



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 28 April 2015

The Meeting commenced at 7.00pm

PRESENT:

Cr Felicity Frederico (Mayor)
Cr Alex del Porto
Cr Laurence Evans
Cr Michael Heffernan
Cr James Long BM JP
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

| | |
|-----------------------|--|
| Adrian Robb | Chief Executive Officer |
| Steven White | Director Infrastructure Services |
| Kaylene Conrick | Director Community Services |
| Mick Cummins | Director Corporate Services |
| Shiran Wickramasinghe | Director City Strategy |
| Matt Kelleher | Manager Urban Strategy |
| Tom Vercoe | Senior Strategic Planner |
| Anthony Jacobs | Economic Development Coordinator |
| Mark Stockton | Manager Recreation, Events & Social Development |
| Bill Shanahan | Manager Finance |
| Janice Pouw | Governance Officer |

The Chairperson declared the meeting open at 7.00pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Chairperson invited Cr Long to read the prayer.

1. Prayer

Cr Long read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

The Chairperson invited Cr del Porto 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 – An apology from Cr Lowe was submitted to the meeting.

Moved: Cr del Porto

Seconded: Cr Heffernan

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

CARRIED

It is recorded that Cr Stewart entered the meeting at 8.26pm.

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Frederico declared an indirect interest by close association in item 10.14 Part A of the Proposed Budget 2015/16 – Capital Works Project 3 Brighton Beach Reserve Pavilion in the amount of \$2,841,271 and Capital Works Project 63 in the amount of \$189,571 given her husband is on the committee of the Brighton Beach Football Club.
- Cr del Porto declared an indirect interest where residential amenity may be altered in item 10.14 Part B of the Proposed Budget 2015/16 – Capital Works Project 1 - Hurlingham Park Pavilion Redevelopment for the amount of \$1,777,751, Capital Works Project 161 - Hurlingham Park Oval Sportsground Lighting Design for the amount of \$240,437 and Capital Works Project 162 - Hurlingham Park Masterplan Implementation Stage 2 for the amount of \$587,700, given he lives in close proximity to Hurlingham Park.
- Cr del Porto declared a direct interest in item 10.12 Bayside Planning Scheme Amendment C115 – Proposed Mandatory Height Controls – Church Street Major Activity Centre given he owns a property in Well Street which is part of the Church Street Major Activity Centre.
- Cr Stewart declared a direct interest in item 10.5 – Proposed Railway Station adjacent to Southland given she resides in close proximity to the proposed Southland Railway Station.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 24 March 2015

Moved: Cr Evans

Seconded: Cr del Porto

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 24 March 2015 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, 5 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 Chris Sutton

In response to my question to the Ordinary Council meeting on 24 March 2015 regarding implementation of the Vegetation Protection Overlay in Beaumaris, Council stated:

Since the implementation of the VPO, Council has maintained a recommended planting list and Council's arborists have conducted forums and have provided on-going advice about tree protection methods to other arborist and landscape professionals, planning staff, residents and permit applicants.

I keep up to date with Council activities and cannot recall seeing information about such forums.

- a) Can Council outline what format of forums have been provided to residents and the development industry during 2014 & 2015?
- b) Would Council consider holding a forum during 2015 in the form of a garden expo for residents and developers at the Beaumaris Community Centre on a Saturday or Sunday afternoon? The expo could be part funded with garden industry stalls and would provide 2 to 3 gardening experts talk on topics such as,
 - i. planting and caring for native and indigenous gardens in Bayside
 - ii. best practice medium density development that integrates vegetation and built form

Response

- a) Council conducted a forum in both 2014 and 2015. Topics discussed included tree protection regulations, tree protection methods on development sites, drainage and tree protection on private property. The forums were attended by private arborists, landscape professionals and Council's arborist and planning staff. Residents are provided with information and advice on tree protection and landscape plans by Council's Arborist and Planning staff when applying for tree removal permits and planning applications.
 - b) There are currently no plans to hold a garden expo at the Beaumaris Community Centre. A forum is scheduled in 2015/16 where information on native vegetation and appropriate planting for development sites will be provided.
-



2. Mr Barry Brooker

Recent local media articles involving Hampton Street and local residents' alarmed valid concerns; in respect of appropriate and inappropriate development and significantly, their seeking of 'community support' in courageous efforts to protect 'at risk' current commercial viability and residential ambience. Interestingly, my questions also involve awesome traffic issues; logical finite limits of on-street parking and what current credible data Council might have regarding Bay Street MAC and immediate area in respect of available on-street parking and reported infringements. Social media could easily become an awesome 'community tipping point'.

ON POINT

FUNDAMENTALLY, media news and modelled stories appear to be the DNA of our society. It shapes how we think, how we act, how we feel. It dictates who we are and who we become. We are all beneficiaries – and by-products – of information. The crucial key: knowing the difference between legal fiction and independent professional data and being able to recognise a proper balance.

Question:

Since, Monday 2 February through to Friday 27 March, 2015 on a M-F basis, how many occasions AM / PM, have Council's parking inspectors patrolled Bay Street MAC and; abutting streets having warranted parking restrictions, how many [if any] infringement notices issued? And fairly, on how many occasions were council's parking officers reassigned to other duties?

Response

Between Monday 2 February and Friday 27 March 2015, Council's Parking Officers patrolled the Bay Street Major Activity Centre and adjoining streets each day. The time of day and number of visits varied depending on the number of parking issues observed and if any complaints were received for that particular activity centre. There were 218 parking infringements issued on weekdays during this period and a further 18 were issued on weekends. The Parking Officer rostered to this area was not assigned any other duties during this period.

3. Mr Barry Brooker

WITH DUE RESPECT, given the 'tipping point' in which Council's Statutory Planning reports seem to have, involving complex and sensitive planning regulatory authority matters, my question seeks to know on what current information and from what source; their current understanding of traffic issues re Bay St MAC and immediate area in respect of on-street parking is prudently based?

In closing, hopefully on this occasion the difference between purported statements and questions be not in doubt. The matters of "Context & On Point" being provided for clarity and courtesy purposes.



Response

A planning permit application that raises traffic and car parking matters is assessed having regard to the purposes and decision guidelines of the car parking provisions (Clause 52.06) of the Bayside Planning Scheme. The application is referred to Council's traffic engineers for assessment and comment with particular focus on street parking demand, availability and restrictions.

4. Mr Kevin Spencer

As stated in councils Annual Report 2013/14 and its Health and Wellbeing Program 2014/15, the number of staff receiving "Free" Flu injections was 355 members, no doubt many of whom had Private Health Insurance.

A. What was the total cost to council/ratepayers for these staff members "Free" immunization ?

B. What was the total cost to council/ ratepayers for the stated pedometer walking challenge, nutrition seminars and health packs issued to all staff ?

Response

- A The Department of Health is encouraging all workplaces to offer free workplace vaccinations to staff. This is a responsible measure taken for workers who are directly involved with the young and elderly in particular who are vulnerable to the flu. In addition for our staff who deal with customers and in other service roles it is important that they are able to continue to work effectively during the flu season and not pass on the disease to others in the community. The cost of this program per annum is approximately \$4,000.
- B Council runs a health and well-being program for staff as a proactive approach to our obligations in relation to occupational health and safety. Organisations who invest in staff's health and well-being have higher productivity delivered through lower instances of workcover claims and sick leave. The Health and Well Being Program cost is \$13,896 per annum which is approximately \$21.70 per staff member and this includes the pedometer challenge, nutrition sessions and information for staff about managing their health, well-being and stress.
-

5. Mr Kevin Spencer

Given Councils responsibility for the proper care of the City of Bayside Public Works of Art Collection that is valued in excess of \$3 million, the majority of which precious works are deteriorating in the upper roof area of the former Brighton Town Hall in disgraceful conditions, with no temperature or humidity control, of which has an extremely deleterious effect on the art collection.



- A. Who is responsible for this inappropriate storage and security of these public works of art.?
- B. Please explain how it is that given the accumulative expertise of the members of Councils Arts and Culture Advisory Committee, they have not had the presence of mind to give deserving consideration for the proper storage of these public art works, the utmost urgency for storage in a suitable environment with long term protection?

Response

- a) The artworks are managed by Community Services and are stored in the former Caretaker's flat, not in the roof. The conditions are dry and clean and meet the minimum industry standard.
- b) Council's 2014/15 budget provides for the design of a new heating, ventilating and air-conditioning system that would service both the Art & Heritage Collection storage area and the gallery. It is anticipated that by 2016/17 FY funds will be allocated for the installation of the system.



7. Petitions to Council

7.1 Petition: Proposed Toilet Facility at Dendy Street Playground

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

"We the undersigned hereby petition the Bayside City Council to reconsider the location of the proposed toilet facility at the Dendy Street playground.

We live within 250 meters of the proposed location and strongly disagree with council that we have been adequately informed of its location during the decision process.

Until December 2014, we had not been contacted by council to inform us of the exact location or design for the proposed toilet block.

We believe the planned location is unsuitable for the playground users and will detrimentally affect our property values.

Given our strong objection and those of regular playground users, we petition the council to seek other locations closer to the playground."

(19 signatories)

Moved: Cr Long

Seconded: Cr del Porto

That the petition be received and a report be submitted to the 26 May 2015 Council Meeting.

CARRIED

12. Urgent Business

12.1 *Petition: Relocation or removal of a pedestrian crossing*

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

"We the undersigned hereby petition Bayside City Council for relocation or removal of the pedestrian crossing that has eliminated Gatto Rosso's previous outdoor dining area:

The "beautification" of Martin Street has impacted very negatively on the business operation of Gatto Rosso. Our outdoor pavement dining area has been eliminated due to a pedestrian crossing being situated in front of the restaurant. We had no prior notification of proposed plans by Council. This has affected our capacity of diners as well as the pleasant outdoor ambience this area offered our patrons prior to the works commencement. We are in the process of petitioning Bayside Council to relocate this crossing and ask for your support in joining our petition." (75 signatures)

Comment:

A joint letter was received prior to the petition containing 254 signatures.

Moved: Cr Long

Seconded: Cr Evans

That the petition be received and considered as an item of urgent business to be dealt with at this stage of the meeting.

CARRIED

Moved: Cr del Porto

Seconded: Cr Long

That the matter be referred to the Chief Executive Officer for consideration and response.

CARRIED

8. Reports by Advisory Committees

8.1 Assembly of Councillors Record

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

Moved: Cr del Porto

Seconded: Cr Evans

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

CARRIED

9. Reports by Special Committees

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

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REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 69, the following individuals were granted three minutes each to speak to an item indicated below.

Item 10.1 Hampton Willis Street Precinct Urban Design Framework Implementation – Koolkuna Lane Alignment Options

1. Mr Terry Burke
2. Mr Neville Ashdown
3. Mr Simon Gipson
4. Mrs Sheila Howell
5. Mr Robert Blair
6. Mr David Osborn
7. Mrs Janice Cook
8. Mr Robert Grinter
9. Mr Stephen Ellis
10. Ms Jill Bennett

Item 10.2 Beaumaris Sports Club Update

1. Mr Tony Mellick
2. Mr George Reynolds

Item 10.5 Proposed Railway Station adjacent to Southland

1. Ms Karen Danielsson
2. Mr Paul Crompton
3. Ms Caroline Dekker

Item 10.7 Christmas Decorations Review 2014 and Options for 2015

1. Ms Jenny Stefos
2. Mr Robert Grinter
3. Mr Ken Mirams
4. Ms Kate Strain
5. Mr Andrew Stuart-Menteth
6. Mrs Anne Forsyth
7. Ms Tina Dent
8. Mr Malcolm Crawford

Item 10.9 Balcombe Park Wetlands Concept Design

1. Ms Pauline Reynolds
2. Mr Ian O'Loughlin

Item 10.12 Bayside Planning Scheme Amendments C113, C114 and C115

1. Mr Clifford Hayes

Item 10.17 Municipal Association of Victoria – State Council Meeting – Call for Motions

1. Mr George Reynolds



10.1 **Hampton Willis Street Precinct Urban Design Framework Implementation – Koolkuna Lane Alignment Options**

City Strategy – Urban Strategy
File No: PSF/14/340

It is recorded that Mr Terry Burke, Mr Neville Ashdown, Mr Simon Gipson, Mrs Sheila Howell, Mr Robert Blair, Mr David Osborn, Mrs Janice Cook, Mr Robert Grinter, Mr Stephen Ellis and Ms Jill Bennett spoke in relation to this matter.

It is recorded that Cr Stewart entered the meeting at 8.26pm.

Moved: Cr Long

Seconded: Cr Heffernan

That Council:

1. reaffirms Option C as the preferred Koolkuna Lane alignment option;
2. undertakes detailed design of Option C to facilitate the road realignment;
3. commences the statutory processes to discontinue the redundant section of Koolkuna Lane and proclaim a road over the new alignment;
4. writes to all submitters thanking them for their involvement and advising of the outcome;
5. receives a further report regarding management of amenity impacts for affected residents such as noise attenuation or screening measures, identifying properties directly and indirectly affected and any potential financial implications;
6. receives a further report investigating the options regarding the future use of the Willis Street Scout Hall site;
7. requests VicTrack to investigate opportunities to increase the supply of commuter car parking around Hampton Station; and
8. continues engaging with community members and key stakeholders.

The Motion was Put and a **DIVISION** was called.

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

The Chairperson used her casting vote in favour of the motion and the motion was **CARRIED**

**10.2 Proposed Beaumaris Sports Club at Banksia Reserve
Update No. 11**

Community Services – Youth, Recreation & Events
File No: A/20066

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

Moved: Cr Stewart

Seconded: Cr Evans

That Council:

1. requests the Beaumaris Sports Club to submit before the 30 June 2015:
 - a) a business plan for Council's approval that identifies how the Beaumaris Sports Club will raise additional funding of \$381,224 (net of costs incurred) to achieve a total contribution of \$730,000 before the completion of the construction period for the Beaumaris Sports Club pavilion; and
 - b) evidence of the funding approval from Tennis Victoria for the amount of \$50,000.
2. refers the consideration of \$1.6M additional funding towards the Banksia Reserve pavilion to the preparation of Council's 2016/17 budget; and
3. considers a further report on the project at its August Ordinary Council Meeting

The Motion was Put and a **DIVISION** was called.

| | | |
|-------------------------|-----------------|---|
| <u>DIVISION:</u> | FOR: | Crs Stewart, Long, Evans, Heffernan, del Porto and Frederico (6) |
| | AGAINST: | Nil (0) |

CARRIED



10.3 Brighton Secondary College Hockey Facility Annual Usage 2014/15

Community Services – Youth, Recreation & Events
File No: FOL/11/3504

Moved: Cr del Porto

Seconded: Cr Evans

That Council receives a further report no later than April 2016 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.

CARRIED

10.4 Retaining Wall at 506 Balcombe Road Beaumaris

Infrastructure Services – Infrastructure Assets
File No: FOL/10/123887

Moved: Cr Evans

Seconded: Cr Stewart

That Council:

1. notes the unsafe condition of a retaining wall located within the road reserve at 506 Balcombe Road Beaumaris and the need to renew the structure to address the risk of collapse; and
2. reallocates \$104,244 allocated to the Footpath Connectivity program within the 2014/15 capital works program for the purposes of reconstructing the retaining wall at 506 Balcombe Road, Beaumaris.

CARRIED

It is recorded Cr Stewart declared a direct interest in item 10.5 – Proposed Railway Station adjacent to Southland given she resides in close proximity to the proposed Southland Railway Station.

Cr Stewart was not present in the Chamber when this item was considered and vacated the Chamber at 8.45pm.

10.5 Proposed Railway Station adjacent to Southland

City Strategy – Urban Strategy
File No: FOL/15/386

It is recorded that Ms Karen Danielsson, Mr Paul Crompton and Ms Caroline Dekker spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

1. adopts the submission at Attachment 1 as its position in response to the proposed station at Southland;
2. authorises the Director City Strategy to make any necessary editorial changes to the submission;
3. provides its submission to Public Transport Victoria as part of its current consultation process regarding the proposed design of the station;
4. provides a copy of its submission to local members of parliament and the Minister for Public Transport; and
5. lodges a joint submission with the City of Kingston to PTV and relevant government transport agencies in relation to the location of the station entries and access, safety and user experience, connections between buses and the station and access to commuter car parking signed by the Mayor of each council.

CARRIED

It is recorded that Cr Stewart vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr Stewart re-entered the Chamber at 9.12pm following the consideration of the above item.

10.6 Introduction of Food Waste into the Green Waste Bins

City Strategy – Environmental Sustainability & Open Space
File No: FOL/15/1555

It is recorded Cr del Porto vacated the chamber at 9.07pm and re-entered at 9.12pm.

Moved: Cr Stewart

Seconded: Cr Long

That Council:

1. notes the options and implications associated with the introduction of food waste into the green waste bins for Bayside;
2. supports continued community education on the benefits of food waste avoidance and allocates a budget of \$75,000 in 2015/16 for a community education campaign; and
3. defers a decision on the introduction of a new food waste collection service until more specific recommendations and costs can be provided, following completion of the Food Waste Collection Feasibility Study and the Food Waste Avoidance Research Study. These studies will inform the timing and options for implementation of this service and Council will be further briefed in October 2015.

CARRIED

10.7 Christmas Decorations Review 2014 and Options for 2015

City Strategy – Urban Strategy
File No: PSF/15/275

It is recorded that Ms Jenny Stefos, Mr Robert Grinter, Mr Ken Mirams, Ms Kate Strain, Mr Andrew Stuart-Menteth, Mrs Anne Forsyth and Mr Malcolm Crawford spoke in relation to this matter.

It is recorded that Ms Tina Dent was not present in the Chamber.

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

That Council:

1. adopts Option 3A as presented in this report;
2. resolves to make a budget allocation of \$200,000 as part of the 2015/16 budget to enable a procurement process to commence; and
3. undertakes complementary Christmas initiatives to promote trader and community participation in Council's Christmas Decorations Program.

The Motion was Put and a **DIVISION** was called.

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

The Chairperson used her casting vote in favour of the motion and the motion was **CARRIED**



10.8 Sale of 5-11 Sandringham Road, SandringhamCorporate Services – Commercial Services
File No: CON/15/25

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

That Council having considered the submissions received in relation to the proposal sale of the land at 5-11 Sandringham Road, Sandringham, resolves:

1. to sell the land at 5-11 Sandringham Road, Sandringham with the net proceeds to be used for the upgrade of kindergarten facilities subject to the execution of a Section 173 Agreement with the following provisions;
 - Any new building on site must not exceed a maximum height of two storeys with each storey being a maximum of 3.5m measured from the finished floor level to the finished floor level of the floor above or if there is no floor above, to the ceiling (excluding a basement as defined by Clause 72 (General terms) of the Bayside Planning Scheme, staircases, architectural voids and light wells);
 - The ground floor front setback of any new building on site must be no less than 8.28 metres when measured from the centre of the site frontage;
 - All buildings at ground floor level must be setback a minimum of 1.0 metres from the eastern property boundary and the first floor must be setback a minimum of 3.0 metres from the eastern property boundary.
2. to delegate authority to the Director Corporate Services to sell the land by public auction at a price not less than the reserve price set by the sworn valuation not more than six months old at the time of sale;
3. that in the event that the reserve price is not achieved, authorises the Director Corporate Services to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;
4. that in the event of negotiations with the highest bidder being unsuccessful, authorises the Director Corporate Services to negotiate the sale by private treaty at a price no less than 5% below the reserve price; and
5. to delegate authority to the Director Corporate Services to sign and seal all documentation associated with the proposed sale and transfer of the land on behalf of Council for the price in accordance with points 2, 3 and 4 above.

The Motion was Put and a **DIVISION** was called.

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

CARRIED

10.9 Balcombe Park Wetlands Concept Design

City Strategy – Environmental Sustainability & Open Space

File No: FOL/15/293

It is recorded that Ms Pauline Reynolds and Mr Ian O'Loughlin spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Evans

That Council defers the report on the Balcombe Park Wetland Concept Design until the June Council meeting cycle to allow further investigation of the implications of the staged construction process or alternative location.

CARRIED



Moved: Cr del Porto

Seconded: Cr Evans

That items 10.10, 10.13, 10.18, 10.19 and 10.20 be dealt with as a block motion and the recommendations be adopted.

CARRIED

**10.10 *Small Activity Centres Strategy and Planning Scheme
Amendment C126***

City Strategy – Urban Strategy
File No: FOL/15/293

That Council:

1. further to its resolution of 24 June 2014 (item 10.17), adopts a revised and updated Bayside Small Activity Centres Strategy (June 2014) in the form of Attachment 3 (to supersede the Strategy previously adopted) which includes;
 - a. rezoning of the land at 338 Jack Road, Cheltenham, from the Commercial 1 Zone to a General Residential Zone Schedule 1 in accordance with Attachment 4.
 - b. modification to consistently identify the land at 1 Esplanade Avenue, Brighton being rezoned from Commercial 1 to Neighbourhood Residential 3;
2. reaffirms its position formed on 24 June 2014 (item 10.17) to seek authorisation from the Minister for Planning under Section 8(A)(3) of the *Planning and Environment Act 1987* to prepare and exhibit Amendment C126 to the Bayside Planning Scheme, in the form of Attachments 4 and 5 which reflect the required modifications discussed in this report and includes:
 - a. changes to the Municipal Strategic Statement;
 - b. a new Small Activity Centres Policy to be included in the Local Planning Policy Framework section of the Bayside Planning Scheme;
 - c. land rezonings within and around selected centres;
 - d. application of five new Design and Development Overlay schedules to specified centres; and
 - e. inclusion of the Bayside Small Activity Centres Strategy (including Urban Design Frameworks) as a reference document within the Bayside Planning Scheme; and
3. authorises the Director City Strategy to make any necessary editorial changes to Amendment C126 documentation.

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

10.13 Retail Supply of Fuel ContractCorporate Services - Finance
File No: 001

That Council:

1. enters into a contract with Business Fuel Cards Pty Ltd A.C.N. 161721106 (Fleetcor) for the period 1 April 2015 to 31 March 2018 with two one year options to extend, as recommended by Procurement Australia (PA) at the schedule of rates contained within the Fleetcor tender submission for PA Contract No. 1802/0104.
2. authorises the Chief Executive Officer to sign all necessary contract documentation.

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

10.18 Financial Report for 8 months to 28 February 2015Corporate Services - Finance
File No: COR 1234

That Council notes the financial report for operating and capital for the eight months ending 28 February 2015.

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



10.19 VCAT Decisions

City Strategy – Statutory Planning
File No: COR/1234

That the report on the VCAT decision on the planning applications handed down since the last Council Meeting be received and noted.

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

10.20 Council Action Awaiting Report

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

That Council notes the Council Action Awaiting Report.

NOTE – Item 10.20 was **CARRIED** as part of a block motion.



**10.11 Brighton Beach (New Street to South Road) Groyne
Construction and Beach Renourishment – Department
of Environment Land Water and Planning**

City Strategy – Environmental Sustainability & Open Space

File No: FOL/15/286

Moved: Cr Evans

Seconded: Cr Stewart

That Council:

1. notes the Department of Environment Water Land and Planning's proposal to construct two groynes and renourish the beach between new Street and South Road, Brighton;
2. supports the nourishment of beaches, however requests further engineering advice from the Department regarding the need for construction of groynes; and
3. writes to the Department expressing its concern with the consultation process undertaken for this proposal.

The Motion was Put and a **DIVISION** was called.

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

The Chairperson used her casting vote against motion and the motion was
LOST

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council notes the Department of Environment, Water, Land and Planning's proposal to construct two groynes and renourish the beach between New Street and South Road, Brighton.

The Chairperson used her casting vote in favour of the motion and the motion
was **CARRIED**

It is recorded Cr del Porto declared a direct interest in item 10.12 Bayside Planning Scheme Amendment C115 – Proposed Mandatory Height Controls – Church Street Major Activity Centre given he owns a property in Well Street which is part of the Church Street Major Activity Centre.

Cr del Porto was not present in the Chamber when this item was considered and vacated the Chamber at 10.26pm.

**10.12 Bayside Planning Scheme Amendments C113, C114
and C115 – Proposed Mandatory Height Controls – Bay
Street, Church Street and Sandringham Village MACs**

City Strategy – Urban Strategy

File No: PSF/12/2439

It is recorded that Mr Clifford Hayes was not present in the Chamber.

Moved: Cr Stewart

Seconded: Cr Evans

That Council notes the report and receives a further report in relation to Amendments C115 Church Street Major Activity Centre after the meeting with the Minister for Planning.

CARRIED

It is recorded that Cr del Porto vacated the Chamber immediately prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.

It is recorded Cr del Porto re-entered the Chamber at 10.28pm following the consideration of the above item.

Moved: Cr Stewart

Seconded: Cr Evans

That Council notes the report and receives a further report in relation to Amendments C113 and C114 after the meeting with the Minister for Planning.

CARRIED

It is recorded Cr Frederico declared an indirect interest by close association in item 10.14 Part A of the Proposed Budget 2015/16 – Capital Works Project 3 Brighton Beach Reserve Pavilion in the amount of \$2,841,271 and Capital Works Project 63 in the amount of \$189,571 given her husband is on the committee of the Brighton Beach Football Club.

It is recorded Cr del Porto declared an indirect interest where residential amenity may be altered in item 10.14 Part B of the Proposed Budget 2015/16 – Capital Works Project 1 - Hurlingham Park Pavilion Redevelopment for the amount of \$1,777,751, Capital Works Project 161 - Hurlingham Park Oval Sportsground Lighting Design for the amount of \$240,437 and Capital Works Project 162 - Hurlingham Park Masterplan Implementation Stage 2 for the amount of \$587,700, given he lives in close proximity to Hurlingham Park.

Cr Frederico was not present in the Chamber when Part A of item 10.14 was considered and vacated the Chamber at 10.28pm.

The Chief Executive Officer called for a motion for the Deputy Mayor to take the Chair for Part A of item 10.14.

Moved: Cr Evans

Seconded: Cr del Porto

That the Deputy Mayor, Cr James Long take the Chair for consideration of Item 10.14 Part A.

CARRIED

**10.14 Draft 2015/16 Proposed Budget and Long Term
Financial Plan 2015/16 – 2024/25**

Corporate Services - Finance
File No: COR 123

Part A

Moved: Cr del Porto

Seconded: Cr Stewart

That Council includes into the 2015/16 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989 the following item:

- Capital Works Project No: 3 – Brighton Beach Reserve Pavilion Redevelopment - \$2,841,271 (multi-year allocation)
- Capital Works Project No: 63 – Brighton Beach Reserve Sportsground Lighting - \$189,571

CARRIED

It is recorded that Cr Frederico vacated the Chamber immediately prior to Item 10.14 Part A and was not present in the Chamber whilst the vote was taken.

It is recorded Cr Frederico entered the Chamber at 10.30pm following consideration of the above item.

It is recorded Cr del Porto declared an indirect interest where residential amenity may be altered in item 10.14 Part B of the Proposed Budget 2015/16 – Capital Works Project 1 - Hurlingham Park Pavilion Redevelopment for the amount of \$1,777,751, Capital Works Project 161 - Hurlingham Park Oval Sportsground Lighting Design for the amount of \$240,437 and Capital Works Project 162 - Hurlingham Park Masterplan Implementation Stage 2 for the amount of \$587,700, given he lives in close proximity to Hurlingham Park.

Cr del Porto was not present in the Chamber when this item was considered and vacated the Chamber at 10.32pm.

Part B

Moved: Cr Stewart

Seconded: Cr Long

That Council includes into the 2015/16 Proposed Budget for the purpose of Section 127 of the Local Government Act 1989 the following item:

- Capital Works Project No:1 – Hurlingham Park Brighton East Pavilion Redevelopment - \$1,777,751
- Capital Works Project No: 161 – Hurlingham Park Oval Sportsground Lighting Design - \$240,437 (multi-year allocation)
- Capital Works Project No: 162 – Hurlingham Park Masterplan Implementation Stage 2 - \$587,700 (multi-year allocation)

CARRIED

It is recorded that Cr del Porto vacated the Chamber immediately prior to Item 10.14 Part B and was not present in the Chamber whilst the vote was taken.

It is recorded Cr del Porto entered the Chamber at 10.33pm following consideration of the above item.

Part F

Moved: Cr Evans

Seconded: Cr Long

That Council:

1. gives public notice of the preparation of the 2015/2016 Proposed Budget and makes available copies of the proposed budget for public inspection purposes; and
2. 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 2015/2016 Proposed Budget on Thursday 4 June 2015 at 7:30pm at the Council Chambers, Civic, Centre, Brighton.

CARRIED

10.15 ***Draft Central Regional Coastal Plan 2015-2020 –
Council Submission***
City Strategy – Environmental Sustainability & Open Space
File No: FOL/15/188

Moved: Cr Stewart

Seconded: Cr del Porto

That Council endorses the submission to the Central Coastal Board regarding the draft Central Regional Coastal Plan 2015 – 2020 and advises the Central Coastal Board accordingly.

CARRIED

10.16 ***Council Plan 2013-2017 (2015 Review) and Strategic
Resource Plan 2015-2019***
Corporate Services - Governance
File No: FOL/12/1951

Moved: Cr Stewart

Seconded: Cr del Porto

That Council:

1. adopts in-principle the Council Plan 2013-2017 (2015 Review) and the Strategic Resource Plan 2015-2019;
2. gives public notice of the Council Plan 2013-2017 (2015 Review) and the Strategic Resource Plan 2015-2019, 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 relation to the Council Plan 2013-2017 (2015 Review) and Strategic Resource Plan 2015-2019 on Thursday 4 June 2015 at 6.30pm at the Council Chambers, Civic Centre, Brighton.

CARRIED

**10.17 Municipal Association of Victoria – State Council
Meeting – Call for Motions**

Corporate Services - Governance
File No: COR 1234

It is recorded that Mr George Reynolds was not present in the gallery.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council endorses the following four motions to the MAV State Council meeting to be held on 15 May 2015:

Frequency of the ABS Census

That the MAV calls upon the Hon Chris Pearce MP Parliamentary Secretary to the Treasurer to continue the current frequency and funding of the Australian Bureau of Statistics Census across the nation.

Victorian Auditor General's Office (VAGO) Report on the effectiveness of support to Local Government

1. That this State Council notes that:
 - according to the Victorian Constitution Act 1975 local government is a distinct and essential tier of government
 - the MAV is an independent entity governed by its own Board and a membership driven peak body.
2. That the MAV requests the Minister for Local Government to ensure the above is specifically recognised in any review of the Municipal Association Act and that the review is undertaken in full consultation with the sector.
3. That the State Council endorses the MAV Board's resolution in response to the VAGO Report dated 30 April 2015, including proposed progress reporting to the local government sector.

DTPLI – Chief Executive Officer Remuneration Survey

That the MAV State Council express its disappointment to the Minister for Local Government on the discontinuance of the CEO Remuneration survey undertaken by Local Government Victoria given the financial constraints imposed as a result of the proposed rate capping.

Changes to VCAT Report

1. *That the MAV State Council express its concerns to the Attorney General, Minister for Planning, and Minister for Local Government, in respect of the insertion of Section 115CA into the VCAT Act, pursuant to Section 36 of the Courts Miscellaneous Amendments Act 2014.*
2. *That the MAV State Council request that the Attorney General prepare legislation to remove Section 115CA from the VCAT Act.*

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 recent Association of Bayside Municipalities meeting were provided to Councillors.
2. **MAV Environment Committee** – Director City Strategy
The Director City Strategy reported on a recent meeting of the MAV Environment Committee where discussions included carbon emission reduction targets, State support for energy efficiency initiatives, on-site domestic wastewater (septic tanks) and waste and resource recovery.
3. **Metropolitan Transport Forum** – Director Infrastructure Services
The Director Infrastructure Services reported that bus change consultation process was one of the items discussed at this meeting.
4. **Municipal Association of Victoria** – Cr Frederico
Cr Frederico advised that the notes from the recent Municipal Association of Victoria meeting were provided to Councillors.
5. **Inner South Metropolitan Mayors' Forum** – Cr Frederico
Cr Frederico advised that the notes from the recent Inner South Metropolitan Mayors' Forum meeting were provided to Councillors.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart
No report submitted.

Moved: Cr Evans

Seconded: Cr Long

That the delegates reports be received and noted.

CARRIED

12. Urgent Business

It is recorded that an item of urgent business was dealt with after item 7.1 of this meeting.

13. Notices of Motion

13.1 *Notice of Motion 236 – Licence and Registration System for Cyclists*

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

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council requests the Minister for Roads and Road Safety, the Honourable Luke Donnellan MP to consider the introduction of a licence system for cyclists and / or the registration of bicycles in the State of Victoria.

The Motion was Put and a **DIVISION** was called.

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

The Chairperson used her casting vote against the motion and the motion was **LOST**

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Long

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

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

CARRIED

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- 14.1 **Confidential Contractual Attachments: CON/1802/0104 – Retail Supply of Fuel Contract (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 10.54pm.

CONFIRMED THIS 26 DAY OF MAY 2015

CHAIRPERSON:

