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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 May 2011

The Meeting commenced at 7.00pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Shiran Wickramasinghe	Acting Chief Executive Officer
Heather Johnson	Director Community Services
Guy Wilson-Browne	Director Infrastructure Services
Matt Kelleher	Acting Director City Strategy
Michael Divens	Acting Director Corporate Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman 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 Frederico 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 – .

An apology from Cr Long was submitted to this meeting.

**Moved: Cr Russell**

**Seconded: Cr Cooper-Shaw**

That the apology of Cr Long be received and leave of absence be granted.

**CARRIED**

**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 3 May 2011**

**Moved: Cr Norris**

**Seconded: Cr Cooper-Shaw**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 3 May 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 6 public questions to the Meeting:

### 1. Mrs Sally Mort

BLACK ROCK NEIGHBOURHOOD ACIVITY CENTRE STRUCTURE PLAN Parking – from the Council's own research, parking has reached more than capacity levels in the area. Day and night it is impossible to park. We as Black Rock residents tend to walk to the shopping area. If you are considering adding another 130 dwellings which could add up to 240 cars, how will the area possibly accommodate this increase? How do you plan to resolve this issue?

### Response

*The traffic analysis work undertaken indicates that the Black Rock Village Neighbourhood Activity Centre has an average car parking occupancy of 86% and a peak occupancy of 92% (recorded at an average Thursday lunchtime).*

*The car parking rates for residential development are not proposed to be changed as part of the Black Rock Village Neighbourhood Activity Centre Structure Plan. The structure plan requires residential car parking to be provided in accordance with Clause 52.06 of the Bayside Planning Scheme and that it be provided on site.*

### 2. Mrs Sally Mort

The Black Rock Neighbourhood Activity Centre Structure Plan Transport – the current road system will find it hard to accommodate additional vehicles. We are already experiencing traffic jams in Black Rock as it is and our back streets are constantly being used as short cuts, already affecting residents and concerning with young children in the area. How is this being addressed?

### Response

*The aim of the structure plan is to focus redevelopment within the structure plan boundaries, generally confined to commercial land along Bluff and Balcombe Roads, along with land on Sylvia Crescent and Beach Road which is proposed to be rezoned Mixed Use Zone (MUZ). Primarily, additional vehicle movements will be focussed within this area, accessing arterial roads. Some increases in localised traffic within surrounding streets may result.*

*The key access roads in the Village - Balcombe Road, Bluff Road and Beach Road, are managed by VicRoads. The Structure Plan expects that these roads have capacity to accommodate additional traffic generated by new development.*

*As a high level strategic document, it is not the aim of the Structure Plan to provide detailed advice about local area traffic management. This matter will be referred to the Infrastructure Services Department of Council, who monitors traffic volumes of local roads as part of their ongoing traffic management responsibilities.*

**3. Ms Sue Hardiman**

(a) As my question to Council Meeting dated 8 February 2011 remains unanswered I now put the question to Council again.

For the Period December 2008 to November 2010 inclusive what is the meeting attendance record by percentage for each Councillor?

- Ordinary Meetings
- Special Meetings
- General Committee
- Planning Committee
- Section 223 Special Committee Meetings
- Assembly of Councillors
- Councillor only meetings
- Total

(b) Would the Council please update to the 24 May 2011 Council Ordinary Meeting

The meeting attendance record by percentage for each Councillor for the period December 2008 to May 2011?

- Ordinary Meetings
- Special Meetings
- General Committee
- Planning Committee
- Section 223 Special Committee Meetings
- Assembly of Councillors
- Councillor only meetings
- Total

**Response**

a) *The information relating to your question submitted to the February Council Meeting was forwarded to you on 23 May 2011, and we apologise for the lengthy delay in responding to your request.*

b) *The information in relation to your further request has been compiled and will be forwarded to you on 25 May 2011.*

**4. Ms Sue Hardiman**

- (a) Does the Council keep records of complaints against Council and its employees and if so, how many complaints by customers have failed to comply with the Council Customer Service Charter in the previous 12 months?
- (b) What measures are taken to ensure that the provisions of the Customer Service Charter are complied with by all staff, whatever their grade?

**Response**

- a) *Council captures customer enquiries and requests for service in Council's Customer Request Management System. At present the organisation does not differentiate between what is an enquiry or a customer complaint. Council is currently formulating a Complaint Management Policy.*
- b) *At the moment Council's software is unable to generate reports that measure the targets outlined in the Customer Service Charter. Council is re-engineering our processes and systems to produce accurate reports on the targets outlined in the Customer Service Charter.*

**5. Mr Kevin Spencer**

In the review of its Audit Committee Charter, council has placed stringent merit conditions for the External Independent Members, such as taking into consideration skills and aptitude in senior business or financial management, reporting knowledge and experience, ability to apply analytical and strategic management skills etc.

A. In consideration to these requirements for the three (3) External Members of the Audit Committee, do the requirements for these same skills and experience apply to the two (2) councillors required on the Audit Committee, and if not, Why Not.

B. With the meeting fees for External Audit Committee Members increased to \$1, 650 per meeting. Do the councillor representatives receive these fees in addition to their generous councillor allowances.

**Response**

- a) *The requirement for external Audit Committee members as per the Charter does not apply to Councillor appointed members. The Local Government Act relating to the Audit Committee does not prescribe the qualifications and expertise for Councillor appointed members. The membership of the Audit Committee specifically requires the participation of elected representatives.*
- b) *Councillors appointed as members of the Audit Committee do not receive a meeting allowance.*

**6. Mr Kevin Spencer**

It is almost two (2) months now that I have been waiting on replies to a number of letters from council administration. I note that council has been citing Community Engagement for some years and has a Correspondence Policy apparently with little support from council staff. Would council undertake an audit of its administration with regard to this disgraceful situation having regard to the aforementioned council policies including the following;

A. The reason(s) for such lengthy delays in responding to correspondence from resident stakeholders of the city.

B. Is it that staff are not prepared to admit they are wrong and of a consequence are silent to the matter.

C. What action will be taken to rectify this situation so as to obtain a more prompt responsive service in keeping with council relevant policies.

**Response**

- a) *A check of our records shows that all of your correspondence has been acknowledged by the Chief Executive Officer, and two of the three initial requests were responded to and have now become the subject of further queries which are being investigated. The remaining matter concerning line marking is yet to be finalised and we apologise for the delay in response.*
- b) *The matters that are raised have taken some time to investigate, and staff are working to provide a response. It is not believed that an audit is required at this stage.*
- c) *Unfortunately the third part of your question cannot be considered, given Council's Local Law indicates that only two parts of one question will be accepted, however a written response to your part (c) will be provided.*

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## **7. Petitions to Council**

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### **7.1 Petition: 16 Plunket Street, Brighton East**

Corporate Services - Governance  
File No: COR/1234

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"We the undersigned residents and / or owners of properties in Plunket, Lysander, Curzon and Comer Streets oppose a permit being granted by the Bayside City Council for Application Reference No 2010/514/1 for the construction of two townhouses (attached) both with basements (including two car garages for each property) and ground and upper floors. Our concerns are based on the grounds that the application is not in agreement with:

- (a) The generally established and preferred residential property character features for this neighbourhood, including building form.
- (b) Predominantly, the long established low density, single story detached dwelling pattern of development in this neighbourhood with some of the modern developments being single, two story detached dwellings.
- (c) Approval of the proposed construction would set a precedent for the proliferation of this double story attached development which is not appropriate in "Character D4" precinct or nearby precincts as defined in 22.07 of the Bayside Planning Scheme; and
- (d) Reduce the range of the potential purchasers for neighbouring properties.

**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That the petition be received and be dealt with in conjunction with planning application 2010/0514/1 to be considered at the Planning Committee to be held on 28 June 2011.

**CARRIED**

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**7.2 Petition: Amendment C90 Black Rock Structure Plan**Corporate Services - Governance  
File No: FOL/1234

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"We the undersigned, hereby petition Bayside City Council to extend the closure date of submissions on the proposed amendment C90 by 60 days to allow the Black Rock Community to fully review the Structure plan, Commercial Report and Parking Report. The delay will allow the community to prepare submissions based on a fuller understanding of the reports and plans."

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

That the petition be received and be dealt with in conjunction with item 10.1 included in the agenda.

**CARRIED**

## **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 Cooper-Shaw**

**Seconded: Cr Norris**

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

**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 Amendment C90 Black Rock Structure Plan
- 10.2 Review of Council's Tree Vandalism / Reward Policy
- 10.3 Highett Recreation Centre and Community Hub
- 10.4 Bayside Film Festival 2011 – Councillor nominations/s for judging panel
- 10.5 Response to Regulatory Impact Statement – Tour Operator Licence Fees Regulation 2011
- 10.6 Southland Principal Activity Centre Structure Plan Background Work
- 10.7 Loan Funding Tender
- 10.8 General Revaluation 2012
- 10.9 Review of Audit Committee Charter
- 10.10 Review of Council's Risk Management Policy
- 10.11 Council Plan Activities Quarterly Performance Report – January-March 2011
- 10.12 Financial Report for the Ten (10) Months to 30 April 2011
- 10.13 VCAT Decisions
- 10.14 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 10.1 – Amendment C90 Black Rock Structure Plan**

Mr Robert Grey  
Mr Trevor Patten  
Ms Margie Read Flavell

**Item 10.3– Highett Recreation Centre and Community Hub**

Ms Terry O'Brien

**10.1 Amendment C90 Black Rock Structure Plan**City Strategy – Urban Strategy  
File No: FOL/11/264

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*It is recorded that Mr Robert Grey, Mr Trevor Patten and Ms Margie Read Flavell spoke in relation to this matter.*

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

That Council:

1. extends the exhibition period for submissions for Amendment C90 until 5:00pm 31 August 2011;
2. writes to property owners and occupiers within the suburb boundaries of Black Rock, of the Black Rock Village Neighbourhood Activity Centre Structure Plan boundary advising them of the amendment and the extension of the exhibition period for submissions;
3. erect two signs to both the Black Rock car parks advising of the proposed structure plan and the opportunity to make a submission;
4. advertises the extension of the exhibition period for submissions in the local newspaper; and
5. develop a communication plan to include appropriate meetings for the public and various community groups to attend in late June early July.

**CARRIED**

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**10.2 Review of Council's Tree Vandalism / Reward Policy**Infrastructure Services – Amenity Protection  
File No: COR/47

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

That Council:

- 1) adopts the revised Tree Vandalism and Reward Policy 2011 dated 24 May 2011; and
- 2) receives a report within three months on measures to deter tree vandalism.

**CARRIED**

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**10.3 Highett Recreation Centre and Community Hub**

Corporate Services – Recreation & Social Development  
File No: FOL/10/223340

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*It is recorded that Ms Terry O'Brien spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council:

1. notes the revised total construction cost estimate of \$3,965,000 and reaffirms its commitment to the development of the Highett Recreation Centre and Community Hub;
2. endorses the following activities to generate revenue for the development of the Highett Recreation Centre:
  - a) acquisition of expert advice to determine opportunities to provide substantive sponsorship and/or philanthropic funding;
  - b) make application to the Australian Sports Foundation to register the development of the Highett Recreation Centre;
  - c) submission made to the Regional Development Australia Fund for \$1,390,000 contribution towards the development of the Highett Recreation Centre and Community Hub;
3. responds to the Highett Community Financial Services Limited (trading as the Highett Bendigo Bank) proposal in accordance with Council's procurement policies; and
4. seeks a proposal from the Highett Youth Club detailing its intended financial contribution and fundraising initiatives to support the development of the Highett Recreation Centre and Community Hub.

**CARRIED**

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**10.4 Bayside Film Festival 2011 – Councillor nomination/s for judging panel**

Community Services – Libraries & Culture  
File No: FOL/11/612

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*It is recorded that Cr Norris vacated the Chamber at 8.18pm.*

**Moved: Cr Hayes**

**Seconded: Cr Cooper-Shaw**

That Council nominates Cr Hayes with Cr Frederico as substitute to sit on the judging panel for the 2011 Bayside Film Festival.

**CARRIED**

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**10.5      *Response to Regulatory Impact Statement – Tour Operator Licence Fees Regulations 2011***

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Community Services – Recreation & Social Development  
File No: FOL/10/223368

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**Moved: Cr Russell**

**Seconded: Cr Cooper-Shaw**

That Council:

1. endorses the response set out in attachment A of this report as has been previously submitted to the Department of Sustainability and Environment in response to its Regulatory Impact Statement – Tour Operator Licence Fees Regulations 2011; and
2. undertakes a review of the ‘Use of Council’s Reserves by Commercial Health and Fitness Providers’ Policy and other relevant policies relating to land usage to ensure effective governance, administration, management and control of commercial activities on Council owned and managed land for the purposes of achieving greater consistency with the requirements of the Tour Operator Licence Fees Regulations 2011.

**CARRIED**

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**10.6 *Southland Principal Activity Centre Structure Plan Background Work***

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City Strategy – Urban Strategy  
File No: FOL/11/494

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*It is recorded that Cr Norris entered the Chamber at 8.21pm.*

**Moved: Cr Russell**

**Seconded: Cr Frederico**

That Council:

1. authorises the Chief Executive Office to write to the Department of Planning and Community Development seeking its assistance through the Expert Assistance Program to undertake without prejudice preliminary studies for the development of a future structure plan for the Southland Principal Activity Centre;
2. receives a report upon the completion of the preliminary studies relating to the Southland Principal Activity Centre;
3. seeks a briefing from the Department of Transport on the proposed Southland Station; and
4. writes to Kingston City Council advising of Council’s resolution.

**CARRIED**

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**10.7 Loan Funding Tender**Corporate Services - Finance  
File No: FOL/11/837

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

That Council:

1. exercises its powers to borrow \$1.5 million, by way of a tender process, as an interest only loan for a maximum period of 10 years.
2. affixes the common seal to the specified Instrument of Delegation for the Chief Executive Officer to accept a tender for Contract No. 101188 at the lowest tendered interest rate and other relevant financial factors and to execute documents giving effect to the acceptance of a tender for Contract No. 101188.

**CARRIED**

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**10.8 General Revaluation 2012**Corporate Services - Finance  
File No: COR/626

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**Moved: Cr Frederico****Seconded: Cr Norris**

That Council:

1. pursuant to the Valuation of Land Act 1960, undertakes a General Valuation of all rateable properties within the municipal boundaries of Bayside City Council to be returned no later than 30 June 2012;
2. pursuant to Section 13DA of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd for the making and return of the General Valuation;
3. pursuant to Section 6(4) of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd to value land within the municipality in addition to the return of the Net Annual Value the Site Value and the Capital Improved Valuation of all properties within the City of Bayside;
4. pursuant to Section 6(1) of the Valuation of Land Act 1960, advises the Valuer General and other relevant rating authorities of the resolution to cause such a General Valuation to be made; and
5. receives the statutory declaration by Ken Flude and Briony Stephen contract valuers engaged by Matheson Stephen Valuations Australia Pty Ltd for the purposes of returning a General Valuation to be effective from 1 July 2012.

**CARRIED**

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**10.9      *Review of Audit Committee Charter***Corporate Services  
File No: 1234

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

That Council adopts the revised Audit Committee Charter dated May 2011 as attached to the report.

**CARRIED**

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**10.10      *Review of Council's Risk Management Policy***Corporate Services – Commercial Services  
File No: COR1234

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

That Council:

- 1) adopts the Risk Management Policy dated May 2011 as attached to the report.
- 2) reviews the Strategic Risks on an annual basis following consideration by the Audit Committee.

**CARRIED**

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**10.11      *Council Plan Activities quarterly Performance Report  
– January-March 2011***Corporate Services - Governance  
File No: FOL/11/589

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

That Council notes the Council Plan Activities Quarterly Performance Report for January-March 2011.

**CARRIED**

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**10.12     *Financial report for ten (10) months to 30 April 2011***

Corporate Services - Finance  
File No: COR/20686

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**Moved: Cr Norris**

**Seconded: Cr Hayes**

That Council notes the financial report for the ten month period ended 30 April 2011.

**CARRIED**

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**10.13     *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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**10.14     *Council Action Awaiting Report***

Corporate Services - Governance  
File No: FOL 1234

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**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council notes the Council Action Awaiting Report for the period to May 2011.

**CARRIED**

## **11. Reports by Delegates**

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

Cr Norris reported on his attendance at the recent Executive Meeting on 5 May 2011 and the General Meeting on 12 May 2011 where topics discussed included climate change, nominations for the next ABM President and an upcoming governance review of the Association.

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

No report was submitted to the meeting.

### **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**

Cr Norris reported on his attendance at a recent forum held on 5 May 2011 where there was discussion on the results of a pilot of the Essential Services Commission performance measures.

### **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 Hayes**

**Seconded: Cr Cooper-Shaw**

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 201 – Establishment of a Bravery Garden at Triangle Gardens Hampton***

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Hayes**

That a report be presented to the Ordinary Council meeting on 12th July 2011 to provide the following:-

- That Bayside extends the vision demonstrated by the Citizens and Councillors of the historic Sandringham Council who erected a granite water fountain in 1924 in recognition of bravery.
- That Bayside Council establishes a Bravery Garden within the area known as Triangle Gardens on the north-east corner at the intersection of Hampton Street and Linacre Road Hampton and nearby the historic water fountain.
- That Bayside establishes a “Bravery Garden” as a place of remembrance of those who have lost their lives or have been injured in saving life or property in perilous circumstances.

Such treatment should include due consideration to the following:-

- The proposed Bravery Garden should be a place of contemplation for the citizens of Bayside and welcoming and comfortable for all visitors of Bayside.
- Such a bravery garden should include the establishment of a passive area of reflection and improvements to established paths near the water fountain.
- Appropriate plantings of native vegetation be included in the treatment for the proposed site.
- Improvements and repairs to the path linking the historic water fountain to the Bicentennial sculpture.
- For members of families who have lost individuals as a result of an act of bravery to be afforded the opportunity to contribute to a park bench to commemorate the individual.
- Repair the loose pavement in and around the base of the Bicentennial sculpture and to place seats in or near the area of the Bicentennial sculpture.
- Various costing options for the above proposal.

**CARRIED**

## **14. Confidential Business**

**Moved: Cr Hayes**

**Seconded: Cr Norris**

*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 Cerberus Anchor Agreement**

*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 9.13pm.*

**CONFIRMED THIS 14 DAY OF JUNE 2011**

**CHAIRMAN: .....**