



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 23 February 2016

The Meeting commenced at 7:03pm

PRESENT:

Cr James Long BM JP (Mayor)
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
Terry Callant	Governance Manager
Damien Van Trier	Acting Manager Recreation, Events & Community Partnerships
Jason Stubbs	Manager Commercial Services
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 Frederico to read the prayer.

1. Prayer

Cr Frederico 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 Heffernan 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 del Porto declared an indirect conflict of interest in items 14.1 and item 10.15 – CON/15/82 Hurlingham Park Masterplan Implementation Stage 2 given his residential amenity may be altered as he lives in close proximity to Hurlingham Park.
- Cr Evans declared an indirect conflict of interest because of conflicting duties in item 10.2 Family Life request for title over land at 197 Bluff Road as he is a board member of Fairway Hostel.
- Cr Stewart declared an indirect conflict of interest where her residential amenity may be altered in Urgent Business item 12.1 Proposed Railway Station Adjacent to Southland as she lives in close proximity to this proposal.

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 27 January 2016.

Moved: Cr del Porto

Seconded: Cr Stewart

That the minutes of the Ordinary meeting of Bayside City Council held on 27 January 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, 10 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

Waste Service

The budget for 2015/16 year commented that there was an expected landfill tipping fee increase of 5% arising from an expected 10% increase in the EPA landfill levy and offset by repeal of the carbon price. The carbon tax was repealed on 17 July, 2014 with an effective date of 1 July, 2014. The landfill levy rates for the 2015/16 year were gazetted on 17 April, 2015.

The "Financial Report for 4 months to 31 October 2015" advises under Corporate Finance division that the forecast favourable variance for that division of \$2.319 million includes an amount of \$598 thousand being a "refund from Transpacific regarding the carbon tax paid on the waste disposal contract." It appears that no amount was included in the 2014/15 year accounts in respect of this expected refund.

- (a) Council have a separate Waste Service charge in its Valuation and rate Notice for 2014/15 and 2015/16. As the refund clearly relates to Waste Service why has the amount been credited to the Corporate Finance division rather than a credit against the Waste Service cost, and
- (b) Will Council now allocate the refund to the appropriate cost area and make a refund to ratepayers for any excess charge in accord with S.141(c).

Response by the Chief Executive Officer

- (a) The allocation of the refund to the Corporate Finance Division is to ensure the one off material favourable variance is isolated from service budgets.
- (b) The refund received in 2015/16 will be applied to the development of the waste charge for 2016/17.

2. Mr Peter Boyle

Public Street Lighting

The 2015/16 Budget in respect of 2.4 Goal 4: A sustainable natural environment:

This states as a Major Initiative "Completion of Stage 4 of the Energy Efficient Streetlight Program at a budget cost of \$520,000. The Budget papers also show in 4.4 New Initiatives: Sustainable Public Lighting \$520,000. Wow! A double whammy! I fail to see that stage 4 of a continuing upgrade is a Major Initiative and most certainly not a New Initiative. The Operating Result to October 2015 advises a saving of \$130,000 for installation of Sustainable Public Lighting; a major change from a budget cost of \$520,000.

Street Lights FAQs updated 5 August, 2015 advised "Upgrading the streetlights will reduce street lighting costs by up to 77 per cent, saving around \$14 million in energy and maintenance costs over the next 20 years.

- (a) Please advise in regards to this major work:

The estimated total cost for this project and whether the above expected savings remains the current assessment.

- (b) What are the budget and forecast costs for Public Street Lighting for the 2015/2016 year.

Response by the Chief Executive Officer

- (a) The estimated total cost for the four stages of the Energy Efficient Streetlight project in 2015/16 is \$2.54 million.

The expected savings in operating costs resultant from the Energy Efficient Streetlight Program, inclusive of all four stages, is \$14 million over the next 20 years. This is consistent with the advice referred to in the Street Light FAQs published on 5 August 2015.

- (b) The forecast expenditure for the Energy Efficient Streetlight project in 2015/16 is \$390,000, a saving of \$130,000 against a budget of \$520,000.

With respect to operational costs for public street lighting for 2015/16, the forecast for energy charges and maintenance is \$537,000, and this reflects the budget which includes expected savings from all four stages of the Energy Efficient Streetlight Program.

3. Mr Chris Sutton

A question was asked to the 27 January 2015 Ordinary Meeting of Council regarding the number of building permit dispensations granted in 2013, 2014 and 2015. In their answer, Council was asked to allocate the numerical size of the dispensations into specified ranges. The Council response was:

- a) Council does not collate data relating to specific site coverage approvals for each property.
- b) Council does not collate data relating to specific setback reductions for each property.

Can Council clarify whether they do not have the information requested to be collated by range or whether they have the information but will not allocate Council resources to collate the requested information by range.

Response by the Mayor

As advised in response to the previous questions, Council does not collate the data sought. The data requested could not be provided without a physical review of each application file that would require an allocation of resources.

4. Mr Chris Sutton

In response to a question to the 27 January 2015 Ordinary Meeting of Council regarding the December 2011 Victorian Auditor General (AG) report titled Compliance with Building Permits Council stated:

The responsibility of ensuring compliance sits with the relevant private Building Surveyor. Oversight of the activities of private building surveyors is undertaken by the Victorian Building Authority, rather than Council. The AG report summary stated the following:

In the absence of leadership, guidance and rigorous scrutiny from the commission, councils have adopted a largely reactive approach to enforcing the Act that offers little assurance of compliance within their municipalities. Together with private surveyors, they apply varying interpretations of what the Act requires of them, resulting in further confusion and ad hoc practices.

Consequently, there is little assurance that surveyors are carrying out their work competently, that the Act is being complied with, and the risk of injury or damage to any person is being minimised.

The AG report identified a considerable level of non-compliance with building permits. In response to the AG report findings how does Bayside Council assure ratepayers that the amount of possible non-compliance of building permits in Bayside is not comparable with the unacceptable levels identified in the AG report.

Response by the Chief Executive Officer

The review by the Auditor General identified that compliance with recording requirements by Private Building Surveyors was poor and that oversight of the activities of Private Building Surveyors was lacking.

Since this time the State Government has reformed the former Building Commission into the Victorian Building Authority, and increased oversight of the activities of Private Building Surveyors.

In respect of any general non-compliance with the Building Act by Private Building Surveyors, this is something that must continue to be taken on by the Victorian Building Authority.

It would be an inefficient use of Council resources to directly audit Private Building Surveyors work when this responsibility rests with a newly formed State Government Department which has access to significant legislative power and related funding to undertake this task.

Notwithstanding, Council has and will continue to act where it is aware of a public safety issue caused by construction, even where the construction is overseen by a Private Building Surveyor.



5. Mr Barry Brooker

Agenda Item 10.12 – Update to the Special Building Overlay in the Bayside Planning Scheme

Will Council also provide any ‘flash flooding’ modelling it might have on record in respect of flooding in North Ward area significantly POS 90447 and likely impact on St James Park Estate sites, et al?

Response by the Mayor

Following the storm events that resulted in significant flooding in 2003, 2004 and 2011, Council completed an investigation of all reported flooding. This work was used to develop the Drainage Upgrade Strategy. Council’s drainage engineers would be happy to discuss the

St James Park Estate area with you. Contact details will be provided as part of our written response to you.

6. Mr Barry Brooker

Agenda Item 10.12 – Update to the Special Building Overlay in the Bayside Planning Scheme

Will Council as part of best practice and best public interest also provide NGL data as well as AHD levels, noting that on flood prone sites Melbourne Water has specific requirements necessitating proper compliance?

Response by the Mayor

The Planning Scheme Amendment process to update the Special Building Overlay (SBO) is based on Melbourne Water data and specific requirements. Council is not the custodian of the Australian Height Datum (AHD) flood levels or the Natural Surface Levels (NSL). Throughout the public exhibition stage of the planning scheme amendment, any interested party can request from Melbourne Water the Australian Height Datum (AHD) flood levels and Natural Surface Levels (NSL) for specific properties free of charge.



7. Mr Kevin Spencer

A building in the shape of a large ugly Shipping Container is located on the landscaped road reserve of Nepean Highway by the final Tram Stop at the intersection with Hawthorn Road East Brighton, of which the building fails to meet the objectives of gateway to activity centre and to enhance the scenic and landscape qualities of the main roads

- (A) When was this apparent temporary building eyesore approved by Council?
- (B) Will the graffiti targeted building be removed and landscaping reinstated as part of the planned improvements to the streetscape of the Hawthorn Road East Brighton shopping centre A.S.A.P.

Response

- (A) The Building referred to by the questioner was constructed by Yarra Trams. It houses a substation which services the nearby route 64 tramway, and did not require planning permission from Council, pursuant to its location in a Road Zone. The Building Permit was also issued by a Private Building Surveyor.
- (B) The building is not a Council asset so will not be included in any plans for the Hawthorn Road Streetscape improvement.

8. Mr Kevin Spencer

It appears that Bayside City Council has once again approved its so called Food & Wine Festival to be held next month in what is left of the historic heritage Brighton Beach Gardens, all but destroyed by continued use with commercial activities, resulting sadly, in further environmental vandalism.

- (A) As per construction site's where it is mandatory for the builder to protect road reserve trees with temporary fencing to safeguard the tree roots, Will Council now ensure the tree's and their roots, of the few trees left standing in the Brighton Beach Gardens are properly fenced and protected from vandalism by all manner of heavy motor vehicles with such festival activities.
- (B) Will council show that it is a leader as it states, in environmental management protecting and enhancing foreshore, natural reserves and open spaces, by arranging for future such festivals are held at the Royal Avenue Municipal Reserve Sandringham, to prevent an environmental disaster of councils own making in the Brighton Beach Gardens.

Response

- (A) Planning for the 2016 Brighton Sandy Food & Wine Festival to be held at Brighton Beach Gardens on Sunday 6 March includes the development of detailed site layout and event management plans. These plans restrict the movement of heavy vehicles on the site to the current path network and grassed areas. Heavy vehicles are not permitted to drive over designated tree root zones. Site layout and event management plans are completed in collaboration with Council's Open Space team to ensure vegetation at the site is not adversely impacted by this community event. With these strict controls in place it is not considered necessary to erect temporary fencing around trees at the site.
- (B) Brighton Beach Gardens is considered an ideal site for the conduct of a variety of events including the Brighton Sandy Food & Wine Festival.
There has been no evidence of any negative environmental impact to this site following the conduct of previous Brighton Sandy events. Council manages the protection of natural assets on the site when considering the site layout and event management plans for each annual Festival.



7. Petitions to Council

7.1 PETITION: PROVISION OF A SUSTAINABLE WATER SUPPLY AT DENDY PARK AND BRIGHTON PUBLIC GOLF COURSE

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/25169

Petition requesting a sustainable water supply at Dendy Park and Brighton Public Golf Course. (1635 signatures)

“We the undersigned hereby petition Bayside City Council to provide a sustainable water supply to replace potable (drinking) water use largely on the grounds of Dendy Park and Brighton Public Golf course.”

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 Lowe

Seconded: Cr Frederico

That the petition be received and a report be submitted to the April 2016 Ordinary Meeting of Council.

CARRIED

8. Minutes of Advisory Committees

Moved: Cr Frederico

Seconded: Cr Stewart

That items 8.1 and 8.2 be dealt with as a block motion and the recommendations be adopted.

CARRIED

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/22098

Moved: Cr Frederico

Seconded: Cr Stewart

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

Date	Name
2 February 2016	CEO and Councillor Only Briefing
2 February 2016	Councillor Briefing Session
13 February 2016	Councillor Strategic Workshop

CARRIED

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

8.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE HELD ON 1 FEBRUARY 2016.

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/22325

Moved: Cr Frederico

Seconded: Cr Stewart

That the minutes of the Chief Executive Officer's Employment Matters Committee held on 1 February 2016 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.

CARRIED

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

9. Reports by Special Committees

Nil

10. Reports by the Organisation

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 10.1 Grace Heart Community Church occupancy of Highett Guide Hall, Lyle Anderson Reserve

1. Rev Bruce Corben
2. Mrs Janet Drougas
3. Mrs Janet Garnham
4. Mrs Dorothy Goedheer
5. Mrs Monika Healey
6. Miss Kirsten Todd
7. Mr Glen Newham
8. Ms Valerie Garwood on behalf of Ms Morwyn Schmidt
9. Mr Matthew Garnham
10. Mr Shane Newham
11. Mr Tim Howell
12. Mr Ryale Norman
13. Mr Hugh Rouillon
14. Mrs Nyoman Whitters
15. Mr John Enticott
16. Mr Anthony De Blasio
17. Mrs Nyoman Whitters on behalf of Ms Jade Newham
18. Ms Gladys Lim
19. Mrs Judith Small
20. Mr Douglas McGoon
21. Mr Jibrael Paulis
22. Mr Desmond Jones
23. Ms Sonia Stewart
24. Mr David McGregor
25. Mrs Irina Donald
26. Mr James Drougas
27. Rev Bruce Corben on behalf of Mrs Gail Hyde
28. Mr Ross Newton
29. Ms Amanda Kelly
30. Ms Bernardita Jackman
31. Mr David McGregor on behalf of Ms Rose Kelada

Item 10.2 Family Life request for title over land at 197 Bluff Road

1. Ms Jo Cavanagh OAM
2. Mr Graeme Disney

Item 10.3 Star of the Sea College Request for Lease Extension for Kamesburgh Mansion

1. Ms Sandra Diafas
2. Miss Rubina Smith

Item 10.4 Beaumaris Secondary College - Update

1. Mr Clarke Martin
2. Ms Sally Connor
3. Mr Roger Arnold
4. Mr Sash Herceg
5. Mrs Cherie Dear
6. Mr Parveen Batish

Item 10.5 Elsternwick Park No. 1 Oval – VAFA/Old Melburnians FC Development Proposal

1. Mr Michael Sholly
2. Mr Geoffrey Love
3. Mr Greg Hywood
4. Mr George Reynolds
5. Mr Michael Connors
6. Ms Meni Christofakis

Item 10.6 Christmas Decorations 2015 Review and options for 2016

1. Mr Robert Grinter
2. Mr Trevor Allwright
3. Mr George Reynolds

Item 10.9 Hampton East (Moorabbin) Structure Plan

1. Mr Fabian Secatore
2. Mr David Hughes
3. Mr Noel Johnstone
4. Mr Keir Cornish
5. Mrs Christine Cornish

Item 10.10 Combined Planning Scheme Amendment (C143) and Planning Permit Application (2015/0117) – 459 Bay Street, Brighton

1. Ms Emma Manning

Item 10.13 Quarter 2 Performance Report – October to December 2015

1. Mr George Reynolds



10.1 GRACE HEART COMMUNITY CHURCH OCCUPANCY OF HIGHETT GUIDE HALL, LYLE ANDERSON RESERVE

Corporate Services - Commercial Services
File No: PSF/15/8762 – Doc No: DOC/16/19324

It is recorded that Rev Bruce Corben, Mrs Janet Drougas, Mrs Janet Garnham, Mrs Dorothy Goedheer, Mrs Monika Healey, Miss Kirsten Todd, Mr Glen Newham, Mr Matthew Garnham, Mr Shane Newham, Mr Tim Howell, Mr Hugh Rouillon, Mrs Nyoman Whitters, Mr John Enticott, Mr Anthony De Blasio, Mrs Nyoman Whitters on behalf of Ms Jade Newham, Ms Gladys Lim, Mrs Judith Small, Mr Jibrael Paulis, Mr David McGregor, Mrs Irina Donald, Mr James Drougas, Rev Bruce Corben on behalf of Mrs Gail Hyde, Mr Ross Newton, Ms Amanda Kelly, Ms Bernardita Jackman and Mr David McGregor on behalf of Ms Rose Kelada spoke in relation to this matter.

It is recorded that Mr Matthew Garnham did not pursue his right to speak.

It is further recorded that Mrs Valerie Garwood on behalf of Ms Merwyn Schmidt, Mr Ryale Norman, Mr Douglas McGoon, Mr Desmond Jones and Ms Sonia Stewart were not present in the Chamber.

Councillor del Porto left the Meeting at 8:09 PM

Councillor del Porto returned to the Meeting at 8:11 PM

Moved: Cr Lowe

Seconded: Cr del Porto

That the Deputy Mayor, Cr Laurence Evans take the Chair for consideration of this item.

CARRIED

Councillor Long left the Meeting at 8:28 PM

Councillor Long returned to the Meeting at 8:34 PM

Moved: Cr Long

Seconded: Cr Stewart

That Council:

1. authorises the Director Corporate Services to give notice to Girl Guides Victoria to surrender the lease at Lyle Anderson Reserve in accordance with the lease terms and conditions;
2. authorises the Director Corporate Services to enter into a ground only lease with the Grace Heart Community Church over part of the land at Lyle Anderson Reserve currently occupied by the Girl Guide Hall and surrounds on the following terms and conditions:
 - a. a term of 9 years and 364 days at a commencing rental of \$303 (GST inclusive) per annum with annual increases of 5% or CPI whichever is the higher at the time of review;
 - b. transferring ownership of the building assets to Grace Heart Community Church for the consideration of \$1 ;

- c. Grace Heart Community Church will be responsible for all maintenance and capital renewal of the building and all improvements on the land;
 - d. Grace Heart Community Church indemnifies and releases Council from any claims in relation to the building and/or improvements on the land;
 - e. a service agreement being included in the lease to ensure the Grace Heart Community Church provides ongoing community support services to the Bayside community, failing which, Council may give notice to the Grace Heart Community Church to terminate the ground lease and vacate the site;
 - f. Grace Heart Community Church providing evidence annually to Council of Public Liability insurance in line with Council Leasing Policy, currently \$20,000,000;
 - g. Grace Heart Community Church providing evidence annually of Building Insurance of the building and improvements to Councils adequate satisfaction;
 - h. Grace Heart Community Church allowing access to the site on request by Council officers to undertake inspections as required including, but not limited to ESM, Condition and asbestos audits;
 - i. Grace Heart Community Church obtaining Council's prior written consent in relation to any major renovations, alterations or asbestos removal works at the site;
 - j. inclusion of clauses in the lease to deal with the removal of the building and improvements or transfer of the ownership of the building and improvements to Council at no cost to Council at the end of the lease or earlier determination;
3. authorises the Director Corporate Services to undertake all processes and sign all documentation associated with the transfer of the building assets to Grace Heart Community Church;
 4. requires the Grace Heart Community Church finalise the lease agreement with Council within six months of the date of this Council resolution. Should the Grace Heart Community Church not meet the six month timeframe, the future lease of this site will be the subject of further consideration by Council.

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

DIVISION: **FOR:** Crs Evans, Long and Stewart (3)
AGAINST: Crs del Porto, Lowe, Heffernan and Frederico (4)

LOST

Moved: Cr del Porto

Seconded: Cr Lowe

That Council

1. authorises the Director Corporate Services to give notice to Girl Guides Victoria to surrender the lease at Lyle Anderson Reserve in accordance with the lease terms and conditions
2. authorises the Director Corporate Services to enter into a lease with the Grace Heart Community Church over part of the land and building at Lyle Anderson Reserve currently occupied by the Girl Guide Hall and surrounds:
 - a. for a term of 9 years and 364 days at a commencing rental of \$303 (GST inclusive) per annum with annual increases of 5% or CPI whichever is the higher at the time of review

- b. subject to the Grace Heart Community Church being fully responsible for all repairs and maintenance of the Building and Tenant Improvements (including structural repairs and capital costs)
 - c. subject to a service agreement being included in the lease to ensure the Grace Heart Community Church provides ongoing community support services to the Bayside community, failing which, Council may give notice to the Grace Heart Community Church to terminate the lease
3. requires the Grace Heart Community Church finalise the lease agreement with Council within six months of the date of this Council resolution. Should the Grace Heart Community Church not meet the six month timeframe, the future lease of this site will be the subject of further consideration by Council.

Procedural Motion

Moved: Cr Stewart

Seconded: Cr Heffernan

That the Motion be PUT.

CARRIED

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

DIVISION: **FOR:** Crs del Porto, Lowe, Evans, Long, Stewart and Heffernan (6)
 AGAINST: Cr Frederico (1)

CARRIED

It is recorded that Cr Evans declared an indirect conflict of interest because of conflicting duties in item 10.2 Family Life request for title over land at 197 Bluff Road as he is a board member of Fairway Hostel.

Councillor Evans was not present in the Chamber when this item was considered and vacated the Chamber at 9:29 PM

10.2 FAMILY LIFE REQUEST FOR TITLE OVER LAND AT 197 BLUFF ROAD

Corporate Services - Commercial Services
File No: PSF/15/8762 – Doc No: DOC/16/22459

It is recorded that Ms Jo Cavanagh and Mr Graeme Disney spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Frederico

That Council:

1. commences the statutory procedures to lease to Family Life for the land at 197 Bluff Road, for a term of 50 years at a commencing rental of \$320 per annum plus GST;
2. establishes a Special Committee of Council in accordance with section 223 of *the Local Government Act 1989* consisting of all councillors with a quorum of four (4) Councillors to consider any submissions received pursuant to section 223 of the Local Government Act 1989 at a meeting to be held at 6.30pm on 14 April 2016 in the Council Chambers, Boxshall Street, Brighton in relation to the proposed lease to Family Life; and
3. in the event that no section 223 submissions are received, authorises the Director Corporate Services to execute the lease of 197 Bluff Road with Family Life.

AMENDMENT

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. commences the statutory procedures to lease to Family Life for the land at 197 Bluff Road, for a term of 30 years at a commencing rental of \$320 per annum plus GST;
2. establishes a Special Committee of Council in accordance with section 223 of *the Local Government Act 1989* consisting of all councillors with a quorum of four (4) Councillors to consider any submissions received pursuant to section 223 of the Local Government Act 1989 at a meeting to be held at 6.30pm on 14 April 2016 in the Council Chambers, Boxshall Street, Brighton in relation to the proposed lease to Family Life; and
3. in the event that no section 223 submissions are received, authorises the Director Corporate Services to execute the lease of 197 Bluff Road with Family Life.

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

DIVISION: **FOR:** Crs del Porto, Lowe and Heffernan (3)
 AGAINST: Crs Long, Stewart and Frederico (3)

The Mayor exercised the casting vote and the division was **LOST**

The original motion moved by Cr Stewart and Seconded by Cr Frederico was PUT and **CARRIED**

It is recorded Cr Evans vacated the Chamber prior to item 10.2 and was not present in the Chamber when this item was considered.

It is recorded Councillor Evans returned to the Meeting at 9:57PM following the consideration of the above item.

10.4 BEAUMARIS SECONDARY COLLEGE - UPDATE

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/20535

It is recorded that Mr Clarke Martin, Ms Sally Connor, Mr Roger Arnold, Mrs Karen Hall on behalf of Mr Sash Herceg, Mrs Cherie Dear and Mr Parveen Batish spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. endorses the letter sent by the Mayor to the Minister for Education dated 22 January 2016; and
2. **advocates** to the Minister for Education seeking the following outcomes for the Beaumaris Secondary College site:
 - a. Soccer – after school hours access to FIFA compliant all-weather synthetic soccer pitch (all year);
 - b. Cricket – after school hours access to the second oval (summer);
 - c. AFL Football - after school hours access to the second oval (winter);
 - d. Farmers Market – weekend access to school surrounds to conduct monthly market (all year);
 - e. Basketball/Netball – after school hours access to indoor court facilities (all year);
 - f. The design of the indoor stadium facilities to allow for additional courts to be added at a later time
 - g. A joint use agreement that secures all of the long term after hours sporting uses
 - h. Dog Walking and passive recreation – after school hours access through and around school site (all year); and
 - i. Modified stormwater drainage system to enable hydrological flow to Long Hollow Heathland.
 - j. Retention of as many of the mature native and in particular remnant indigenous trees as possible

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

DIVISION: **FOR:** Crs del Porto, Lowe, Heffernan and Frederico (4)
 AGAINST: Crs Evans, Long and Stewart (3)

CARRIED

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Evans

That the meeting be extended to 11.30pm.

CARRIED

Reconvened Meeting of Council

Thursday 25 February 2016

6.30pm

Moved: Cr del Porto

Seconded: Cr Lowe

That the adjourned Ordinary Meeting of Council held on 23 February 2016 be resumed at 6.30pm on 25 February 2016.

CARRIED

Apologies

An apology from Cr Evans was submitted to the reconvened meeting..

Moved: Cr Frederico

Seconded: Cr del Porto

That the apology from Cr Evans be received and leave of absence be granted.

CARRIED

Disclosure of any Conflict of Interest of any Councillor

- Cr del Porto declared an indirect conflict of interest in items 14.1 and item 10.15 – CON/15/82 Hurlingham Park Masterplan Implementation Stage 2 given his residential amenity may be altered as he lives in close proximity to Hurlingham Park.
- Cr Stewart declared an indirect conflict of interest in Urgent Business item 12.1 Proposed Railway Station Adjacent to Southland given her residential amenity may be altered as she lives in close proximity to this proposal.

Moved: Cr Lowe

Seconded: Cr del Porto

That items 10.6, 10.9, 10.10 and 10.13 be brought forward and dealt with at this stage of the meeting.

CARRIED

10.6 CHRISTMAS DECORATIONS 2015 REVIEW AND OPTIONS FOR 2016

City Planning and Amenity - Urban Strategy
File No: PSF/15/60 – Doc No: DOC/16/19661

It is recorded that Mr Robert Grinter and Mr George Reynolds spoke in relation to this matter. It is further recorded that Mr Trevor Allwright was not present in the Chamber.

Moved: Cr Heffernan

Seconded: Cr Frederico

That Council:

1. adopts Option 3 as outlined in this report being to complete the decoration of the Black Rock Clock Tower, install a 4 metre Christmas tree in the Beaumaris Concourse and 17 X 600mm wreaths in Martin Street, Gardenvale; and
2. allocates \$24,000 as part of the 2016/17 Budget to cover the cost of Option 3.

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

DIVISION: **FOR:** Crs del Porto, Lowe, Long, Heffernan and Frederico (5)
 AGAINST: Cr Stewart (1)

CARRIED

10.9 HAMPTON EAST (MOORABBIN) STRUCTURE PLAN

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/17863

It is recorded that Mr Fabian Secatore, Mr David Hughes, Mr Noel Johnstone and Mr Keir Cornish spoke in relation to this matter.

It is further recorded that Mrs Christine Cornish was not present in the Chamber.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. adopts the Final Hampton East (Moorabbin) Structure Plan in the form of Attachment 2 to this report;
2. seeks authorisation from the Minister for Planning to prepare Amendment C151 to the Bayside Planning Scheme in the form of the Hampton East (Moorabbin) Structure Plan at Attachment 2 of this report and Amendment documentation in the form of Attachment 4 of this report;
3. exhibits Amendment C151 in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Planning and Amenity to make any necessary editorial changes.

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

DIVISION: **FOR:** Crs Lowe, Stewart, Heffernan and Frederico (4)
 AGAINST: Crs del Porto and Long (2)

CARRIED

10.10 COMBINED PLANNING SCHEME AMENDMENT (C143) AND PLANNING PERMIT APPLICATION (2015/0117) - 459 BAY STREET, BRIGHTON

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/18317

It is recorded that Ms Emma Manning spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council:

1. seeks authorisation from the Minister for Planning to prepare Amendment C143 to the Bayside Planning Scheme;
2. exhibits Amendment C143 in accordance with the Planning and Environment Act 1987; and
3. authorises the Director City Planning and Amenity to make any necessary editorial changes.

CARRIED

10.13 QUARTER 2 PERFORMANCE REPORT - OCTOBER TO DECEMBER 2015

CEO - Better Place Implementation
File No: PSF/16/331 – Doc No: DOC/16/28031

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

Moved: Cr Heffernan

Seconded: Cr del Porto

That Council:

1. notes the Quarter 2 Performance Report against the Council Plan activities for the period October to December 2015; and
2. adopts the financial report to December 2015.

CARRIED

**10.7 UPDATE ON GOVERNANCE ARRANGEMENTS FOR SECTION 86
COMMITTEE FOR THE GALLERY@BACC**

Community Services - Family & Cultural Services
File No: PSF/15/8760 – Doc No: DOC/16/21438

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

That Council:

1. receives and notes this report; and
2. receives a report on the draft Charter for the Section 86 Committee at the June 2016 Ordinary Meeting of Council.

CARRIED**10.8 LOCAL AREA TRAFFIC MANAGEMENT POLICY**

Environment and Infrastructure - Infrastructure Assets
File No: PSF/15/8756 – Doc No: DOC/16/3717

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

That Council adopts the revised Local Area Traffic Management Policy 2016 as shown in Attachment 1.

CARRIED**10.11 REVISIONS TO ARTS & CULTURE POLICIES**

Community Services - Family & Cultural Services
File No: PSF/15/8760 – Doc No: DOC/16/22157

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

That Council adopts the revised versions of the Art & Heritage Collection Policy and Public Art Policy, subject to an alteration in the Public Art Policy specifically relating to the Community Engagement paragraph to reference the Community Plan (delete 2025)

CARRIED

10.12 UPDATE TO THE SPECIAL BUILDING OVERLAY IN THE BAYSIDE PLANNING SCHEME

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/20632

Moved: Cr del Porto

Seconded: Cr Stewart

That Council:

1. agrees to Melbourne Water's request to commence a planning scheme amendment to modify the Special Building Overlay boundaries;
2. writes to Melbourne Water advising of its decision;
3. requests the Minister for Planning to authorise the planning scheme amendment; and
4. receives a further report prior to the commencement of a public exhibition process.

CARRIED

Moved: Cr del Porto

Seconded: Cr Frederico

That items 10.14, 10.18 and 10.19 be considered as a block motion and the recommendations be adopted

CARRIED

10.14 CON/15/82 RETAIL ELECTRICITY, NATURAL GAS, PUBLIC LIGHTING AND ASSOCIATED SERVICES

Environment and Infrastructure – City Works
File No: CON/15/82 – Doc No: DOC/16/15213

That Council:

1. awards a contract for Retail Electricity, Natural Gas, Public Lighting and Associated Services for a period commencing 29 February 2016 and ending 30 June 2018 with two x one year options to extend with AGL in accordance with Procurement Australia's Contract 1906/0625; and
2. authorises the Chief Executive Officer to sign all necessary contract agreements with AGL for Retail Electricity, Natural Gas, Public Lighting and Associated Services.

CARRIED

NOTE: Item 10.14 was **CARRIED** as part of a block motion.

10.18 VCAT DECISIONS

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/10520

Moved: Cr del Porto

Seconded: Cr Frederico

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

CARRIED

NOTE: Item 10.18 was **CARRIED** as part of a block motion.

10.19 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/16697

Moved: Cr del Porto

Seconded: Cr Frederico

That Council notes the Council Action Awaiting Report.

CARRIED

NOTE: Item 10.19 was **CARRIED** as part of a block motion.

It is recorded Cr del Porto declared an indirect conflict of interest in items 14.1 and item 10.15 – CON/15/82 Hurlingham Park Masterplan Implementation Stage 2 given his residential amenity may be altered as he lives in close proximity to Hurlingham Park.

Councillor del Porto was not present in the Chamber when this item was considered and left the Meeting at 7:54 PM.

10.15 CON/15/158 HURLINGHAM PARK MASTERPLAN IMPLEMENTATION STAGE 2

Environment and Infrastructure – City Works
File No: CON/15/158– Doc No: DOC/16/15537

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council:

1. awards contract CON/15/158 Hurlingham Park Masterplan Implementation Stage 2 in Brighton East to V.Crete Concrete Contractors Pty Ltd t/a Vcrete Contractors (ABN: 40 055 492 683) for the lump sum price of \$367,907.00 exclusive of GST and \$404,697.00 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON15158 Hurlingham Park Masterplan Implementation Stage 2 in Brighton East; and
3. advises the unsuccessful tenderers accordingly.

CARRIED

It is recorded Cr del Porto vacated the Chamber prior to item 10.15 and was not present in the Chamber when this item was considered.

Councillor del Porto returned to the Meeting at 7:55 PM

10.16 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/22483

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council approves the attendance of Cr Frederico at the ALGA National Assembly to be held in Canberra from 19 – 22 June 2016.

CARRIED

10.17 ELECTION SERVICE PLAN AND COST ESTIMATE FOR THE BAYSIDE CITY COUNCIL GENERAL ELECTIONS 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/24542

Moved: Cr Frederico

Seconded: Cr Stewart

That Council:

1. notes the Election Service estimated cost for the VEC (as the sole provider) to conduct the Bayside City Council General Elections for 2016;
2. notes an Election Period Policy will be presented to Council in March 2016; and
3. gives public notice to reschedule the September Ordinary Meeting of Council from Tuesday 20 September to Tuesday 13 September 2016.

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 Association of Bayside Municipalities were circulated to Councillors.
2. **MAV Environment Committee** – Director Environment & Infrastructure
The Director Environment & Infrastructure advised that the notes from a recent MAV Environment Committee meeting were circulated to Councillors.
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure
The Director Environment & Infrastructure advised that the notes from the Metropolitan Transport Forum meeting was circulated to Councillors.
4. **Municipal Association of Victoria** – Cr Frederico
Cr Frederico advised that the notes from the Municipal Association of Victoria meeting held on 19 February 2016 were circulated to Councillors.
5. **Inner South Metropolitan Mayors' Forum** – Cr Long
Cr Long advised that the notes from the Inner South Metropolitan Mayors' Forum held on 5 February 2016 was circulated to Councillors.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
The Director Environment & Infrastructure advised that the notes from the Metro Waste & Resource Recovery Group meeting was circulated to Councillors.

Moved Cr Stewart

Seconded Cr del Porto

That the delegates reports be received and noted.

CARRIED

It is recorded Cr Stewart declared an indirect conflict of interest where her residential amenity may be altered in Urgent Business item 12.1 Proposed Railway Station Adjacent to Southland as she lives in close proximity to this proposal.

It is recorded that Councillor Stewart was not present in the Chamber when this item was considered and left the Meeting at 8:03 PM.

12. Urgent Business

12.1 Proposed Railway Station Adjacent to Southland

City Planning & Amenity – Urban Strategy

File No: PSF/15/8752– DOC/16/30927

Moved: Cr Lowe

Seconded: Cr Frederico

That the matter of the Proposed Railway Station Adjacent to Southland be considered as an item of urgent business.

CARRIED

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. writes to the Minister for Public Transport to:
 - a. seeks the release of the final design specification to all stakeholders and submitters to provide an opportunity for comment;
 - b. seeks response to matters not addressed in the preliminary design as presented in Council's submission, including provision of lift access;
 - c. provides detail for the intended use of 60 Tulip Grove, during and after construction works have been completed;
 - d. advocates for further consultation and engagement opportunities with residents of Tulip Grove, if access to the Station from 60 Tulip Grove is considered in the future; and
 - e. advocates for commuter parking to be provided at Cheltenham Station to emphasise its role as a commuter station, and the role of Southland as a destination station.
2. writes a joint letter with Kingston City council, to the Minister for Public Transport to be signed by the Bayside and Kingston Mayors, expressing concerns about the lack of consideration to the matters previously raised by both Councils submissions, and request a meeting with the Minister to discuss the final station design as soon as practicable.

CARRIED

It is recorded Crs Stewart vacated the Chamber prior to item 12.1 and was not present in the Chamber when this item was considered.

It is recorded Councillor Stewart returned to the Meeting at 8:09 PM.

12.2 Victorian Gender Equity Strategy Consultation Paper

Corporate Services - Governance

File No: PSF

Moved: Cr Frederico

Seconded: Cr Stewart

That the matter of the Victorian Gender Equity Strategy Consultation Paper be considered as an item of urgent business.

CARRIED

Moved: Cr Frederico

Seconded: Cr Lowe

That Council forwards a written submission to the Department of Premier and Cabinet on the Victorian Gender Equity Strategy consultation paper based on Council's Grass Ceiling campaign to ensure fair and equitable access to sporting infrastructure.

CARRIED

13. Notices of Motion

Nil

14. Confidential Business

Moved: Cr Frederico

Seconded: Cr del Porto

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) *Personnel matters;*
- (b) *The personal hardship of any resident or ratepayers;*
- (c) *Industrial matters;*
- (d) *Contractual matters;*
- (e) *Proposed developments;*
- (f) *Legal advice;*
- (g) *Matters affecting the security of Council property;*
- (h) *Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) *A resolution to close the meeting to members of the public.*

CARRIED

Table of Contents

14.1 CONFIDENTIAL ATTACHMENT: CON/15/82 RETAIL ELECTRICITY, NATURAL GAS, PUBLIC LIGHTING AND ASSOCIATED SERVICES, CON/15/158 HURLINGHAM PARK MASTERPLAN IMPLEMENTATION STAGE 2
(LGA 1989 Section 89(2)(d) and (h) contractual matters and matters which the Council considers would prejudice the Council or any person.)

14.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 1 FEBRUARY 2016
(LGA 1989 Section 89(2)(a) and (d) personnel matters and 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 8.17PM.

CONFIRMED THIS INSERT 22 DAY OF MARCH 2016

CHAIRPERSON:

