



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 16 August 2016

The Meeting commenced at 7:00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Planning & Amenity
Steven White	Director Environment & Infrastructure
Joan Andrews	Acting Director Community Services
Ken Bott	Manager Infrastructure Assets
Simon Hill	Manager Environmental Sustainability & Open Space
Juliana Aya	Acting Manager Urban Strategy
Damien Van Trier	Acting Manager Recreation, Events & Community Partnerships
Anthony Jacob	Economic Development Coordinator
Matthew Thomas	Communications Officer
Janice Pouw	Governance Officer

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The Mayor declared the meeting open at 7pm 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 Mayor 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 Mayor invited Cr Frederico 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

- Cr Lowe declared a Direct Conflict of Interest in item 14.1 – Bayside Built Environment Awards 2016 given he has an interest in a property nominated for an award.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 26 July 2016.

Moved: Cr del Porto

Seconded: Cr Evans

That the minutes of the Ordinary meeting of Bayside City Council held on 26 July 2016, 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, 8 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 Carly Skinner

With reference to 489 Balcombe Road, Beaumaris (the former Beaumaris RSL site), and minutes of the Planning & Amenity Committee Meeting from 8th September 2015, I note the following condition of the sub division planning permit (application number 2014/516/2):

Condition 7d

'when a planning permit application is submitted to the responsible authority for the construction of a dwelling on a lot less than 500sqm an individual landscape plan, consistent with the concept landscape plan and landscape guidelines must be prepared by a suitably qualified person and form part of the planning permit application material' Planning permit applications have been lodged and advertised on Lots 2, 12, 18, 19 and 20 without the required individual landscape plans.

Will, and when will, Council require that these landscaping plans be advertised before any decision is made on the planning permit applications to provide full transparency to the community on the plans proposed for these lots?

2. Ms Carly Skinner

Will Council require that all current and future planning permit applications on the RSL sub division site remaining lots comply with all conditions and requirements of the sub division planning permit and Bayside Planning Scheme, including Condition 7d which requires that a landscaping plan be included in the advertised documents?

Response to questions 1 and 2

Council currently has 8 applications (for 9 separate lots) for residential development on the former Beaumaris RSL site. All of these development applications are subject to the requirements of the Section 173 agreement to the subdivision permit 2014/516/2 as well as the conditions of that permit.

Condition 7d of the subdivision permit 2014/516/2 states that *"When a planning permit application is submitted to the responsible authority for the construction of a dwelling on a lot less than 5000sqm, an individual landscape plan, consistent with the concept landscape plan and landscape guidelines, must be prepared by a suitably qualified person and form part of the planning permit application material"*.

Council has written to all applicants requesting additional information that must be submitted before a decision can be made, including landscaping plans in accordance with the subdivision permit conditions.

Some applicants have responded that they will not provide landscaping plans at this stage in the development permit application. This approach is not supported by Council. Equally, some



applicants have provided landscape plans in a later amendment to the application. Amended applications will be readvertised.

3. Mr Kevin Spencer

Mr Spencer's question relates to the 19 – 22 June National General Assembly of Local Government conference that took place in Canberra.

- (A) Would council provide the names of councillors and staff that attended the above "function".
- (B) A Detailed costing of all expenses incurred by council / ratepayers resulting from this excursion.

Response

- a) Cr Frederico and Mr Callant (Governance Manager) attended the National General Assembly of Local Government conference in June.
 - b) The cost for the attendance of Cr Frederico and Mr Callant at the ALGA National General Assembly was \$4,310.60.
-

4. Mr Kevin Spencer

Most reputable councils proudly maintain public gardens for their community and visitors, however Bayside Council has been negligent in allowing the once respected heritage Brighton Beach Gardens fall into an environmental disaster. Further still recently installing a costly high voltage power source in the gardens.

- (A) When is council going to implement its planned upgrade and improvements to these precious gardens that was excepted after submissions were acknowledged and council approved the final plans a few years ago?

Part B of Mr Spencer's question is considered to be in breach of Governance Local Law 1 Clause 64(8)(b and d) and rhetorical in nature and therefore does not require a response.

Response

- a) Council adopted the Green Point Conservation Management Plan in August 2013. The Plan was developed after extensive community and stakeholder consultation and included an Action Plan to implement a range of opportunities in the form of maintenance and improvement projects. These included short term actions to be implemented from years 0 to 3, medium term actions from years 4 to 7 and long term actions from years 7 years onwards.

A range of actions have been completed over the last three years along with changes to a number of maintenance practices. Details of the actions will be provided in Council's written response to your question.



Works included in the 2016/17 Council budget are paving at the tram shelter and reconstruction of the north perimeter garden beds. Further actions from the Management Plan will be programmed in future Council budgets for completion.

5. Mr Chris Sutton

What increased level of scrutiny of all single and medium density permit applications for the Beaumaris RSL site will Council officers undertake to assure local residents who are becoming increasingly concerned that permit applications for this site may not be required to fully comply with all permit and Bayside Planning Scheme requirements.

Response

All applications and recommendations for a decision are subject to consideration and approval by Council and/or Council's delegate prior to a determination.

All of the current development applications for the above site are subject to the requirements of the Section 173 agreement, the subdivision permit 2014/516/2 as well as the conditions of that permit. Staff will ensure that all requirements are considered.

6. Mr Chris Sutton

Has Council approved any permit applications, and does Council have any undetermined applications, to remove vegetation from the Beaumaris RSL site in addition to the approximately 60 trees approved for removal by VCAT.

Response

Council has not issued permits for any residential development on the site at 489 Balcombe Road, the former Beaumaris RSL site. While some engineering drawings have been approved in principle, no development permits can be issued for the site as, at present, the proposed overarching landscape plan for the site pursuant to the subdivision permit has not been endorsed.

7. Mr Barry Brooker

From what strategic modelling undertaken by council over the last four years, dealing with limited and strained on-street and 'conditional' resident-parking permits, within its three municipal Wards; duly underpins a questionable Bayside Council's practice of granting 'in perpetuity'; waivers and dispensations' to planning applications. Importantly, it presents as being unrealistic and arguable failing to attain an equitable and sustainable degree of compliance with statutory on-site parking requirements? Uncontrolled urbanisation being seen as the lowest common denominator factor.

Response



Overall, Council seeks a high level of compliance with the application of the on-site parking requirements of Clause 52.06, with any proposed reductions of car parking being subject to a car parking assessment by suitably qualified traffic engineers.

Each site is different, and outside of any Car Parking Precinct Plans, any reduction of the Clause 52.06 car parking requirements is considered on individual merit in accordance with the requirements of the Bayside Planning Scheme.

8. Mr Barry Brooker

Noting Council's 'best practice' to rate itself with comparable proactive Municipal Councils, a strategy which has credible merit, might I suggest Bayside consider joining [other] "Councils embrace hi-tech problem notification", media article (HERALDSUN.COM.AU FRIDAY, JULY 22, 2016 NEWS p11) [App fills in civic gaps] outlining "The Snap Send Solve app, and in so doing, effectively empowering residents' community liveability concerns being recognised and speedily resolved?"

Response

Bayside City Council is currently developing a new website with improved functionality to aid resident's interactions with Council.

As part of the continuous development post website launch in September this year, apps such as 'Snap Send Solve' will be researched and investigated to determine suitability for Bayside residents.



7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

There were no Minutes of Advisory Committee 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

Moved: Cr del Porto

Seconded: Cr Lowe

That items 10.2, 10.3, 10.4, 10.5 and 10.6, be dealt with as a block motion and the recommendations be adopted.

CARRIED

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 the item indicated below.

Item 10.7 Bayside, Retail, Commercial and Employment Strategy

1. Mr Frank Perry
2. Mr Rhys Quick

10.2 ANNUAL COMMUNITY GRANTS 2016/2017

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/92946

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. approves the allocation of grants from its 2016/17 Annual Community Grants Program to organisations as set out in Attachment A – Annual Community Grants 2016/17 at a total cost of \$133,927; and
2. advises all 2016/17 Annual Community Grants applicants of the outcome of their application.

CARRIED

NOTE: Item 10.2 was **CARRIED** as part of a block motion.

10.3 RE-ALIGNMENT OF SANDRINGHAM / HAMPTON BOUNDARY ON KING STREET

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/139412

Moved: Cr del Porto

Seconded: Cr Lowe

That Council requests the Registrar of Geographic Names to amend the boundary of 1, 1A and 2 King Street from the suburb Hampton to Sandringham.

CARRIED

NOTE: Item 10.3 was **CARRIED** as part of a block motion.

10.4 SPORT AND RECREATION VICTORIA'S COMMUNITY SPORT INFRASTRUCTURE FUND - 2017/18 APPLICATIONS

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/132853

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. endorses the application to the Victorian Government's Sport and Recreation Victoria 2017/2018 Community Sport Infrastructure Fund – Minor Facilities Grants, for
 - a) William Street Reserve, Brighton – Sportsground Lighting (Australian Rules football training): Project Cost \$150,000 – CSIF contribution \$75,000); and
 - b) Tjilatjirrin Reserve (Destructor Oval), Sandringham – Sportsground Lighting (Soccer training and junior night matches): Project Cost \$200,000 – CSIF contribution 100,000); and
2. refers funding for the William Street Reserve and Destructor Oval lighting projects to Council's 2017/18 budget process.

CARRIED

NOTE: Item 10.4 was **CARRIED** as part of a block motion.

10.5 BAYSIDE INTEGRATED TRANSPORT STRATEGY IMPLEMENTATION PROGRESS 2015/16

Environment and Infrastructure - Infrastructure Assets
File No: PSF/15/8756 – Doc No: DOC/16/88974

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. notes the actions taken to implement the Bayside Integrated Transport Strategy and the supporting suite of transport strategies and plans during 2015/16; and
2. receives a further report on the implementation of the Bayside Integrated Transport Strategy and the supporting suite of transport strategies and plans at the conclusion of the 2016/17 financial year.

CARRIED

NOTE: Item 10.5 was **CARRIED** as part of a block motion.

10.6 STATUTORY PLANNING - FY2015/16 SERVICE REVIEW UPDATE

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/123819

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

That Council:

1. notes this report; and
2. receives a report in February 2017 on the improvement plan including achievement of performance and customer satisfaction measures for the period 1 July 2016 to 31 December 2016.

CARRIED**NOTE:** Item 10.6 was **CARRIED** as part of a block motion.**10.7 RETAIL, COMMERCIAL AND EMPLOYMENT STRATEGY**

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/137558

It is recorded that Mr Frank Perry and Mr Rhys Quick spoke in relation to this matter.

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

That Council:

1. adopts the Retail, Commercial and Employment Strategy and Background Report.
2. adopts Amendment C150 to implement the Retail, Commercial and Employment Strategy and requests the Minister for Planning approve the Amendment pursuant to Section 20(4) of the Planning and Environment Act 1987.
3. authorises the Director City Planning and Amenity to make any editorial changes.
4. writes to participants of the Community Representative Group thanking them for their contribution.
5. writes to submitters advising of its decision.

CARRIED

10.8 FUTURE OPTIONS FOR THE LANDFILL SERVICES AND WASTE COLLECTION CONTRACTS

Environment and Infrastructure - Environmental Sustainability & Open Space
File No: PSF/15/8761 – Doc No: DOC/16/137820

Moved: Cr del Porto

Seconded: Cr Stewart

That Council:

1. participates in Metropolitan Waste Resource and Recovery Group Contract No. 2010/1 for Landfill Services at Wyndham Landfill in Werribee and Melbourne Regional Landfill in Ravenhall;
2. varies the collection rates for the Kerbside Domestic Waste Contract No. 111207C with Solo Resource Recovery in accordance with the pricing shown in Confidential Attachment 1 and executes the three year contract extension available under the Contract; and
3. authorises the Chief Executive Officer to sign all necessary contract documentation relating to the kerbside domestic waste collection and disposal service.

CARRIED

10.9 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL - CALL FOR MOTIONS

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/142954

Moved: Cr Frederico

Seconded: Cr Lowe

That Council submits the following motions to the MAV State Council meeting on 9 September 2016:

1. That the MAV calls on the State Government to make public the completed audit of parking facilities at metropolitan railway stations as a matter of urgency to assist Councils in responding to commuter parking issues.
2. That the MAV initiates and leads a proactive public relations campaign to
 - (a) increase awareness and support from the State Government, the media and the community for the vital and positive role of local government in Victoria and
 - (b) respond as a strong sector voice to inaccurate or bias commentary that seeks to undermine trust and confidence in local government.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico
Cr Frederico advised that the next meeting of the Association of Bayside Municipalities is scheduled for 18 August 2016
2. **MAV Environment Committee** – Director Environment & Infrastructure
The Director Environment & Infrastructure advised that the next meeting for the MAV Environment Committee is scheduled for 25 August.
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure
The Director Environment & Infrastructure has provided a written report to Councillors on the meeting held on 3 August.
4. **Municipal Association of Victoria** – Cr Frederico
Cr Frederico advised that a report from the recent Municipal Association of Victoria meeting has been provided to Councillors.
5. **Inner South Metropolitan Mayors' Forum** – Cr Long
The Mayor provided a verbal report on the recent Inner South Metropolitan Mayors Forum and will provide a written report to Councillors.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
The Director Environment & Infrastructure attended the Metro Waste & Resource Recovery Group meeting on 11 August 2016 and has provided a written report to Councillors.

Moved: Cr del Porto

Seconded: Cr Stewart

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

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

**13.2 NOTICE OF MOTION - 256 - EXPECTED IMPACT OF COMMUTER
PARKING ON THE SANDRINGHAM RAIL LINE**

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/143737

Moved: Cr Frederico

Seconded: Cr Stewart

That Council:

1. receives a report on the expected impact on Sandringham rail line usage and related commuter parking pressures, arising from the service disruptions on the Frankston line during level crossing removal works;
2. advocates and works with Public Transport Victoria to mitigate commuter parking pressures on the Sandringham line; and
3. receives the report on the expected impact of commuter parking on the Sandringham rail line usage following confirmation of the finalised scope and design of the works and the project schedule and timing.

CARRIED

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Frederico

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 BAYSIDE BUILT ENVIRONMENT AWARDS 2016 - JUDGING PANEL RECOMMENDATIONS

(LGA 1989 Section 89(2)(h) matters which the Council considers would prejudice the 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 8.53pm.

CONFIRMED THIS INSERT 23 DAY OF AUGUST 2016

CHAIRPERSON:

