



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 27 January 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:

Shiran Wickramasinghe	Acting Chief Executive Officer
Ken Bott	Acting Director Infrastructure Services
Kaylene Conrick	Director Community Services
Jason Stubbs	Acting Director Corporate Services
Matt Kelleher	Acting Director City Strategy
Terry Callant	Manager Governance & Performance Reporting

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 Stewart to read the prayer.

1. Prayer

Cr Stewart 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 Long 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.

Cr Evans advised the meeting that he would be absent for the February Ordinary Meeting of Council to be held on 24 February and sought leave of absence.

Moved: Cr del Porto

Seconded: Cr Lowe

That Cr Evans request for leave of absence from the Ordinary Meeting of Council on 24 February 2015 be granted.

CARRIED

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 16 December 2014

Moved: Cr Evans

Seconded: Cr Long

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 16 December 2014 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, 6 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. Ms Sue Hardiman (present in the Chamber)

In respect of the Christmas Function held in December at the Sandringham Club:

- a) Would Council provide particulars of number of staff and their other; Councillors and their other and the number of non-staff who attended this function.
- b) Would Council provide details of cost of this function including taxis at council cost; food; beverages.

Response

- A. *A total of 39 people attended the function, which included 6 Councillors, 6 Councillors partners, 19 staff members and 8 staff member partners.*
 - B. *The total cost of the function was \$3,195.00 including GST.*
-

2. Ms Sue Hardiman (present in the Chamber)

In relation to the cost to Council in the financial year 2013/2014 the provisions of refreshments to Council and their spouses or domestic partners would Council provide particulars of:

- a) The amounts spent in respect of each of the following:
Council Meetings; Planning Committee Meetings; Assembly of Councillors; any other meetings including social functions
- b) In respect of the providers of refreshments the names of the providers and the amounts paid to each provider.

Response

Given the detailed information requested and the public holiday yesterday, a response will be provided to you within the next few days.

3. Mr George Reynolds (present in the Chamber)

The Beaumaris reserve has had a \$750,000 upgrade to provide an exotic grass surface for the benefit of the soccer and cricket tenants. This surface has been cannibalised a by the removal of grass turf which has been removed from the site:

1. Did council authorise this wanton destruction of the very expensive surface or was it a destructive act of the contractor, and
2. What was the cost of stealing the turf compared to the cost of buying it from a turf farm?

Response

1. *Council uses selected turf areas as a 'nursery' to harvest warm season grasses for turf repairs to sportsgrounds. The turf harvesting at Beaumaris Reserve was from areas outside of the sportsground playing surface. Turf was harvested for use at Beaumaris Reserve and other Bayside sportsgrounds. Harvesting turf in this manner allows a prompt pro-active response to any pressing safety issues on Council's sportsgrounds.*
 2. *The primary purpose of harvesting the turf is to affect an immediate response to a safety concern. Undertaking the repair in this manner saves Council approximately \$5.50 per metre. This cost saving is a secondary consideration compared to that of timely repair and provision of safe sportsgrounds for Bayside's community.*
-

4. Mr George Reynolds (present in the Chamber)

The Beaumaris Reserve Carpark has recently had expensive drainage, resurfacing and sleeper wall replacement. when the work was completed significant reworking took place requiring alteration to and replacement of improperly constructed items:

1. Were these alterations due to the faulty work of Council Staff or that of the Contractor, and
2. Who paid for the corrective work?

Response

1. *Additional work occurred to some elements of the recently completed Beaumaris Reserve Carpark, to better meet the needs of Beaumaris Reserve users. These works included additional bollard of an alternative design, a changed kerb alignment and profile in some locations, a heal safe stormwater pit lid and a compacted granitic sand surface in from t of the pavilion. This additional works were not due to faulty workmanship on the part of the contractor or Bayside staff.*
2. *The cost of these additional works was \$18,000 which was borne by Council.*

5. Mr Kevin Spencer (present in the Chamber)

It appears that Council is incapable of prudent appraisal when it comes to Works of Art, with its latest call for the appointment of an additional Public Art Works Panel, notwithstanding the current Arts & Culture Advisory Committee with its poor judgement in its unsupportive resolution to The Petition for a bronze sculpture Green Point to commemorate the ANZAC Centenary.

- A. Explain why Council has not appointed an Independent Arts Board with an independent Chairperson, that provides strategic direction for all the Arts & Culture for the City Of Bayside?
- B. Explain why isn't Council spending its financial allocation of \$170,000 for this latest proposal, on a Anzac Commemoration bronze stature which would be far better than the money wasted on some nondescript abstract so called art form?

Response

- A. *Council's Art and Culture Advisory Committee's role is to provide advice to Council on art and culture matters. The Committee has ten independent community members with an interest in and/or expertise in arts and culture development.*

Three of these members are also on Council's Art and Heritage Collection Committee, along with two art and culture experts. The Collection Committee is responsible for recommending art works for purchase and de-accession.

The report (item 10.4) on tonight's Agenda recommending the appointment of a panel to assess public art applications for Hampton Street is inconsistent with Council's Art & Heritage Collection Policy and will be address later in the meeting.

- B. *Council at its meeting on 16 September 2014 adopted the recommendations of the Arts & Culture Advisory Committee which recommended to Council, that it was not supportive of the proposed sculpture at Green Point on the basis that it would have no connection with the history of the site or the design of the memorial.*

6. Mr Kevin Spencer (present in the Chamber)

Following the enjoyable Carols in The Park (Dendy Park Brighton) December last, which sadly finished with an environmental catastrophe of fireworks, frightening the daylight out of not only the elderly, sick and young children, also the wild life we are trying to bring back to the neighbourhood, and including family pets.

- A. What was the breakdown of the cost for this latest fireworks environmental extravaganza by Council?
- B. Would council explain what relevance is its use of fireworks in this Christian celebration?

Response

- A. *The cost for the 8 minute fireworks display was \$11,593.70, including GST.*
- B. *The fireworks display concludes the Christmas Carols in the Park production. In planning the event residents are advised via a letter box distribution (3,536 households), display boards and Council's website of the planned fireworks. Information provided to residents recommends approaches to manage family pets prior and during the fireworks display.*

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 30-42 Warleigh Grove Brighton, request that the Bayside City Council take action to rectify the unkempt appearance of Warleigh Grove opposite the North Brighton Station due to rubbish bins on the footpath and graffiti on the wall.” (45 signatories)

Moved: Cr Heffernan

Seconded: Cr del Porto

That the petition be received and referred to the Chief Executive Officer for consideration and a response by 24 February 2015.

CARRIED

7.2 Petition: Parking Bays in Well Street Brighton

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

“We the undersigned hereby petition Bayside City Council to implement painted parking bays in Well Street, Brighton, between New Street and Carpenter Street, as soon as possible.

With new apartments currently under construction, and a new restaurant due to open soon, parking in Well Street will be even more in demand. Currently, we are finding that visitors to the street have a flagrant disregard for residents’ access to driveways, frequently blocking them. We also find that drivers often park two cars where four would fit. This limits available street parking for residents and their visitors.” (7 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 24 February 2015.

CARRIED

8. Reports by Advisory Committees

8.1 *Minutes of the Audit Committee Meeting held 15 December 2014*

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

Moved: Cr Evans

Seconded: Cr Lowe

That Council:

1. Notes the minutes of the Audit Committee meeting held on 15 December 2014 and endorses the actions of the Audit Committee; and
2. Adopts the following recommendations of the Audit Committee dated 15 December 2014:

9.6.5. – Amended Three Year Strategic Audit Plan

That the Audit Committee adopts the Amended Strategic Internal Audit Plan dated November 2014.

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 the Audit Committee Workplan be amended to include the review of Strategic Risks at 6 monthly internals and the very high and high operational risks at alternative meetings.
3. That the report of overdue actions be tabled at each meeting
4. 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 17 Strategic Risks including likelihood and consequences be received and noted

CARRIED

8.2 *Assembly of Councillors Record*

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

There were no Assemblies of Councillors' records submitted to the meeting.

9. Reports by Special Committees

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

10. Reports by the organisation

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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 10.13 Financial Report for 5 months to November 2015

1. Mr George Reynolds

10.1 Sale of former road abutting rear 54 Service Street HamptonCorporate Services – Commercial Services
File No: FOL/11/933

Moved: Cr Long**Seconded: Cr Heffernan**

That Council sign and seal the transfer of land for Certificate of Title Volume 11381 Folio 792 to transfer the land from Council to Mr Kurt Seeberg and execute all other documentation associated with the transfer of the 42 square metres of land abutting 54 Service Street Hampton.

CARRIED

10.2 Bayside Planning Scheme Amendment C137 – Application of individual Heritage Overlay to 9 Boxshall Street Brighton – Consideration of SubmissionsCity Strategy – Urban Strategy
File No: FOL/14/2774

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

That Council:

1. Receives all submissions made in response to the exhibition of Bayside Planning Scheme Amendment C137, including the late submission;
2. Adopts Amendment C137 in its exhibited form (Attachment 2) in accordance with Section 29 of the *Planning and Environment Act 1987*;
3. Submits the adopted Amendment C137 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and
4. Advises the landowner and all submitters of Council's decision

CARRIED

**10.3 *Status Update – Housing Strategy Implementation and
Application of the New Residential Zones***

City Strategy – Urban Strategy
File No: FOL/15/389**Moved: Cr del Porto****Seconded: Cr Stewart**

That Council:

1. Notes the published advice of Mr Brian Tee, former Shadow Minister for Planning received 25 November 2014 on behalf of the Australian Labor Party, confirming it will review the new residential zones to stop inappropriate development;
2. Writes to the Minister for Planning seeking a meeting to brief the Minister regarding its 18 November 2014 resolution, and obtain his support in approving an Amendment pursuant to Section 20(4) of the *Planning and Environment Act 1987*, that introduces the changes to the Bayside Planning Scheme not approved as part of Amendment C106;
3. Write to the Hon Sue Pennicuik MLC, Member for the Southern Metropolitan Region seeking the support of the Australian Greens; and
4. Receives a report in March 2015 providing an update on the meeting with the Minister, and to consider a standard planning scheme amendment (C140) and resourcing implications, as resolved by Council at its Ordinary Meeting of 25 November 2014.

The Motion was PUT and a **DIVISION** was called:

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

CARRIED

10.4 Councillor Representative on Public Art PanelInfrastructure Services – Infrastructure Assets
File No: FOL/14/5555

Moved Cr del Porto**Seconded Cr Stewart**

That Council refer the proposals received for public art work in Hampton Street, Hampton to the Art & Heritage Collection Committee for assessment, in accordance with the Art & Heritage Collection Policy.

CARRIED

10.5 Metropolitan Local Government's Waste Forum – Council RepresentationCorporate Services – Governance
File No: COR 1234

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

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

CARRIED

10.6 ALGWA 2015 National Conference March 25-28Corporate Services – Governance
File No: FOL/1234

Moved: Cr del Porto**Seconded: Cr Lowe**

That Council approves the attendance of Cr Frederico at the ALGWA Conference to be held in South Australia from 25 – 28 March 2015

CARRIED

10.7 Procurement Policy Review 2015Corporate Services – Commercial Services
File No/11/1121

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

That Council adopts the amended Procurement Policy dated 27 January 2015 and referred to as attachment 1 to the report.

CARRIED**10.8*****Red Bull Wings for Life World Run Event Permit Application
Assessment Outcome***Community Services – Youth, Recreation and Events
File No: FOL/14/102

Moved: Cr Heffernan**Seconded: Cr Lowe**

That Council issues a Permit for the Wings For Life World Run charity run event to be held on Sunday 3 May 2015 between the hours of 4pm – 11:30pm, subject to approval of traffic management arrangements from VicRoads.

The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Stewart, Long, Heffernan, Lowe and Frederico (5)
 AGAINST: Crs Evans and del Porto (2)

CARRIED

**10.9 CON14/104: Cheltenham Park Reconstruction of Carpark,
Installation of New Retaining Wall and Improvement to Access
Paths**

Infrastructure Services – City Works
File No: CON/14/104

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

That Council:

1. awards the Contract - CON14/104: Cheltenham Park Reconstruction of Carpark, Installation of New Retaining Wall and Improvement to Access Paths to Red Centre Nominees Pty Ltd t/a Exterior Concepts Landscapes (ABN: 55 084 274 411) for the lumps sum price of \$399,888.00 exclusive of GST and \$439,876.80 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract Number CON14/104 Cheltenham Park Reconstruction of Carpark, Installation of New Retaining Wall and Improvement to Access Paths;
3. advises the unsuccessful tenderers accordingly; and
4. investigates the suitability and costs of polymer stabilisers in the renewal of unsealed surfaces to improve the longevity of the surface and to suppress dust.

CARRIED

10.10 CON14/110: Martin Street Streetscape Improvement Works

Infrastructure Services – City Works
File No: CON/14/110

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

That Council:

1. awards contract CON14110 Martin Street Streetscape Improvement Works to Fulton Hogan Industries Pty Ltd (ABN:54 000 538 689) for the lump sum price of \$1,113,256.97 exclusive of GST and \$1,224,582.66 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract Number CON14110 Martin Street Streetscape Improvement Works; and
3. advises the unsuccessful tenderers accordingly

CARRIED

10.11 ***CON14/106: Hardware Purchase for Energy Efficient Street Lighting Project – Stage 4***

Infrastructure Services – City Works
File No: CON/14/106

Moved: Cr Evans

Seconded: Cr del Porto

That Council authorises the Chief Executive Officer to award a contract for the purchase of LED street lights for Stage 4 Energy Efficient Street Lighting Upgrade Project, subject to the contract price being less than \$650,000 (excluding GST).

CARRIED

10.12 ***CON14/119108: Construction of Jetties at Half Moon Bay (including boat Ramp) and North Road***

Infrastructure Services – City Works
File No: CON/14/119

Moved: Cr Evans

Seconded: Cr del Porto

That Council:

1. notes that the remediation of the seawall at the North Road Boat Ramp would involve an additional cost of approximately \$20,000 if completed independently of the jetty reconstruction.
2. awards contract CON14119 Construction of Jetties at Half Moon Bay (including boat ramp) and North Road (including sea wall remediation) to Simpson Construction Company Pty Ltd (ABN: 50 006 655 376) for the lump sum price of \$847,900 exclusive of GST and \$932,690 inclusive GST;
3. authorises the Chief Executive Officer to sign all necessary documentation related to Contract Number CON14119 Construction of Jetties at Half Moon Bay (including boat ramp) and North Road (including sea wall and path remediation); and
4. advises the unsuccessful tenderers accordingly

The Motion was PUT and a **DIVISION** was called:

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

CARRIED

10.13 *Financial Report for 5 months to 30 November 2014*Corporate Services – Finance
File No: CON/14/113

It is recorded that Mr George Reynolds spoke for three minutes in relation to this matter.

Moved: Cr del Porto**Seconded: Cr Lowe**

That Council notes the financial report for operating and capital for the five months ending 30 November 2014.

CARRIED

10.14 *VCAT Decisions*City Strategy – Statutory Planning
File No: CON/14/1234

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

That the report on the VCAT decision on the planning application handed down since the last Council Meeting be received and Council notes the changes to the December 2014 revised figures to read:

Council overturned decisions – 0;

Delegate overturned decisions – 1; and

and the revised figures be included in next month's report.

CARRIED

10.15 *Council Action Awaiting Report*Corporate Services - Governance
File No: FOL/14/1234

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

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
No report
2. **MAV Environment Committee** – Director City Strategy
No Report
3. **Metropolitan Transport Forum** – Director Infrastructure Services
No Report
4. **Municipal Association of Victoria** – Cr Frederico
No report
5. **Inner South Metropolitan Mayors' Forum** – Cr Frederico
No report
6. **Metro Waste & Resource Recovery Group** – Director City Strategy
No Report
7. **Mayor's attendance at the VLGA Mayor's Essential Weekend Conference**
The Mayor briefly outlined her attendance at the VLGA Mayors Essential Weekend held in January 2015 and indicated that a copy of her report had been circulated to Councillors and was available to the public on request.

Moved: Cr Evans

Seconded: Cr Lowe

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

Moved Cr del Porto

Seconded Cr Evans

That matter relating to car parking at Mayflower - Brighton be dealt with as a matter of urgent business.

CARRIED

12.1 Mayflower – Brighton, additional carparking requirements

Moved Cr del Porto

Seconded Cr Evans

That Council write to the Board of Mayflower – Brighton requesting the Board to urgently address the need for more car parking spaces by funding the construction of additional car parks on site before the end of the project.

The Motion was PUT and a **DIVISION** was called:

<u>DIVISION:</u>	<u>FOR:</u>	Crs Stewart, Long, Evans, Heffernan, del Porto, Lowe and Frederico (7)
	<u>AGAINST:</u>	Nil

CARRIED

13. Notices of Motion

There were no Notice of Motions 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

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14.1 Confidential Contractual Attachments: CON14/110, CON14/106, CON104/11, CON14/119

(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 8.31pm.

CONFIRMED THIS 24 DAY OF FEBRUARY 2015

CHAIRPERSON:

