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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 23 November 2010

The Meeting commenced at 7.00pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Michael Top	Director City Strategy
Sharon Pearsons	Director Corporate Services
Guy Wilson-Browne	Director Infrastructure Services
Lili James	Acting Director Community Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman 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

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

Cr del Porto 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.

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

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

There were no Conflicts 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 26 October 2010**

**Moved: Cr Norris**

**Seconded: Cr Cooper-Shaw**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 26 October 2010 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 George Reynolds

- a) Would Council advise what policy changes it has authorised in its library system to transfer all access to its reference documents(e.g Encyclopaedia Britannica et al) from print media to electronic media, and
- b) What steps have been taken to serve the need of those members of the community who are not computer literate?

#### Response

- a) *Management of the reference documents is undertaken in accordance with the Library's Collection Management Plan. The Library has not transferred all of its reference materials to electronic media - there are not-for-loan collections of print reference materials at Brighton, Sandringham and Beaumaris.*

*The latest edition of the print Encyclopaedia Britannica (2010) is held in the reference collection at the Brighton Library. The on-line version is available from any computer in the Library. Usage statistics show that the on-line version of the Encyclopaedia Britannica is well-used by Library members.*

*The Library maintains an annual purchase plan for print encyclopedias, adding one new set to the collection each year, rotating through the branches.*

- b) *The Library maintains an extensive print collection to serve the information needs of the community. A collection of core reference materials including encyclopedias, dictionaries, key handbooks and directories are available - at Brighton there are 2093 titles in the reference collection, 730 at Sandringham and 380 at Beaumaris. The Brighton collection is used to support enquiries from other branches if required.  
Library staff are available at all branches to assist borrowers access information from online resources or to transfer materials between branches.*

### 2. Mr George Reynolds

Would Council provide details of its staff movements during the calendar year to 22nd November 2010 in the following categories

- a) Staff leaving; staff replacing; positions eliminated; positions created; net vacancies at month end, and
- b) How does the staff turnover in Bayside benchmark against similar Councils in its group?

#### Response

*Given your question specifically relates to staffing matters for the organisation, this matter has been referred to the Chief Executive Officer for a response. I understand a written response is under preparation and will be forwarded to you in due course.*

### 3. Mr Kevin Spencer

Within the residential areas of the City of Bayside, there are a number of instances where the public road outside an individual private property has been given treatment to regulate crossovers to such properties and presented by No Stopping signs, continuous yellow line, such as used on approach to school crossings or white lines, such as used for marked designated parking bays or both. Whereas the Road Safety Rules allow parking of vehicles up to crossovers so long as vehicle access is not obstructed.

- A. What is the criteria for an application to council for such treatment ?  
B. How many such treatments in the City of Bayside have been instituted in recent years ?

#### Response

- a) *Council utilises various forms of pavement marking and signage in residential areas to emphasize regulatory restrictions, address safety concerns or to optimise the number of parking spaces between crossovers. All line marking and signage is installed in accordance with Australian Standards and State Guidelines.*

*The decision to install these treatments is based on a traffic risk assessment of factors such as parking demand and traffic safety concerns.*

- b) *Very few new treatments are instituted. It is estimated that about 10 new treatments were installed in the last year.*

### 4. Mr Kevin Spencer

Following the Local Government and Planning Legislation Amendment Act 2010, the requirement included the written record of an assembly of councillors that records the Date, Time and Location of the Assembly.

- A. Why has council not stated the location of each assembly of council held in recent weeks?

B. As many of the matters discussed could not be considered confidential business, and in the interest of accountable and open council with a more democratic process, why hasn't the community, the real stakeholders of the City of Bayside not been invited to attend these assembly of council briefing sessions.

#### Response

- a) *It is not a requirement of the Assembly of Councillors record to include the location.*
- b) *Documentation from the Department of Planning and Community Development titled 'Conflict of Interest in Local Government 2010' provides for the following: "Councillor Briefing sessions or similar are regular meetings of Councillors and Council Officers, to discuss matters of importance for the Council. While these meetings have no authority to make Council decisions, it is not uncommon for the session to discuss matters that are planned for inclusion on the Council agenda".*  
*Council meetings provide one of many opportunities for members of the public and stakeholders to have their say and to express their interests and their views on matters.*

## **7. Petitions to Council**

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### **7.1 *Petition – Warleigh Grove: Proposed North Brighton Park***

Corporate Services - Governance  
File No: COR1234

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#### **Petition - Warleigh Grove: Proposed North Brighton Park (28 signatures)**

*“We the undersigned hereby petition Bayside City Council to consider ways to make all or part of the vacant land in Warleigh Grove, owned by the Wentworth Group, a park for the use of all residents and visitors to Bayside.*

*We note that there is no open space in the North Brighton area. Private open space such as the bowling club and croquet club has now been taken over for intensive development. North Brighton is undergoing significant other high density development. It urgently needs some open space set aside for local residents, to retain some biodiversity, and to preserve amenity and the value of living in Bayside. We petition council to consider how it could develop partnerships and creative uses, including but not confined to, Commonwealth or State Government partnerships in aged care, sustainability, or land care, to achieve this.”*

**Moved: Cr del Porto**

**Seconded: Cr Long**

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

**CARRIED**

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**7.2 Petition – Dendy Street Beach Brighton**

Corporate Services - Governance  
File No: COR1234

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Petition - regarding Sun Trap/Wind Broken areas on Dendy Street Beach Brighton (66 signatures)

*“Council has a proposal for additional bathing boxes at Dendy Street beach which includes filling in ‘gaps’ and particularly between boxes 58 & 59 and 56 & 58.*

*These ‘gap’ areas, which are sheltered from breezes yet enjoy full sun, have been for many years and still are used year round by a small but significant number of regular users of the beach.*

*We the undersigned urge you to give consideration of the needs of year round users of the beach for areas that are protected from wind but at the same enjoy sunshine when the sky is clear.”*

**Moved: Cr del Porto**

**Seconded: Cr Long**

That the petition be received and the matter be referred to the Chief Executive Officer for response.

**CARRIED**

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**7.3 Petition – Royal Avenue Master Plan**Corporate Services - Governance  
File No: COR1234

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**Petition - Royal Avenue Master Plan (124 signatures)**

*“We the undersigned hereby petition Bayside City Council;*

*(a) To spend the \$100,000 that they have available for the City Council land at Royal Avenue on initially.*

- 1. The Tee Tree area along Royal Avenue to be cleared of all dead trees and branches and weeds, and resulting bare patches replanted with Tee Tree. The area North of tennis courts to be planted thickly with large trees.*
- 2. The area between Harold Street and back tennis courts to be cleared of all ferns, bracken, weeds, and rubbish, (but retaining all trees). When cleared a variety of trees planted and grass seeded or mulched.*
- 3. The area east of the tennis courts marked tee tree has a circumference of tee tree and lots of weed, in the middle of the circle it is vacant. We would like the weed removed, and the vacant area cleared and levelled, then planted with a variety of trees that attract birds.*
- 4. We want to keep the rural atmosphere at tennis end of the grounds and so we wish to keep the existing entrance and drive, and we do not want a wide double drive way dividing the area.*
- 5. We do not want either the Playground or the Tennis wall removed before being replaced. We wish one side of the tennis wall to become a half Basketball court, with a basket.”*

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

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

**CARRIED**

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

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

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

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

**CARRIED**

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### **8.2 *Audit Committee Meeting held on 13 October 2010***

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council notes the minutes of the Audit Committee meeting held on 13 October 2010 and endorse 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 26-30 Waltham Street Sandringham – Secondary Consent – Approve – Application No: 2008/0259/1 – Southern Ward
- 10.2 Electric Line Safety (Line Clearance) Regulations - Campaign
- 10.3 Bathing Boxes and Boatsheds
- 10.4 Municipal Strategic Statement Rewrite
- 10.5 Vegetation Controls in Residential Areas
- 10.6 Street and Park Tree Management Policy
- 10.7 Council Offices, Libraries and MCH Centres – Christmas Eve and New Year's Eve 2010
- 10.8 Council Plan Activities Quarterly Performance Report – July – September 2010
- 10.9 VCAT Decisions
- 10.10 Financial Report for the four (4) months to 31 October 2010
- 10.11 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 Electric Line Safety (Line Clearance ) Regulations - Campaign**

Mr George Reynolds

**Item 10.3 Bathing Boxes and Boatsheds**

Mr Ross Allan  
Mr Daryl Reilly  
Mr William Meares

**Item 10.5 Vegetation Controls in Residential Areas**

Mr George Reynolds  
Mr Chris Sutton

**Item 10.6 Street and Park Tree Management Policy**

Mr George Reynolds

**10.1 26-30 Waltham Street, Sandringham**  
**Secondary Consent – Approve**  
**Application No. 2008/0259/1 Ward: Southern**

City Strategy/Statutory Planning  
 File No: 2008/0259/1

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Russell**

That the Amended Plans be approved by Council under the Secondary Consent provisions of Planning Permit 2008/0259/1 issued for the construction of a four (4) storey building, use of the ground level for office and retail tenancies with eleven (11) apartments on the upper levels and basement carparking, waiver of part of the requirement for car parking spaces and waiver of the requirement for loading bays at 26-30 Waltham Street, Sandringham, and the following table be added to the permit.

Date	Amendment
23 November 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Deletion of the car stacker and the construction of a new lower basement level.</li> <li>• Relocation of the apartment storage spaces from ground level to lower basement level.</li> <li>• The 10sqm ground level bin storage area replaced with an 8sqm bin storage area for the commercial tenancies and the construction of a 4.8 sqm bin storage area at lower basement level for the residential tenancies.</li> <li>• Internal alterations to the ground level resulting in the increase in size of Shop 1 by 21 sqm and the reduction in office space by 6 sqm.</li> <li>• Alterations to the stair/lobby area.</li> <li>• The inclusion of a planter to the rear of the office.</li> <li>• The inclusion of an automated garage door between the two (2) levels of basement.</li> <li>• The face brickwork along the side elevations replaced by render to match the remainder of the building.</li> <li>• Note included on plans that the Basement levels are constructed to the relevant Australian Standards.</li> </ul>

**CARRIED**

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## **10.2 Electric Line Safety (Line Clearance) Regulations - Campaign**

City Strategy - Executive  
File No: COR/3310

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*It is recorded that Mr George Reynolds spoke on this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Russell**

1. That Council endorses the proposal for an awareness campaign to promote the concerns of Local Government with the Electric Safety (Electric Line Clearance) Regulations proposed by the recent joint meeting of Inner South Metropolitan and Eastern Region Group Mayors and that Council agrees to make a contribution of up to \$10,000 towards the cost of such campaign.
2. That Council delegate the Mayor to participate in the authorisation of the campaign collateral in the context of the campaign objectives.

**CARRIED**

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**10.3 Bathing Boxes and Boatsheds**Corporate Services – Commercial Services  
File No: COR/4159

*It is recorded that Mr Ross Allan and Mr William Meares spoke on this matter.  
It is further recorded that Mr Daryl Reilly was not present in the Chamber.*

**Moved: Cr del Porto****Seconded: Cr Norris**

That Council adopts the revised Bathing Box and Boatshed Policy as tabled at the Council meeting and identified by date, 23 November 2010 with the inclusion of the following words:

**6.2.1. Licence Agreement**

Bathing box and boatshed licensees will be eligible for foreshore parking permits subject to the applicable Council policy;

**6.5 Insurance**

The existence of Council's own public liability insurance does not negate the obligation upon the licensee to maintain appropriate coverage;

**6.6.3. Vegetation**

Council will undertake reasonable measures to protect Bathing Boxes and Boatsheds from inundation by sand. Reasonableness will include consideration of the beach and foreshore as a dynamic environment;

**6.7 Infill**

Public consultation has been carried out and Council is moving forward to construct a small number of new boxes, staged over time and the right to occupy the sites under license will be sold by Council; and

reinstating bullet point two within Section 6.3.Transfer as detailed below:

- Purchasers will provide proof that they are either a resident and/or ratepayer of the City of Bayside.



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**10.4 Municipal Strategic Statement Rewrite**City Strategy – Urban Strategy  
File No: COR/1625

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

That Council:

1. adopts the Municipal Strategic Statement (MSS) policy neutral Rewrite as referred to as Appendix 1 to the report;
2. requests the Minister for Planning to exercise his powers under section 20(4) of the *Planning and Environment Act 1987* to introduce the adopted MSS Rewrite into the Bayside Planning Scheme; and
3. receives a further report when draft MSS review has been prepared.

**CARRIED**

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**10.5 Vegetation Controls in Residential Areas**City Strategy – Urban Strategy  
File No: COR/7084

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*It is recorded that Mr George Reynolds and Mr Chris Sutton spoke on this matter.***Moved: Cr Norris****Seconded: Cr del Porto**

That Council defer this item for one meeting cycle to further discuss the objectives.

**CARRIED**

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**10.6 Street and Park Tree Management Policy**City Strategy – Environmental Sustainability & Open Space  
File No: COR/45-08

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*It is recorded that Mr George Reynolds spoke on this matter.***Moved: Cr Norris****Seconded: Cr del Porto**

That Council defer this item for one meeting cycle to clarify the elements within the existing policy that should remain.

**CARRIED**

**10.7 Council Offices, Libraries and MCH Centres – Christmas Eve and New Year's Eve 2010**

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council:

1. authorises the closure of the Corporate Centre, Libraries and Maternal Child Health Centres at 4.00pm on Christmas Eve, 24 December 2010 and on New Year's Eve, 31 December 2010; and
2. gives public notice of the early closure of these facilities on Christmas Eve, Friday 24 December 2010 and New Year's Eve, Friday 31 December 2010 in accordance with this decision.

**CARRIED**

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**10.8 Council Plan Activities Quarterly Performance Report –  
July-September 2010**

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Norris**

That Council notes the Council Plan Activities Quarterly Performance Report for July to September 2010.

**CARRIED**

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**10.9 VCAT Decisions**

City Strategy – Statutory Planning  
File No: COR/1269

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

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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**10.10 Financial report for four (4) months to 31 October 2010**

Corporate Services - Finance  
File No: COR/20686

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Norris**

That Council notes the financial report for the four month period ended 31 October 2010.

**CARRIED**

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**10.11 Council Action Awaiting Report**

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council notes the Council Action Awaiting Report for the period to November 2010.

**CARRIED**

## **11. Reports by Delegates**

### **Association of Bayside Municipalities – Cr Norris**

Cr Norris reported on his attendance at the recent meeting of the Association of Bayside Municipalities advising of the changes to the office bearers of the association and his appointment as Deputy President.

Cr Norris advised that a forum titled 'Looking at the Future' is scheduled for 9 December 2010.

### **MAV Strategic Environment Advisory Group – Cr Hayes**

Cr Hayes attended a recent meeting where the Bushfire Royal Commission new regulations and the Electric Line Clearance regulations were discussed.

### **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 Hayes**

Cr Hayes reported on his attendance at an emergency meeting of the Inner South Metropolitan Mayors' Forum, where a working party was formed to discuss the issues on the Electric Safety (Electric Line clearance) Regulations.

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

No report was submitted to the meeting.

**Moved: Cr del Porto**

**Seconded: Cr Cooper-Shaw**

That the Councillors' reports be received and noted.

**CARRIED**

## **12. Urgent Business**

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### **12.1 *Brighton Bathing Box***

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**Moved: Cr del Porto**

**Seconded: Cr Long**

That the matter relating to the sale of a Brighton Bathing Box be dealt with as a matter of urgency and be considered in confidential business.

**CARRIED**

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### **12.2 *Letter of appreciation – Mr Michael Top***

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**Moved: Cr del Porto**

**Seconded: Cr Long**

That the matter relating to a letter of appreciation be dealt with as a matter of urgent business.

**CARRIED**

**Moved: Cr del Porto**

**Seconded: Cr Long**

That a letter of gratitude and appreciation to Mr Michael Top, Director City Strategy for services to the Council and Community of Bayside be signed and sealed by Council.

**CARRIED**

## **13. Notices of Motion**

There were no Notices of Motion submitted to the meeting for consideration.

## 14. Confidential Business

**Moved: Cr Long**

**Seconded: Cr Frederico**

*That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.*

- (a) Personnel matters;*
- (b) The personal hardship of any resident or ratepayers;*
- (c) Industrial matters;*
- (d) Contractual matters;*
- (e) Proposed developments;*
- (f) Legal advice;*
- (g) Matters affecting the security of Council property;*
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) A resolution to close the meeting to members of the public.*

**CARRIED**

### Table of Contents

- 14.1 Contract 101127X – Hampton Main Drain Stage 5
- 14.2 Contract 101129X – Sillitoe Reserve Sportsfield Reconstruction
- 14.3 Valuations Services Contract
- 14.4 Willis Precinct Project
- 14.5 Urgent Business – Brighton Bathing Box

*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 9.15pm.*

**CONFIRMED THIS 14 DAY OF DECEMBER 2010**

**CHAIRMAN: .....**