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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 13 September 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
Samantha Krull	Acting Director Infrastructure Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Mayor declared the meeting open at 7.00pm and invited Cr Hayes to read the prayer.

## **1. Prayer**

Cr Hayes read the prayer at the commencement of the meeting.

O God  
Bless this City, Bayside,  
Give us courage, strength and wisdom,  
So that our deliberations,  
May be for the good of all,  
Amen

## **2. Acknowledgement of Original Inhabitants**

Cr Cooper-Shaw read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the original inhabitants of this land that we call Bayside were the 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**

There were no declarations of interest submitted to the meeting.

**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 23 August 2011**

**Moved: Cr Norris**

**Seconded: Cr Hayes**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 23 August 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 (not in chamber)

Given the copious amount of interest by council in recent years with the Brighton Town Hall heritage precinct, it was agreed that the former Brighton Police Station was considered crucial to the overall aesthetic, architectural, historical and social significance to the precinct.

- a) To prevent the now vacant Police Station falling into ownership of developers that would exploit this element of the Town Hall Heritage precinct for purposes other than fitting its significance, would council consider the purchase of the former Police Station from the State Government, with a view to leasing it back to an acceptable tenancy befitting the town Hall precinct.
- b) Further to this matter, what permit(s) if any, were issued that has allowed the rear of the police station property to be turned into what is now an ugly industrial site, which is unacceptable to the orderly and proper planning of the heritage precinct and adjoining Residential Areas.

### Response

- a) *The site is owned by the Victorian Police and is currently unoccupied. It is zone R1Z – residential and has a Heritage Design and Development Overlay. Indicative estimated value of the site is approximately \$1.75 - \$2 M excluding any building maintenance, refurbishment or conversion costs. Council has no intention to purchase the site.*
- b) *Council has not issued any planning permits for use of that land. The current use of the land for storage of construction equipment and materials will be investigated to ascertain compliance with the Bayside Planning Scheme.*

### 2. Mr Kevin Spencer (not in chamber)

With the increasing day to day operating cost of council and given that councillor allowances are optional, in addition to the increasing expense claims by councillors along with the cost of catered meals and refreshments.

- a) What action has Bayside Council taken to reduce spending in this area and indeed all other council departmental areas, bearing in mind the high rate charges council has placed on the community that expect in return value for their money.
- b) Why does council continue to hold it secret briefing meetings with staff in attendance outside business hours that would incur considerable seemingly unnecessary costs in staff penalty rates and allowance for meals etc?

**Response**

- a) *During the budget preparation period a robust review is undertaken across all departmental areas to reduce spending where possible. In relation to catering costs, Council undertook a public competitive tendering process for the supply and delivery of catering including catered meals for Councillors. The contract was awarded to a panel of 4 caterers which offered value for money. However it is only reasonable for both Councillors and staff in attendance to receive a meal given that meetings commence at 6pm and usually conclude between 10 and 11pm.*

*With regard to Councillor expenses, the Local Government Act provides that Councillors must be reimbursed where reasonable bona fide out-of-pocket expenses have been incurred while performing duties as a Councillor, this includes travel mileage, child care and reimbursement of expenses such as car parking and train tickets. Councillor expenses are reported in the Annual Report.*

- b) *Section 80A of the Local Government Act provides for Assembly of Councillors which enables Councillors to be briefed on matters that are intended or likely to be the subject of a Council decision. A record of the meeting is presented to Council which enables the community to be aware of the matters discussed. Assembly of Councillors are not a decision making meeting but provide an opportunity for various matters to be discussed without a decision being imminent.*

*Assemblies of Councillors are generally held after-hours to enable Councillors with work commitments to attend these meetings. Predominately Senior Officers attending Assemblies of Councillors meetings, are paid a management salary and therefore do not receive penalty rates or allowances.*

## **7. Petitions to Council**

*There were no petitions submitted to this meeting.*

## **8. Reports by Advisory Committees**

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### **8.1 Assembly of Councillors Records**

Corporate Services - Governance  
File No: FOL/1234

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**Moved: Cr Russell**

**Seconded: Cr Hayes**

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

**CARRIED**

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### **8.2 Minutes of the Audit Committee Meeting held on 24 August 2011**

Corporate Services - Governance  
File No: FOL/1234

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Norris**

That Council notes the minutes of the Audit Committee Meeting held on 24 August 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 Response to petition for additional speed hump/island at the corner of Cochrane and Osborne Close
- 10.2 Petition – Parking Management in Ocean Street, Hampton
- 10.3 Assessment of the revised Street Sweeping program in Brickwood Street, Brighton
- 10.4 Bayside Planning Scheme Review
- 10.5 Sport and Recreation Victoria Community Facility Funding Program 2012/13 – Minor Facilities Grants
- 10.6 Review of Local Law 2
- 10.7 Engagement Forums Appointment Process
- 10.8 Review of Council's Procurement Policy
- 10.9 Bayside Our City's Future Engagement Program
- 10.10 Audited Financial Statements for the year ended 30 June 2011
- 10.11 Annual Report 2010/2011 – Report on Operations
- 10.12 Re-Constitution of the Audit Committee
- 10.13 Delegations from Council to the Chief Executive Officer and other Council Officer positions within the organisation
- 10.14 VCAT Decisions
- 10.15 Financial Report for the Twelve (12) Months to 30 June 2011
- 10.16 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 10.5 – Sport and Recreation Victoria /Community Facility Funding Program 2012/13 – Minor Facilities Grants**

Mr Greg Taylor

**Item 10.11 – Annual Report 2010/2011 – Report on Operations**

Mr George Reynolds

**Item 10.15 – Financial report for twelve (12) months to 30 June 2011**

Mr George Reynolds

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**10.1 *Response to petition for additional speed hump/island at the corner of Cochrane and Osborne Close***

Infrastructure Services – Asset Management Services  
File No: FOL/11/9

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**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council notifies the head petitioner that the installation of an additional speed hump/island at the intersection of Cochrane Street and Osborne Close is not supported.

**CARRIED**

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**10.2 *Petition: Parking Management in Ocean Street, Hampton***

Infrastructure Services – Asset Management Services  
File No: FOL/10/215847

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**Moved: Cr Long**

**Seconded: Cr Cooper-Shaw**

That Council:

1. installs 2 Hour parking restrictions from 8.00 am to 6.00 pm Monday to Saturday along the western side of Ocean Street in conjunction with the implementation of the Residential Parking Permit Scheme;
2. removes the existing 'No Stopping' restrictions on eastern side in Ocean Street located from Thomas Street to No. 14 Ocean Street; and
3. notifies the head petitioner of the outcome of this matter.

**CARRIED**

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**10.3 *Assessment of the Revised Street Sweeping Program in Brickwood Street, Brighton***

Infrastructure Services – City Works  
File No: FOL/11/811

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**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council advises the head petitioners that street sweeping operations in Brickwood Street, Brighton will continue on a 4 weekly cycle prior to 8am in the morning and that Council officers will continue to monitor the quality of the operations to ensure compliance with performance standards.

**CARRIED**

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**10.4 *Bayside Planning Scheme Review***

City Strategy – Urban Strategy  
File No: FOL/11/221

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**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That Council:

1. adopts the Bayside Planning Scheme Review (September 2011) in the form provided at Attachment 1;
2. commences implementation of the recommendations contained within the review and considers the funding of this work in future budgets; and
3. forwards a copy of the Bayside Planning Scheme Review (September 2011) to the Minister for Planning.

**CARRIED**

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**10.5      *Sport and Recreation Victoria Community Facility Funding  
Program 2012/13 – Minor Facilities Grants***

Community Services – Recreation & Social Development  
File No: FOL/11/75

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**Moved: Cr Norris**

**Seconded: Cr Frederico**

That Council:

1. supports the submission of two applications to the Department of Planning and Community Development, Sport and Recreation Victoria for funding under the Community Facility Funding Program, 2012/2013 Minor Facilities, in the following priority order:
  - a) Sandringham Youth Club installation of outdoor netball court lighting and court resurfacing;
  - b) Castlefield Reserve replacement and upgrade of sportsground lighting;
2. considers funding to implement the installation of outdoor netball court lighting and court resurfacing at the Sandringham Youth Club and the replacement and upgrade of sportsground lighting at Castlefield Reserve as part of the preparation of the 2012/13 Council budget.

**CARRIED**

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## **10.6 Review of Local Law 2**

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

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*It is recorded that Cr Norris vacated the Chamber at 7.34pm*

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council:

1. commences the statutory process for the making of a local law and endorses the draft consolidated Local Law 2 'Neighbourhood Amenity' for public exhibition and submissions under section 223 of the *Local Government Act 1989*;
2. gives Public Notice of the exhibition of the draft Local Law 2 'Neighbour Amenity' as tabled and invites public submissions; and
3. in accordance with Section 223 of the Local Government Act 1989, establishes a Special Committee of Council consisting of all Councillors with a quorum of four (4) Councillors to sit and hear submissions in relation to the proposed Local Law 2 'Neighbourhood Amenity' on Wednesday 16 November 2011 at 6.30pm at the Council Chambers, Civic Centre, Brighton.

**CARRIED**

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**10.7 Engagement Forums Appointment Process**

CEO – Communications & Customer Service  
File No: COR/2195

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*It is recorded Cr Norris entered the Chamber at 7.37pm*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council:

1. adopts Option 2 as outlined in the report as the means of selecting and recommending appointments to Council's new engagement forums;
2. establishes a Special Committee pursuant to Section 86 of the Local Government Act 1989 for the purposes of recommending membership to the community engagement forum known as 'Arts and Culture forum';
  - 2.1 The membership of the Special Committee consists of:
    - Cr del Porto (Council's nominated representative to the Forum).
    - Two Council Officers nominated by the Chief Executive Officer.
  - 2.2 The quorum of the Special Committee shall be one Councillor and one Council Officer.
3. establishes a Special Committee pursuant to Section 86 of the Local Government Act 1989 for the purposes of recommending membership to the community engagement forum known as 'Recreation and Open Space forum';
  - 3.1 The membership of the Special Committee consists of:
    - Cr Norris (Council's nominated representative to the Forum).
    - Three Council Officers nominated by the Chief Executive Officer.
  - 3.2 The quorum of the Special Committee shall be one Councillor and two Council Officers.
4. establishes a Special Committee pursuant to Section 86 of the Local Government Act 1989 for the purposes of recommending membership to the community engagement forum known as 'Environment forum';
  - 4.1 The membership of the Special Committee consists of:
    - Cr Hayes (Council's nominated representative to the Forum).
    - Two Council Officers nominated by the Chief Executive Officer.
  - 4.2 The quorum of the Special Committee shall be one Councillor and one Council Officer.

**CARRIED**

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### **10.8 Review of Council's Procurement Policy**

Infrastructure Services  
File No: FOL/11/1121

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**Moved: Cr Russell**

**Seconded: Cr Long**

That Council:

1. adopts the amended Procurement Policy 2011 as per Attachment 2; and
2. abolishes the \$65 tender document fee from the date of this decision.

**CARRIED**

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### **10.9 Bayside Our City's Future Engagement Program**

City Strategy – Urban Strategy  
File No: FOL/11/38-02

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**Moved: Cr Hayes**

**Seconded: Cr Norris**

That Council:

1. adopts the Bayside Our City's Future report as provided at Attachment 1;
2. makes the report provided at Attachment 1 available to the public; and
3. further considers the various submissions received as it finalises strategic planning work arising from the program.

**CARRIED**

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**10.10 Audited Financial Statement for the Year Ended 30 June 2011**Corporate Services - Finance  
File No: FOL/10/215926

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

That Council:

1. adopts the written down value of infrastructure assets (as per attachment 1 – revaluation of infrastructure assets for the year ended 30 June 2011 – Council valuations) totalling \$164,896,636;
2. receives and notes the Financial Report comprising, financial statements, standard statements and performance statement for the financial year ended 30 June 2011;
3. authorises the Manager Finance to make immaterial adjustments to the standard statements, financial statements, and the performance statement if requested by the Auditor General. If material adjustments are requested, the Manager Finance be authorised to make such adjustments and advises Council and the Audit Committee of the effect of these adjustments; and
4. resolves to give “in principle” approval of the standard statements, financial statements and the performance statement for the financial year ended 30 June 2011 and authorises Councillors Alex del Porto and Clifford Hayes, who are members of the Audit Committee, to certify the statements on behalf of Council and submit these to the Minister for Local Government.

**CARRIED**

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## 10.11 Annual Report 2010/2011 – Report on Operations

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council:

1. receives the Annual Report on operations for 2010/2011, as provided in attachment 1;
2. authorises the Chief Executive Officer to make immaterial editorial changes to the document;
3. submits the Annual Report on operations 2010/2011 to the Minister for Local Government by 30 September 2011 as required by the *Local Government Act 1989*;
4. gives public notice that it has received an *Annual Report for 2010/2011*, and that the report may be viewed by the public at Council's Corporate Centre, at each of Council's four branch libraries and on Council's website; and
5. within one month of submitting the Annual Report to the Minister, gives notice and holds a meeting on 25 October 2011 to consider the Annual Report as required by the *Local Government (Finance and Reporting) Regulations 2004*.

**CARRIED**

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**10.12 Re-Constitution of the Audit Committee**Corporate Services - Governance  
File No: COR1234

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

That Council resolves:

1. the Advisory Committee established by resolution of Council on 2 December 2010 and known as the Bayside City Council Audit Committee be disbanded;
2. in exercise of the power conferred by section 139 of the Local Government Act 1989 (the Act), that:
  - 2.1 From the date of this resolution that there be an Advisory Committee established in accordance with section 139 of the Local Government Act 1989 known as the Audit Committee.
  - 2.2 The terms of reference of the Audit Committee be those set out in the Audit Committee Charter adopted by Council on 24 May 2011, or as amended from time to time;
3. the members of the former Audit Committee be appointed as members of the Audit Committee as follows:
  - 3.1 Cr Hayes for a term expiring in December 2011 and the Mayor Cr del Porto for a term expiring in December 2012 or when Council resolves otherwise.
  - 3.2 Mr John Thomson for a term expiring on 31 December 2011.
  - 3.3 Mr Michael Said for a term expiring on 17 February 2012.
  - 3.4 Mr AJ John Purcell for a term expiring on 30 June 2014.

**CARRIED**

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### **10.13 Delegations from Council to the Chief Executive Officer and other Council Officer positions within the organisation**

Corporate Services - Governance  
File No: COR1234

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**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council:

1. revokes the existing Instruments of Delegation to the Chief Executive Officer and to members of Council staff previously approved by Council;
2. adopts the attached Instruments of Delegation to the Chief Executive Officer and members of Council staff; and
3. signs and seals the Instruments of Delegation.

**CARRIED**

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### **10.14 VCAT Decisions**

City Strategy – Statutory Planning  
File No: COR 1234

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**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**

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**10.15 Financial report for twelve (12) months to 30 June 2011**

Corporate Services - Finance  
File No: COR/20686

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**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council notes the financial report for operating and capital for the twelve month period ending 30 June 2011.

**CARRIED**

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**10.16 Council Action Awaiting Report**

Corporate Services - Governance  
File No: FOL/1234

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**Moved: Cr Frederico**

**Seconded: Cr Long**

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 Norris**

Cr Norris reported on his attendance at a MAV Environment Committee meeting held on 1 September 2011. Topics included product stewardship (e.g. disposal of computers, televisions and mattresses), Waste Policy and discussion on climate change.

### **Metropolitan Transport Forum – Cr Russell**

No report was submitted to the meeting.

### **Municipal Association of Victoria – Cr Long**

No report was submitted to the meeting.

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

No report was submitted to the meeting.

### **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.

**Moved: Cr Long**

**Seconded: Cr Hayes**

That the Councillors' reports be received and noted.

**CARRIED**

## 12. Urgent Business

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

## 13. Notices of Motion

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### 13.1 Notice of Motion 203 – Municipal Reserve – Royal Avenue Sandringham

Corporate Services - Finance  
File No: FOL 123

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**Moved: Cr Hayes**

**Seconded: Cr Long**

That Cr Norris be granted leave of Council to amend Notice of Motion 203.

**CARRIED**

**Moved: Cr Norris**

**Seconded: Cr Cooper-Shaw**

That Council receive a report, taking account of the findings of the Draft Open Space Strategy, in response to a proposition that between two and six hectares of the Municipal Reserve in Royal Avenue be rezoned to Public Park and Recreation Zone.

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

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

**LOST**

**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**

**Table of Contents**

- 14.1 Built Environment Awards – Judging Panel Recommendations 2011
- 14.2 Tender award for photocopiers, printers and associated services
- 14.3 Kerbside Recycling Collection and Receipt Contract
- 14.4 Children’s Services Review – Child Care Services

*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 9.07pm.*

**CONFIRMED THIS 11 DAY OF OCTOBER 2011**

**CHAIRMAN: .....**

