



**Minutes of the Ordinary Meeting of
Bayside City Council**

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on 26/04/2016

The Meeting commenced at 7pm

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
Juliana Aya	Acting Manager Urban Strategy
Bill Shanahan	Manager Finance
Tom Vercoe	Strategic Planning Co-ordinator
Janice Pouw	Governance Officer

Table of Contents

1.	Prayer	
2.	Acknowledgement of Original Inhabitants	
3.	Apologies	
4.	Disclosure of any Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition: Welton Street Nature Strips.....	9
7.2	Petition: 39 Olympic Avenue, Cheltenham	10
8.	Minutes of Advisory Committees	
8.1	Assembly of Councillors Record.....	12
9.	Reports by Special Committees	
	There were no reports by Special Committees	
10.	Reports by the Organisation	
10.1	Sandringham Foreshore Masterplan	14
10.2	Draft Elsternwick Park Masterplan	14
10.3	Provision of a Sustainable Water Supply at Dendy Park and Brighton Golf Course.....	15
10.4	Childrens' Sensory Garden Investigation	15
10.5	Hampton Willis Street Precinct - Traffic Management Options.....	16
10.6	Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update	17
10.7	Proposed Sport & Recreation Network Formation Working Party - Update.....	17
10.8	Bayside Drainage Development Contributions Plan - Planning Panel Report	18
10.9	Draft Budget 2016-17 and Long Term Financial Plan	19
10.10	Council Plan 2013-2017 (2016 Review) and Strategic Resource Plan 2016-2020.....	21
10.11	Microsoft Software Licence Renewal	22



10.12	Delivered Meals Service Agreement	22
10.13	Proposed Local Government (Electoral) Regulations 2016.....	23
10.14	Provision of Electoral Services for the 2016 Bayside City Council General Election.....	23
10.15	Municipal Association of Victoria - State Council - Alteration to Bayside's Proposed Motion on MAV Governance and Performance.....	24
10.16	February 2016 Financial Report.....	25
10.17	VCAT Decisions	25
10.18	Council Action Awaiting Report	26
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
13.1	Notice of Motion 245 - Additional Pedestrian Crossings in Church Street Brighton	28
13.2	Notice of Rescission No 246 - 330 South Road, Hampton East Item 4.9 Planning & Amenity Committee 12 April 2016.....	29
14.	Confidential Business	
14.1	Confidential Attachment: Delivered Meals Service Agreement	36



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 Evans to read the prayer.

1. Prayer

Cr Evans 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

- It is recorded that Cr Frederico declared an indirect interest by close association in Part A of item 10.9 of the Proposed Budget 2016/17 – Capital Works project - Brighton Beach Oval Precinct Redevelopment given her husband is on the executive of the Brighton Beach Junior Football Club.
- It is recorded that Cr del Porto declared an indirect interest where residential amenity may be altered as he lives in close proximity to Hurlingham Park. Cr del Porto declared an interest in Part B of item 10.9 of the Proposed Budget 2016/17 – Capital Works project- Hurlingham Park Masterplan Implementation Stage 3 and Hurlingham Park Ovals 1 & 2 Sportsground Lighting (Constrn)
- It is recorded that Cr Stewart declared an indirect conflict of interest where residential amenity may be altered in Part C of Item 10.9 Draft Budget 2016-17 - New Initiative – Southland Structure Plan. Cr Stewart declared an interest given she lives in close proximity to the Southland Activity Centre.

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 22 March 2016.

Moved: Cr del Porto

Seconded: Cr Evans

That the minutes of the Ordinary meeting of Bayside City Council held on 22 March 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

- 5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 14 April 2016.

Moved: Cr del Porto

Seconded: Cr Evans

That the minutes of the Special Council meeting of Bayside City Council held on 14 April 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, 4 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 George Reynolds

Council contractors have been cutting down trees "Native to Victoria" around the Beaumaris Concourse and the streets close to the Library. While it is recognised that such trees are exempt from the planning permit requirements if they are "Planted Trees" within the broad acre clearing provisions, this exemption does not apply to trees in VPO3. As the whole of Beaumaris is within VPO3, would Council advise:

- (a) When was the planning permit issued to remove or prune these trees, and
- (b) If so, when was notice of application for a permit posted and given to affected parties.

Response

- a) Tree maintenance activities including pruning and removal are exempt from requiring a planning permit if the work relates to road safety or if the vegetation presents an immediate risk of personal injury or damage to property.
 - b) If a permit is not required, no notice of application for a permit is necessary.
-

2. Mr George Reynolds

Council claims that agendas are available in all libraries.

- (a) Why are agendas not available at Beaumaris Library as soon as published on the internet, and
- (b) Are often not available because insufficient copies have been delivered.

Response

- a) The agendas are placed on Council's website on the Thursday morning prior to the Council meeting to provide maximum access for the community. Hard copies of the agendas and attachments are then printed for the libraries.
 - b) The number of agendas provided to the four libraries was agreed after consultation between the Libraries Manager, Libraries Coordinator and Governance Officer. Additionally, Library staff will print out an item from an agenda if requested. A six month review of agenda numbers indicates that adequate numbers of agendas are provided.
-

Councillor Lowe left the Meeting at 7.10 PM



3. Mr K.S. Spencer

Given Objective 2. Under the City of Bayside Planning Scheme that states- To provide vibrant, attractive pedestrian environments that are safe and accessible for people with all levels of mobility and strategies to consider the mobility of all community members in the design of the streetscape, particularly those using motorized scooters for disabled use, wheelchairs and prams, as with the unstable and uneven sections of public footpath in Male Street Brighton adjoining commercial business 380-386 Bay Street.

- A. Explain why council staff are ignoring their responsibilities for the administration of the City of Bayside Planning Scheme and the mandatory provisions within the scheme in regard to Object 2, including the well-being for all ages and Abilities Strategy 2013 - 2017.
- B. Further more explain why the needs of a developer due to defective building design are given precedence over the safety of our aged and those with disabilities, and in so doing treated as second class citizens and forced to use such a substandard uneven section of concrete as a public footpath on a public road reserve.

Response

- A. Council staff have administrated the City of Bayside Planning Scheme and the well-being for all ages and Abilities Strategy 2013 -2017 relating to 380-386 Bay Street. There are no unstable or uneven sections of footpath on Male Street adjacent to the recent redevelopment site at 380 -386 Bay Street. The gradient of the footpath changes at several locations, all of which are considered safe and accessible to all footpath users.
- B. The mild changes in gradient of the footpath is considered an acceptable outcome, given the design constraints imposed on the developer by the building code. The footpath complies with all standards relating to construction and accessibility.

Councillor Lowe returned to the Meeting at 7.13 PM

4. Mr K.S. Spencer

In consideration to Goal 1 - An engaged community and council of the City of Bayside Council Plan 2013-2017, which goes on to say "The Bayside Community will be well informed and will have opportunities to actively participate in council decision making.

- A. Bearing this Goal 1. and as apparently no notice was given to the community in consideration to this policy, when was Bayside City Council CEO tenure completed ?
- B. What is the current situation with respect to the exercise and performance powers, functions and duties in the current term position of the CEO that the community should have been made aware of.

Response

- a) Advertisements were placed in The Age newspaper on Thursday 12 November 2015 and the Bayside Leader on 17 November 2015 giving notice that Council at its December 2015 meeting would consider a resolution to reappoint the Chief Executive Officer in accordance with section 94(4) of the Local Government Act.
- b) In accordance with section 98 of the Local Government Act, Council by instrument of delegation has delegated the Chief Executive Officer any power, duty or function to perform his role under the Act.



7. Petitions to Council

7.1 PETITION: WELTON STREET NATURE STRIPS

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/61954

Petition requesting that no concrete pavement be constructed on Welton Street Nature Strips. (9 signatures)

“We the undersigned do not agree with the proposal to erect a concrete pavement on Welton Street nature strips”

Moved: Cr Stewart

Seconded: Cr Evans

That:

1. the petition be considered in conjunction with the ‘Draft Footpath Treatments within the Road Reserve Policy’ when presented to Council; and
2. the head petitioner be advised of the above.

CARRIED

7.2 PETITION: 39 OLYMPIC AVENUE, CHELTENHAM

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/62542

Petition objecting to the granting of a Planning Permit at 39 Olympic Avenue, Cheltenham (Ref: 5/2015/799/1) (75 signatures)

“We, the undersigned, hereby petition our strong objection to Bayside City Council granting a Planning Permit for the construction of four (4) double storey dwellings and basement car parking at 39 Olympic Avenue, Cheltenham (Ref: 5/2015/799/1) for the following reasons:

- The proposed design does not respect or contribute to the existing or preferred neighbourhood character;
- The creation of four double storey dwellings on a total site area of 711m² would set a new precedent for overcrowding a site within the area;
- The proposed development well exceeds anything else in Olympic Ave including the recent construction of dual occupancy developments at 41 & 43 Olympic Ave;
- The development does not respect landscape character of the neighbourhood as it proposes all tree removal within the subject site, inc. trees significant to the area;
- Reduction of on street parking due to the proposed additional crossover.”

Moved: Cr Frederico

Seconded: Cr Lowe

That the petition be considered in conjunction with Planning Application Ref: 5/2015/799/1 – 39 Olympic Avenue, Cheltenham.

CARRIED

Moved: Cr del Porto

Seconded: Cr Stewart

That Council changes the order of business to bring forward Urgent Business item 12.1 – Petition: 14 Gladstone Street Sandringham to be dealt with at this stage of the meeting.

CARRIED

12. URGENT BUSINESS

Urgent Business Item 12.1 – 14 Gladstone Street, Sandringham

“We the undersigned hereby petition Bayside City Council to reverse its decision made at the Council’s Planning and Amenity Committee meeting held on 12 April 2016 and so retain the street tree adjacent to 14 Gladstone Street, Sandringham.” (7 signatures)

Moved: Cr Stewart

Seconded: Cr Frederico

That the petition received in relation to 14 Gladstone Street Sandringham, be dealt with as a matter of Urgent Business.

CARRIED

Moved: Cr Stewart

Seconded: Cr Evans

That Council:

1. receives and notes the petition requesting Council to reverse its decision made at the Planning and Amenity Committee on 12 April 2016 and retain the street tree adjacent to 14 Gladstone Street, Sandringham;
2. confirms the resolution at the Planning and Amenity Committee on 12 April 2016 to remove the street tree adjacent to 14 Gladstone Street, Sandringham;
3. records that the removal of the tree is for reasons relating to the health, convenience and care requirements of a resident at 14 Gladstone Street, Sandringham;
4. acknowledges the withdrawal of one of the petitioners; and
5. notifies the head petitioner of the resolution.

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

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

CARRIED

8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/58449

Moved: Cr Stewart

Seconded: Cr Evans

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act 1989:

Date	Name
29 March 2016	Councillor Briefing
29 March 2016	CEO and Councillor Only Briefing
5 April 2016	Middle Brighton Baths – Shared Trail

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees

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 10.2 Draft Elsternwick Park Masterplan

1. Mr Geoffrey Love
2. Mr Arron Wood
3. Mr Albrecht Scholer
4. Mr Michael Nugent
5. Mr George Reynolds

Item 10.3 Provision of a Sustainable Water Supply at Dendy Park and Brighton Golf Course

1. Ms Jane Millar
2. Mr Wayne Troedson
3. Mr Keith Beggs
4. Mr Neil Pickering
5. Mr Michael Nugent

Item 10.5 Hampton Willis Street Precinct – Traffic Management Options

1. Mr Tony Shepherd
2. Mr David Osborn
3. Mr Anthony George
4. Mr Mike Stasiuk

Item 10.8 Bayside Drainage Development Contributions Plan – Planning Panel Report

1. Mr Michael Nugent
2. Mr George Reynolds

Item 10.9 Draft Budget 2016-17 and Long Term Financial Plan

1. Mr George Reynolds

Item 10.10 Council Plan 2013-2017 (2016 Review) and Strategic Resource Plan 2016-2020

1. Mr George Reynolds



10.1 SANDRINGHAM FORESHORE MASTERPLAN

Environment and Infrastructure - Environmental Sustainability & Open Space
File No: FOL/14/2664 – Doc No: DOC/16/17858

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. notes the Sandringham Foreshore Masterplan Community Consultation Report; and
2. adopts the Sandringham Foreshore Masterplan 2016.

CARRIED

10.2 DRAFT ELSTERNWICK PARK MASTERPLAN

Environment and Infrastructure - Environmental Sustainability & Open Space
File No: FOL/16/597 – Doc No: DOC/16/60277

*It is recorded that Mr Geoffrey Love, Mr Arron Wood, Mr Albrecht Scholer,
Mr Michael Nugent and Mr George Reynolds spoke in relation to this matter.*

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council notes the community feedback from the early phase of the community engagement and the further planned staged approach to developing options for the Elsternwick Park Master Plan.

CARRIED

10.3 PROVISION OF A SUSTAINABLE WATER SUPPLY AT DENDY PARK AND BRIGHTON GOLF COURSE

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/60688

It is recorded that Ms Jane Millar, Mr Wayne Troedson, Mr Keith Beggs, Mr Neil Pickering and Mr Michael Nugent spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council refers consideration of funding the Dendy Park and Brighton Golf Course Stormwater Harvesting project for consideration as part of the 2016/17 Budget.

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

10.4 CHILDRENS' SENSORY GARDEN INVESTIGATION

Environment and Infrastructure - Environmental Sustainability & Open Space
File No: FOL/13/32436 – Doc No: DOC/16/60680

Moved: Cr Stewart

Seconded: Cr del Porto

That Council notes this report and receives a detailed report at the 24 May 2016 Ordinary Meeting following receipt of information from the Royal Botanical Gardens.

CARRIED

10.5 HAMPTON WILLIS STREET PRECINCT - TRAFFIC MANAGEMENT OPTIONS

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/61663

It is recorded that Mr Tony Shepherd, Mr David Osborn, Mr Anthony George and Mr Mike Stasiuk spoke in relation to this matter.

*Councillor del Porto left the Meeting at 8.57 PM
Councillor del Porto returned to the Meeting at 9 PM*

Moved: Cr del Porto

Seconded: Cr Evans

That Council defers this item until a detailed design is received from the applicant.

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

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

LOST

Moved: Cr Frederico

Seconded: Cr Evans

That Council:

1. adopts the Modified Option E as its preferred traffic outcome in the form of Attachment 1;
2. ceases action to implement Option C, following its 28 April 2015 resolution; and
3. writes to all participants of the engagement process and thanks them for their participation.

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

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

CARRIED

Moved: Cr del Porto

Seconded: Cr Evans

That items 10.6 and 10.7 be dealt with as a block motion and the recommendations be adopted.

10.6 BRIGHTON SECONDARY COLLEGE SYNTHETIC HOCKEY FACILITY - MANAGEMENT COMMITTEE FINANCIALS UPDATE

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/64156

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

1. Continues to consult with the Brighton Secondary College Synthetic Hockey Facility Management Committee to summarise its activities and confirm its financial position; and
2. Presents a report detailing Brighton Secondary College Synthetic Hockey Facility Management Committee activities and financial position to Council at its 13 July meeting.

NOTE: Item 10.6 was **CARRIED** as part of a block motion.

10.7 PROPOSED SPORT & RECREATION NETWORK FORMATION WORKING PARTY - UPDATE

Corporate Services - Recreation, Events & Community Partnerships
File No: PSF/15/8751 – Doc No: DOC/16/63890

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

1. Discontinues the Sport and Recreation Network Formation Working Party; and
2. Writes to members of the Sport and Recreation Network Formation Working Party to thank them for their efforts while investigating the feasibility of such a network.

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

**10.8 BAYSIDE DRAINAGE DEVELOPMENT CONTRIBUTIONS PLAN -
PLANNING PANEL REPORT**

City Planning and Amenity - Urban Strategy
File No: FOL/14/3775 – Doc No: DOC/16/42007

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

*Councillor Stewart left the Meeting at 9.44 PM
Councillor Stewart returned to the Meeting at 9.47 PM*

Moved: Cr Frederico

Seconded: Cr Lowe

That Council:

1. adopts Bayside Planning Scheme Amendment C139, the Bayside Drainage Development Contributions Plan, as attached, including the changes recommended by the Planning Panel;
2. seeks the Minister for Planning's approval of Bayside Planning Scheme Amendment C139 – The Bayside Drainage Development Contributions Plan;
3. agrees to the inclusion of standard planning permit conditions for levy collection to be imposed by the Manager Development Services; and
4. authorises the Director City Planning and Amenity to make any editorial changes necessary.

CARRIED

10.9 DRAFT BUDGET 2016-17 AND LONG TERM FINANCIAL PLAN

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/55887

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

It is recorded that Cr Frederico declared an indirect interest by close association in Part A of item 10.9 of the Proposed Budget 2016/17 – Capital Works project - Brighton Beach Oval Precinct Redevelopment given her husband is on the executive of the Brighton Beach Junior Football Club.

It is recorded that Cr Frederico vacated the Chamber at 9.59pm prior to discussion on this matter.

Moved: Cr Evans

Seconded: Cr Stewart

PART A

That Council includes into the 2016/17 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989 the following item:

- Capital Works Brighton Beach Oval Precinct Redevelopment

CARRIED

It is recorded that Cr Frederico vacated the Chamber prior to the consideration of Part A of item 10.9 and was not present when this item was considered. Cr Frederico entered the Chamber at 10.01pm.

It is recorded that Cr del Porto declared an indirect interest where residential amenity may be altered as he lives in close proximity to Hurlingham Park. Cr del Porto declared an interest in Part B of item 10.9 of the Proposed Budget 2016/17 – Capital Works project- Hurlingham Park Masterplan Implementation Stage 3 and Hurlingham Park Ovals 1 & 2 Sportsground Lighting (Constrn)

It is recorded that Cr del Porto vacated the Chamber at 10.01pm prior to discussion on this matter.

Moved: Cr Lowe

Seconded: Cr Evans

PART B

That Council includes into the 2016/17 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989 the following item:

- Capital Works Hurlingham Park Masterplan Implementation Stage 3
- Capital Works – Hurlingham Park Oval Sportsground Lighting

CARRIED

It is recorded that Cr del Porto vacated the Chamber prior to the consideration of Part B of item 10.9 and was not present when this item was considered. Cr del Porto entered the Chamber at 10.02pm.

It is recorded that Cr Stewart declared an indirect conflict of interest where residential amenity may be altered in Part C of Item 10.9 Draft Budget 2016-17 - New Initiative – Southland Structure Plan. Cr Stewart declared an indirect interest given she lives in close proximity to the Southland Activity Centre.

It is recorded that Cr Stewart vacated the Chamber at 10.02pm prior to discussion on this matter.

Moved: Cr Frederico

Seconded: Cr Evans

PART C

That Council includes into the 2016/17 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989 the following item:

- New Initiatives Southland Structure Plan

CARRIED

It is recorded that Cr Stewart vacated the Chamber prior to the consideration of Part C of item 10.9 and was not present when this item was considered. Cr Stewart entered the Chamber at 10.03pm.

Moved: Cr Evans

Seconded: Cr Stewart

PART D

1. That Council formally prepares the 2016/2017 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989.
2. That Council adopts “in principle” the Long Term Financial Plan 2015/16 – 2024/25.
3. That Council adopts “in principle” the Schedule of Discretionary Fees and Charges attached to the 2016/2017 Proposed Budget with the following change:
 - Exclusion of credit card surcharge threshold for credit card payments
4. That Council:
 - a) gives public notice of the preparation of the 2016/2017 Proposed Budget and makes available copies of the proposed budget for public inspection purposes; and
 - b) in accordance with Section 223 of the Local Government Act 1989, establish a Special Committee of Council consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the 2016/2017 Proposed Budget on Thursday 2 June 2016 at 7:30pm at the Council Chambers, Civic, Centre, Brighton.

CARRIED

10.10 COUNCIL PLAN 2013-2017 (2016 REVIEW) AND STRATEGIC RESOURCE PLAN 2016-2020

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/35461

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

Moved: Cr Evans

Seconded: Cr Frederico

That Council:

1. adopts in-principle the Council Plan 2013-2017 (2016 Review) and the Strategic Resource Plan 2016-2020;
2. gives public notice of the Council 2013-2017 (2016 Review) and the Strategic Resource Plan 2016-2020, and makes copies available for public inspection purposes; and
3. 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 hear submissions in relations to the Council Plan 2013-2017 (2016 Review) and Strategic Resource Plan 2016-2020 on Thursday 2 June 2016 at 6.30pm at the Council Chambers, Civic Centre Brighton.

CARRIED

Moved: Cr del Porto

Seconded: Cr Lowe

That items 10.11, 10.12, 10.13 and 10.14 be dealt with as a block motion and the recommendations be adopted.

CARRIED

10.11 MICROSOFT SOFTWARE LICENCE RENEWAL

Corporate Services - Information Services
File No: PSF/15/8757 – Doc No: DOC/16/60418

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. accepts the tendered price for (contract number CON/13/16) supply of Microsoft Licences from Data3, for the total sum of \$541,948 (Excl' GST);
2. authorises the Chief Executive Officer to sign all necessary documentation related to contract number CON/13/16; and
3. advises the unsuccessful supplier accordingly.

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

10.12 DELIVERED MEALS SERVICE AGREEMENT

Community Services - Aged & Disability
File No: PSF/15/8765 – Doc No: DOC/16/55559

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

1. endorses the extension of the service agreement with Community Chef for the supply of meals for the period of three years from 1 July 2016 to 30 June 2019;
2. transfers all of its existing shares in Community Chef in exchange for one free share in the Regional Kitchen; and
3. signs and affixes the Council seal of Bayside City Council to the Application for Shares to Regional Kitchen Pty Ltd.

NOTE: Item 10.12 was **CARRIED** as part of a block motion.

10.13 PROPOSED LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/57120

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

That Council gives in-principle support to the attached submission on the discussion paper for the review of the Local Government (Electoral) Regulations and authorises the Chief Executive to make any minor editorial changes required.

NOTE: Item 10.13 was **CARRIED** as part of a block motion.

10.14 PROVISION OF ELECTORAL SERVICES FOR THE 2016 BAYSIDE CITY COUNCIL GENERAL ELECTION

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/58215

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

That Council authorises the Chief Executive Officer to sign on behalf of Council the service agreement between the Victorian Electoral Commission and Bayside City Council for the provision of electoral services for a four year period commencing 1 July 2016, based on the following quoted costs:

- Preparation of Voters' Roll and conduct of General Election - \$346,913.81 (inclusive of GST);
- Enforcement of Compulsory Voting - \$66,422.83 (inclusive of GST)

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



**10.15 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL -
ALTERATION TO BAYSIDE'S PROPOSED MOTION ON MAV
GOVERNANCE AND PERFORMANCE**

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/66558

Moved: Cr Frederico

Seconded: Cr Lowe

That Council seeks to replace or amend its MAV State Council Motion on MAV Governance and Performance with the following Motion:

1. That this MAV State Council meeting reaffirms its commitment to the MAV being a modern, membership driven peak body that is able to serve its constituency's diverse requirements, while delivering high levels of membership satisfaction;
2. MAV State Council receives direct reports from Deloittes and Ernst Young on their work undertaken on improved MAV Governance and MAV Performance measures, and
3. That the following matters be referred to the MAV Municipal Association Act and Rules Review Taskforce, as advised by the MAV in April 2016, with a future report to be provided to MAV State Council on the Taskforce's recommendations:
 - A comprehensive approach to measuring 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.
 - An examination of how MAV programs and initiatives, be they commercial or otherwise, are evaluated for performance and outcomes.
4. That Council authorises the MAV delegate to negotiate minor wording changes within the intent of Council's adopted resolution.

CARRIED

Moved: Cr del Porto

Seconded: Cr Stewart

That items 10.16, 10.17 and 10.18 be dealt with as a block motion and the recommendations be adopted.

CARRIED

10.16 FEBRUARY 2016 FINANCIAL REPORT

Corporate Services - Finance

File No: PSF/15/8759 – Doc No: DOC/16/54351

Moved: Cr del Porto

Seconded: Cr Stewart

That Council notes the operating and capital financial report for the eight months to 29 February 2016.

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/16/62323

Moved: Cr del Porto

Seconded: Cr Stewart

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

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

10.18 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/62558

Moved: Cr del Porto

Seconded: Cr Stewart

That Council notes the Council Action Awaiting Report.

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

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico

Cr Frederico indicated that a report from the recent meeting of the Association of Bayside Municipalities will be forwarded to Councillors.

2. **MAV Environment Committee** – Director Environment & Infrastructure

No meeting of the MAV Environment Committee has been held since the last provided report. The next meeting is scheduled for 12 May 2016.

3. **Metropolitan Transport Forum** – Director Environment & Infrastructure

The Director Environment & Infrastructure reported on the Metropolitan Transport Forum meeting held on 6 April where discussion included level crossing removals.

4. **Municipal Association of Victoria** – Cr Frederico

Cr Frederico indicated that at the recent MAV Metro South East Region meeting held on 15 April one of the items discussed was the transition of the MAV becoming a member driven organisation.

5. **Inner South Metropolitan Mayors' Forum** – Cr Long

Cr Long reported on the Inner South Metropolitan Mayors' Forum held on 15 April where discussion included a feasibility study for a rail interchange at South Yarra.

6. **Metro Waste & Resource Recovery Group** – Cr Stewart

The Director Environment & Infrastructure attended the Metro Waste & Resource Recovery Group meeting on the 7 April where the issue of recycling was discussed.

Moved: Cr Stewart

Seconded: Cr del Porto

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

Urgent Business Item 12.1 – 14 Gladstone Street, Sandringham

This item was dealt with at an earlier stage of the meeting.

13. Notices of Motion

13.1 NOTICE OF MOTION 245 - ADDITIONAL PEDESTRIAN CROSSINGS IN CHURCH STREET BRIGHTON

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/58290

Moved: Cr del Porto

Seconded: Cr Heffernan

That a report be presented to Council at the July 2016 Ordinary Meeting on the feasibility of introducing additional pedestrian crossings in Church Street Brighton at the intersections with St Andrews Street, Carpenter Street and Male Street, including costs, external funding opportunities and VicRoads' approval processes.

CARRIED



**13.2 NOTICE OF RESCISSION NO 246 - 330 SOUTH ROAD, HAMPTON EAST
ITEM 4.9 PLANNING & AMENITY COMMITTEE 12 APRIL 2016**

Corporate Services - Governance & Performance Reporting
File No: PSF/15/8758 – Doc No: DOC/16/62994

Moved: Cr Lowe

Seconded: Cr Stewart

That Council issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 330 South Road, Hampton East, for the construction of a three storey building containing one shop and eight dwellings in a Special Building Overlay, a reduction in the required car parking rate, waiver of the loading and unloading of vehicles requirement and alteration of access to a Road Zone, Category 1 in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show from the standard conditions:
 - a) All bedroom windows facing the internal light courts to be full height with an operable component.
 - b) Canopy to front façade extended to the western site boundary.
 - c) A stop-go signal system installed at the vehicular access to ensure efficiency for vehicular movements to and from the site.
 - d) A schedule of external finishes and materials in accordance with Condition 3 of this planning permit.
 - e) An Acoustic report in accordance with Condition 8 of this planning permit.
 - f) A "Green Wall" a landscape management plan in accordance with Condition 10 of this planning permit.
 - g) A construction management plan in accordance with Condition 13 of this planning permit.
 - h) A Waste Management Plan in accordance with Condition 14 of this planning permit.
 - i) The provision of 1.85 metre overlooking screens to the south facing balconies of the dwellings.
2. P3 – Layout not altered.
3. G6 – Schedule of materials and colours.
4. G3 – Plant/equipment or features on roof.
5. G5 – Boundary walls.
6. G1 – Before occupation.
7. The car stacker to be installed is a Nussbaum Uniparker N5303 (3 level independent stack parker (with pit)) unless with the written consent of the Responsible Authority.
8. Prior to the commencement of any works, an Acoustic Report must be submitted

to and approved by the Responsible Authority. The Acoustic Report must address, but is not limited to:

- a) Protect all dwelling occupants from external noise sources associated with the abutting South Road to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- b) Protect all dwelling occupants to southern boundary from noise associated with the operation of the mechanical car stacker to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- c) Protect all dwelling occupants from noise reverberation within the internal lightwells and noise generated from the communal corridors to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- d) Protect all dwelling occupants from noise associated with the operation of the internal lifts to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.

The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority.

The Responsible Authority may request at the sole cost of the permit holder that a further acoustic report be submitted demonstrating that the required level of noise attenuation outlined within the initial acoustic report has been achieved, or, if not, what works must be undertaken to achieve the required levels of noise attenuation.

9. A1 – General amenity provision
10. Prior to the commencement of all landscaping works associated with the “Green Wall” a landscape management plan detailing the ownership, maintenance regime and management responsibilities of the Green Wall/ Hanging Gardens associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority prior to the commencement of all landscaping works associated with the Green Wall/ Hanging Gardens.

If the Green Wall/Hanging Gardens fail, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

11. L2 – Completion of landscaping
12. L3 – Landscaping maintenance
13. CMP1 – Construction Management Plan
14. Before the occupation of the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be generally in accordance with the Waste Management Plan submitted by Leigh Design, Prepared by Andrew McIntosh and dated 18 December 2015 but amended to include:
 - a) Collection to be undertaken entirely within the ground floor using a suitable vehicle to reverse into the parking area and exit in a forward manner when collection is completed.
 - b) Section 1.4 updated to read:
 - Comingle recycling (mixed recycling) must include plastics coded 1-



7, glass, aluminium, tin cans, milk and juice cartons, paper including magazines and newspaper, cardboard in small amounts and folded down. NO PLASTIC BAGS IN RECYCLE BINS.

- Cardboard recycling in large amounts shall be collected and organised by the Body Corporate or Owners Corporation through a private collection contractor.
 - Hard waste collections will be managed by the Operators (Body Corporate / Owners Corporation) and will be organised through a private collection contractor, not Council.
 - Waste items such as e-Waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes can be taken to Baysides Waste Transfer and Recycling Centre at 144 Talinga Road, (fees and charges may apply) and will be organised through the Body Corporate / Owners Corporation.
- c) Section 2.2 updated to reference all waste collection to occur on site
- d) Section 3.3 updated to include:
- (Bin Washing) Storm water drains in storage area should be fitted with a litter trap/filter installed to trap litter which can then be disposed of responsibly; any trap/filter is to be included on a regular cleaning and sanitising schedule and must be emptied regularly.

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless with the written consent of the Responsible Authority.

15. CP4 – Vehicular crossings
16. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
17. Finished floor levels for the building must be no lower than 26.6 metres to Australian Height Datum (AHD), which is 300mm above the flood level of 26.3m AHD.
18. The entry / exit driveways of the basement car parks must incorporate flood proof apexes no lower than 26.6m AHD, which is 300mm above the applicable flood level of 26.3m AHD.
19. All doors, windows, vents and openings to the basement car parks must be a minimum of 300mm above the applicable flood level.
20. A bund wall, a minimum of 300mm above the applicable flood level, is to be constructed along the driveway to prevent flood water from entering the basement car park.
21. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
22. Flood resistant materials must be used for the construction of floor levels and walls below the applicable flood level for the proposed basement.
23. Any drainage system to the basement must be designed such that stormwater is unable to penetrate the basement.
24. DE1 – Legal point of



25. DE2 – Drainage plans
26. PE1 – Time for starting and completion - Development

Permit notes:

- The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 26.3 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's conditions shown above, please contact the Land Development on 9679 7517 quoting Melbourne Water's Reference 228616.
- PN1 Vehicle crossover permit
- PN2 Vehicle crossing removal
- PN4 Building approval
- PN5 Asset protection
- PN6 Drainage – No easement
- PN7 Drainage – Discharge of subterranean water from basements.”

be rescinded

CARRIED

Moved: Cr Lowe

Seconded: Cr Frederico

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2. P3 – Layout not altered.
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- PN5 Asset protection
- PN6 Drainage – No easement
- PN7 Drainage – Discharge of subterranean water from basements.”

CARRIED

14. Confidential Business

Moved: Cr del Porto

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: DELIVERED MEALS SERVICE AGREEMENT
(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 10.47pm.

CONFIRMED THIS INSERT 24 DAY OF MAY 2016

CHAIRPERSON:

