



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 26 May 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
Matt Kelleher	Manager Urban Strategy
Ken Bott	Manager Infrastructure Assets
Mark Patterson	Manager Family & Cultural Services
Simon Hill	Manager ESOS
Terry Callant	Manager Governance
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 Lowe to read the prayer.

1. Prayer

Cr Lowe 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 Evans 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** – An apology from Cr del Porto was submitted for the 23 June 2015 Ordinary Meeting of Council.

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

1. grants leave of absence to Cr Alex del Porto for the period 20 June 2015 to 10 July 2015; and
2. notes the request from Cr Alex del Porto to suspend his Councillor allowance during his period of absence.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Stewart declared a Direct Conflict of Interest in item 10.4 given she owns a property and resides with the residential growth zone.

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 28 April 2015

Moved: Cr del Porto

Seconded: Cr Evans

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 28 April 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, 2 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 K.S. Spencer

In the interest of the importance of equity in all Councils dealings, especially with financing public facilities such local sports clubs.

- (A) Would Council explain why it plans to spend some \$4.274 Million on the redevelopment of the Pavilion plus \$230,034 on ground lighting at the Banksia Reserve Beaumaris for the Beaumaris Sports Club, and only a miserable \$1,042 Million on the redevelopment of the Pavilion for user sports clubs at Hurlingham Park East Brighton.
- (B) Further still, will Council inform me as to in addition to the huge redevelopment costs, exactly how much public money Council is intending to give in a cash handout to the Beaumaris Sports Club.

Response

- a) Council plans to spend similar amounts on each pavilion. Council has allocated \$2.6 Million to the redevelopment of a pavilion at Banksia Reserve, Beaumaris and \$2.8 Million to the redevelopment of a pavilion at Hurlingham Park East Brighton.
 - b) No cash or monies are being given to Beaumaris Sports Club. Council has allocated \$2.6 Million to redevelop its own pavilion, estimated at a total cost of \$5 Million. The remaining costs are covered by contributions from the Club through fundraising efforts, grant monies including state and peak sporting bodies such as AFL, Tennis and Cricket and a Club loan for which Council is the guarantor.
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2. Mr K.S. Spencer

Given Councils years of indecision with Waste Big Bins obstructing the pedestrian footpath in Warleigh Grove Brighton by the Bay Street major shopping centre, and Councils recent retrograde solution, instead of opening up the adjoining Right of Way for garbage removal for current and future increased population needs, I ask the following.

- (A) When and how did council notify the community of its intention to use a section of the road pavement to increase the width of the footpath whereby creating a short fall loss of five (5) much needed vehicle parking/loading bay spaces?



- (B) Given the build-up of developments in the area of this transport hub with increasing pedestrians numbers, will Council explain in carrying out this foolish work, given its Risk Management Policy, why it has put the community at risk to the danger created by narrowing the entrance/exit to Warleigh Grove has vehicle traffic now in close conflict with pedestrians & Railway patrons negotiating this busy thoroughfare.

Response

- a) Council officers visited nearby traders to discuss the proposed changes in Warleigh Grove to provide a place for bins more than two weeks before the works commenced. The changes involved modifying the kerb and road layout with the loss of two 'one hour' parking bays.
- b) The kerb alignment was designed and installed to maintain sufficient width for safe two-way traffic in Warleigh Grove. The changes have improved pedestrian safety by removing the bins from the footpath area.
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Moved: Cr del Porto

Seconded: Cr Heffernan

That Standing Orders be suspended at 7.08pm to enable a presentation from the SES to Council to be made.

CARRIED

It is recorded that Mr Ray Jasper, Assistant Chief Officer and Regional Manager of the State Emergency Service for the Central Region presented a Municipal Emergency Management Plan (MEMP) Audit Certificate to the Mayor for the excellent results Council achieved in the preparation of Municipal Emergency Management Plan.

The Mayor accepted the certificate on behalf of Council noting that Council takes its obligations in relation to emergency management very seriously and is pleased to have achieved this excellent result.

Moved: Cr Long

Seconded: Cr del Porto

That Standing Orders be resumed at 7.10pm.

CARRIED



7. Petitions to Council

There were no petitions submitted to Council

8. Reports by Advisory Committees

Moved: Cr del Porto

Seconded: Cr Stewart

That items 8.1, 8.2, 8.3 and 8.4 be considered as a block motion and the recommendations be adopted.

CARRIED

8.1 Assembly of Councillors Record

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

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

NOTE – Item 8.1 was **CARRIED** as part of a block motion.

8.2 Minutes of the Arts and Culture Advisory Committee meeting held on 29 April 2015

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

That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 29 April 2015.

NOTE – Item 8.2 was **CARRIED** as part of a block motion.

8.3 Minutes of the Chief Executive Officer Employment Matters Committee held on 11 May 2015

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

That the Minutes of the Chief Executive Officer's Employment Matters Committee held on 11 May 2015 be considered in-camera, given the matters raised in the minutes relate to a personnel and contractual matter in accordance with section 89(2)(a) and (d) of the Local Government Act 1989.

NOTE – Item 8.3 was **CARRIED** as part of a block motion.

8.4 Minutes of the Audit Committee Meeting held on 14 May 2015

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

That Council:

1. notes the minutes of the Audit Committee meeting held on 14 May 2015 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee dated 14 May 2015:

9.6.5. – Amended Three Year Strategic Audit Plan

That the Audit Committee adopts the Amended Strategic Internal Audit Plan dated May 2015, noting the following internal audits will be undertaken during 2015/16.:

- Grants – incoming and outgoing
- Statutory Building
- Building Maintenance ESM (inc Contract Management)
- Food Act Management
- Sundry Revenue / Sundry Debtors
- Privacy Act Compliance.

9.7.1. – Risk Management Report

1. That the Audit Committee notes the update in relation to risk management and the reporting on risk included in the risk register.
2. That for the purpose of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations 2014, the Audit Committee notes the review of the 17 Strategic Risks and recommends to Council that the following 17 Strategic Risks including likelihood and consequences be received and noted.

	Risk	Inherent Risk Rating	Residual Risk Rating
1.	Financial instability	High	Low
2.	Inadequate business continuity preparedness	High	Medium
3.	Inadequate contractor procurement	Very High	High
4.	Non-Compliant Procurement	Very High	High
5.	Poor Council governance	High	Low
6.	Inadequate municipal recovery management	Medium	Low
7.	Inadequate climate change preparedness	Medium	Low
8.	Ineffective communication with community and stakeholders	Very High	Low
9.	Poor Customer Service	Very High	Medium
10.	Poor staff performance	High	Low
11.	Unsafe workplace	Very High	Low
12.	Inadequate contractor health and safety management	Very High	Low
13.	Corporate Fraud	High	Medium
14.	Inadequate management of permanent volunteers	High	Low
15.	Breach of Information Privacy	High	Low
16.	Contamination of Council Land	High	High
17.	Public Safety at HMVS Cerberus wreck	Very High	High

9.8.1 – Audit Committee Charter

That the Audit Committee recommends to Council that the amended Audit Committee Charter dated 14 May 2015 be adopted.

NOTE – Item 8.4 was **CARRIED** as part of a block motion.



9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.



10. Reports by the organisation

Table of Contents

10.1	Response to Petition _ Proposed Toilet Facility at Dendy Park	14
10.2	Petition requesting Pedestrian Crossing in Reserve Road, Beaumaris.....	15
10.3	Consideration of Planning Controls for Highett CSIRO Site.....	16
10.4	Residential Zones Standing Advisory Committee Report on Draft Amendment C125	17
10.5	Establishment of a Permanent Drop Off Site for the Household Chemical Collection Program.....	18
10.6	Art and Heritage Collection Committee	19
10.7	Review of Audit Committee Charter	20
10.8	3 rd Quarter Performance Report – January to March 2015	20
10.10	VCAT Decisions	21
10.11	Council Action Awaiting Report.....	21
10.9	Metropolitan Local Government’s Waste Forum – Council Representation.....	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.

Item 10.3 Consideration of Planning Controls for Highett CSIRO Site

1. Ms Teri Collingwood
2. Ms Pauline Reynolds
3. Mr Michael Norris

Item 10.4 Residential Zones Standing Advisory Committee Report on Draft Amendment C125

1. Mr Robert Saunders



**10.1 *Response to Petition – Proposed Toilet Facility at
Dendy Park***

City Strategy – Environmental Sustainability & Open Space
File No: FOL/14/1234

Moved: Cr Lowe

Seconded: Cr del Porto

That Council:

1. constructs the new Dendy Park toilet facility at location 2 in accordance with Attachment 2, and amends the Dendy Park Master Plan 2014 accordingly;
2. notes that it is unlikely that this project will be completed before June 30 2015 and funding will be carried forward to the 2015/16 financial year; and
3. notifies the head petitioner of this outcome.

CARRIED

**10.2 Petition requesting Pedestrian Crossing in Reserve
Road Beaumaris**

Infrastructure Services – Infrastructure Assets
File No: FOL/15/148

Moved: Cr Stewart

Seconded: Cr Evans

That Council:

1. notes the findings of the investigation in response to a request for a pedestrian crossing in Reserve Road in the vicinity of the Beaumaris library;
2. notes that approval for a pedestrian crossing is the responsibility of VicRoads;
3. resolves that, based on VicRoads' criteria, the installation of a pedestrian crossing facility at this location is not warranted at this time;
4. supports the installation of a pedestrian refuge subject to satisfactory stakeholder consultation and a safe design outcome;
5. funds the installation of a pedestrian refuge in Reserve Road near the library from the unscheduled traffic management works budget in 2015/16; and
6. notifies the head petitioner of the outcome of this matter.

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

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

CARRIED



It is recorded Cr Stewart declared a Direct Conflict of Interest in Item 10.4 Residential Zones Standing Advisory Committee Report on Draft Amendment C125 given she owns a property and resides within the residential growth zone.

Cr Stewart was not present in the Chamber when this item was considered and vacated the Chamber at 7.39pm.

10.4 Residential Zones Standing Advisory Committee Report on Draft Amendment C125

City Strategy – Urban Strategy
File No: FOL/13/34731-04

It is recorded that Mr Robert Saunders spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr Heffernan

That Council:

1. notes the Residential Zone Standing Advisory Committee Report prepared in response to Bayside Draft Amendment C125;
2. continues to progress the structure plans underway and the review of the four Major Activity Centre structure plans; and
3. considers a budget allocation to commence preparation of a structure plan for the Southland Activity Centre and the review of the Highett Structure Plan in the 2016/2017 financial year.

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

DIVISION: FOR: Crs Long, Evans, Heffernan, del Porto, Lowe and Frederico (6)

AGAINST: Nil (0)

CARRIED

It is recorded that Cr Stewart vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr Stewart re-entered the Chamber at 7.51pm following the consideration of the above item.

10.5 ***Establishment of a Permanent Drop Off Site for the
Household Chemical Collection Program***

City Strategy – Environmental Sustainability & Open Space
File No: FOL/11/1082

Moved: Cr Long

Seconded: Cr Stewart

That Council:

1. approves the establishment of a permanent drop off site at Bayside Waste and Recycling Centre in Talinga Road and authorises the Chief Executive Officer to sign the Memorandum of Understanding and Funding Agreement; and
2. receives a program evaluation report at the completion on the current agreement term.

CARRIED

10.6 Art and Heritage Collection CommitteeCommunity Services – Family & Cultural Services
File No: FOL/13/35170

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

That Council:

1. extends the term of the current community members of the Arts & Heritage Collection Committee by two years;

Mr Don Fulton	Community Member
Ms Jo-Anne Cooper	Community Member
Ms Di Reidie	Community Member
Michele Summerton	Industry Expert

2. appoints Ms Lyn Johnson to the Committee as a visual arts expert for a two-year term;
3. extends the term of Councillor Alex del Porto until the November 2015 Annual Meeting of Council; and
4. appoints Councillor Laurence Evans to the Committee until the November 2015 Annual Meeting of Council.

CARRIED

Moved: Cr del Porto

Seconded: Cr Stewart

That items 10.7, 10.8, 10.10 and 10.11 be dealt with as a block motion and the recommendations be adopted

CARRIED

10.7 Review of Audit Committee Charter

Corporate Services - Governance
File No: COR 1234

That Council adopts the revised Audit Committee Charter with the alterations included in this report as approved by the Audit Committee on 14 May 2015.

NOTE – Item 10.7 was **CARRIED** as part of a block motion.

10.8 3rd Quarter Performance Report – January to March 2015

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

That Council:

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

NOTE – Item 10.8 was **CARRIED** as part of a block motion.

10.10 VCAT Decisions

City Strategy – Statutory Planning
File No: COR 1234

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

NOTE – Item 10.10 was **CARRIED** as part of a block motion.

10.11 Council Action Awaiting Report

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

That Council notes the Council Action Awaiting Report.

NOTE – Item 10.11 was **CARRIED** as part of a block motion.

**10.9 Metropolitan Local Government's Waste Forum –
Council Representation**

Corporate Services - Governance
File No: COR 1234

Moved: Cr del Porto

Seconded: Cr Evans

That Council appoints Cr Stewart as its representative and the Director City Strategy or Manager Environmental Sustainability and Open Space as its substitute representative by proxy from the Councillor representative to the Metropolitan Local Governments' Waste Forum.

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 City Strategy
No report submitted.
3. **Metropolitan Transport Forum** – Director Infrastructure Services
The Director Infrastructure Services advised that a meeting was held on 6 May 2015 and items discussed included Port capacity, and the implementation of the State Budget that was released on the day prior to the meeting, and public transport advocacy.
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 Frederico
Cr Frederico advised that the notes from the recent Inner south Metropolitan Mayors' Forum were provided to Councillors.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
No report submitted.

Moved: Cr del Porto

Seconded: Cr Lowe

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

12.1 *Acquisition of Property*

Moved: Cr del Porto

Seconded: Cr Long

That the matter relating to a property matter be dealt with as an item of Urgent Business and be considered in the confidential section of this meeting in accordance with Section 89(2)(h) of the Local Government Act.

CARRIED

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

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

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 **Minutes of the Chief Executive officer Employment Matters Committee held on 11 May 2015** (LGA 1989 Section 89(2)(a) and (d) Personnel and Contractual matters)
- 12.1 **Urgent Business – Property Matter** (LGA 1989 Section 89(2)(h) a matter that may prejudice Council or any person)

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 8.39pm.

CONFIRMED THIS 23 DAY OF JUNE 2015**CHAIRPERSON:**