

Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 18 December 2007

The Meeting commenced at 7.00pm

PRESENT:

Cr Alex del Porto
Cr John Knight
Cr James Long
Cr Andrew McLorinan (Mayor)
Cr Michael Norris
Cr Kristin Stegley

OFFICERS IN ATTENDANCE:

Catherine Dale	Chief Executive Officer
Michael Top	Group Manager Sustainability
David Powell	Group Manager Infrastructure Services
Mark Dupe	Group Manager Corporate Services
Carolyn McClean	Group Manager Community and Leisure Services
Deb Ganderton	Communications Manager
Terry Callant	Governance Manager

The Chairman declared the meeting open and invited Cr Knight to read the prayer.

PRAYER

Cr Knight 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*

ACKNOWLEDGMENT OF THE ORIGINAL INHABITANTS

Cr Stegley read the acknowledgment 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.*

1. **APOLOGIES:** An apology from Cr Derek Wilson, Cr Terry O'Brien and Cr Clifford Hayes was submitted to the meeting.

Moved Cr del Porto

Seconded Cr Knight

That the apologies from Cr Derek Wilson, Cr Terry O'Brien & Cr Clifford Hayes be received and leave of absence be granted.

CARRIED

2. **DECLARATIONS OF INTEREST:**

- There were no declarations of interest submitted to the meeting.

3. **CONFIRMATION OF MINUTES**

3.1 **Confirmation of the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 November 2007**

Moved Cr del Porto

Seconded Cr Norris

That the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 November 2007 be confirmed as an accurate record of proceedings.

CARRIED

4.0 PRESENTATION OF REPORTS BY DELEGATES APPOINTED BY THE COUNCIL TO OTHER BODIES

4.1 Mayors' Community Chest Presentations

The Mayor Cr McLorinan presented a cheques from the Mayors' Community Chest to the following individuals:

- **Adelaide Robinson** for her participation at the 2007 Australian All Schools & Youth Athletics Championships to be held in December 2007.
- **Hamish Robinson** for his participation at the 2007 Victorian Primary Schools Sports Association and National Athletics Exchange held in Launceston in November 2007.
- **Aimee Benton** for her participation at the National Futsal championships to be held in Canberra in January 2008.

4.2 Other Presentations

There were no further presentations submitted to the meeting.

5.0 PUBLIC QUESTION TIME:

There were 9 public questions submitted to the Meeting.

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

1. Ms Jillian Rigby

Which Councillors have looked at the plan 2007/330 which has been promoted to grant a permit?

2. Mr Chris Carroll

In the light of the graffiti tagging attack on the ratepayer funded "Aerosol Art" project at the Sandringham skate bowl, the ongoing attacks on the foreshore Artists' Trail, the copycat "aerosol art" treatment of the Peterson Youth Centre and widespread incidences of graffiti in the activity centres and indeed across the city, will Council advise:

- a) Why a policy of zero tolerance towards graffiti should not be implemented forthwith and,
- b) Rather than pay for so called "aerosol art" projects, whether the money so spent would provide better value if it were directed to provision of after hours anti-graffiti surveillance by Council's authorised officers?

5.0 PUBLIC QUESTION TIME (continued):

3. Mr Chris Carroll

In regard to the fireworks display at the Bayside Christmas Carols conducted at Dendy Park on 11 December, will Council advise:

- a) Details of any sponsorship of the fireworks (e.g. the name of the sponsor/s or whether it was not sponsored, value of the sponsorship),
- b) The cost of the fireworks display on the evening?

4. Mr Peter Boyle

As approved at the Ordinary Meeting of Council held on Tuesday 26 June 2007, the budget for the 2007/8 year for Employee costs is \$25.243 million, while the forecast for the 2006/7 year was shown as \$23.376. Of this increase of 7.99% in the Budget over the Forecast please advise :

- a) How much of the Budget amount is provided to cover costs of additional employees
- b) How many additional employees are provided for in the Budget.

5. Mr Peter Boyle

While it has been reported that the Chief Executive of Bayside has resigned from her position before the expiry of her contract term to take up another, more advantageous position in early February 2008, there has not been any advice as to when she will cease being employed by

Bayside. Will you please advise:

- a) the date when Ms Dale will cease her employment as Chief Executive of Bayside
- b) the then Mayor, Cr. Knight, was quoted in the Bayside Leader as saying Ms Dale was an "exceptional" chief executive and would be missed. Does Council intend to farewell Ms Dale with a function and if so will ratepayers have the opportunity to attend (as for the annual meeting of Council) to express their appreciation?

6. Mr John Atkinson

In relation to "energy audit" services provided by local political organisation Bayside Climate Change Action Group:

- (a) What relevant qualifications are possessed by the persons carrying out this work; and
- (b) What is the total sum expected to be paid in the current FY by Council to BCCAG for this project.

7. Mr John Atkinson

In relation to the provision to Councillors of refreshments and entertainment in 2007, would Council provide:

- (a) the cost of providing refreshments before or after meetings; and
- (b) particulars (including cost) of other occasions where refreshments or entertainment are provided (including any end-of-year functions).

5.0 PUBLIC QUESTION TIME (continued):

8. Mr George Reynolds

During the debate on the Interwar and Post War Heritage Study (item 4.4) at General Committee on 10 December 2007, a speaker listed as “Fiona Austin or a BSC representative”, made a three minute presentation and answered questions from the Chair and from other Councillors. During the presentation the speaker revealed that she had worked with the consultant employed by Council to prepare the Study. She also used information to put before Councillors that was taken from the study. The study was confidential and Council insists that it remain so. The Chair failed to restrain the speaker from using this confidential information and indeed engaged the speaker in questions concerning confidential matters.

On the basis for the foregoing, my question is:

- a) Why was the speaker allowed and encouraged to use the confidential information she had obtained from working in conjunction with the consultants, and
- b) Should this breach of confidentiality by the speaker be a reason to annul the subsequent resolution of General committee on Item 4.4 at the meeting of 10 December 2007?

9. Mr George Reynolds

On the list of speakers for the General Committee dated 10 December 2007 the list showed (among others):

Mr Barry Sheppard or a BRUP representative” and
Ms Fiona Austin or a BCS representative” to speak to item 4.4 “Inter War and Post War Heritage Study”.

My question is:

- a) Why did the Chair allow speakers to represent organisations in contravention of clauses 64, 65 and 66 of the Local Law No: 1?
- b) Why the public statements made by Ms Fiona Austin (representing Beaumaris Conservation Society), in claiming she worked with and influenced Heritage Alliance, have not yet been recognised by Councillors as prima facie evidence that the independence of the independent Consultant has been destroyed and as a consequence the resolution to accept and publish the (now) flawed report ought not proceed or be rescinded?

6.0 PETITIONS/DEPUTATIONS

6.1 Consideration of a petition from the Cross Street Playgroup Inc requesting that they remain tenants at the Were Street and Hampton Street Maternal Health Centre. 82 signatories.

“We the signatories attached to this letter hereby petition Bayside City Council to keep all the members and families of Cross Street Playgroup at the premises of (corner of Were and Hampton Street Brighton).”

Moved Cr del Porto

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

Seconded Cr Norris

CARRIED

7. REPORTS BY COMMITTEES / OFFICERS / DELEGATES

7.1 REPORTS BY COMMITTEE

7.1.1. GENERAL COMMITTEE MEETING – 10 December 2007

Confirmation of the Report and Recommendations of the General Committee Meeting held on Monday 10 December 2007.

Moved Cr Stegley

Seconded Cr del Porto

That the Report and Recommendations of the General Committee Meeting held on 10 December 2007 relating to items 4.1 to 4.12 and 5.1 to 5.2 inclusive, with the exception of items 4.4 and 4.6 be adopted.

CARRIED

4.4 INTER-WAR AND POST-WAR HERITAGE STUDY 2007 (including review of interim heritage controls)

Moved Cr Stegley

Seconded Cr del Porto

1. That the Inter-War and Post-War Heritage Study 2007 prepared for Council by Heritage Alliance be received.
2. That Council adopt the contents of the Inter-War and Post-War Heritage Study 2007.
3. That Council pursue a Planning Scheme Amendment to make permanent the heritage overlay for 29 of the C37 inter-war properties, and removal of the interim controls over 18 of these properties as set out in attachment 1 to the report.
4. That the Inter-War and Post-War Heritage Study 2007 be immediately released for comment, and comments closing end of February 2008; that all affected property owners be notified and invited to comment; and that a report be provided to Council outlining submissions received following completion of the consultation period.

CARRIED

4.6 PROPOSAL TO RE-NAME TULIP STREET RESERVE, SANDRINGHAM

Moved Cr Norris

Seconded Cr del Porto

1. That the report in response to Notice of Motion 142 – Naming of Tulip Street Reserve be received.
2. That having considered the feedback from the consultation the reserve between Tulip Street and Springs Street be named as 'Tjila Tjirrin Reserve' unless consultation with representatives of the original inhabitants shows they prefer 'Tjilatjirrin Reserve', in which case their preference is to be respected.

The **MOTION** was **PUT** and a **DIVISION** called

<u>DIVISION</u>	<u>FOR</u>	Crs del Porto, Long, Knight, Stegley, Norris & McLorinan (6)
	<u>AGAINST</u>	Nil

CARRIED

7.2 REPORTS BY OFFICERS

7.2.1 VCAT DECISIONS

Moved Cr Norris

Seconded Cr del Porto

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

CARRIED

7.2.2. Railway Crossing – New Street Hampton

Moved Cr Long

Seconded Cr del Porto

1. That the report on a request by Connex Melbourne Pty Ltd in relation to the railway crossing at New Street, Hampton be received and noted.
2. Notwithstanding that Connex Melbourne Pty Ltd had declined to provide requested information critical to Council being able to consider the Connex request on its merits, given that it has now, by letter dated 17 December 2007, responded positively to that request by Council for information, this matter be considered in due course following analysis of the Connex request.

CARRIED

7.3 REPORTS BY DELEGATES APPOINTED BY THE COUNCIL TO OTHER BODIES

Cr Norris reported in his attendance at the Victorian Local Sustainability Network meetings held in August and December 2007.

The Mayor reported on his activities since 29 November 2007.

Moved Cr del Porto

Seconded Cr Stegley

That the Councillors' reports be received and noted.

CARRIED

8.0 GENERAL BUSINESS

There were no items of General Business submitted to the meeting.

9.0 SUPPLEMENTARY OR URGENT BUSINESS

There were no items of supplementary or urgent business matters submitted to the meeting.

10.0 NOTICES OF MOTION

10.1 Notice of Motion No: 159 – Protection of solar rights

Moved Cr Knight

Seconded Cr Norris

That a motion be presented to the next Municipal Association of Victoria State Council meeting calling for preparation of legislation to recognise and protect solar rights, and in particular dealing with the impacts of overshadowing of photovoltaic cells and solar hot water system panels by buildings or vegetation on adjoining properties.

CARRIED

10.0 NOTICES OF MOTION (continued)

10.1 Notice of Motion No: 160 – Clear fell logging on water yield

Moved Cr Long

Seconded Cr del Porto

Given water shortages and the impact on Bayside residents and ratepayers and the impact of clear-fell logging on water yield, that Bayside City Council:

- ◆ opposes logging of Melbourne’s water catchments;
- ◆ make a submission to the Department of Sustainability outlining Council’s opposition to the clear fell logging in water catchments;
- ◆ seek further input from the community and community groups;
- ◆ support the position of Yarra Ranges Shire Council in this matter; and
- ◆ inform the Premier of Victoria, Minister for Environment and the Minister for Water in relation to this matter.

The **MOTION** was **PUT** and a **DIVISION** called

<u>DIVISION</u>	<u>FOR</u>	Crs del Porto, Long, Knight, Stegley, Norris & McLorinan (6)
	<u>AGAINST</u>	Nil

CARRIED

11.0 CONFIDENTIAL BUSINESS

Moved Cr del Porto

Seconded Cr Stegley

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve 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 categories listed in Section 89(2) of the Act.

CARRIED

Following the consideration of Confidential Business the Chairman declared the Meeting closed at 8.13pm.

The Chairman declared the meeting closed at 8.13pm.

CONFIRMED THIS 26 DAY OF FEBRUARY 2008

Chairman:

