PRESENT:

Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli
            Cr Alex del Porto
            Cr Laurence Evans OAM
            Cr Rob Grinter (Deputy Mayor)
            Cr Michael Heffernan
            Cr James Long BM JP

Officers: Mick Cummins – Chief Executive Officer
          Jill Colson – Director Corporate Services
          Bryce Craggs – Director Community and Customer Experience
          Hamish Reid – Director City Planning and Amenity
          Steven White – Director Environment, Recreation and Infrastructure
          Terry Callant – Manager Governance and Corporate Reporting
          Karen Brown – Governance Coordinator
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The Mayor declared the meeting open at 7pm and noted that this week we celebrate Bayside’s 25th Anniversary. On 15 December 1994, a new municipality was created to form Bayside City Council which comprises the former Cities of Brighton and Sandringham and parts of the former Cities of Mordialloc and Moorabbin.

The Mayor 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 Castelli to read the prayer.

1. **Prayer**

Cr Castelli 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 Evans 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 the Mayor, Cr Martin declared an indirect interest because of conflicting duties in Item 14.1 of the Confidential component of the Council Agenda, given Cr Martin is president of the Beaumaris RSL sub-branch.

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 19 November 2019.

**Moved: Cr del Porto**

**Seconded: Cr Grinter (Deputy Mayor)**

That the minutes of the Ordinary meeting of Bayside City Council held on 19 November 2019, 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, 13 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 (present in the Chamber)**

Mr Boyle’s question relates to Debtors, and he asked:

a) Council’s reply to my question as to where the debt owed by the Beaumaris Sports Club P/L was reported in the Annual Financial Report for the year ended June, 2019 was that "Council at its meeting of 21 May, 2019 (in confidential business) agreed to defer the requirements for that entity to meet its funding obligation under the terms of the lease.”

How can Council say the debt did not exist as at year end June, 2019?

b) The $800 thousand owing by Contributors re the Elsternwick Park Development must now be well past six months overdue. Please advise the reason for non payment : e.g. Contributors do not accept they made such a commitment ; they dispute the amount ; whatever other reason they give for failing to meet their obligation as reported by Bayside Council.

**Response from the CEO**

a) On 21 May 2019 Council deferred the decision for the Beaumaris Sports Club to make financial contributions to the project. Therefore as at 30 June 2019 the debt did not exist.

b) Council is awaiting payment and is actively seeking to finalise this and the associated lease agreements.

2. **Mr Peter Boyle (present in the Chamber)**

Mr Boyle’s second question relates to the Netball Centre Project, and he asked:

My previous question to Council asked for costs incurred for the project up to the year end June, 2019, whether capitalised or directly related costs which had been expensed, received a reply that did not include this unbudgeted payment of $1.5 million.

a) As Council apparently does not consider this payment to secure the site for the proposed construction of the Netball Centre to be directly related to the project please advise why not.

b) Are there any other costs which have been expensed and relate directly to the project.

**Response from the CEO**

a) The information previously provided to you was a correct statement of the YTD expenditure incurred by Council on the proposed construction of the netball centre against the budgeted project costs for that building’s construction. Any penalty paid by Council for the surrender of an existing lease is the outcome of a “commercial in confidence” lease negotiation for the surrender of an existing proprietary right and is not a project cost.

b) No.
3. **Ms Ponch Hawkes (present in the Chamber)**

Ms Hawkes’ question relates to Item 13.4 on tonight’s Agenda, which is a Notice of Motion concerning the Changing Faces Exhibition, and she asked:

Why is the Changing Faces exhibition proposed to be moved from the Council Chambers to the mezzanine area, a space too small to accommodate the portraits of the 170 local women and schoolchildren who have been photographed for this exhibition?

**Response from the CEO**

*At this stage of the meeting, Council is unable to provide a response prior to this matter being considered later in this evening’s agenda.*

4. **Ms Ponch Hawkes (present in the Chamber)**

Ms Hawkes’ second question also relates to the Notice of Motion concerning the Changing Faces Exhibition, and she asked:

What are the council’s obligations to VicHealth who granted $80,000 for this project designed specifically to be displayed in the Council Chambers to symbolically Illustrate the need for increased participation by women in local government in Bayside?

**Response from the CEO**

*Council’s discussions with Vic Health on the future of this project are ongoing, and Council’s decision later in the meeting will inform these discussions.*

5. **Mr Miralem Basic (present on the Chamber)**

Mr Basic’s question relates to 5 Well Street, Brighton and he asked:

I would like to know if Council have consent from the owners of land know as 3 Well Street, Brighton to have part of the car park on 5 well street built on their land.

Does Council have consent to install parking sensors on the OC land noted above.

**Response from the CEO**

*Council is currently reviewing its historic files in relation to this matter and will provide a written response as soon as is practicable.*
6. **Mr Miralem Basic (present in the Chamber)**

Mr Basic’s second question relates to Item 10.1 on tonight’s Agenda and he asked:

I refer to item 10.1 of tonight’s agenda and question if council is going to reconsider their decision of expanding the at grade car parking on 5 Well street and provide the community with the much needed public open space in order to prevent further climate deterioration and provide social benefit to our community.

**Response from the CEO**

Council purchased 7 Well Street, Brighton with the intention to provide additional car parking. Amendment C165 has considered public submissions in relation to this matter. Council is awaiting for the Planning Panel Report to make a final decision prior to submitting to the Minister for approval. Council’s position for the use of the site has remained unchanged through this process. Car parking is supported in this location.

7. **Mr Chris Sutton (present in the Chamber)**

Mr Sutton’s question relates to the use of the name “Beaumaris Reserve”, and he asked:

Is Council aware that the use of Beaumaris Reserve is an incorrect title for the collection of buildings and facilities at the Beaumaris Memorial Community Centre and will Council ensure the name Beaumaris Memorial Community Centre is used in all Bayside Council documentation, communications and signage when referring to this site.

**Response from the CEO**

Historically, the area bounded by Cloris Avenue Victor Street and Reserve Road was designated as “Beaumaris Memorial Community Centre”. However, at that time no specific facilities and buildings were established. Since then, a range of buildings and facilities have been built including a Beaumaris Community Centre. To avoid confusion and to provide residents with a sense of location, each building has its own name, reflecting its individual use. More recently, the precinct has been known as “Beaumaris Reserve” by the broader community. Geographic referenced mapping recognises this area as Beaumaris Reserve.

8. **Mr Chris Sutton (present in the Chamber)**

Mr Sutton’s second question relates to a statement made at the November Ordinary Council meeting, and he asked:

Will Council correct the erroneous statement made to the November Ordinary Council meeting by a Beaumaris Soccer Club committee member that the Sports Pavilion at the Beaumaris Memorial Community Centre was built in 1983 for 32 soccer club men and commit to retaining the original purpose of this facility, built at the request and partly financed by the Beaumaris community in the 1960s, as a community sport changing facility for all users of the oval and not for the exclusive use of the Cricket and Soccer clubs.

**Response from the Mayor**

Council does not make corrections of statements made by members of the public speaking to a report during Council meetings.
9. **Mr George Reynolds (present in the Chamber)**

Mr Reynolds’ question relates to Confidential Item 10.14 on the Agenda, and he asked:

a) Item 10.14 shows Property Leasing Matters are to be discussed which require the meeting to be closed to the public. Has Council staff closed the meeting so that a secret resolution may be made on a secret property leasing matter, and

b) Why is the decision to close the meeting not being made, in the only permitted manner, by resolution of Council, with the justification for the secrecy being recorded in the open access minutes?

**Response from the CEO**

a) *Council meetings are closed by resolution of Council to hear matters which are deemed confidential. This matter is considered confidential in accordance with section 89(2)(d) of the Local Government Act 1989.*

b) *The closure of the meeting is being done in accordance with the Local Government Act in an open and transparent manner. The closure to the public will be made by Council resolution. The reason for the confidentiality is recorded in the published agenda and the minutes of the meeting.*

10. **Mr George Reynolds (present in the Chamber)**

Mr Reynolds’ second question relates to the 2019/20 budget accounts, and he asked:

In relation to the 2019/20 budget and accounts:

a) Where is the $60.037million listed in the Total Capital Expenditure table on budget page 84, and designated as Council Cash, is obtained from, and

b) What Council approved documents, available to the public, are able to be used by procurement personnel, to enable them to "ensure that existing funds, within a source of funds budget, has been established to permit the employees to lawfully carry out their duties."

**Response from the CEO**

a) *The total capital expenditure for 2019/20 is budgeted at $62.184 million funded from external grants of $2.147 million and the balance funded by Council cash reserves of $60.37 million. The report complies with the Local Government Reporting Regulations.*

b) *Procurement activities are conducted by staff under their approved financial delegation and in accordance with the procurement policy and approved budgets. Any variances from approved budgets are reported to Council as part of the quarterly performance report.*
11. **Mr Kevin Spencer (present in the Chamber)**

Mr Spencer’s question relates to the public housing estate at New Street, Brighton and the condition of the site, and he asked:

a) Will council take action on the developer to ensure the safety of the adjoining residents and

b) Action that will remove the unsightly appearance of the buildings ASAP.

**Response from the CEO**

a) *The site is managed by the Department of Health and Human Services (DHHS).* Tenant relocations are in progress and some tenants remain on site. Security patrols are undertaken at least 3 times a week. Vacant buildings have been secured to prevent unauthorised access.

b) *The whole site will be fenced and secured by DHHS once all tenants are relocated.* Demolition will follow in a staged manner and is expected to be completed in late 2020.

12. **Mr Kevin Spencer (present in the Chamber)**

Mr Spencer’s second question relates to the Apparent Sub-Leasing of Bathing Boxes along the City of Bayside Foreshore, and he asked:

a) What controls are in place by Bayside City Council to prevent sub-leasing of these Bathing Boxes.

b) What penalties are there for such sub-leasing?

**Response from the CEO**

a) *Sub-licencing of Bathing Boxes is not permitted.* The only way Council can become aware of these issues is through Community members raising concerns, or where public advertising may occur. Council has acted on one matter where a bathing box was being marketed as part of a share arrangement for a development. Council is not currently aware of any other concerns related to the alleged sub-licencing of bathing boxes.

b) *Breach of licence can lead to termination of the licence.*
13. **Mr Gregory Mier (present in the Chamber)**

Mr Mier’s question relates to Beaumaris Memorial Community Centre Sports Pavilion, and he asked:

a) Will Bayside Council stop incorrectly referring to the Beaumaris Memorial Community Centre Sports Pavilion (the Sports Pavilion) as the Soccer Pavilion

b) and will it ensure the memory of Beaumaris resident Sgt Frank Reade (a World War 2 prisoner of the Japanese and a local Australian Rules Football and cricket player) is respected by ensuring that all future Council communications, documentation and signage including on any replacement sports pavilion continues to bear his name and the structure is referred to as the Frank Reade Pavilion in perpetuity? (Lest We Forget)

**Response from the Mayor**

a) The Beaumaris Reserve sports pavilion’s historical winter tenant is the Beaumaris Soccer Club, so is sometimes referred to as the “soccer pavilion”. The current sportsground tenants of Beaumaris Reserve are soccer and cricket clubs and as such Council sometimes refers to the Beaumaris Reserve Sports Pavilion as a Soccer/Cricket pavilion.

b) Council will recognise the historical links of Sergeant Frank Reade to the Beaumaris area, particularly in relation to the replacement of the current Frank Reade Pavilion.

7. **Petitions to Council**

There were no petitions received to the meeting.
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Moved: Cr del Porto  Seconded: Cr Evans

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

• 3 December 2019 CEO and Councillor only Briefing; and

• 3 December 2019 Councillor Briefing.

CARRIED
8.2 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 20 NOVEMBER 2019

Moved: Cr Grinter (Deputy Mayor)  Seconded: Cr Castelli

That the Audit and Risk Management Committee recommends to Council that the minutes of the Audit & Risk Management Committee meeting held on 20 November 2019 be noted.

CARRIED
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDES ARTS BOARD MEETING HELD ON 13 NOVEMBER 2019

Moved: Cr Long
Seconded: Cr del Porto

That Council:

1. Notes the minutes of the Bayside Arts Board meeting held on 13 November 2019.

2. Adopts the following recommendations of the Bayside Arts Board meeting of 13 November 2019:

   6.4 Railway Walk Commissioning Process

   That the Bayside Arts Board:

   1. Recommends to Council that the Bayside Arts Board Charter be amended to ensure that the Board will be directly involved in the selection process for both public art and murals on public and/or private land, including the process for involvement of Board members; and

   2. Receives a report at the February Meeting with the suggested changes to the Charter.

   6.5 Bayside Arts and Heritage Collection Acquisition Proposal

   That the Bayside Arts Board recommends to Council the purchase of Beaumaris (c. 1936) by Miles Evergood and its acquisition into the Visual Arts collection of the Bayside Art & Heritage Collection for $4,400.

   6.6 Textile Collection Proposal Deaccession

   The Bayside Arts Board recommends to Council to:

   1. Endorse and implement all 8 recommendations as listed in the report produced by Laura Jocic.

   2. Deaccess the 226 items from the textile collection as listed in Attachment 2 in the report.

   CARRIED
9.2 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 25
NOVEMBER 2019 TO HEAR SUBMISSIONS IN RELATION TO THE
PROPOSED SALE OF COUNCIL-OWNED LAND ADJOINING 37-39
MELROSE STREET & 58 STATION STREET, SANDRINGHAM

Moved: Cr Long
Seconded: Cr Evans

That Council notes the Minutes of the Special Committee of Council held on 25 November
2019 to hear submissions in relation to the Proposed Sale of Council-owned Land Adjoining
37-39 Melrose Street & 58 Station Street, Sandringham.

CARRIED
9.3 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 25 NOVEMBER 2019 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED DISCONTINUANCE AND SALE OF A PORTION OF THE SUBTERRANEAN PART OF THE RIGHT-OF-WAY (ROAD) ADJOINING 322-326 NEW STREET AND 71-73 BAY STREET, BRIGHTON

Moved: Cr Long
Seconded: Cr Castelli

That Council notes the Minutes of the Special Committee of Council held on 25 November 2019 to hear submissions in relation to the Proposed Discontinuance and Sale of a Portion of the Subterranean Part of the Right-of-Way (Road) Adjoining 322-326 New Street and 71-73 Bay Street, Brighton.

CARRIED
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 Climate Emergency - Implications and Approaches**

1. Mr Ian MacCallum  
2. Dr Jo Samuel King  
3. Dr Kylie McIntosh  
4. Mr Nick Thorne  
5. Dr Marg Beavis  
6. Miss Mia Eng and Miss Libby Eng  
7. Ms Beth Jensen  
8. Miss Haidee Sharpe  
9. Ms Florence (Flossy) Sperring  
10. Mr Henri Pryde  
11. Mr Joel Blacker  
12. Ms Harriet Spittle  
13. Dr Robert Saunders  
14. Mr Alan Pears AM  
15. Ms Danielle King  
16. Mr Tim Forcey  
17. Mr Jamie Paterson  
18. Mr Gregory Mier  
19. Mr David Rothfield

**Item 10.2 Urban Forest Case Study / Tree Protection Controls**

1. Ms Elizabeth Jensen  
2. Mr George Reynolds  
3. Mr Chris Sutton  
4. Dr Robert Saunders  
5. Mrs Wendy Parker  
6. Mr Gregory Mier  
7. Mr Derek Screen  
8. Ms Caroline Lawton  
9. Mr Jamie Paterson  
10. Ms Jenny Solomon  
11. Ms Pauline Reynolds  
12. Ms Tina Owens (via proxy, Ms Caroline Lawton)  
13. Dr Jeremy Stone (via proxy, Ms Sally O’Gorman)  
14. Mrs Shelly Durance (via proxy, Mrs Wendy Parker)  
15. Ms Sally O’Gorman
Item 10.3 Neighbourhood Character Review 2019 - Project Update; and Response to Notice of Motion

1. Mr Derek Screen

Item 10.4 Final Bayside Housing Strategy

1. Mr Frank Perry
2. Mr Derek Screen

Item 10.5 Highett Structure Plan: Amendment C160 - Summary of Submissions

1. Mr Frank Perry
2. Mr Michael Norris

Item 10.7 Tulip Street Basketball Court Extension Grant Application

1. Mr Phil McFarlane

Item 10.15 Proposal to enter into a 5 year lease over part of the Sandringham Family Leisure Centre

1. Mr George Reynolds

Item 10.17 Delegation to the CEO to Award Contract CON/19/121 Design, Install and Maintain Parking Sensors and Signage System at Church Street Activity Centre, Brighton

1. Mr George Reynolds
2. Mr Hanna Elmouallem
10.1 CLIMATE EMERGENCY - IMPLICATIONS AND APPROACHES

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure

File No: PSF/19/955 – Doc No: DOC/19/251269

It is recorded that Mr Ian MacCallum, Dr Jo Samuel King, Dr Kylie McIntosh, Ms Beth Jensen, Miss Mia Eng and Miss Libby Eng, Dr Marg Beavis, Miss Haidee Sharpe, Ms Florence (Flossy) Sperring, Mr Henri Pryde, Mr Joel Blacker, Mr Nick Thorne, Ms Harriet Spittle, Dr Robert Saunders, Ms Danielle King, Mr Alan Pears AM, Mr Tim Forcey, Mr David Rothfield, Mr Gregory Mier and Mr Jamie Paterson each spoke for three minutes in relation to this item.

It is recorded that Cr del Porto left the meeting at 8:07 pm and returned to the meeting at 8:10 pm.

It is recorded that Cr Grinter (Deputy Mayor) left the meeting at 8:13 pm and returned to the meeting at 8:17 pm.

Moved: Cr Evans  Seconded: Cr Heffernan

That Council:
2. Notes the existing commitments to purchase renewable electricity, purchase offsets to be carbon neutral in 2020 and to continue to reduce emissions including fleet emissions.
3. Calls on the Federal Government to increase its carbon emissions reduction target immediately.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Laurence Evans, Alex del Porto, James Long, Michael Heffernan, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED
10.2 URBAN FOREST CASE STUDY / TREE PROTECTION CONTROLS

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/317781

It is recorded that Ms Elizabeth Jensen, Mr Chris Sutton, Dr Robert Saunders, Mrs Wendy Parker, Mr Derek Screen, Ms Caroline Lawton, Mr Jamie Paterson, Ms Jenny Solomon, Ms Pauline Reynolds, Ms Tina Owens (via proxy, Ms Caroline Lawton), Dr Jeremy Stone (via proxy, Ms Sally O’Gorman), Mrs Shelly Durance (via proxy, Mrs Wendy Parker) and Ms Sally O’Gorman each spoke for three minutes in relation to this item.

It is recorded that Cr Long left the meeting at 8:48 pm and returned to the meeting at 9:00 pm.

It is recorded that Cr Castelli left the meeting at 8:53 pm and returned to the meeting at 8:56 pm.

It is recorded that Cr del Porto left the meeting at 8:54 pm and returned to the meeting at 9:00 pm.

Moved: Cr del Porto
Seconded: Cr Castelli

That Council:

1. Notes the Urban Forest Strategy Case Study.
2. Considers the development of a municipal Urban Forest Strategy as part of the 2020/21 Budget process.
3. Commences urgent implementation of the actions from the case study not reliant on funding.
4. Develops a communication plan to share the practical implications of the Urban Forest Case Study with the community.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Laurence Evans, Alex del Porto, James Long, Michael Heffernan, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED
10.3  NEIGHBOURHOOD CHARACTER REVIEW 2019 - PROJECT UPDATE; AND RESPONSE TO NOTICE OF MOTION - 281

City Planning & Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/19/304712

It is recorded that Mr Derek Screen spoke for three minutes in relation to this item.

Moved: Cr del Porto  Seconded: Cr Castelli
That Council notes the Neighbourhood Character Review 2019 – Project Update report and receives a further update report prior to the commencement of community engagement.

CARRIED
10.4 FINAL BAYSIDE HOUSING STRATEGY

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/297934

It is recorded that Mr Frank Perry and Mr Derek Screen each spoke for three minutes in relation to this item.

Moved: Cr del Porto Seconded: Cr Evans

That Council:

2. Writes to all submitters to thank them for their contribution.
3. Receives a report on Council’s Affordable Housing Policy at its 24 March 2020 Ordinary Meeting.

CARRIED
10.5 HIGHETT STRUCTURE PLAN: AMENDMENT C160 - SUMMARY OF SUBMISSIONS

City Planning & Amenity - Urban Strategy
File No: PSF/16/3650 – Doc No: DOC/19/320135

It is recorded that Mr Frank Perry and Mr Michael Norris each spoke for three minutes in relation to this item.

It is recorded that Cr Evans left the meeting at 9.58pm and returned to the meeting at 10:02 pm.

Moved: Cr Castelli  
Seconded: Cr Long

That Council:

1. Writes to the Minister for Planning to request an independent Planning Panel be appointed to consider the submissions received in relation to Amendment C160.

2. Writes to all submitters to advise them of Council’s decision.

CARRIED
10.6 SUBMISSION TO THE PLANNING AND BUILDING APPROVALS PROCESS REVIEW - DISCUSSION PAPER

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/324234

Moved: Cr Grinter (Deputy Mayor)   Seconded: Cr del Porto

That Council:

1. Adopts the officer submission at Attachment 1 as its response to the Planning and Building Approvals Process Review, Discussion Paper.

2. Authorises the Director City Planning and Amenity to make any necessary editorial changes to the submission.

3. Advocates to the State Government to provide further opportunities for comment relating to changes to the Planning and Building Approvals process.

CARRIED
10.7 TULIP STREET BASKETBALL COURT EXTENSION GRANT APPLICATION

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/313637

It is recorded that Phil McFarlane spoke for three minutes in relation to this item.

Moved: Cr del Porto    Seconded: Cr Grinter (Deputy Mayor)

That Council endorses an application to the Victorian Government’s Sport and Recreation Victoria 2020/2021 Local Sport Infrastructure Fund – Aquatic Centres and Indoor Stadiums Grants for the Tulip Street Basketball Court redevelopment based on the following funding model:

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>$9.9 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Funding</td>
<td>$5.4 million</td>
</tr>
<tr>
<td>SBA Cash Contribution</td>
<td>$1 million</td>
</tr>
<tr>
<td>SBA Leaseback contribution over time (15 years)</td>
<td>$1.5 million</td>
</tr>
<tr>
<td>Local Sport Infrastructure Fund</td>
<td>$2 million</td>
</tr>
</tbody>
</table>

CARRIED
10.8  IRONMAN BAYSIDE 2020

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/19/11 – Doc No: DOC/19/258000

Moved: Cr Castelli  Seconded: Cr del Porto
That Council approves the extended road closure end time endorsed in the Events in Public Places Policy from 11:30am to 1:00pm on 15 November 2020 to conduct the Ironman Melbourne event.

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

CARRIED
10.9 BAYSIDE TOURISM NETWORK MEMBERSHIP 2019 - 2021

Moved: Cr Castelli
Seconded: Cr del Porto

That Council:

1. Reappoints to the Bayside Tourism Network the following renominating members, each for a two year term:
   - Mr Jason Douglas
   - Ms Maureen Griffiths
   - Mr Stephen Le Page
   - Mr Michael Lee
   - Ms Gair Miller
   - Mr Peter Brearley.

2. Appoints the following new members to the Bayside Tourism Network, each for a two year term:
   - Ms Margot Burke
   - Mr Chris McAsey.

3. Thanks the retiring Bayside Tourism Network member, Ms Jane Cox and Mr David Elias, for their contribution to the Bayside Tourism Network.

4. Writes to the unsuccessful nominees to thank them for their interest in the Bayside Tourism Network.

NOTE: Item 10.9 was CARRIED as part of a block motion.
10.10 BAYSIDE HEALTHY AGEING REFERENCE GROUP

Community and Customer Experience - Community Services
File No: PSF/19/963 – Doc No: DOC/19/283622

Moved: Cr Castelli  Seconded: Cr del Porto

That Council:

1. Approves the draft Bayside Healthy Ageing Reference Group Terms of Reference.

2. Re-appoints the following existing members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2020 – 31 December 2021:

   - Bridget Hsu-Hage
   - Carolyn Brown
   - Pamela Thomas
   - Vivian Snitkjaer
   - John Barlow
   - Sue Steele
   - Maree Webb

   - Lois Lindsay
   - Stephen Le Page
   - Elizabeth Jensen
   - Maureen Tognarini
   - Christopher D’Arcy
   - Leslie Bawden
   - Joyce Evtimov

3. Appoints the following new members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2020 – 31 December 2021:

   - Julie Young
   - Michelle Bentley
   - Amanda Blohm
   - May Mews
   - Simone Skillington
   - Anne Gregory
   - Ann Tranter

   - Elizabeth Barrow
   - Rudy Wingrove
   - Pamela Fenton
   - Jane Reed
   - Lindy Freeman
   - Jeanette McTaggart
   - Jan Constable

4. Acknowledges the contributions of Stephen Le Page and John Barlow as Chairs of BHARG between January 2018 and December 2019.

5. Writes to retiring members and acknowledges their contribution to the Bayside Healthy Ageing Reference Group.

6. Writes to all nominees congratulating them on their appointment as members of the Bayside Healthy Ageing Reference Group for the period January 2020 to December 2021.

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

CARRIED
10.11 CANCELLATION OF THE 25 FEBRUARY 2020 PLANNING AND AMENITY COMMITTEE MEETING

Moved: Cr Castelli
Seconded: Cr del Porto

That Council give public notice of the cancellation of the 25 February 2020 Planning and Amenity Committee meeting, with further reviews to be considered at the March, May and August 2020 Ordinary Meetings of Council.

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

CARRIED

Moved: Cr Castelli                  Seconded: Cr del Porto

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act), discontinue the subterranean portion of road adjoining 322-326 New Street and 71-73 Bay Street, Brighton shown hatched in Attachment 1, subject to the Purchaser satisfying South-East Water’s conditions relating to the relocation of assets.

2. Direct a public notice to be published in the Victorian Government Gazette.

3. Authorise the Director of Corporate Services to undertake the necessary procedural steps to discontinue the subterranean portion of road and sale of the land to the owner of 322-326 New Street, Brighton via private treaty.

4. Advise the party who lodged a submission in relation to the proposal of Council’s decision.

5. Enter into a Section 173 Agreement with the Purchaser (being the developer of 322-326 New Street, Brighton).

6. Require the Purchaser to enter into an agreement with Council, the Owners Corporation of 75-79 Bay Street and the owner of 2 Vaucluse Street, to provide the parties with pedestrian and vehicular access to the rear of 75-79 Bay Street and 2 Vaucluse via a temporary access road during the time required to close and reconstruct the road.

CARRIED

NOTE: Item 10.12 was CARRIED as part of a block motion.
10.13 PROPOSED SALE OF DRAINAGE RESERVE LAND AT REAR OF 15 BERWICK STREET, BRIGHTON

Moved: Cr Castelli  Seconded: Cr del Porto

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act 1989*, for the sale of the subject property being a portion of the drainage reserve to the adjoining owners of 15 Berwick Street, Brighton, highlighted in Attachment 2.

2. Advertise the Public Notice outlining the proposal in accordance with Section 223 of the *Local Government Act 1989* including the sale of the land for $105,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 6:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

**NOTE:** Item 10.13 was CARRIED as part of a block motion.
10.14 PROPOSED DISCONTINUANCE AND SALE OF LAND AT REAR OF 38 & 40 MURPHY STREET, BRIGHTON

Moved: Cr Castelli  Seconded: Cr del Porto

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act 1989*, for the discontinuance and sale of the subject property in equal share to the adjoining owners of 38 Murphy Street, Brighton and 40 Murphy Street, Brighton, highlighted in Attachment 2.

2. Advertise the Public Notice outlining the proposal in accordance with Section 223 of the *Local Government Act 1989* including the discontinuance and sale of the land for $62,000 plus GST for each portion, totalling $124,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 7:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council will receive a further report at an Ordinary Meeting of Council.

CARRIED

NOTE: Item 10.14 was CARRIED as part of a block motion.
10.15 PROPOSAL TO ENTER INTO A 5 YEAR LEASE OVER PART OF THE SANDRINGHAM FAMILY LEISURE CENTRE

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/321246

It is recorded that Mr George Reynolds spoke for three minutes in relation to this item.

Moved: Cr Castelli
Seconded: Cr del Porto

That Council:

1. Commence the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 to lease four tenancies to the current tenants on the below terms:

   1.1 Tenant: De Nardis Enterprises Pty Ltd.
   Purpose: Physiotherapy Centre and Sports Medicine
   Commencement Date: Date upon which the lease is executed by the parties
   Term: 5 years
   Rent: $82,729.55
   Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

   1.2 Tenant: Cheslink Pty Ltd (SwimRight)
   Purpose: Swimming Pool and associated uses and sale of associated goods
   Commencement Date: Date upon which the lease is executed by the parties
   Term: 5 years
   Rent: $59,544.60
   Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

   1.3 Tenant: Goodlife Operations Pty Ltd.
   Purpose: Gymnasium, fitness centre and associated crèche and The sale of associated goods
   Commencement Date: Date upon which the lease is executed by the parties
   Term: 5 years
   Rent: $354,768.94
   Rental Escalation: Consumer Price Index Melbourne All Groups (CPI)

   1.4 Tenant: Kim Ky
   Purpose: Cafe
   Commencement Date: Date upon which the lease is executed by the parties
   Term: 5 years
   Rent: $28,851.69
   Rental Escalation: Consumer Price Index Melbourne All Groups (CPI)

2. Directs that under Section 190 and 223 of the Local Government Act 1989, public notices of the proposals to lease part of the Sandringham Family Leisure Centre be given.

3. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the lease proposals.
4. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 4 March 2020 commencing at 6:30pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.

5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant those leases described in clause 1 above.

NOTE: Item 10.15 was **CARRIED** as part of a block motion.
10.16 CONTRACT CON/19/96 PARKING MACHINE MAINTENANCE SERVICES

City Planning & Amenity - Amenity Protection
File No: PSF/19/968 – Doc No: DOC/19/324710

Moved: Cr Castelli
Seconded: Cr del Porto

That Council:

1. Enters into a contract with Reino International Pty Ltd trading as Duncan Solutions Australia for contract number CON/19/96 for the provision of Parking Machine Maintenance Services based on a schedule of rates.

2. Sign and seal the tender documents.

3. Advise the unsuccessful tenderer accordingly.

CARRIED

NOTE: Item 10.16 was CARRIED as part of a block motion.
10.17 DELEGATION TO THE CEO TO AWARD CONTRACT CON/19/121
DESIGN, INSTALL AND MAINTAIN PARKING SENSORS AND SIGNAGE
SYSTEM AT CHURCH STREET ACTIVITY CENTRE, BRIGHTON

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/317807

It is recorded that Mr Hanna El Mouallem spoke for three minutes in relation to this item. It is further recorded that Mr George Reynolds was not present in the Chamber.

Moved: Cr del Porto
Seconded: Cr Heffernan

That Council authorise the Chief Executive Officer to award Contract CON/19/121 for design, install and maintain parking sensors, and signage system at Church Street Activity Centre, Brighton for a maximum value to $700,000 (excluding GST).

CARRIED
10.18 COUNCIL ACTION AWAITING REPORT

Moved: Cr Grinter (Deputy Mayor)  Seconded: Cr Evans

That Council notes the Council Action Awaiting Report.

CARRIED
11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that the ABM had not met since the previous report.

2. **MAV Environment Committee** – Director Environment, Recreation & Infrastructure indicated that the Committee have not met since the previous meeting.

3. **Metropolitan Transport Forum** – Director Environment, Recreation & Infrastructure indicated that the Forum met on the 4 December 2019. Bayside was not represented as the main agenda item was on the North East Link.

4. **Municipal Association of Victoria** – Cr Alex del Porto reported that he attended a meeting of the South East Metropolitan Councils representative meeting. The main focus was the proposed Local Government Bill, in particular the proposed single-member wards.

5. **Inner South Metropolitan Mayors’ Forum** – The Mayor Cr Clarke Martin indicated he attended his first ISMMF held at Stonnington Council. The main focus was the proposed Local Government Bill and the single-member wards.

6. **Metropolitan Local Government Waste Forum** – The Mayor Cr Clarke Martin indicated that the Forum has no met since the previous meeting.

Moved: Cr del Porto Seconded: Cr Grinter

That the Reports by Delegates be received and noted.

**CARRIED**

12. Urgent Business

There were no items of Urgent Business submitted to the meeting.
13. Notices of Motion

13.1 NOTICE OF MOTION - 288 - FORESHORE LIGHTING

Moved: Cr Grinter (Deputy Mayor)          Seconded: Cr Evans

That Council receives a report at the March 2020 Ordinary Council Meeting on foreshore lighting that discusses the conditions under which lighting is currently provided, outlines where lighting currently exists and develops an approach to a policy position on the provision, renewal and upgrade of foreshore lights.

CARRIED
Procedural Motion
Moved: Cr del Porto Seconded: Cr Grinter
That the Deputy Mayor take the chair for the consideration of item 13.2 Notice of Motion 289.

CARRIED

13.2 NOTICE OF MOTION - 289 - FEDERAL GOVERNMENT SUPPORT FOR SOUTH EAST COUNCIL CLIMATE CHANGE ALLIANCE

Moved: Cr Martin (Mayor) Seconded: Cr del Porto
That Council grant Cr Martin leave to amend his Notice of Motion.

Moved: Cr Martin (Mayor) Seconded: Cr Evans
That Council write to the Member for Goldstein and the Local State Members of Parliament seeking support for South East Council Climate Change Alliance (SECCCA) initiatives and funding for the SECCCA Asset Vulnerability Assessment project.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Cr Laurence Evans, Alex del Porto, James Long, Michael Heffernan, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED
Procedural Motion
Moved Cr del Porto   Seconded Cr Evans

That the Mayor resume the Chair for the remainder of the meeting.

CARRIED

13.3  NOTICE OF MOTION - 290 - LONG TERM PARKING OF TRAILERS, 
        CARAVANS AND BOATS ON COUNCIL LAND

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/328357

Moved: Cr del Porto   Seconded: Cr Evans

That Council receives a report at its 18 February 2020 Ordinary Meeting on the options to address community concerns regarding long term parking of trailers, caravans and boats on Council land, which includes securing these items to Council assets or the use of devices such as wheel clamps. The report is to include analysis on the scale of the issue and the costs and benefits of opportunities to address the issue, such as amending Council’s Local Law No. 2 - Neighbourhood Amenity.

The Motion was PUT and a DIVISION was called:

DIVISION:  FOR:  Crs Laurence Evans, Alex del Porto, James Long, Michael Heffernan, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED

Procedural Motion
Moved Cr Grinter   Seconded Cr Del Porto

That the meeting be extended for 30 minutes.

CARRIED

It is recorded that the meeting was extended for 30 minutes at 10:55pm.
13.4 NOTICE OF MOTION - 291 - CHANGING FACES PHOTOGRAPHIC EXHIBITION

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/329706

It is recorded that Cr Long sought the leave of Council to withdraw his notice of motion.

Moved: Cr Long  Seconded: Cr del Porto
That Council approves the withdrawal of Notice of Motion No: 291.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Laurence Evans, Alex del Porto, James Long, Michael Heffernan, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED

The Mayor acknowledged Mr Steven White – Director Environment, Recreation & Infrastructure’s contribution at Bayside City Council over a 7 year period given that Mr White has resigned to take up a position at the City of Whitehorse.
14. Confidential Business

Moved: Cr del Porto  
Seconded: Cr Evans

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 PROPERTY LEASING MATTER
(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 item in Confidential Business.

Following consideration of Confidential Business, the Deputy Mayor declared the meeting closed at 11:20pm.