



---

## Minutes of the Ordinary Meeting of Bayside City Council

---

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

The Meeting commenced at 7.00pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Shiran Wickramasinghe	Director City Planning and Amenity
Mick Cummins	Director Corporate Services
David Smith	Acting Director Environment and Infrastructure
Kaylene Conrick	Director Community Services
Terry Callant	Manager Governance
Janice Pouw	Governance Officer
Mark Stockton	Manager Recreation, Events & Social Development
Lili James	Manager Amenity Protection
Mark Patterson	Manager Family & Cultural Services

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 del Porto to read the prayer.

## **1. Prayer**

Cr del Porto 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 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 27 October 2015**

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 October 2015 as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

**5.2 Confirmation of the Minutes of the Annual Meeting of Council held on Tuesday 10 November 2015**

**Moved: Cr Lowe**

**Seconded: Cr Evans**

That the minutes of the Annual Meeting of Bayside City Council held on Tuesday 10 November 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, 3 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

The Council publication for Amendment C140 states that the changes proposed will ensure new dwellings maintain the existing neighbourhood character of Bayside's suburbs and limit impacts on neighbouring houses. Amendment C140 represents the considerable time and funds Council and ratepayers have expended translating the Bayside Housing Strategy into planning protection and controls to safeguard Bayside neighbourhood character and streetscapes.

So, if contrary to numerous Council decisions Amendment C140 is then not supported by Councillors on 14 December,

1. Can Council detail what, if any, planning scheme changes ratepayers can expect to be implemented in the upcoming 2016 election year that will at last, as promised, successfully protect neighbourhood character from the excessive and loathed patterns of residential development as Amendment C140 was designed to do?

### Response

Council is committed to ensure Bayside's liveability.

This commitment has been followed through the implementation of the new residential zones, where Bayside was able to secure the Neighbourhood Residential Zone in more than 80% of the residential areas.

The exhibited amendment C140 is the main initiative in the 2015/16 financial year to further ensure that new dwellings in the Neighbourhood Residential Zone maintains the existing neighbourhood character and limit the impact on neighbouring houses.

-----

### 2. Mr K.S. Spencer

In addition to councils endless costly legacy of the wreck of the Cerberus in Half Moon Bay Blackrock. Council and its Ratepayers are seemingly caught with the costly cleanup of the heavily contaminated former Dunlop factory site in George Street Sandringham.

- A) What has been the cost to council & Ratepayers to date, of the decontamination of these factory grounds and nearby adjoining areas.
- B) Will council confirm if at all possible when these decontamination works will be completed and in so doing given a EPA Certificate of Conformity to the required standards with the soil testing.

### Response

- A) The cost associated with the remediation of Merindah Park is \$3 million.

- B) The works are complete and a final site inspection is scheduled for tomorrow, 25 November 2015. All work is to the satisfaction of the Environment Protection Authority.
- 

### 3. Mr K.S. Spencer

Given the Goals in its Council Plan, Goal 1 of which is "An engaged community and Council" The Bayside Community will be well informed and will have an opportunity to actively participate in council decision making.

- A) When and where did council publicly inform its community that it intends to install the so called works of art on the footpaths of the Hampton Shopping centre?
- B) Explain how and when the whole community actively participated in decisions by council to engage entries, make available the finance and pay for the installation of such items.

### Response

The placement of public art and design elements were originally identified during the community engagement stage of the Hampton Street Master Plan that was adopted by Council in June 2011. Following the streetscape improvement work between Crisp Street and South Road in 2012/13 and 2013/14, a community engagement process commenced in February 2014 to seek input from the community to develop ideas for place making elements and public art. This process involved:

- Two community workshops both attended by 16 people and ongoing discussions with key community stakeholders such as Traders, Bayside Tourism Network, Historical Society and Rotary;
- Delivery of 6,500 Postcards to Hampton residents;
- Presence in Hampton Street and at Farmers Markets using a vintage caravan; and
- Use of banners, posters and signage at these events.

Overall we received over 100 stories from members of the community directly sharing their personal experience of Hampton Street.

Expenditure on this event was part of the approved 2014/15 capital works budget.



**7. Petitions to Council**

There were no petitions submitted to the meeting.

**8. Reports by Advisory Committees****8.1 Assembly of Councillors Record**

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

**Moved: Cr Stewart****Seconded: Cr Evans**

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

<b>Date</b>	<b>Name</b>
20 October 2015	Strategic Issues Discussion
12 November 2015	CEO and Councillor Only session
12 November 2015	Councillor Briefing Session

**CARRIED****8.2 Minutes of the Arts and Culture Advisory Committee meeting held on 28 October 2015**

Corporate Services - Governance  
File No: FOL/1234

**Moved: Cr del Porto****Seconded: Cr Evans**

That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 28 October 2015.

**CARRIED**

---

**8.3 Confirmation of the previous meeting of the Audit Committee held on 12 November 2015**Corporate Services - Governance  
File No: FOL/1234

---

**Moved: Cr Stewart****Seconded: Cr Lowe**

That Council

1. notes the minutes of the Audit Committee meeting held on 12 November 2015 and endorses the action of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee dated 12 November 2015:

**9.4.1 Draft Investment Policy**

*That the Audit Committee recommends to Council that the draft Investment Policy dated December 2015 be adopted subject to the following inclusions:*

- Clarification of the reference to the deposit of 60% of total investment with the same institution.
- Include reference to the cash flow forecasting process.
- Include reference to the liquidity risks.

**9.6.1. Internal Audit Status Report**

*That the Audit Committee:*

1. *notes the Internal Audit Status Report;*
2. *recommends to Council that the Charter be amended to reflect that the Audit Committee will provide advice on the Internal Audit Scope documents within a timeframe via email exchange;*
3. *notes the recent reports and publications of interest to Council document produced by the Internal Auditor.*

**10.1 Councillor Representatives – Audit Committee Charter**

*That the Audit Committee recommends to Council that the Audit Committee Charter be amended to provide for:*

**Membership**

*To include: The Mayor of the Day, as a substitute Councillor representative.*

**CARRIED**



## **9. Reports by Special Committees**

There were no reports by special committees submitted to the meeting.



**10. Reports by the organisation**

10.1	461 – 463 Bluff Road, Hampton – Proceeds of Sale.....	12
10.2	Review of Club Foreshore Parking Permits Trial .....	12
10.3	Bayside Healthy Ageing Reference Group Membership .....	13
10.4	Youth Services School Holiday Program Future Options.....	14
10.5	Review of the Arts and Culture Advisory Committee Terms of Reference .....	15
10.6	Debt Collection Services – Extension to Contract No 1511/1212 .....	15
10.7	Extension of Contract 091009 Corporate Cleaning Service – Bluegum Services Group Pty Ltd .....	15
10.8	1 <sup>st</sup> Quarter Performance Report – July to September 2015 .....	16
10.9	CON 15122 Building, Irrigation and Landscape Works to Council’s Propagation and Community Nursery Site .....	17
10.10	Stationery and Office Products contract.....	18
10.11	VCAT Decisions .....	19
10.12	Council Action Awaiting Report.....	19



**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.

**Item 10.2 Review of Club Foreshore Parking Permits Trial**

1. Mr K.S. Spencer

---

**10.1     461 – 463 Bluff Road, Hampton – Proceeds of Sale**

Community Services – Family & Cultural Services  
File No:

---

**Moved: Cr Heffernan**

**Seconded: Cr del Porto**

That Council receives and notes this report.

**CARRIED**

---

**10.2     Review of Club Foreshore Parking Permits Trial**

City Strategy – Amenity Protection  
File No: FOL/12/1470

---

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That Council:

1. adopts the revised Foreshore Parking Policy 2015 presented to Council, to expand the eligibility and fee criteria to include a Club Foreshore Parking Permit for members of clubs located along the foreshore;
2. sets a fee of \$192 for the Club Foreshore Parking Permit, subject to annual review; and
3. amends the Foreshore Parking Policy 2015 to specify the car park(s) to which the free Foreshore Parking Permit applies.

**CARRIED**

---

**10.3 Bayside Healthy Ageing Reference Group membership**

---

Community Services – Youth, Recreation & Events  
File No: PSF/14/3390

---

**Moved: Cr Frederico****Seconded: Cr Lowe**

That Council

1. appoints the following people as members to the Bayside Healthy Ageing Reference Group for a four year term, commencing 1 December 2015 – 30 November 2019:
  - Allan Horace Gandy
  - Lee Walker
  - Howard William Searle Farrow
  - Susan Hayden
  
2. appoints the following people as members to the Bayside Healthy Ageing Reference Group for a two year term, commencing 1 December 2015 – 30 November 2017:
  - Bridget Hsu-Hage
  - Michelle Waddington
  - Elizabeth Jensen
  - Rowena Arnold
  - John Barlow
  - Stephen Le Page
  - Joy Reyment
  - Sue Steele
  - Lesley Merle Barden
  
3. writes to all nominees and advise them of the successful outcome of the nomination process.

**CARRIED**

**10.4 Youth Services School Holiday Program Future Options**Community Services – Youth, Recreation & Events  
File No: PSF/15/4782

---

**Moved: Cr Heffernan****Seconded: Cr Stewart**

That Council:

1. continues to operate the Youth Services School Holiday Program;
2. introduces operational efficiencies for the Summer 2016 program, comprising of
  - a) Improving the booking system to reduce administration time and allow for families to book and pay up front;
  - b) Maximising participation and participant ratios in program activities; and
  - c) Reduction in the use of casual staff through improved scheduling of program activities and involvement of permanent staff;
3. changes to the eligibility criteria from the Autumn 2016 program whereby only Bayside residents and school attendees can access the program with a Council subsidy; and
4. advises existing program users of Council's commitment to continue the provision of a Youth Services School Holiday Program.

**CARRIED**

---

**10.5      *Review of the Arts and Culture Advisory Committee Terms of Reference***

City Strategy – Urban Strategy  
File No: PSF/12/2439

---

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council adopts the Arts and Culture Advisory Committee Terms of reference dated November 2015 (version 2015/1) as attached to the report.

**CARRIED**

---

**10.6      *Debt Collection Services – Extension to Contract No 1511/1212***

Corporate Services - Finance  
File No: CON 15/65

---

*It is recorded Cr Stewart vacated the Chamber at 7.40pm.*

**Moved: Cr Evans**

**Seconded: Cr Frederico**

The Contract No. 01511/1212 – provision of Debt Collection Services is extended until 30 November 2016.

**CARRIED**

---

**10.7      *Extension of Contract 091009 Corporate Cleaning Service – Bluegum Services Group Pty Ltd***

Environment and Infrastructure  
File No:

---

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

That Council authorises the Chief Executive Officer or his delegate to extend the current Corporate Cleaning Services Contract No. 091009 with Bluegum Services Group Pty Ltd (ABN: 34 103 118 118) for the period 6 January 2016 to 5 January 2017 and to execute this in accordance with the terms of the current contract.

**CARRIED**



---

**10.8 1<sup>st</sup> Quarter Performance Report – July to September 2015**

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

---

*It is recorded Cr Stewart entered the Chamber at 7.41pm.*

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That Council:

1. notes the Council Plan activities Performance report for the period July to September 2015; and
2. adopts the financial report to September 2015.

**CARRIED**



---

**10.9 CON15122 Building, Irrigation and Landscape Works to Council's Propagation and Community Nursery Site**

---

Infrastructure Services – City Works  
File No: CON/15/122**Moved: Cr Stewart****Seconded: Cr Evans**

That Council:

1. awards contract CON15122 Building, Irrigation and Landscape Works to Council's Propagation and Community Nursery Site to Ducon Maintenance Pty Ltd (ABN: 79 150 941 174) for the lump sum price of \$788,601 exclusive of GST and \$867,461.10 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract Number CON15122 Building, Irrigation and Landscape Works to Councils Propagation and Community Nursery Site; and
3. advises the unsuccessful tenderers accordingly.
4. Refers for consideration in the confidential section of the meeting the issue of expenditure on the entrance treatment, signage and gates.

**AMENDMENT****Moved: Cr Frederico****Seconded: Cr Lowe**

That Council:

1. awards contract CON15122 Building, Irrigation and Landscape Works to Council's Propagation and Community Nursery Site to Ducon Maintenance Pty Ltd (ABN: 79 150 941 174) for the lump sum price of \$788,601 exclusive of GST and \$867,461.10 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract Number CON15122 Building, Irrigation and Landscape Works to Councils Propagation and Community Nursery Site; and
3. advises the unsuccessful tenderers accordingly.
4. refers for consideration in the confidential section of the meeting the issue of expenditure on the entrance treatment, signage and gates.
5. revises pricing for nursery plant sales as part of the 2016/17 budget fees and charges so that the payback period for the capital investment is ten years.

The Amendment was Put and a **DIVISION** was called.**DIVISION:** FOR: Cr Frederico (1)  
**AGAINST:** Crs Stewart, Evans, Heffernan, del Porto, Lowe and Long (6)**LOST**

The original Motion moved by Cr Stewart and seconded by Cr Evans became the motion before the Chair.

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

**DIVISION:**    **FOR:**             Crs Stewart, Frederico, Evans, Heffernan, del Porto, Lowe  
  and Long (7)  
                         **AGAINST:**     Nil (0)

**CARRIED**

*It is recorded that Cr Lowe vacated the Chamber at 8.07pm.*

---

### **10.10    *Stationery and Office Products contract***

Corporate Services – Commercial Services  
File No: CON/15/146

---

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1.    awards contract number CON/15/146 for the supply of office and workplace supplies and associated products such as supply of toners and copy paper to Staples Australia Pty Ltd and Premier Paper for a period of one (1) year with two options to extend, with each option being for a period of one (1) year; and
2.    authorises the Chief Executive Officer to sign all necessary documentation related to contract number CON/15/146.

**CARRIED**

---

## **10.11 VCAT Decisions**

City Strategy – Statutory Planning  
File No: FOL/1234

---

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the report on the VCAT decisions on the planning applications handed down during the month of October be received and noted.

**CARRIED**

*It is recorded Cr Lowe entered the Chamber at 8.10pm.*

---

## **10.12 Council Action Awaiting Report**

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

---

**Moved: Cr del Porto**

**Seconded: Cr Frederico**

That Council notes the Council Action Awaiting Report including an amendment to include Council resolution 10.7 of the 23 June 2015.

**CARRIED**

## 11. Reports by Delegates

Reports by Delegates from the following organisations:

1. **Association of Bayside Municipalities** – Cr Frederico  
Cr Frederico advised that the notes from the recent Association of Bayside Municipalities meeting were provided to Councillors.
2. **MAV Environment Committee** – Director Environment & Infrastructure  
No report submitted. A Meeting of the MAV Environment Committee is scheduled this week.
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure  
No report submitted.
4. **Municipal Association of Victoria** – Cr Frederico  
Cr Frederico advised that the notes from the recent Municipal Association of Victoria meeting were provided to Councillors.
5. **Inner South Metropolitan Mayors' Forum** – Cr Long  
Cr Long advised that the next Inner South Metropolitan Mayors' Forum is scheduled for 12 December 2015.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart  
No report submitted.

**Moved: Cr del Porto**

**Seconded: Cr Frederico**

That the delegate's reports be received and noted.

**CARRIED**

## 12. Urgent Business

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

## 13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

**14. Confidential Business**

**Moved: Cr Stewart**

**Seconded: Cr del Porto**

*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 **Confidential Contractual Attachments: CON15122 Building, Irrigation and Landscape Works to Council’s Propagation and Community Nursery Site; Stationery and Office Products contract** (LGA 1989 Section 89(2)(d) Contractual matter)

*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 pm.*

*The Chairperson declared the meeting closed at 8.25pm.*

**CONFIRMED THIS 15 DAY OF DECEMBER 2015**

**CHAIRPERSON: .....**

