Russell				

b)

Caterers	Amount paid to each provider For the period July 2010 to October 2011
Chefscene	\$63,340
Coffee Cuts	\$14,107
Table and Larder	\$22,784
Simply Sensational	\$28,114

2. Ms Sue Hardiman (Not present in the Chamber)

In relation to the exclusion of the ratepayers from the George Street Reserve and other reserves in Bayside where ratepayers are excluded:

- a) Would Council advise the names of all Councillors and other persons (other than Council staff and contractors) who have been provided with keys allowing them to access to those Reserves?
- b) By whom and for what purpose and upon what authority were such keys issued?

Response

- a) *Community members are able to access George Street Reserve and other fenced bushland reserves at the regular open days or by appointment. Access is organised directly with the Coordinator of the Friends Group or through Council.*

Keys to access George Street and other fenced bushland reserves are issued to the Coordinator of the Friends Group operating at the reserve if access is required at times that cannot be easily arranged with Council or its contractor. The Coordinators of Friends Groups who currently have a key issued by Council are:

- *Co-Coordinator Friends of Brighton Dunes – Elizabeth Maguire*
- *Co-Coordinator Friends of Brighton Dunes – Jenny Talbot*
- *Co-Coordinator Friends of George Street Reserve – Dr Val Tarrant*
- *Co-Coordinator Friends of George Street Reserve – Pauline Reynolds*

A key has also been issued to Cr Norris in his capacity as the Coordinator of Bay Road Heathland Sanctuary and Coordinator of the Friends of Native Wildlife.

- b) *The keys are issued for the Environmental Sustainability and Open Space Department for the purpose of providing access to bushland reserves for Friends Groups activities such as carrying out inspections, undertaking maintenance, monitoring plants and wildlife, hosting community planting days and working bees.*

Friends Groups play an important role in assisting Council in the stewardship of heathland remnants to ensure that their remaining natural values are protected.

3. Mr George Reynolds

In relation to the recent newspaper reports that Council is abandoning its social support obligations in the way of cancelling:

the in-home child minding scheme, and

the supported accommodation for the seriously disadvantaged, and

the systematic abandonment of existing kindergarten and child minding facilities,

- (a) Will Council advise where and when such major changes were contained in the current four year plan, and
- (b) which resolution of Council, with details of any voting following a division, was passed to implement these significant changes to Policy?

Response

Council has not “abandoned its social support obligations” in the matters you refer to. I would correct some details regarding the matters you have raised:

- *Family Day Care (in-home child minding) will continue to be provided in the municipality, following an Expression of Interest Process to identify a suitably experienced organisation to provide the services for families from January 2012;*
 - *Council’s 18 independent living units for older persons are not supported accommodation. Persons living in the units are capable of living independently in the community and some access in home community care services, but the accommodation is not for seriously disabled persons. Council provides a range of services to older persons, with 3,000 residents receiving home and community care services in the past year.*
 - *Council will continue to support families through a range of early year’s services including maternal child health, kindergartens and playgroups; and older persons through community based health and community care services.*
- a) *The Council Plan outlines Council’s purpose and commitments during its term in office. Bayside Council is committed to its purpose as outlined in the Council Plan, which is to “work with the community to make Bayside a better place” and the decisions Council makes are in line with this commitment. The Plan is a strategic document and therefore does not list all the services Council will provide or deal with specific operational matters.*
 - b) *These decisions were not changes in policy and voting was undertaken in a confidential session of Council due to the potential impact on employment of staff. This report was considered In Camera in accordance with Section 89(2) (a) of the Local Government Act 1989 given the content of the report has personnel implications.*

4. Mr Ian Celantano

In relation to the planned closure of the 2 council run childcare centres, the waiting lists are in excess of 18 months to 2 years at the majority of centres listed in the letters received by parents. Families are being advised that they are unlikely to get their requested position within the timeframes for closure. It has been reported that no families will be “left high and dry” – could Council please advise what arrangements are in place to offer affected children the same number of child care hours that they currently receive should a suitable position elsewhere not be available?

Response

Council is confident that there are vacancies in child care centres in the municipality, having received this information from centres during a recent review of services. Waiting lists are not centralised, and each centre maintains its own list, with most families placing their names on multiple centre wait lists at the same time.

In order to assist families to locate places, Council is adopting a number of strategies:

- *The staged closure of the centres over a two year period is to provide families with time to make alternative child care arrangements. Approximately two thirds of the children in current placements will complete their requirements for child care within this two year timeframe.*
- *Council has contacted all eighteen of the child care centres operators in Bayside and will work with them to assist families identify new places.*
- *For families with special needs, Council is offering case management support to assist them locate and transition to new centres.*

Additionally, there are currently plans for other child care providers to open new centres in Bayside over the next twelve months. A planning permit has recently been approved for a centre to create an additional 60 childcare places and further permit applications are expected.

5. Mr George Reynolds

- (a) On how many occasions during each of the past three years have Council staff had to (or chose to) withdraw a summons previously sworn at the Magistrates Court, and
- (b) How many of such withdrawals have been followed by an apology - public or private - from the Mayor and/or the CEO?

Response

- a) *Council records indicate that one summons has been withdrawn during the last 3 years.*
- b) *With respect to the one withdrawal, a letter was sent by the Mayor explaining the reasons for the withdrawal.*

6. Ms Kathryn Wallis

The Council childcare centres have a high number of at risk children and children with special needs in comparison to the other centres in Bayside.

- (a) How did you take these families into account when you made your decision to close?
- (b) What expert advice did you seek in relation to the specific needs of these families?

Response

Council does not offer, nor does it seek to provide, a specialist role for children defined as at risk or with special needs; nor does it have specific eligibility criteria for entry of special needs children to its centres. Like all centres, Council operates according to the Australian Government "Priority of Access Guidelines", which require that priority must be given to children at risk of serious abuse or neglect; children of single parents who satisfy work training or study tests; and other children with priority, including children in families with a disability.

- a) Council considers the needs of all families when making its decision, to ensure overall community benefit for the provision of assets and services. The needs of these families are being specifically addressed in the long transition time and in the offer of specialist support to families with special needs children and those at risk, to assist them to transition to another centre.*
- b) Council undertakes specialist work with professionals in 'Early Years' services and this year has been specifically working with the sector to increase the overall capacity of the sector to meet the needs of these children.*

7. Ms Veronica Scott

Following the 2009 collapse of ABC child care, the MAV highlighted the "need to urgently rebalance the mix of care providers and create a more sustainable early childhood education and care market." Local private not for profit operators have expressed interest in either taking over the management of the centres, or assisting in setting up a Community managed program.

- a) Would Council consider transferring their license and running costs to a private not for profit operator or community group if they believe they cannot run the centres?
- b) Would Council commit to a long term lease and infrastructure management plan if such an agreement could be reached?

Response

The composition of care providers in the child care service sector varies between municipalities, and Council is committed to supporting the involvement of both private and community providers. The municipality has one of the highest and most stable levels of private service provision being eighteen (18) centres, with no centres closing in the City of Bayside in 2009 at the time referred to.

- a) Were Council to support another provider of child care operating the centres, this would still require a continuing and significant Council resource commitment through the requirement to maintain and potentially upgrade the aging buildings. The current building maintenance costs are estimated at \$200,000 in the current year. This figure does not include full provision for capital upgrade and renewal which Council knows will be necessary in future years.

- b) The age and size of the buildings would make this an unviable proposition given the reducing number of places able to be provided by these buildings, reducing to only 65 places by 2016 without significant, multi-million dollar capital investment.

8. Ms Tracey Mackellin

Council has argued that funds need to be diverted from child care to kindergarten.

- (a) What evidence is there that short day kindergarten programming is underfunded given the State Government provides \$1963 per child in the four year old program, and that 3 year old attendees pay on average \$1500 for 5 hours per week kindergarten programming per year?
- (b) Could the council please advise what the intent is for the millions of dollars being directed to these programs?

Response

- a) *Council is historically a major contributor of the infrastructure for community based kindergartens, with 45% of places in Bayside provided in Council owned buildings. With the introduction of State and Federal Government's 15 hours for four year old kindergarten policy and the National legislation changes, this infrastructure will need significant capital investment to enable continuation of the current number of places for both four and three year olds. These are requirements for capital investment, separate to the operational subsidies mentioned in Ms Mackellin's question.*
- b) *Council will consider reinvesting any resources released from the closure of the child care centres to kindergartens and will consider this in the near future.*

9. Ms Jane Wharton

Given the overwhelming community opposition to this decision, will the council

- (a) consider revoking this decision
- (b) work with the stakeholders to reach a solution that enables both centres to remain open, viable and sustainable for the future Bayside generations?

Response

Council understands that people affected by the decision are unhappy and are letting Council know how they feel.

- a) *Council is committed to making balanced decisions in the interests of the whole community. The decision was not made lightly and a range of options were considered. Given the scarcity of available land and the diminishing viability of the centres, it was not possible for Council to maintain or increase the number of places in the longer term.*
- b) *Council only provides 7% of child care places, reducing over the next four years to less than 6% and there is a strong and viable market for child care in the municipality. Council will continue its work with the sector to ensure ongoing access to child care and will continue to offer a range of early years services including maternal and child health, and support to kindergarten and playgroup programs.*

10. Ms Anita DeBortoli

The Council has adopted a Community Engagement Policy and is governed by statutory obligations under the Local Government Act and Bayside City Council's Governance Code. Given that the majority of issues (relating to the closure of the 2 council operated childcare centres), that resulted in the decision being made in a closed council meeting, are now openly being discussed, will the council revisit this decision and work openly and transparently in line with the above-mentioned policy?

Response

Council is committed to meaningful engagement with the community, recognising that the extent of community engagement must reflect the degree of change that is feasible. Council would not seek to consult on matters where it believes that, after full consideration of the issues by the elected representatives, a particular decision is clearly required. Council staff informed families of the centres closure at the earliest possible time, which is in accordance with the Council's Charter for engagement. The council decision was made after completion and consideration of a comprehensive review.

11. Mr Nick Fletcher

"Federal grants of \$210 million dollars have been made available for Victoria up until 2012/2013 (DEECD Victorian kindergarten policy, procedures and funding criteria 2010-2012) for assistance in implementing the new teacher to child ratios including;

the provision of programs that are accessible across a diversity of settings, in a form that meets the needs of parents and in a manner that ensures cost does not present a barrier to access.

(a) Has the Council applied for any such funds?

(b) If yes, could the council confirm what the intentions are for these funds if granted?"

Response

Council has supported two local kindergartens, Grange Road and Olympic Avenue to apply for the state government's Children's Capital funding. Both kindergartens successfully obtained \$200K in Children's Capital funding to undertake facility upgrades required to provide sufficient four year places with the introduction of the 15 hours of kindergarten policy. The upgrades will be undertaken in the next few months.

Additional funding is required to upgrade other Council owned kindergarten facilities, to ensure sufficient three and four year old kindergarten places are maintained in the municipality. Council will support local services to apply for further state or federal government funding grants as they become available. Additionally, Council, with the support of the Municipal Association of Victoria, will continue to advocate to other levels of government for sufficient funding to implement the 15 hours of Universal Access policy and the new National legislative changes.

12. Mr Peter Boyle (Not present in the Chamber)

Aged and Disability Services

Council's Annual Report provides a financial summary which includes a page showing "where the money goes".

Aged and Disability Services are shown as being 10.5% of expenditure.

As a ratepayer I find it far more meaningful to know the net cost of a service, as this is what my rates are paying for. In this instance there is considerable income from Government Grants, as well as service charges received.

For the 2009/10 and 2010/11 years please advise actual figures for Income by : Government grants, Other, Total ; expenditure ; net cost of these services : and the budget figures for 2011/12.

Response

Income and costs in the area of Aged and Disability Services are as follows:-

In the 2009/10 financial year income from fees and charges was \$1.3m and income from grants and contributions was \$4.4m. Expenditure was \$7.2m, producing a net cost of the services of \$1.5m

In the 2010/11 financial year income from fees and charges was \$1.3m and income from grants and contributions was \$4.9m. Expenditure was \$7.8m, producing a net cost of the services of \$1.6m

In the 2011/12 financial year budget income from fees and charges is \$1.4m and income from grants and contributions is \$4.6m. Expenditure is \$7.5m, producing a net cost of the services of \$1.5m

13. Mr Kevin Spencer

Questions for the Ordinary meeting of Bayside City Council to be held on Tuesday the 8 November 2011 at 7P.M. Council Chambers Civic Centre Brighton.

1. In June this year in response to my inquiry into the whereabouts of the City of Bayside Works of Art Register, I was informed that the collection was valued at over \$3 million dollars and that the detailed valuation and register of the collection is not publicly available, and further that council will be considering its policy on the management of its art collection at its July meeting.
 - A. As the collection belongs to the community of the City of Bayside and council is only the custodian, when and where will the Works of Art Register be available for community perusal?
 - B. Has council approved at its July meeting, a policy governing the management, insurance and display of the City of Bayside Works of Art Register.
2. In my copy of councils Annual Report for 2010/2011, the total amount spent on council capital work building was \$3.83 million, of which \$59,5687 (as printed) was spent on the Corporate Centre.
 - A. What has been the total amount spent on the extensions to the corporate centre over the last few years including the additional car parking arrangement.
 - B. With a staff of some 346, is the high cost of building and operating the corporate centre the reason for the lack of proper road maintenance on our deteriorating road pavements throughout the City of Bayside.

Response

1. a) *A project to implement a publicly accessible database with details of the Art and Heritage Collection is planned to be achieved by November 2012. The database will include information about the items in the collection, including the title, dimensions, date and provenance. However, for security purposes and in line with databases of publicly owned collections, information regarding the value of the work will not be publicly available on the database. The database will be available via the Bayside City Council Website.*

In the meantime, enquiries about specific collection items are responded to on a case by case basis. Items from the arts and heritage collection are displayed at Council's Gallery at the Bayside Arts and Cultural Centre and also at the Bayside Libraries, with some works on display in the public areas of the corporate centre.
1. b) *Following an initial briefing, Council has deferred further review of a policy regarding the Collection until the Library and Culture strategy is undertaken. This work will include recommendations for management of the Art and Heritage Collection. This will also incorporate community consultation and review mechanisms to ensure ongoing community input into management of the collection. This work will commence in early 2012.*
2. a) *The total amount spent on the extension of the Corporate Centre between 2008 and 2011 amounts to \$8,312,785.38. The estimated cost to extend the existing car park at the Corporate Centre is \$150,000.*

- b) *There is no correlation between Council's on-going commitment to road renewal and maintenance and the funding of the new Corporate Centre. As outlined in Council's Long Term Financial Plan, core operating services and capital renewal are funded as a priority before the consideration of any new capital works.*

Council maintains a detailed road asset management database that provides clear evidence that all local roads in Bayside are maintained in a satisfactory condition in accordance with Council's Road Management Plan.

14. Mr John Atkinson (Not present in the Chamber)

Regarding meetings (howsoever described) in the last year attended by 4 or more councillors would council provide

- (a) an estimate of the total hours of such meetings held in private (with the public excluded) together with the total hours of meetings open to the public (but excluding meetings of the planning committee); and
- (b) in respect of each meeting of councillors only (without staff present) particulars of date and venue, by whom convened, attendance, matters discussed, and cost.

Response

- A) **Assembly of Councillors closed to the public (November 2010 to October 2011)**

Records of Assembly of Councillors do not require a concluding time.

ASSEMBLY OF COUNCILLORS RECORD			
Date of meeting	Name of meeting	No of Councillors Present	No of items
3/11/2010	CEO & Councillor Briefing	7	5
9/11/2010	CEO & Councillor Briefing	7	3
9/11/2010	Councillor Briefing	7	12
10/11/2010	Capital Works Workshop	6	1
26/11/2010	Draft Annual Meeting Agenda	7	1
30/11/2010	CEO & Councillor Briefing	7	4
30/11/2010	Councillor Briefing	7	11
6/12/2010	Testing Housing Growth Options	6	4
8/12/2010	Charitable Trust	4	1
25/01/2011	CEO & Councillor Briefing	5	9
25/01/2011	Councillor Briefing	6	15
31/01/2011	Councillor Briefing Workshop	7	2
3/02/2011	CEO & Councillor Briefing - CEO's Performance Review	7	3
10/02/2011	Councillor Workshop	5	2

15/02/2011	CEO & Councillor Briefing	5	4
15/02/2011	Councillor Briefing	7	14
17/02/2011	Councillor Workshop	7	1
18/02/2011	Councillor Workshop	7	2
19/02/2011	Councillor Workshop	7	1
7/03/2011	Planning Consultation Meeting	6	1
15/03/2011	CEO & Councillor Briefing	7	5
15/03/2011	Councillor Briefing	7	8
31/03/2011	Councillor Workshop	5	3
5/04/2011	CEO & Cr Briefing	7	3
5/04/2011	Councillor Briefing	7	13
7/04/2011	Budget Briefing	6	4
12/04/2011	Local Laws Review Public Consultation Meeting	5	7
14/04/2011	Budget Briefing	6	5
28/04/2011	CEO & Cr Briefing	7	2
9/05/2011	Councillor Workshop	7	1
10/05/2011	CEO & Cr Briefing	7	3
10/05/2011	Councillor Briefing	7	6
31/05/2011	CEO & Cr Briefing	7	2
31/05/2011	Councillor Briefing	7	13
7/06/2011	CEO - Contract of Employment Briefing	7	1
15/06/2011	Councillor Workshop	6	1
15/06/2011	Councillor Workshop	6	1
16/06/2011	Sale of Bathing Boxes	5	1
27/06/2011	Councillor & CEO	6	2
27/06/2011	Councillor Briefing Session	5	10
19/07/2011	Councillor Briefing Session	5	9
28/07/2011	CEO & Councillor Only Briefing	6	4
28/07/2011	Councillor Workshop	6	4
4/08/2011	CEO & Councillor Briefing - CEO's Performance Review	5	2
9/08/2011	CEO and Councillor Only Briefing	6	3
9/08/2011	Councillor Briefing Session	6	14
25/08/2011	Councillor Workshop	7	5
30/08/2011	CEO & Councillor Only Briefing	7	2
30/08/2011	Councillor Briefing	7	11
29/09/2011	CEO & Councillor Only Briefing	5	3
29/09/2011	Councillor Briefing	5	14
6/10/2011	Councillor Workshop	5	5

13/10/2011	Councillor Workshop	7	3
18/10/2011	Councillor Briefing	7	5

Meeting open to the public (November 2010 to October 2011)

Date	Meeting	Start Time	Closing Time of Meeting	No of hours
23/11/2010	Ordinary	7pm	9.15pm	2 hrs 15 mins
02/12/2010	Annual	7pm	7.40pm	40 mins
14/12/2010	Ordinary	7pm	9.25pm	2 hrs 25 mins
08/02/2011	Ordinary	7pm	11.11pm	4 hrs 11 mins
08/03/2011	Ordinary	7pm	10.13pm	3 hrs 13 mins
29/03/2011	Ordinary	7pm	10.19pm	3 hrs 19 mins
03/05/2011	Ordinary	7pm	11pm	4 hrs
24/05/2011	Ordinary	7pm	9.13pm	2 hrs 13 mins
14/06/2011	Ordinary	7pm	11.25pm	4 hrs 25 mins
15/06/2011	Special	6.30pm	7.05pm	35 mins
28/06/2011	Special	6.30pm	6.48pm	18 mins
12/07/2011	Ordinary	7pm	9.35pm	2 hrs 35 mins
02/08/2011	Ordinary	7pm	10.12pm	3 hrs 12 mins
23/08/2011	Ordinary	7pm	10.55pm	3 hrs 55 mins
13/09/2011	Ordinary	7pm	9.07pm	2 hrs 7 mins
11/10/2011	Ordinary	7pm	11.29pm	4 hrs 29 mins
25/10/2011	Special	6.45pm	6.55pm	10 mins

B)

Councillor Only meetings (November 2010 to October 2011)

Date	Venue	Whom convened	Attendance	Matters discussed	Cost
3 Feb 2011	Bayside Room	Councillors	No notes are taken	No agenda	\$530
28 April 2011	Bayside Room	Councillors	No notes are taken	No agenda	\$429.
16 June 2011	Bayside Room	Councillors	No notes are taken	No agenda	\$509.

15. Mr John Atkinson

With reference to facilities and support provided to councillors over the last 12 months, would council provide in respect of each councillor particulars of

- (a) usage of telecommunications facilities, including the amount of data downloaded (to computer, tablet or mobile phone) and the cost of that data, together with cost of calls made from landline and mobile services; and
- (b) the amounts paid for attendance at conferences, including conference fee, travel, accommodation, refreshments and any other related expense incurred.

Response

a)

Data downloaded

Please note account has only been received for one iPad for the month of September to date

	iPad = \$39.00 per month = 1G download											
	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>
Cr del Porto											405mb	
Cr Hayes												
Cr Long												
Cr Frederico												
Cr Copper-Shaw												
Cr Russell												
Cr Norris												

Computer Usage

Councillors computers are provided for an unlimited data allowance for internet connection at a flat fee of \$85 p/month per councillor.

There is no historical data available for each individual Councillor for their home internet usage. Councillors unlimited data allowance is shared with the organisation. Therefore, usage on the individual accounts is not recorded.

Landline and mobile calls from November 2010 to October 2011

	Total calls from landline	Total calls from mobile
Cr Alex del Porto	\$39.45	\$884.11
Cr Clifford Hayes	\$12.37	\$210.53
Cr James Long	\$541.28	\$604.11
Cr Felicity Frederico	\$2.91	\$1089.37
Cr Louise Cooper-Shaw	Nil	\$174.06
Cr Michael Norris	\$245.61	\$321.87
Cr Simon Russell	\$65.21	\$662.54

b)

Conferences from November 2010 to October 2011.

	Conference Fee	Travel	Accommodation	Out of Pocket
Cr Alex del Porto	\$2,645	\$646	\$780	\$440
Cr Clifford Hayes				
Cr James Long	\$850			\$380
Cr Felicity Frederico	\$850	\$646	\$780	\$452
Cr Louise Cooper-Shaw	\$1000	\$706	\$780	\$437
Cr Michael Norris				
Cr Simon Russell				

7. Petitions to Council

7.1 *Petition: Crisp Street Hampton*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Long

Seconded: Cr Frederico

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

CARRIED

7.2 *Petition: Brighton Soccer Club*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Frederico

Seconded: Cr Long

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 Long

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

CARRIED

9. Reports by Special Committees

9.1 *Minutes of a Special Committee of Council to Recommend Membership to the Council's Arts and Culture Engagement Forum held on 17 October 2011*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council notes the minutes of the Special Committee of Council to recommend appointments to the community engagement forum known as Arts and Culture forum held on 17 October 2011.

CARRIED

9.2 Recommendations for Appointment to the Arts and Culture ForumCorporate Services - Governance
File No: FOL/1234

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

That Council;

1. appoints the following individuals to the Arts and Culture Forum for a period of two years commencing from the date of this meeting:

Mr Wayne Perkins

Ms Jo-Anne Cooper

Ms Janine Chugg

Ms Cheryl Threadgold

Ms Di Readie

Mr Don Fulton

Mr Fabian Scaunich

Ms Yenny Huber

Mr Matthew Fagan

Ms Suzanne Miles

to Council's Engagement Forum known as the Arts and Culture Forum;

2. appoints up to five Subject Matter Experts to the Arts and Culture Forum upon recommendation to be received at the earliest opportunity; and
3. establishes a register of interest of individuals expressing an interest in any future vacancies for the Arts and Culture Forum
4. fills future casual vacancies by resolution of Council following a public expression of interest process;
5. adopts a standard procedure for appointments in the event of casual vacancies in community membership and subject matter experts which includes a briefing of the relevant Forum Chairperson prior to presentation to Council; and
6. abolishes the Special Committee of Council established for the purpose of recommending membership to Council's Community Engagement Forum known as Arts and Culture Forum.

CARRIED

9.3 *Minutes of a Special Committee of Council to Recommend Membership to the Council's Environment Forum held on Thursday 20 October 2011*

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council notes the minutes of the Special Committee of Council to recommend appointments to the Community Engagement Forum known as the Environment Forum held on 20 October 2011.

CARRIED

9.4 Recommendations for Appointments to the Environment Forum

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council:

1. appoints the following individuals to the Environment Forum for a period of two years from the date of this meeting;
Mr Andrew Inglis
Dr Garry Allan
Dr Valerie Tarrant
Mr David Scarr
Ms Pauline Reynolds
Dr Margaret Beavis
Mr Peter Reed
Mr Bryan Huntley
Ms Danielle King
Ms Andrea Schujman
2. appoints up to five Subject Matter Experts to the Environment Forum upon recommendation to be received at the earliest opportunity; and
3. establishes a register of interest of individuals expressing an interest in any future vacancies for the Environment Forum
4. fills future casual vacancies by resolution of Council following a public expression of interest process;
5. adopts a standard procedure for appointments in the event of casual vacancies in community membership and subject matter experts which includes a briefing of the relevant Forum Chairperson prior to presentation to Council; and
6. abolishes the Special Committee of Council established for the purpose of recommending membership to Council's Community Engagement Forum known as Environment Forum.

CARRIED

9.5 *Minutes of a Special Committee of Council to Recommend Membership to the Council's Recreation and Open Space Engagement Forum held on 17 October 2011*

Corporate Services - Governance
File No: FOL/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 the Recreation and Open Space forum held on 17 October 2011.

CARRIED

10. Reports by the organisation

Table of Contents

- 10.1 Council Orders – Cat Desexing and Cat Curfew
- 10.2 Amendment C103 – Hampton Street Major Activity Centre
- 10.3 Car Parking Advisory Committee 2011 – Review of car parking provisions in the Victoria Planning Provisions
- 10.4 Sportsground Allocation Policy
- 10.5 Garage Sale Trail
- 10.6 Re-appointment of External Audit Committee Members
- 10.7 Financial report for three (3) months to 30 September 2011
- 10.8 VCAT Decisions
- 10.9 Council Action Awaiting Report

REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

Item 10.2 – Amendment C103 – Hampton Street Major Activity Centre

Mr David Scarr

Ms Eleanor Scacco

Mrs Carolyn Appelbe

Item 10.7 – Financial report for three (3) months to 30 September 2011

Mr George Reynolds

10.1 Council Orders – Cat Desexing and Cat Curfew

Infrastructure Services – Amenity Protection
File No: FOL/11/963

Moved: Cr Norris

Seconded: Cr Hayes

That Council resolves to introduce Orders for a Cat Curfew and Cat De-sexing (per Attachment 1) under the Domestic Animals Act 1994, to come into effect on the same day the Local Law 10: Responsible Cat Ownership is revoked by making of a new Local Law: Neighbourhood Amenity.

CARRIED

It is recorded Cr Frederico declared an Indirect Conflict of Interest in item 10.2 – Amendment C103 – Hampton Street Major Activity Centre as her father owns a property within the Hampton Street Major Activity Centre.

It is recorded Cr Norris declared a Direct Conflict of Interest in item 10.2 – Amendment C103 – Hampton Street Major Activity Centre as he is part-owner of a property within the Hampton Street Major Activity Centre.

It is further recorded Cr Frederico and Cr Norris vacated the Chamber at 7.30pm prior to consideration of the matter.

10.2 Amendment C103 – Hampton Street Major Activity Centre

City Strategy – Urban Strategy
File No: FOL/11/455

It is recorded that Mr David Scarr, Ms Eleanor Scacco and Mrs Carolyn Appelbe spoke in relation to this matter.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council:

1. receives all submissions made in response to the statutory exhibition of Bayside Planning Scheme Amendment C103 – Hampton Street Major Activity Centre;
2. adopts the position on the submissions as set out in Attachment 2 to this report;
3. refers submissions 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 in Attachment 3 to an independent panel for consideration;
4. requests the Minister for Planning appoint a panel pursuant to Section 153 of the Planning and Environment Act 1987 to consider the submissions received in response to the exhibition of Amendment C103; and
5. advises all submitters accordingly.

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

DIVISION: **FOR:** Crs Russell, Cooper-Shaw, Long and del Porto (4)
 AGAINST: Crs Hayes (1)

CARRIED

It is recorded that Crs Frederico and Norris were 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.

It is recorded that Crs Norris and Frederico entered the Chamber at 7.51pm.

It is recorded Cr Russell declared an Indirect Conflict of Interest by close association in item 10.3 – Car Parking Advisory Committee 2011 as he owns a commercial property from which his wife is the sole trader in running a café.

It is recorded Cr Russell vacated the Chamber at 7.52pm prior to consideration of the matter.

10.3 Car Parking Advisory Committee 2011 – Review of Car Parking Provisions in the Victoria Planning Provisions

City Strategy – Urban Strategy
File No: FOL/11/223326

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council:

1. receives the Car Parking Advisory Committee 2011 – Review of Car Parking Provisions in the Victoria Planning Provisions;
2. adopts the submission provided at Attachment 1 to this report; and
3. provides the attached submission to the Advisory Committee.

CARRIED

It is recorded that Cr Russell 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.

It is recorded that Cr Russell entered the Chamber at 8.03pm.

10.4 Sportsground Allocation Policy

Community Services – Recreation & Social Development
File No: FOL/11/265

Moved: Cr Frederico

Seconded: Cr Long

That Council:

1. endorses release of the draft Sportsground Allocation Policy as set out in Attachment A, for the purposes of inviting submissions for a minimum public exhibition period of six weeks; and
2. receives a further report that considers submissions made in response to the public exhibition of the draft Sportsground Allocation policy.

CARRIED

10.5 Garage Sale Trail

City Strategy – Environmental Sustainability & Open Space
File No: FOL/11/5

Moved: Cr Cooper-Shaw

Seconded: Cr Hayes

That Council participates in the Garage Sale Trail on 6 May 2012 in accordance with the participation measures outlined in this report.

CARRIED

10.6 Re-appointment of External Audit Committee Members

Corporate Services - Governance
File No: COR 1234

Moved: Cr Hayes

Seconded: Cr Norris

That Council:

1. re-appoints Mr John Thomson as External Member to the Audit Committee for a period to conclude on 31 December 2014; and
2. re-appoints Mr Michael Said as External Member of the Audit Committee for a period to conclude on 17 February 2015.

CARRIED

10.7 Financial Report for the three (3) Months to 30 September 2011

Corporate Services - Finance
File No: COR20686

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

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council;

1. notes the financial report for the three month period ending 30 September 2011,
2. notes the cancellation of the Half Moon Bay beach renourishment project \$493k fully funded by the Department of Sustainability Victoria (DSE).

CARRIED

10.8 VCAT Decisions

City Strategy – Statutory Planning
File No: COR/1234

Moved: Cr Norris

Seconded: Cr Hayes

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

CARRIED

10.9 Council Action Awaiting Report

Corporate Services - Governance
File No: FOL/1234

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

Association of Bayside Municipalities – Cr Norris

No report was submitted to the meeting.

MAV Environment Committee – Cr Hayes

Cr Hayes report on his attendance at the MAV Environment Committee Meeting held on 3 November 2011 where waste management was discussed.

Metropolitan Transport Forum – Cr Russell

No report was submitted to the meeting.

Municipal Association of Victoria – Cr Long

Cr Long reported on his recent attendance at the MAV Annual Conference and State Council meetings advising the resolutions from the State Council are available on the MAV website.

Victorian Local Governance Association – Cr Norris

Cr Norris reported on his attendance at the VLGA AGM held on 3 November 2011 where life membership was presented to Liana Thompson for her continuous and outstanding commitment to the VLGA. Guest speaker Bernie Geary OAM spoke on caring for children at risk.

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.

It is recorded that Cr Norris presented the Mayor with a certificate of appreciation from the Friends of the Cheltenham and Regional Cemeteries Inc for Council's contribution to the restoration of the grave of Clarice Beckett and her parents.

Moved: Cr Long

Seconded: Cr Hayes

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

12.1 Parking Restrictions on Asling Street

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That the matter relating to parking restrictions on the eastern side of Asling Street beyond North Road be considered as a matter of urgent business.

CARRIED

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council consult with local residents, proposing to extend the existing 3P parking restrictions on the eastern side of Asling Street beyond the 400m radius in the Zone 1 Parking Strategy, to North Road.

CARRIED

12.2 Cleaning of Beaches

Moved: Cr Hayes

Seconded: Cr Long

That the matter relating to increasing the services of beach cleaning be considered as a matter of urgent business.

CARRIED

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council receive a report on options for increasing beach cleaning service levels for consideration in the 2012/13 Council Budget process, such report to have regard to:

1. Service levels appropriate to usage and types of uses in locations along our foreshore, having regard to the nature of the coast and its affect on litter and seaweed accumulation;
2. Benchmarking other relevant Council's bench cleansing standards; and
3. Council's financial capacities.

CARRIED

12.3 Establishment of Community Run Not for Profit Child Care Centres

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

That the matter relating to establishing a community managed not for profit child care centres be considered as a matter of urgent business.

CARRIED**Moved: Cr Frederico****Seconded: Cr Hayes**

That Council call for a report to be presented at the February 2012 Council Meeting assessing the financial viability of establishing community managed, not for profit child care centres, by transferring the management, operational and financial responsibility on 461 Bluff Road, Hampton and 11 Sandringham Road, Sandringham with Council maintaining legal title of the properties.

AMENDMENT**Moved: Cr Long****Seconded: Cr Cooper-Shaw**

That Council call for a report to be presented at a specially convened Council Briefing assessing the financial viability of establishing community managed, not for profit child care centres, by transferring the management, operational and financial responsibility on 461 Bluff Road, Hampton and 11 Sandringham Road, Sandringham with Council maintaining legal title of the properties.

The Amendment was PUT and **LOST**.

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

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

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

AGAINST: Crs del Porto (1)

CARRIED

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

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

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

It is further recorded that Cr Norris was not present in the Chamber when the meeting was resumed.

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- 14.1 Dendy Beach Bathing Box Sale Reserve and Signing of Sale and Transfer Documents
- 14.2 Contract No 14040710 – Supply of Computers and Associated Implementation Services
- 14.3 Chief Executive Officer's Performance Plan 2010/2011
- 14.4 Chief Executive Officer's Remuneration
- 14.5 Chief Executive Officer's Terms of Employment

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 9.52pm.

CONFIRMED THIS 29 DAY OF NOVEMBER 2011**CHAIRMAN:**