



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 22 March 2016

The Meeting commenced at 7:00pm

PRESENT:

Cr James Long BM JP (Mayor)
Cr Alex del Porto
Cr Bruce Lowe
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
Terry Callant	Governance Manager

It is recorded that Cr Evans was not present at the commencement of the meeting however he did arrive at 7.20pm.

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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 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 Mayor 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.

It is recorded that Cr Lowe vacated the Chamber at 7.05pm and re-entered the Chamber at 7.06pm.

4. Disclosure of any Conflict of Interest of any Councillor

- Cr del Porto declared an indirect conflict of interest in item 10.14 – CON/16/11 Construction of Five Playgrounds in the City of Bayside given his residential amenity may be altered as he lives in close proximity to Hurlingham Park playground which is one of the five playgrounds selected.
- Cr del Porto declared an indirect conflict of interest in item 14.1 – Confidential Attachments CON/16/11 Construction of Five Playgrounds in the City of Bayside given his residential amenity may be altered as he lives in close proximity to Hurlingham Park playground which is one of the five playgrounds selected.
- Cr Stewart declared an indirect conflict of interest in item 10.14 – CON/16/11 Construction of Five Playgrounds in the City of Bayside given her residential amenity may be altered as she lives in close proximity to Tulip Grove Playground which is one of the five playgrounds selected.
- Cr Stewart declared an indirect conflict of interest in item 14.1 – Confidential Attachments CON/16/11 Construction of Five Playgrounds in the City of Bayside given her residential amenity may be altered as she lives in close proximity to Tulip Grove Playground which is one of the five playgrounds selected.

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 23 February 2016.

Moved: Cr del Porto

Seconded: Cr Lowe

That the minutes of the Ordinary meeting of Bayside City Council held on 23 February 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

It is recorded that Cr Evans entered the Chamber at 7.50pm.

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. Mr Peter Boyle

In reply to a question at the 23 February, 2016 Ordinary Meeting of Council regarding Employee Costs, it was advised by the Mayor that "Council is confident it will achieve budget for 2015/16 and that Salary costs will be within 1% of the budget." The forecast for Employee Costs shown in the accounts for the half year to December, 2015 increased by \$152 thousand from the financial report to end October and were now forecast to be \$576 thousand over budget. This is 1.48%.

- (a) Is Council still confident that Employee Costs will be within 1% of the budget?
- (b) If not what is the current forecast for this financial year.

Response by the Chief Executive Officer

- a) *The current forecast per the January report is 1.3% unfavourable for salaries however, this is offset by additional income from fees, charges and grants in the areas where additional staff have been required to meet service demands.*
- b) *The current forecast per the January report is 1.3% unfavourable*

2. Mr Peter Boyle

The Chief Executive Officer advised in response to a question at the February, 2016 meeting in relation to the refund of \$598 thousand from Transpacific regarding the carbon tax paid on the waste disposal contract advised that "The allocation of the refund to the Corporate Finance Division is to ensure the one off material favourable variance is isolated from service budgets."

- (a) As the refund is directly applicable to waste management what is the logic that it be isolated from this service when it relates to an overpayment in a previous period for this service?
- (b) The CEO advised re the above "The refund received in 2016 will be applied to the development of the waste charge for 2016/17." As the waste disposal charge arises from S.162 (1) of the Local Government Act, if it is not to be refunded to ratepayers (S141 (c) but applied against the 2016/17 charge, then the credit balance of the waste disposal service needs to be shown as a prepayment by ratepayers for this charge and a liability of Council, rather than a reduction of the expense for the year. Will Council so act?

Response by the Chief Executive Officer

- (a) *The refund has been allocated to the Corporate Finance Division to ensure the one off material variation is isolated from service budgets and the cost of the waste service for 2015/16 is not artificially reduced.*
- (b) *The refund payment is required by the Accounting Standards to be treated as income in 2015/16. Council is currently liaising with the Victorian Auditor General to determine the appropriate year end treatment of refund to ratepayers. Regardless of the year end treatment in 2015/16, the key issue is that the amount will be refunded to ratepayers as a credit on the 2016/17 rate notice.*



3. Mr Barry Brooker

Will Council in public interest kindly inform ratepayers stakeholders, what % increases and sums of money, the then Government of the day empowered Council to increasing the successful Councillors' benefits (whatever) for the Election years 2004, 2008 and 2012 inclusive?

Response by the Mayor

That Minister for Local Government provides for an Order by Council for a range of allowances for different types of municipalities. Bayside is known as a Category 2 Council and therefore the Minister for Local Government set the limit for a Category 2 Council which were as follows:

- 2005 the Councillor allowance was in the range of \$5,000 to \$15,000
- 2008 the Councillor allowance was in the range of \$8,400 to \$20,200
- 2012 the Councillor allowance was in the range of \$9,317 to \$22,405

4. Mr Barry Brooker

In equity, having concern for a seeming and ad hoc urbanisation of Bayside municipality and related tricky infrastructure issues; is Council willing and able to collaboratively better inform residents about probable vulnerable neighbourhood issues of 'flash flooding' and maybe unclear insurance issues, relating to further development on listed sites; already having a Special Building Overlay?

Response by the Mayor

Following the storm events that resulted in significant flooding in 2003, 2004 and 2011, Council completed an investigation into all reported flooding and has adopted a Drainage Upgrade Strategy to improve the performance of the drainage system in some areas. Outside of the Special Building Overlay, there is no notification of information provided to residents about the potential for flooding. Insurance advice is not a service provided by Council.

5. Mr Tim Lai

Re Agenda item 10.1 (Stadium Facilities - Outcome of Feasibility Studies), and in reference to the aforementioned Feasibility Study dated 24 June 2014 in electronic file, but somehow now dated Feb 2016, the report indicates that a number of potential sites were assessed against 17 criteria. The site which is listed as being assessed is the "Thomas Street Youth Club". This clearly does not include Sandringham Athletics Track.

In the final assessment the margin between the Thomas Street Youth Club (82) and Sandringham Secondary College – Sandringham Campus (78) was narrow. We note that the report states that the preference of Sandringham Districts Netball Association was, at this stage, Sandringham Secondary College – Sandringham Campus.

Whilst the Thomas Street Youth Club may well have been selected objectively we are at a loss to understand how a combined Netball Reserve/Sandringham Athletics Track could have been recommended:

(1) Given that one of the criteria was 'suitable topography' one must assume that the assessment solely related to the netball reserve.

(2) There was no mention in the report on the impact of proposal on Sandringham Athletics Club, Sandringham Little Athletics Centre, Brighton Little Athletics Centre and the other numerous local schools (44) and private entities (6) using the facility on over 100 days of non-club usage. These clubs have a combined 189 years of heritage, have produced multiple Olympians and have a combined membership of over 750. This will swell well over 1,000 next season following the Olympics in Rio de Janeiro in August.

- A). If the report was truly considering the enlarged site how could a 17,000-word report would be produced without one mention of the word 'athletics'.
- B) We would like to understand how the merged site has been settled on as a preferred option and see the detailed workings papers and narrative which underpin the Consultant's report.

Response by the Chief Executive Officer

- A) *Previous reports as referenced in your question were to determine the preferred location of basketball and netball stadium facilities within Bayside and then more specifically to examine the feasibility of indoor and outdoor netball facilities at the Thomas Street site. There was no formal consideration of athletics facilities during the preparation of these stadium reports.*
- B) *Council has not adopted a position regarding the proposed relocation of the athletics facility and development of a new netball facility in the current athletics site. Rather it is seeking to examine in more detail the implications of such a proposal including costs and impacts on user groups and Bayside residents.*

6. Mr Tim Lai

Re Agenda item 10.1 (Stadium Facilities - Outcome of Feasibility Studies), we are surprised that the proposal that the Sandringham Athletics Track to be redeveloped as a Netball facility and for a new Athletics track to be developed at Dendy Park has been pre-approved by Council.

In addition to seeking to understand how the site has been selected:

- A) We would like a full explanation of what "pre-approval" means in practice and how this decision has been made without detailed stakeholder engagement with both the athletics community and residents in the Dendy Park area.
- B) Please could you circulate minutes of the relevant meeting/sub-committee meetings and copies of the material tabled and in relation to page 30 of the Agenda Paper for the March 22 Meeting where "The Sandringham Athletics Club supports in-principle the notion to relocate the existing synthetic facility to accommodate the future development of netball facilities at this site."

