



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 24 March 2015

The Meeting commenced at 7.00pm

PRESENT:

Cr Felicity Frederico (Mayor)
Cr Alex del Porto
Cr Laurence Evans
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Steven White	Director Infrastructure Services
Kaylene Conrick	Director Community Services
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Strategy
Terry Callant	Manager Governance & Performance Reporting
Matt Kelleher	Manager Urban Strategy
Janice Pouw	Governance Officer

The Chairperson declared the meeting open at 7.00pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Chairperson invited Cr Heffernan to read the prayer.

1. Prayer

Cr Heffernan 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

The Chairperson invited Cr Stewart to 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 disclosures 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 24 February 2015

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 24 February 2015 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 9 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. Mr Chris Sutton

Question

What community awareness programs, advisory and information services has Bayside Council implemented to assist residents, Councillors and Council staff and importantly, to educate the development industry on the significance of vegetation in Beaumaris and, how much funding has been allocated to these programs in the 2015-16 financial year.

Response

The study prepared by John Patrick Pty. Ltd. dates from 1999. In 2011, Council engaged Planisphere to prepare a 'Review of Vegetation related provisions in the City of Bayside. In respect of internal procedures, the review recommended that Council should:

- a) Continue to develop further educational and information materials for residents. These should include identification of appropriate canopy tree species for different precincts and conditions as well as State declared noxious weed species to be avoided.
- b) Develop a standard template for landscape plans, identifying minimum information requirements for planning permit applications.'

Since the implementation of the VPO, Council has maintained a recommended planting list and Council's arborists have conducted forums and have provided on-going advice about tree protection methods to other arborist and landscape professionals, planning staff, residents and permit applicants. During the current financial year, funds were allocated to develop tree assessment and landscape plan guidelines, and these will be rolled out during the balance of this financial year, continuing into financial year 15-16. Council's arborists will also continue to conduct forums and provide advice. Beyond this, no specific funding is being contemplated for further expanded educational activities during financial year 15-16.

2. Mr David Osborn

Question

Are Council officers declining to provide a further reasonable explanation of the decision making criteria they intend to use and the relative importance that they assign to each criteria and if so how can an open and transparent decision making process and an outcome that can be understood by residents and traders be achieved?



Response

The assessment criteria published on Council's website and as listed in the question is considered to be appropriate. It is not intended that the criteria be weighted, but that a balanced, qualitative assessment against this criteria will be undertaken. This assessment will be presented in a report to the April 2015 Council meeting within the publically available agenda, ensuring an open and transparent decision making process. Officers advise that they have explained to the Hampton Neighbourhood Association and the community in general that whilst the published criteria will inform their assessment and recommendation, Councillors are not bound by this assessment criteria in making a decision.

3. Mr Tony Shepherd

Question

What number of apartments is council using as a basis for traffic planning in the Hampton Activity Centre and if the number is only 339, what is the basis for that when there appear to be close to 300 in the VicTrack and Trackside sites leaving just 39 for the Scout Hall, Main Car park and the sites facing Hampton Street and Willis Street?

Response

The Hampton Neighbourhood Association has put this question in writing to Council on 17 March 2015. The answer to both that letter and this question is that as part of the assessment of options for the future alignment of Koolkuna Lane, Council is sourcing further traffic advice based on the maximum development yield of the Hampton Willis Street Precinct, having regard to the Planning Scheme's preferred building heights for the precinct.

4. Mr George Reynolds

Question

A recent question to Council elicited a response that the Beaumaris Concourse region was inspected and policed twice a year only. Give the serious degradation of amenity that is apparent under the stewardship of Council staff,

- (a) What changes are the Mayor and Councillors intending to introduce to the application and policing of local laws to minimise graffiti, remove trip hazards, remove advertising materials café tables, racks of goods and the like from the statutory clear pathways?
- (b) When may we look forward to this problem being dealt with?

Response

- a) Council inspects the Beaumaris Concourse twice per year, and when complaints are received regarding possible breaches of Local Law No.2 regarding footpath occupancies. Any breaches are investigated, and fines are issued where the non-compliance is not rectified. Approximately 20 Footpath Trading complaints have been received by Council and responded to during the last 12 months. There have not been any complaints received by Council relating to graffiti.

Footpath repairs are undertaken as required. Advertising on cafe' barriers does not require additional authorisation provided the business is located in a commercial area. No new measures are planned to be introduced to address Local Law issues.

- b) Breaches of Council's Local Laws will continue to be investigated and dealt with as they arise. Traders are required to comply with footpath trading permits issued to their business and twice yearly audits will continue to be undertaken by Council's compliance staff.

5. Mr George Reynolds

Question

A recent answer on the question of depreciation in Council accounts was not answered but an incorrect and untenable statement made on what depreciation was. I ask the question a second time.

- (a) How much of the undepreciated purchase price of capital goods remains in the balance sheet of Bayside City Council at the last balance date, and
- (b) what type of purchases does it refer to?

Response

These details are outlined in the Annual Financial Statements and refer you to note 16 of those statements.

Excluding Land which is not subject to depreciation, the written down value of capital goods as at 30 June 2014 is \$410.4 million

A response has been prepared in a tabulated format and will be forwarded in writing.

6. Mr Kevin Spencer

Question

The war Memorial at Green Point Brighton was unveiled on the 24 April 1927, designed as a monument to those who paid the ultimate price in the Great War of 1914-1918. Since that time more recently the design was altered as it should, with bronze plaques added to include the names of some 1100 men lost in the Boer war, World War 2, Korea and Vietnam War's.

- (A) Explain how council and its art committee on this significant centenary of the Anzac formation, finds that immortalizing the Anzac's with a bronze sculpture in the vicinity of the memorial will have no connection with the history and significance of the site or in keeping with the design of the memorial.
- (B) Explain why council is intending to spend some \$170,000 on nondescript street art whilst unwilling to place a suitable sculpture to our Anzac's, brothers in arms Australian and New Zealand Diggers at the War Memorial site at Green Point, commemorating the Anzac centenary. (Note previously asked and not fully responded to)

Response

- a) The Arts & Culture Advisory Committee's recommendation was informed by the principles set out in the Burra Charter, 2013, which provides guidance for the conservation and management of places of cultural significance. The Charter emphasises a cautious approach to change, and avoiding new construction that might affect the setting or the relationships between the elements of a site. While applauding the intent of the proposal, the Committee's view is that the proposed bronze sculpture would adversely affect the historical integrity of the War Memorial at Green Point.
 - b) An allocation of \$170,000 was approved in the 2014/15 capital works budget to complete the final stage of the implementation of the Hampton Street Masterplan, which was adopted by Council in 2011. This final stage involves the installation of design elements and public artwork with the specific purpose of creating a sense of place and enhancing the visual quality of the streetscape.
-

6. Mr Kevin Spencer**Question**

The war Memorial at Green Point Brighton was unveiled on the 24 April 1927, designed as a monument to those who paid the ultimate price in the Great War of 1914-1918. Since that time more recently the design was altered as it should, with bronze plaques added to include the names of some 1100 men lost in the Boer war, World War 2, Korea and Vietnam War's.

- (A) Explain how council and its art committee on this significant centenary of the Anzac formation, finds that immortalizing the Anzac's with a bronze sculpture in the vicinity of the memorial will have no connection with the history and significance of the site or in keeping with the design of the memorial.
- (B) Explain why council is intending to spend some \$170,000 on nondescript street art whilst unwilling to place a suitable sculpture to our Anzac's, brothers in arms Australian and New Zealand Diggers at the War Memorial site at Green Point, commemorating the Anzac centenary. (Note previously asked and not fully responded to)

Response

- a) The Arts & Culture Advisory Committee's recommendation was informed by the principles set out in the Burra Charter, 2013. This provides guidance for the conservation and management of places of cultural significance. The Charter emphasises a cautious approach to change, and avoiding new construction that might affect the setting or the relationships between the elements of a site. While applauding the intent of the proposal, the Committee's view is that the proposed bronze sculpture would adversely affect the historical integrity of the War Memorial at Green Point.
- b) An allocation of \$170,000 was approved in the 2014/15 capital works budget to complete the final stage of the implementation of the Hampton Street Masterplan, which was adopted by Council in 2011. This final stage involves the installation of design elements and public artwork with the specific purpose of creating a sense of place and enhancing the visual quality of the streetscape.



7. Mr Kevin Spencer

Question

Following Council's recent Bright'n'Sandy Festival in the Brighton Green Point Gardens and the devastation caused to what is left of the garden environment by commercial activities, notwithstanding the untold detriment to the established trees by allowing their root structure to be detrimentally effected by motor vehicles.

- (A) Will council include the upgrade of the gardens in the forthcoming Budget and put in place its Heritage Assessment and Conservation management plans to reinstate the remnants of the gardens and especially the trees that are effected by such unnecessary commercial activity, rehabilitating the gardens to their former glory.
- (B) Apart from the environmental ruination, what was the total cost to the community of the recent festival presented by the Bayside City Council ?

Response

- a) The Green Point Precinct Landscape Conservation Management Plan was adopted by Council on 27 August 2013. The plan involved stakeholder and community consultation and incorporated previous studies including; the Heritage Assessment and Landscape Guidelines; and the Health and Condition of Trees report.

Since the plan's adoption, Council has been progressively implementing actions. Proposed projects for the 2015/16 budget include; research, design and reconstruction of the northern garden beds, installation of heritage appropriate paving to the tram shelter, design of interpretation and wayfinding system, installation of 3-phase power to the gardens and improvements to the mounting system for the cannon. In accordance with the plan, strategic management and maintenance of the sites trees will ensure retention of heritage values and that events at the site do not impact on the gardens.

- b) The total cost to Council to conduct the 2015 Bright 'n' Sandy Wine and Food Festival is approximately \$149,000, excluding staff costs covered within existing roles.

8. Mr Barry Brooker

Question

Which Election Year involving Councillor-elects, did Council on satisfying itself, that a likely risk of irregularity having occurred at an earlier swearing-in proceedings being extreme; warranted a 're-swearing-in of Councillor-elects' and an unclear crucial legal issue put beyond doubt?

Response

The year was 2008.

Mr Brooker also lodged a statement of comment concerning the State Government's proposal to introduce rate capping, and there is no question evident within Mr Brooker's statement therefore no response is required.



9. Mr Barry Brooker

Question

What specific, focused, practical and strategic action our council, acting as Custodian and Councillors as Stewards, on behalf of residents [many of whom would be in the upper percentiles of IQ and EQ spectrums], has taken, in respect of unfunded proposed expenditures [recollection, likely >4.5%+ rate hikes]; in acting as our statutory entity and crucially, being compliant with a democratically elected state government's mandate?

Response

The proposed rate capping is not expected to be implemented until 2016/17 budget year. Councillors have been carefully reviewing its Council's Long Term Financial Plan to plan for a sustainable financial future, and meeting the ever increasing community needs which includes the renewal of Council's many buildings which are no longer fit for purpose or have deteriorated through time. Council also is considering the opportunities to reduce Council's debt which stems back to the former municipalities.

These factors and community needs will be taken into consideration to deliver a well informed and prudent budget this year and into the future.



7. Petitions to Council

7.1 Petition: Graffiti in Warleigh Grove Brighton

Corporate Services - Governance
File No: FOL/14/1234

"We the undersigned residents of Warleigh Grove Brighton, request that the Bayside City council immediately take action to rectify the disgraceful appearance of Warleigh Grove opposite the North Brighton Station due to rubbish bins on the footpath and graffiti on the wall." (34 signatories)

Moved: Cr del Porto

Seconded: Cr Heffernan

That the petition be received and referred to the Chief Executive Officer for consideration and a response by the April Ordinary Meeting of Council.

CARRIED

7.2 Petition: Request for Installation of a Pedestrian Crossing

Corporate Services - Governance
File No: FOL/14/1234

"We the undersigned hereby petition Bayside City Council to install a formalized pedestrian crossing on Reserve Road outside the Beaumaris Library and Community Centre." (117 signatories)

Moved: Cr Stewart

Seconded: Cr Evans

That the petition be received and a report be presented to the May 2015 Ordinary Meeting of Council on this matter.

CARRIED

8. Reports by Advisory Committees

8.1 *Assembly of Councillors Record*

Corporate Services - Governance
File No: FOL/14/1097

Moved: Cr del Porto

Seconded: Cr Heffernan

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

CARRIED

8.2 *Minutes of the Chief Executive officer Employment Matters Committee held on 9 February 2015*

Corporate Services - Governance
File No: FOL/14/1572

Moved: Cr del Porto

Seconded: Cr Long

That the minutes of the Chief Executive Officer's Employment Matters Committee held on 9 February 2015 be received and the actions of the Committee be endorsed.

CARRIED

8.3 Minutes of the Audit Committee Meeting held on 12 February 2015Corporate Services - Governance
File No: FOL/14/113

Moved: Cr Evans**Seconded: Cr Lowe**

That Council notes the minutes of the Audit Committee meeting held on 12 February 2015 and endorses the actions of the Audit Committee.

CARRIED**8.4 Minutes of the Arts and Culture Advisory Committee meeting held on 25 February 2015**Corporate Services - Governance
File No: FOL/14/113

Moved: Cr del Porto**Seconded: Cr Long**

That Council:

1. notes the minutes of the Arts and Culture Advisory Committee meeting held on 25 February 2015; and
2. adopts the following recommendation of the Arts and Cultural Advisory Committee dated 25 February 2015:

10. Anzac Centenary Petition – Bronze Sculpture at Green Point.

That the Arts and Culture Committee recommends to Council, that it is not supportive of a proposed sculpture at Green Point to mark the Centenary of Anzac given the proposal will have no connection with the history and significance of the site or in keeping with the design of the memorial.

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	Petition – Request for Council to advocate to VicRoads for electronic LED 40km/h signs in Hawthorn Road near the Montessori School	16
10.2	Amendment C140 – Housing Strategy Implementation – Neighbourhood Residential Zone Schedule Controls and Local Planning Policy Framework.....	17
10.3	Proposed Sport and Recreation Network.....	18
10.4	Christmas Decorations Review 2014	18
10.5	2015 National General Assembly of Local Government	19
10.6	Half Yearly Performance Report – July to December 2014.....	20
10.7	CON 1469 Building Maintenance Services	20
10.8	VCAT Decisions	21
10.9	Council Action Awaiting Report.....	21



REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 69, the following individuals were granted three minutes each to speak to an item indicated below.

There were no requests to be heard submitted to the meeting.

10.1 *Petition – Request for Council to advocate to VicRoads for electronic LED 40km/h signs in Hawthorn Road near the Montessori School*Infrastructure Services – Infrastructure Assets
File No: FOL/14/15

Moved: Cr del Porto**Seconded: Cr Stewart**

That Council:

1. notes that a letter was sent to VicRoads requesting the installation of flashing LED speed zone signs at the 40km/h school speed zone near the Montessori School in Hawthorn Road, Brighton;
2. notes that VicRoads have advised that the criteria for flashing LED speed zone signs are not met at this time;
3. funds to the amount of \$140,000 for the installation of flashing LED speed zone signs and the sign be funded from the 2015/16 budget; and
4. notifies the head petitioners of the outcome of this matter.

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

DIVISION: **FOR:** Crs Stewart, Long, Evans and del Porto (4)
 AGAINST: Crs Heffernan, Lowe and Frederico (3)

CARRIED

10.3 *Proposed Sport and Recreation Network*

Community Services – Youth, Recreation & Events
File No: FOL/11/3504

Moved: Cr del Porto

Seconded: Cr Stewart

That Council:

1. endorses the Terms of Reference to establish a Sport and Recreation Network Formation Working; and
2. receives a report overviewing the actions undertaken by the Sport and Recreation Network Formation Working Party at the April 2016 meeting of Council.
3. authorises the Chief Executive Officer to make any necessary editorial changes to the Bayside Sport and Recreation Network Formation Working Party Terms of Reference

CARRIED

10.4 *Christmas Decorations Review 2014*

City Strategy – Urban Strategy
File No: PSF/15/275

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council defers consideration of the Review of the 2014 Christmas Decorations Program and options for the 2015 program to the April Ordinary Meeting cycle.

CARRIED

10.5 2015 National General Assembly of Local GovernmentCorporate Services - Governance
File No: FOL 1234

Moved: Cr Long**Seconded: Cr Lowe**

That Council:

1. approves the attendance of Cr Lowe, Cr Long and the Mayor Cr Frederico at the ALGA National Assembly to be held in Canberra from 14 to 17 June 2015; and
2. submits the following motions to the to the Australian Local Government Association National General Assembly to be held on 14 – 17 June 2015:

Indian Mynas

“That the Australian Local Government Association advocates to the Federal Government through the Department of Environment for the development and implementation of a nationwide control program of the Indian Myna bird with the objective to reduce their numbers and limit their spread throughout Australia.”

Frequency of the ABS Census

That the Australian Local Government Association calls upon the Hon Chris Pearce MP Parliamentary Secretary to the Treasurer to continue the current frequency and funding of the Australian Bureau of Statistics Census across the nation.

CARRIED

10.6 *Half Yearly Performance Report – July to December 2014*

Corporate Services - Governance
File No: FOL/14/3857

Moved: Cr Long

Seconded: Cr Evans

That Council:

1. notes the Council Plan activities Performance report for the period July to December 2014; and
2. adopts the financial report to December 2014.

CARRIED

10.7 **CON 1469 Building Maintenance Services Contract**

Infrastructure Services – City Works
File No: CON/14/69

Moved: Cr Long

Seconded: Cr Evans

That Council:

1. awards the contract CON1469 Building Maintenance Services to Campeyn Group (ABN 33 006 818 051) for the lump sum price of \$915,258.75 and schedule of rates as tendered (exclusive of GST) per annum with annual rise and fall adjustments based on CPI, commencing on 1 July 2015 for an initial period of three years with a further three year optional extension at Council's discretion, and
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON1469 Building Maintenance Services; and
3. advises the unsuccessful tenderers accordingly

CARRIED

10.8 ***VCAT Decisions***

City Strategy – Statutory Planning
File No: COR/1234

Moved: Cr Stewart

Seconded: Cr Long

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

CARRIED

10.9 ***Council Action Awaiting Report***

Corporate Services - Governance
File No: FOL/14/1234

Moved: Cr Evans

Seconded: Cr Long

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

Reports by Delegates from the following organisations:

1. **Association of Bayside Municipalities** – Cr Frederico
Cr Frederico advised that notes from the recent Association of Bayside Municipalities meeting were provided to Councillors.
2. **MAV Environment Committee** – Director City Strategy
No report submitted
3. **Metropolitan Transport Forum** – Director Infrastructure Services
The Director Infrastructure Services reported that at the recent meeting of the Metropolitan Transport Forum a presentation was made by the Chief Executive Officer of Public Transport Victoria.
4. **Municipal Association of Victoria** – Cr Frederico
Cr Frederico advised a new Board has been appointed to the Municipal Association of Victoria. The VAGO report was one of the items discussed in detail at the meeting.
5. **Inner South Metropolitan Mayors' Forum** – Cr Frederico
No report submitted
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
No report submitted

Moved: Cr del Porto

Seconded: Cr Long

That the delegates reports be received and noted.

CARRIED

12. Urgent Business**Moved: Cr del Porto****Seconded: Cr Heffernan**

That Council accepts a motion of urgent business regarding proposed savings within the operational budget of \$140,000.

CARRIED**Moved: Cr del Porto****Seconded: Cr Heffernan**

That Council finds a further \$140,000 savings from the 2015/16 operational/capital budget in addition to the existing proposed savings that have been achieved.

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

DIVISION: **FOR:** Crs Stewart, Long, Evans, Heffernan, del Porto and Lowe (6)
 AGAINST: Cr Frederico (1)

CARRIED

13. Notices of Motion

There were no Notice of Motions submitted to the meeting.

14. Confidential Business**Moved: Cr del Porto****Seconded: Cr Long**

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 **Consideration of Public Access to Open Space CSIRO Highett site** (LGA 1989 Sections 89(2)(f) and (h) Legal advice and any other matter which the Council or Special Committee considers would prejudice the Council or any person)
- 14.2 **Confidential Contractual Attachments: CON14/69 – Building Maintenance Services** (LGA 1989 Section 89(2)(d) Contractual matters)

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 8.49pm.

CONFIRMED THIS 28 DAY OF APRIL 2015**CHAIRPERSON:**