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**See Page 11 for Council's resolution on its preference for a "back-of-kerb" route.**

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

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Tuesday 24 February 2009

The Meeting commenced at 7.00pm

### **PRESENT:**

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

### **OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Heather Johnson	Group Manager Community Services
Michael Top	Group Manager Sustainability
Sharon van Ruyven	Group Manager Corporate Services
Guy Wilson-Browne	Group Manager Infrastructure Services
Terry Callant	Governance Manager
John Britto	Governance Officer

The Chairman declared the meeting open and invited Cr del Porto read the prayer.

### **PRAYER**

Cr del Porto 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*

## **ACKNOWLEDGEMENT OF THE 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 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.*

It is recorded that Mayor took a moment to pause from the agenda to reflect on the recent bushfire tragedy, which has affected in some way, each and every Victorian over the past few weeks. The Mayor invited four members of our local religious community which represent a majority of faiths, and whose thoughts may well represent most faiths or non-believers, to give a reflection and prayer.

The Reverend Roger Prowd from St Stephens Anglican Church Gardenvale, the Venerable Namtrul from the Tara Institute, Father Lou Heriot from St Finbar's Catholic Church Brighton and Rabbi Shaul Engel from Chabad Chai Centre in East Brighton. Unfortunately Rabbi Engel was unable to attend and the Mayor read a message from the Rabbi.

Following the prayers and reflections, one minute silence was observed by those present in the Chamber.

1. **APOLOGIES:** There were no apologies submitted to the meeting.

2. **DECLARATIONS OF INTEREST:**

- Cr Norris declared a conflict of interest in Item 4.2 of the General Committee Meeting held on 17 February relating to – Proposed Alignment of the Shared Path South (Beaumaris) and Item 4.5 relating to the Draft Management of Tree Protection on Private Property Policy, given that he has an indirect interest because of receipt of an applicable gift from the Beaumaris Conservation Society through advertising as part of an election campaign who were submitters in relation to both items.



### **3. CONFIRMATION OF MINUTES:**

#### **3.1 Confirmation of the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 16 December 2008**

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 16 December 2008 be confirmed as an accurate record of proceedings.

**CARRIED**

### **4.0 PRESENTATIONS**

#### **4.1 Presentation of Grants from the Mayor's Community Chest**

There were no presentations of grants from the Mayor's Community Chest made at the meeting.

#### **4.2 Other Presentations**

There were no further presentations submitted to the meeting.

*It is recorded that Cr Norris vacated the Chamber at 7.27pm and re-entered the Chamber at 7.28pm.*

## **5.0 PUBLIC QUESTION TIME:**

There were 6 public questions submitted to the Meeting.

In accordance with Section 59 of Council's Meeting Procedure Local Law, the following individuals submitted public questions to the Meeting:

### **1. Mr Kevin Spencer**

Media reports have stated that Council's 2009 Calendar has cost Council (The community) \$40,000 and that it has been unfavourably received by the community and like myself consigning it to the paper shredder and recycle bin.

Consequently in the interest of Council accountability, would the new Council carry out an inquiry into this disgraceful waste of public money the terms of which to cover source of finance, quality selection process, printing and publishing contract, and a review of Council policy (if any) with regard to printing and publishing of Council publications to ensure such wasteful practice will not be repeated. The findings of such inquiry to be open and made available to the community.

#### **Response**

*Council research in 2007 suggested that Bayside residents wanted to know about Council events and services in which they could participate. Council developed the 2008 Bayside calendar to trial this and received a very positive response from the community.*

*While some residents praised the 2009 calendar, and ongoing requests are still being received for additional calendars, Council acknowledges that it may not appeal to everyone.*

### **2. Mr Andrew Snowball**

What were the results of the survey conducted before the recent changes to parking restrictions in Rouen Street Hampton. In particular, the participation rate, and the percentage of responses that supported the proposed changes."

#### **Response**

*The participation rate for the survey was 15 responses out of 18, and of these, five supported the changes. The results of the survey and an explanation for the changes were provided to all residents (including Mr Snowball) via a letter distributed in February 2008.*

### **3. Peter Boyle**

Re : Income Statement December 2008 : Operating Revenue

**a) Financial Analysis :**

This advises that the favourable variance is mainly due to higher than expected income for rates from supplementary charges.

Will you please advise for the six month period to December 2008 and for the year ending June 2009 :

Budget ; Actual/Forecast ; Variance ; and total budget/actual/variance for the two previous years ended June 2007 and June 2008.

**b) Fees and Charges :**

The forecast favourable variance for the year ending June 2009 has increased from \$56 thousand per the October 2008 Statement to \$398 thousand per the December 2008 Statement, a change of \$342 thousand in two months.

Per the December 2008 statement the favourable variance for the six months to December 2008 was \$378 thousand, while for the half of the year (January to June 2009) the forecast is for a favourable variance of \$20 thousand.

For the current year income for the second half is forecast as being \$22 thousand less than for the first half, although the budget provides for significantly more income in the second half, as was the case for the prior year when income was \$236 thousand more in the second half.

Given the major change to forecast income per the December report, and the apparent change in regard to the timing of income, will Council please advise the reasons for the current forecast and confirm such is a reasonable figure.

**Response**

A). *The favourable operating revenue in the December 2008 income statement is due to a number of factors including additional income from supplementary rates, higher than expected fees and charges, additional interest income, and additional rental income.*

Budgeted income from supplementary rates for the past two financial years and the original forecast for this financial year is \$100k. The actual result each year as with this year has been a favourable variation.

B) *The forecast for fees and charges includes components that are traditionally difficult to anticipate and council therefore elects to take a conservative view to ensure that income is not overstated. The changes to the forecast have been as a result of increased income from the resort and recreation levy, additional planning applications and childcare fees that have been offset by corresponding government grant income.*

**4. Mr Peter Boyle**

Income Statement December 2008 :

Operating Expenses :

Employee Costs

As per the above report Employee costs are forecast to be \$330 thousand above budget for the second part of the year. The budget for this period is \$384 thousand greater than for the first half, while costs are forecast at \$1.285 million greater than for the first half.

Will Council please provide details of how this situation arises, especially in this economic environment. Such should show, by staff numbers and amount, costs arising from filling of authorized positions vacant, additional staff, higher than budgeted increases in: pay levels, bonuses, other.

Depreciation :

The forecast is for an adverse variance for the year of \$658 thousand.

This is a significant amount.

Will Council please provide full particulars as to how such an adverse variance occurred, as the carried forward capital expenditure was greater than budgeted and capital expenditure is currently significantly later than budget.

**Response**

- A) *Employee costs are under budget as our budgets are prepared on the basis of a full staff compliment for the 12-month period.*
- B) *The variance in relation to depreciation is due to additional depreciation charges identified by the revaluation of buildings and drains. This is as a result of a timing issue relating to the assets being revalued as at 30 June 2008.*

**5. Mr George Reynolds**

Given that Council Staff appear to have withdrawn the draft sportsground strategy, following exhibition as directed by Council resolution, and have abandoned its discussion in the public arena, would Council advise:

- (a) what authority does Council Staff and the CEO rely upon to unilaterally reverse a resolution of Council and abandon the exhibition of the document for public comment, and
- (b) what process is Council prepared to undertake to ensure that the widespread and virulent opposition to this proposal is placed before Council and the public for discussion?

**Response**

- A) *In October 2008 Council resolved to release the Draft Sportsground Strategy for community consultation, for a minimum of six weeks. Consultation commenced in November 2008, with advertisements placed on the Bayside City Council website, and in local newspapers. In December 2008, the submission time for consultation feedback was extended to February 13th. Following a public meeting on Feb. 4th the strategy was withdrawn from the formal consultation phase to allow for a review of both the strategy development and consultation process. The Draft Strategy documentation remains available on the Council website, and submissions can still be made to council officers.*
- B) *As with all reports released for consultation, a report will be presented to Council in due course which will enable the broader community to make comment.*

## **6. Mr George Reynolds**

Given that Council CEO and staff appear to have adopted a process to seek public comment on drafts of proposed strategy and policy, simply by informal notification to friends and associates, without reference to other members of the public who are likely to be involved, and have ignored the rigour of s223 of the Local Government Act, would Council advise:

- (a) what authority does council staff and the CEO rely upon to abandon the provisions of s223 of the LGA, and
- (b) what steps are Councillors prepared to take to restore confidence in the legality of its process and instruct the CEO to comply with the requirements of the LGA?

### **Response**

- A) *Council and staff comply with the provisions of Section 223 of the Local Government Act 1989 where applicable and used. It should be noted that the Section 223 provisions of the Act are not applicable to the review of strategies or policies, however Council does and will continue to consult on those matters that have an impact on our community, over and above the mandatory requirements.*
- B) *Council's usual consultation mechanisms are implemented when developing strategies and the like, however Council's community engagement framework is currently under review.*

## **6. PETITIONS/DEPUTATIONS**

### **6.1 Consideration of a petition by local shop traders within 511 – 529 Hampton Street Hampton requesting Council to name the laneway at the rear of 511-529 Hampton Street Hampton. (16 signatories)**

*"We the undersigned hereby petition Bayside City Council to give a name to the laneway behind the shops at 511-529 Hampton Street Hampton."*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That the petition be received and a report be presented to General Committee on this matter.

**CARRIED**

## **7. REPORTS BY COMMITTEES / OFFICERS / DELEGATES**

### **7.1 REPORTS BY COMMITTEE**

#### **7.1.1 GENERAL COMMITTEE MEETING – 17 February 2009**

Confirmation of the Report and Recommendation of the General Committee Meeting held on Tuesday 17 February 2009.

**Moved: Cr Hayes**

**Seconded: Cr del Porto**

That the Report and Recommendations of the General Committee Meeting held on 17 February 2009 relating to items 4.1 to 4.12 and 5.1 to 5.4 inclusive (with the exception of items 4.2, 4.5 and 4.6 be adopted.

**CARRIED**

As a result of the above resolution, which adopts the recommendations of the General Committee of 17 February 2009, the following list provides a summary of those resolutions.

#### **4.1 SANDRINGHAM FORESHORE COASTAL MANAGEMENT PLAN**

1. That Council defer consideration of the Sandringham Foreshore Coastal Management Plan to enable further consultation with all stakeholders.
2. That Council formulates a quantifiable fuel load reduction policy for the Sandringham Foreshore vegetation.

#### **4.3 BATHING BOX INFILL**

1. That Council conduct the next phase of infill investigations and consultation in accordance with the proposals contained within this report.
2. The results of the investigations and consultation be reported back to Council.
3. That Council pursue the construction of at least a further six bathing boxes over the next six years.

#### **4.4 BALCOMBE PARK SHOPPING CENTRE – IMPROVEMENTS TO ROAD ACCESS AND PARKING**

1. That construction proceed on the access and car park works at Balcombe Park Shopping Centre in accordance with the new design as outlined in Attachment 2 of the report.
2. That the head petitioner be advised accordingly.



#### **4.7 COASTAL TRAIL SIGNAGE**

That Council endorse the proposed designs for the coastal trail signage with the changes recommended in the report related to Colour and Text, Dimensions and Materials.

#### **4.8 PROPOSED RATE REBATE FOR LARGE CANOPY TREES**

1. That having regard to the matters raised in relation to the possibility of introducing a rate rebate or reduction scheme for large canopy trees, including:
  - the distribution of rate burden
  - the questionable impact on achieving and maintaining long term behavioural change
  - the inability to obtain insurance
  - the lack of eligibility for obtaining carbon credits; and
  - the difficulty in easily identifying eligible trees,

Council take no further action in this matter of rebates.

2. Further, that a report be presented to Council on other means of encouraging retention of tree canopy in Bayside, with particular regard to the use of tools such as the Vegetation Protection Overlays, and that consideration to fund undertaking of a vegetation analysis in preparation of a tree canopy strategy as a basis for such controls be considered in that report and a priority project to fund this be listed for consideration during the preparation of the 2009/2010 budget.

#### **4.9 SANDRINGHAM POLICE STATION REZONING (AMENDMENT c83)**

1. That Council, as Planning Authority, at the request of Victoria Police seek an amendment C83 to the Bayside Planning Scheme from the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 to rezone the land at 25- 29 & 31 Abbott Street, Sandringham (Sandringham Police Station) from Residential 1 Zone (R1Z) to Public Use Zone (PUZ7).
2. That the Group Manager Sustainability be given the delegation to authorise any minor editorial changes to the amendment documentation.

#### **4.10 PETITION – OUTER CRESCENT AND BARKLY STREET BRIGHTON PARKING CONCERNS**

That Council note the actions taken following investigation into the issues raised in the petition, for parking restrictions in Outer Crescent and Barkly Street, Brighton.



**4.11 COUNCILLOR REPRESENTATIVE ON BLACK ROCK HOUSE COMMITTEE OF MANAGEMENT**

That Council appoint Cr Norris as representative to the Black Rock House Committee of Management.

**4.12 REVIEW OF INFRASTRUCTURE MAINTENANCE SERVICE DELIVERY**

That Council endorse the proposed new contract structure and tendering process for the Infrastructure Maintenance Contract and the Street and Shopping Centre Cleaning Services Contract.

**5.1 FINANCIAL REPORT FOR THE SIX (6) MONTHS TO 31 DECEMBER 2008**

That Council note the financial report for the six months ended 31 December 2008.

**5.2 BAYSIDE/KINGSTON BUS SERVICE REVIEW**

1. That Council authorises the preparation of a Council submission to the Department of Infrastructure's Bus Service Review by 28 February 2009.
2. That Council's submission addresses a range of key issues, including but not limited to:
  - longer hours of operation;
  - restructuring and/or extending routes;
  - more frequent services on selected routes;
  - introducing new routes; and
  - improving linkages with connecting trains and trams, as well as SmartBus services.

**5.3 CHILDREN'S SERVICES REVIEW AND MUNICIPAL EARLY YEARS PLAN (MEYP)**

1. That Council note the work being undertaken to complete the Children's Services Review and Municipal Early Years Plan and that this will now incorporate matters of Council's role in kindergarten services and long day care.
2. That Council note that the MEYP report is now expected to be presented to Council for consideration in May 2009.

**5.4 COUNCIL ACTION PENDING**

That Council note the Council Action Pending report for the period September 2005 to December 2008.



## 4.2 Proposed Alignment of the Shared Path South (Beaumaris)

*It is recorded that Cr Norris declared a conflict of interest in this item given that he has an indirect interest because of receipt of an applicable gift from the Beaumaris Conservation Society (BCS) through advertising as part of an election campaign and the BCS were submitters in relation this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

1. That Council restates its preference for the "back-of-kerb" or roadside verge option.
2. That Council continues consultation with VicRoads to achieve that aim.

**CARRIED**

*It is recorded that Cr Norris vacated the Chamber prior to the discussion on this item and was not present whilst the vote was taken on this matter.*

## 4.5 Draft Management of Tree Protection on Private Property Policy

*It is recorded that Cr Norris declared a conflict of interest in this item given that he has an indirect interest because of receipt of an applicable gift from the Beaumaris Conservation Society (BCS) through advertising as part of an election campaign and the BCS were submitters in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

That Council adopt the draft Management of Tree Protection on Private Property Policy 2009 as detailed in Attachment 1, subject to the following alterations:

**Item 4.2:** second paragraph be amended to read as follows:

Where the cutting, trimming, lopping or pruning will:

- be carried out by a qualified arborist in accordance with *Australian Standard 4373 – Pruning of Amenity Trees (2007)*; and
- only remove dead wood and/or not more than 10% of live foliage mass;

the application fee will be waived.

**Item 4.4:** the following paragraph be included:

Any application for removal should be accompanied by a plan for planting suitable replacement canopy tree or trees to the satisfaction of Council arborists where this is possible.