Response by the Chief Executive Officer

- A) *Council has not pre-approved or adopted any decision regarding the proposed relocation of the Sandringham athletics facility and development of a new netball facility in the current athletics site. The next phase of the project would include engagement with key stakeholders of both athletics and netball.*
- B) *A meeting was held on 22 January 2016 between Council staff, Committee members of all Bayside athletics clubs (Senior and Little) and a representative of Little Athletics Victoria. At the meeting it was unanimously agreed that in the best interests of athletics and netball further investigation be carried out to determine the feasibility of the relocation of the current Sandringham athletics facility to another suitable location and development of a new netball facility in the current athletics site.*
1. *It was acknowledged in the 22 January 2016 meeting that all stakeholder groups would be engaged during the next phase of the project.*
-

7. Mr Kevin Spencer

With due respect to the deceased, observed in a recent addition of the Age Newspaper was a disappointing bereavement notice from the Mayor, Councillors and Staff of Bayside City Council mourning the passing of a former Mayor & Councillor, however no mention is made of the residents of the City of Bayside.

- (A) Who was responsible for the bereavement notice ?
- (B) Why was mention not made of the residents of the City of Bayside who should have been acknowledged in the list of mourners.

Response by the Mayor

- A) *The notice was placed after internal consultation and the individual officer's names are not relevant.*
- B) *Reference was made to those who worked closely with the late Michael Harwood during his term of office.*
-

8. Mr Kevin Spencer

In respect to the recent Australia Day celebrations organised by Bayside Council in the Brighton Town Hall Gardens.

- (A) What was the total cost to hire and set up the large marquee in the garden area ?
- (B) To save the apparent unnecessary cost of the marquee, why wasn't the little used Town Hall Ballroom utilized for such occasion?

Response by the Mayor

- A) *The total cost of the marquee was \$10,705.*
- B) *The Brighton Town Hall was not used given it does not accommodate 350 people, and it is not possible to conduct an appropriate flag raising ceremony inside the hall. The marquee within the precinct gardens brings a great feel and atmosphere to a special day – Australia Day.*
-



7. Petitions to Council

7.1 PETITION: WAR MEMORIAL SITE - GREEN POINT BRIGHTON

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/38880

Petition requesting a 30 metre zone be established around the war memorial site at Green Point. (27 signatures)

“We the undersigned residents of the City of Bayside hereby petition Bayside City Council (The Council) to consider those on the Roll of honor who are remembered at the Cenotaph at Green Point Brighton and others who have made the supreme sacrifice, their respect by establishing a 30 metre zone about the Memorial prohibiting commercial activity within the zone, and install signage that reminds the public to show respect to our fallen military personnel to which it is dedicated.”

Petition Requirements

The attached petition meets the required format of a petition in accordance with Council’s Governance Local Law Clause 65.

It should be noted that the petitioners’ name, address and signature have been suppressed in accordance with the Privacy and Data Protection Act 2014.

Moved: Cr Frederico

Seconded: Cr Lowe

That the petition be received and a report be submitted to the May 2016 meeting cycle for consideration.

CARRIED

7.2 PETITION: BEACH ACCESS VIA GORDON CRESCENT BLACK ROCK

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/42160

Petition requesting beach access via Gordon Crescent Black Rock be maintained by Council (237 signatures)

“We the undersigned hereby petition the Bayside City Council to ensure public access to the beach via Gordon Crescent, Black Rock is maintained in the future by Bayside Council”

Petition Requirements

The attached petition meets the required format of a petition in accordance with Council’s Governance Local Law Clause 65.

It should be noted that the petitioners’ name, address and signature have been suppressed in accordance with the Privacy and Data Protection Act 2014.

Officer Comments

It is noted that a joint letter containing 380 signatures was received in relation to this item.

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

That the petition be considered at the May 2016 Ordinary Meeting of Council in conjunction with the Black Rock Foreshore Masterplan.

CARRIED

8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/38912

Moved: Cr Stewart

Seconded: Cr Evans

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

Date	Name
16 February 2016	Strategic Issues Discussion
1 March 2016	CEO and Councillor Only Briefing
1 March 2016	Councillor Briefing Session
10 March 2016	Budget Briefing (Subject to amending the notes to reflect the absence of Cr Long and Cr del Porto at the Budget Briefing)
15 March 2016	Strategic Issues Discussion
15 March 2016	Budget Briefing

CARRIED

8.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 11 FEBRUARY 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/35317

Moved: Cr Evans

Seconded: Cr Lowe

That Council:

1. notes the minutes of the Audit Committee meeting held on 11 February 2016 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee 11 February 2016:

8.1 Chief Executive Officer's Report

That the Audit Committee:

1. notes the Chief Executive Officer's report for the period November 2015 to February 2016;
2. recommends to Council that the Audit Committee Charter as amended be adopted with the inclusion of The Mayor of the Day as a Councillor substitute representative; and
3. further considers the Charter at the next meeting in accordance with the Workplan.

9.7.1. Risk Management Update

That the Audit Committee:

1. notes the risk management update report for the period November 2015 to February 2016;
2. receives a report at the May meeting on the risks associated with the transition of Aged and Disability Services from State to Commonwealth responsibilities.
3. 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 15 Strategic Risks and recommends to Council that the 15 Strategic Risks including likelihood and consequences be received and noted.

CARRIED

9. Reports by Special Committees

Nil

10. Reports by the Organisation

Moved: Cr del Porto

Seconded: Cr Lowe

That items 10.8 and 10.17, 10.16, 10.15 and 10.11, 10.10, 10.9 be dealt with as a block motion and the recommendations be adopted.

CARRIED/LOST

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 No 10.1. Stadium Facilities – Outcomes of Feasibility Studies

1. Mr James Goodwin
2. Mrs alison Horton
3. Mr Tom Morehouse
4. Miss Morgan Riley
5. Mr Corey Watts
6. Mr James McKinnon
7. Mr Parveen Batish

Item No 10.2. Amendment C126 Small Activity Centres

1. Mrs Marian Woolf

Item No 10.6 Proposed Lease of the Former Brighton

1. Mr David Hone

It is recoded that Cr del Porto vacated the Chamber at 7.27pm and re-entered the Chamber at 7.33pm.

10.1 STADIUM FACILITIES - OUTCOMES OF FEASIBILITY STUDIES

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/23627

It is recorded that Mr James Goodwin, Ms Doone Ballantine (on behalf of Mrs Alison Horton), Miss Morgan Riley, Mr Corey Watts, Mr James McKinnon and Mr Parveen Batish spoke for three minutes each in relation to this item. Mr Ton Morehouse did not pursue his right to speak.

Moved: Cr Frederico

Seconded: Cr Stewart

That Council:

1. endorses the concept plan for the development of four additional basketball courts at the Sandringham Family Leisure Centre and works with key stakeholders including Sandringham Basketball Association to develop a funding model for the proposed project;
2. refers an allocation of \$400,000 towards the detailed design of four additional indoor basketball courts at the Sandringham Family Leisure Centre to Council's 2016/17 Budget process;
3. notes that any support of future court development will hinge on further analysis of the SBA financial capacity to contribute towards the proposed works;
4. receives a report at its December 2016 meeting on the feasibility of constructing a netball centre on the entire Thomas Street site incorporating the current Scout Hall, Netball Centre and Athletics Centre areas (as outlined in Attachment C of the report) and the feasibility of relocating the current athletics track to another suitable location; and
5. affirms the Feasibility Study will include consultation with key stakeholders to determine their level of support for the relocation of the athletics facility to another suitable location . Stakeholders to be consulted include:
 - *Sandringham and District Netball Association;*
 - *Sandringham Athletics Club;*
 - *Sandringham Little Athletics Club*
 - *Brighton Little Athletics Club*
 - *Athletics Victoria*
 - *Little Athletics Victoria;*
 - *Netball Victoria;*
 - *Neighbours; and*
 - *School users of the athletics tracks.*

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

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

CARRIED

10.2 AMENDMENT C126 - SMALL ACTIVITY CENTRES

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/14193

It is recorded that Mrs Marian Woolf spoke for three minutes in relation to this item.

Moved Cr del Porto

That Council:

1. amends its position from 28 April 2015 to make changes to proposed DDO16 to make reference to the heritage interface and include mandatory setback requirements from that interface;
2. amends its position from 28 April 2015 to make changes to the proposed DDO15 to amend the maximum building height to 3 storeys;
3. reaffirms its position formed on 28 April 2015 to seek authorisation from the Minister for Planning under Section 8(A)(3) of the Planning & Environment Act 1987 to prepare and exhibit Amendment C126 to the Bayside Planning Scheme, in the form of Attachment 3 to the report, which reflect the modifications discussed within the report.
4. authorises the Director City Planning & Amenity to make any necessary editorial changes to Amendment C126 documentation.

Lapsed for want of a Seconder

Moved: Cr del Porto**Seconded: Cr Frederico**

That Council:

1. amends its position from 28 April 2015 to make changes to proposed DDO16 to make reference to the heritage interface and include mandatory setback requirements from that interface;
2. reaffirms its position formed on 28 April 2015 to seek authorisation from the Minister for Planning under Section 8(A)(3) of the Planning & Environment Act 1987 to prepare and exhibit Amendment C126 to the Bayside Planning Scheme, in the form of Attachment 3 to the report, which reflect the modifications discussed within the report.
3. authorises the Director City Planning & Amenity to make any necessary editorial changes to Amendment C126 documentation.

CARRIED

Moved Cr Frederico**Seconded Cr Stewart**

That item 10.6 be brought forward and be dealt with at this stage of the meeting.

CARRIED

10.3 MANAGING RESIDENTIAL ZONES STANDING ADVISORY COMMITTEE SUBMISSION

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/41997

It is recorded that Cr Heffernan vacated the Chamber at 8.40pm.

Moved: Cr Stewart

Seconded: Cr Frederico

That Council:

1. adopts the draft submission at Attachment 4 as its position in response to the State Government Managing Residential Development Advisory Committee (MRDAC) current consultation process;
2. authorises the Director City Planning and Amenity to make any necessary editorial changes to the submission;
3. lodges the submission with the Department of Environment, Land, Water and Planning (DELWP); and
4. advocates to the State Government to provide further opportunities as part of an extensive engagement process, including an opportunity for council's to comment on a complete and justified set of proposed improvements, along with an Implementation Plan, tools and provisions as a result of any recommended changes by the Managing Residential Advisory Committee (MRDAC).

CARRIED

10.4 MARTIN STREET STRUCTURE PLAN

City Planning and Amenity - Urban Strategy
File No: PSF/15/773 – Doc No: DOC/16/31254

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. adopts the Final Martin Street Structure Plan in the form of Attachment 2 to this report;
2. seeks authorisation from the Minister for Planning to prepare Amendment C152 to the Bayside Planning Scheme in the form of the Martin Street Structure Plan at Attachment 2 of this report and Amendment documentation in the form of Attachment 3 of this report;
3. exhibits Amendment C152 in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Planning and Amenity to make any necessary editorial changes.

CARRIED

10.5 HANBY STREET RESERVE PLAYGROUND SIGNAGE AND FENCING

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/38646

Moved: Cr Lowe

Seconded: Cr Frederico

That Council:

1. establishes dense low level landscape planting between the Hanby Street Reserve playground and Hanby Street to act as a natural barrier for children running from the playground onto the adjacent road; and
2. notifies the lead petitioner of the outcomes of this Report.

CARRIED

10.6 PROPOSED LEASE OF THE FORMER BRIGHTON COURT HOUSE UPDATE

Corporate Services - Commercial Services
File No: PSF/15/8762 – Doc No: DOC/16/23788

It is recorded that Mr David Hone spoke for three minutes in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Evans

That:

1. Council advises the successful proponent of the expression of interest to lease campaign that the Premises cannot accommodate a 50 to 80 seat café and that Council will not proceed with the proposal to lease the Premises as a café;
2. the former Brighton Court House is used by the Victorian Electoral Commission for electoral purposes from August to November 2016;
3. Council authorises the Director Corporate Services to enter into a lease of the former Brighton Court House with Bayside U3A University of the Third Age for a term of 9 years at a commencing rental of \$322 (GST inclusive) per annum with annual increases of 5% or CPI whichever is the higher at the time of review.

CARRIED

10.7 LEVEL CROSSING REMOVAL UPDATE

Environment and Infrastructure - Environment & Infrastructure
File No: PSF/15/8756 – Doc No: DOC/16/39194

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. writes to the relevant Ministers and Level Crossing Removal Authority to request that a responsible community engagement process be completed for the Charman Road level crossing prior to any construction contracts being awarded;
2. requests the relevant Ministers and Level Crossing Removal Authority to require the engagement process for the removal of level crossings to appropriately address the various removal options of rail over road, rail under road, road over rail, road under rail and combination options where both the road and rail are altered so that the community can have proper and informed input on the project outcomes; and
3. writes to the relevant Ministers seeking the inclusion of Park Road in the level crossing removal program.

CARRIED

10.8 STANDARD PLANNING PERMIT CONDITIONS

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/41881

Moved: Cr del Porto

Seconded: Cr Lowe

That Council adopts the 'Standard Planning Permit Conditions' document attached to the report dated 22 March 2016.

CARRIED

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

10.9 ELECTRONIC VOTE COUNTING FOR THE 2016 COUNCIL ELECTIONS

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/32864

Moved: Cr del Porto

Seconded: Cr Lowe

That Council authorises the Returning Officer for the 2016 Bayside General Elections to designate a venue outside the municipality of Bayside for the purposes of conducting the computer count of ballot papers for the 2016 Council Elections, should the need arise to conduct the count outside the municipality.

CARRIED

NOTE: Item 10.9 was **CARRIED** as part of a block motion.

10.10 ELECTION PERIOD POLICY

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/33254

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. rescinds the Pre-Election Caretaker policy dated August 2012;
2. adopts the Election Period policy dated March 2016;
3. provides a copy of the adopted Election Period policy to all Councillors; and
4. publishes the Election Period policy on Council's website.

CARRIED

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

**10.11 REVIEW OF THE POSITION STATEMENT FOR THE ROLE OF MAYOR AT
BAYSIDE CITY COUNCIL**

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/44446

Moved: Cr del Porto

Seconded: Cr Lowe

That Council adopts the attached position statement dated March 2016 for the role and duties of the Mayor for Bayside City Council.

CARRIED

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

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

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/43465

Moved: Cr Frederico

Seconded: Cr del Porto

That Council submits the following two motions to the MAV State Council meeting to be held on 13 May 2016:

1. MAV Governance

That in response to the unprecedented challenges facing the local government sector:

1. This MAV State Council directs that the MAV Board initiates an independent review of the MAV's objectives, purposes, strategy and performance. This Review is to assess the MAV's capacity and performance against expectations befitting a modern, membership-driven peak body that is able to serve its constituency's diverse requirements, while delivering high levels of membership satisfaction.
2. The Review is to be overseen by a guidance or reference committee comprised of 2 Councillors (1 each x metropolitan and rural/regional), 2 current CEOs (1 each x metropolitan and rural/regional each) and 2 independent persons with recognised governance expertise.

The review's recommendations are to be presented to MAV State Council at the earliest opportunity, but no later than the first State Council of 2017.

3. Further, this review must include:

- A comprehensive survey of membership satisfaction with and future expectations of the MAV.
- A clear statement of expected performance against which the MAV can demonstrate its effectiveness over time.
- Proposals for effective governance structures and processes, including consultation with the sector including the structure and process for election of Board membership.
- Examination of limited tenure for all Board positions and the Presidency.
- Strong processes for the development of sector policy and advocacy strategies, and MAV organisational policies and strategies.
- Reference to the Municipal Association Act Review and the MAV Rules so as to ensure the MAV's purpose, objectives, strategy and governance are effectively integrated
- An examination of how MAV programs and initiatives, be they commercial or otherwise, are evaluated for performance and outcomes.

2. Food Safety Policy

That the MAV advocates the State Government to develop the statewide Food Safety Policy / Risk Management Strategy template as a matter of urgency.

CARRIED

10.13 CON/15/60 BRIGHTON GOLF COURSE CAR PARK RENEWAL WORKS

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/35287

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. awards contract CON/15/60 Brighton Golf Course Car Park Renewal Works at 210 Dendy Street, Brighton East to V.Crete Concrete Contractors Pty Ltd t/a Vcrete Contractors (ABN: 40 055 492 683) for the lump sum price of \$281,952.99 exclusive of GST and \$310,148.29 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON1560 Brighton Golf Course Car Park Renewal Works at 210 Dendy Street, Brighton East; and
3. advises the unsuccessful tenderers accordingly.

CARRIED

It is recorded that Cr del Porto declared an indirect conflict of interest in item 10.14 – CON/16/11 Construction of Five Playgrounds in the City of Bayside given his residential amenity may be altered as he lives in close proximity to Hurlingham Park playground which is one of the five playgrounds selected.

It is recorded that Cr Stewart declared an indirect conflict of interest in item 10.14 – CON/16/11 Construction of Five Playgrounds in the City of Bayside given her residential amenity may be altered as she lives in close proximity to Tulip Grove Playground which is one of the five playgrounds selected.

It is recorded that both Cr Stewart and Cr del Porto vacated the Chamber prior to the discussion on this matter.

10.14 CON/16/11 CONSTRUCTION OF FIVE PLAYGROUNDS IN THE CITY OF BAYSIDE

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/35360

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. awards contract CON/16/11 Construction of Five Playgrounds in the City of Bayside to Red Centre Nominees Pty Ltd t/a Exterior Concept Landscapes (ABN: 55 084 274 411) for the lump sum price of \$589,285.00 exclusive of GST and \$648,213.50 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/11 Construction of Five Playgrounds in the City of Bayside; and
3. advises the unsuccessful tenderers accordingly.

CARRIED

It is recorded that both Cr Stewart and Cr del Porto vacated the Chamber prior to the consideration of item 10.14 and was not present when this item was considered.

10.15 JANUARY 2016 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/31501

Moved: Cr Frederico

Seconded: Cr del Porto

That Council notes the operating and capital financial report for the seven months to 31 January 2016.

CARRIED

NOTE: Item 10.15 was **CARRIED** as part of a block motion.

10.16 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/38933

Moved: Cr Frederico

Seconded: Cr del Porto

That Council notes the Council Action Awaiting Report.

CARRIED

NOTE: Item 10.16 was **CARRIED** as part of a block motion.

10.17 VCAT DECISIONS

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/10860

Moved: Cr Frederico

Seconded: Cr del Porto

That the report on the VCAT decisions on the planning applications handed down during the month of February 2016 be received and noted.

CARRIED

NOTE: Item 10.17 was **CARRIED** as part of a block motion.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico indicated that there was nothing to report.
2. **MAV Environment Committee** – Director Environment & Infrastructure indicated that no meeting of the Committee has been held since the previous meeting. The next scheduled meeting is 12 May.
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure indicated he attended the Forum held on 2 March 2016 and the agenda included a presentation on the Value Capture from Rail Projects, and the Strategic Public Transport Advocacy.
4. **Municipal Association of Victoria** – Cr Frederico indicated that the State Council Meeting will be held on 13 May 2016
5. **Inner South Metropolitan Mayors' Forum** – Cr Long indicated that the next meeting of the ISMMF will be hosted by Bayside in April.
6. **Metro Waste & Resource Recovery Group** – The Director Environment and Infrastructure indicated that the next meeting of the Group is scheduled to be held on 7 April 2016.

Moved: Cr del Porto

Seconded: Cr Evans

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

12.1 Letter of Condolence – The Late Michael Harwood – former Mayor of Bayside

Moved: Cr del Porto

Seconded: Cr Evans

That the matter relating to a letter of condolence relating to former Mayor of Bayside Michael Harwood be considered as a matter of urgent business.

CARRIED

Moved: Cr del Porto

Seconded: Cr Evans

That a letter of condolence under the seal of Council be forwarded to the family of the late Michael Harwood former Councillor of Bayside City Council from 1997 to 2000 and Mayor of Bayside from 1999 to 2000 and former Councillor of the former City of Sandringham from 1976 to 1984 and Mayor from 1981 to 1982.

CARRIED



12.2 Letter of Congratulations – Bayside Leader Grass Ceiling Campaign

Moved: Cr Frederico

Seconded: Cr del Porto

That a letter of congratulations to the Bayside Leader be considered as an item of urgent business.

CARRIED

Moved: Cr Frederico

Seconded: Cr Lowe

That Council forward a letter of congratulations jointly signed by the Mayor and Council's spokesperson for the Grass Ceiling campaign to the Bayside Leader, in particular editor Fiona Sexton and reporters Nicholas Payne and Jon Andrews for winning the Melbourne Press Club Quill award for the Best Suburban Report for "Grass Ceiling" the campaign to get better conditions and more government focus on sports facilities for women.

CARRIED



13. Notices of Motion

13.1 NOTICE OF MOTION 244 - FEASIBILITY STUDY INTO A SYRINGE COLLECTION AND DISPOSAL CENTRE

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/46220

Moved: Cr del Porto

Seconded: Cr Heffernan

That a report be presented to Council at the May 2016 Ordinary Meeting on the feasibility of introducing a syringe container collection and disposal location at a Council facility in Brighton.

CARRIED



14. Confidential Business

Moved: Cr Frederico

Seconded: Cr Lowe

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 ATTACHMENT: CON/15/60 BRIGHTON GOLF COURSE CAR PARK RENEWAL WORKS; CON/16/11 CONSTRUCTION OF FIVE PLAYGROUNDS IN THE CITY OF BAYSIDE; AUDIT COMMITTEE MINUTES 11 FEBRUARY 2016

(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 9.20pm.

CONFIRMED THIS 26 DAY OF APRIL 2016

CHAIRPERSON:

