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## Minutes of the Ordinary Meeting of Bayside City Council

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 19 February 2019

The Meeting commenced at 7:00pm

**PRESENT:**

Cr Laurence Evans  
Cr Alex del Porto  
Cr James Long BM JP  
Cr Michael Heffernan (Mayor)  
Cr Clarke Martin  
Cr Sonia Castelli  
Cr Rob Grinter

**OFFICERS IN ATTENDANCE:**

Mick Cummins	Chief Executive Officer
Jill Colson	Director Corporate Services
Hamish Reid	Director City Planning and Community Services
David Smith	Acting Director Environment, Recreation and Infrastructure
Bryce Craggs	Director Community and Customer Experience
Terry Callant	Governance Manager
Robert Lamb	Governance Officer

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The Mayor declared the meeting open at 7pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Mayor invited Cr Grinter to read the prayer.

## **1. Prayer**

Cr Grinter 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 Martin 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**

There were no conflicts of interest submitted to the meeting.

## 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 18 December 2018.

**Moved: Cr Martin**

**Seconded: Cr Evans**

That the minutes of the Ordinary meeting of Bayside City Council held on 18 December 2018, 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, 16 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 John Magowan** (present in the chamber)

Mr Magowan's question relates to the Foreshore Masterplan:

Is Council prepared to consider expanding the remit of the proposed Foreshore Plan to include:

- redesign of the groynes to minimise trapping seaweed.
- surveying actual pedestrian use, sunset to sunrise, before installing new lighting for over 4,000 hours per year over a few kilometres (a survey was done only for bicycles, who have their own) - casual observation suggests it is minimal within an hour of sunset.
- research the merits of moving the Sandown St dog beach to north Green Point beach, thereby allowing removal of existing fencing. Dog users would enjoy a facility with considerable parking, no adjoining pedestrian pathway or residents, plus a bus terminal and train station.

### Response by the CEO

*Council is unable to alter the groynes as part of this foreshore masterplan as these structures are managed and maintained by the Department of Environment, Land, Water and Planning. Council has an existing relationship with the Department and will continue to work with them on matters relating to foreshore management and coastal protection.*

*The Masterplan is in draft format and is a high level concept plan. The final locations of any lighting will be determined if the masterplan is adopted by Council and on the basis of a needs assessment.*

*Relocating the Sandown Street Dog Beach is outside the scope of this masterplan and therefore moving the dog off-leash area to another area within Bayside has not been considered as part of this project.*

**2. Mr Warwick Dean**

Mr Dean submitted a question however was not present at the meeting.

**3. Mr Cedric Van Spall** (present in the chamber)

Mr Van Spall's question relates Bicycle Parking in the vicinity of the Middle Brighton railway Station:

Would the Council consider providing a trial of suitably secured Bicycle parking enclosures at strategic locations around the Middle Brighton Station area, so that they can be included in the parking technology trial. And consider providing "Rate Subsidies" to residents who use (technology "tagged") Bicycles to go shopping & commute from the railway station and shopping "hub".

**Response by the CEO**

*There are no plans to increase bicycle parking in the vicinity of the Middle Brighton railway station as part of the parking technology trial.*

*Council has installed bicycle hoops along Church Street, additional to those at Middle Brighton railway station. The provision of additional bicycle parking on the footpath in the vicinity of the station is not feasible due to existing physical constraints and competing demands for space.*

*As the bicycle parking along Church Street footpath is for public use, a "rate subsidy" arrangement will not be practical.*

*Council will continue to approach Public Transport Victoria to investigate the possibility to provide additional bicycle parking within Middle Brighton railway station itself, which is on land not owned by Council.*

**4. Mr George Reynolds** (present in the chamber)

Mr Reynold's question relates to the Banksia Reserve Pavilion redevelopment:

- a) Has Council entered into an agreement with the RSL to take over the operation of the facility, and
- b) Has any councillor who is an active member of the management of Beaumaris RSL been involved in any arrangements to transfer management of the facility away from the entity which entered into agreements with Council to finance and construct the facility?

**Response by the CEO**

- a) *No. Beaumaris Sports Club has a lease over the Banksia Reserve Pavilion.*
- b) *No.*

**5. Mr George Reynolds** (present in the chamber)

Mr Reynold's second question relates to the operating result on page 208 of the agenda:

- a) Why has Council not "ensured that a revised budget is prepared..", in accordance with the requirements of s128(2) of the LGA, and
- b) Why has Council staff apparently spent money on material changes, when such spending, prior to the approval of a revised budget, is banned by a clause in Council's Procurement Policy?

**Response by the CEO**

- a) *The adjustment to the 2018/19 budget represents the confirmed carry forward of project funding and expenditure from 2017/18. These adjustments are not material to the context of the overall 2018/19 budget and therefore a revised budget is not required in accordance with s128(2) of the Local Government Act 1989.*
- b) *These have been no material changes to the 2018/19 budget.*

**6. Mr Peter Boyle** (present in the chamber)

Mr Boyle's question relates to leasing:

- a) The Leasing Policy 6.5.9 refers to "historic buildings". What criteria is used in determining whether a building is "historic"?
- b) What Council buildings leased out to organisations and used as kindergartens are considered "historic"? Please detail.

**Response by the CEO**

- a) *The clause in the Lease and Licence Policy 2018 relates to insurance reimbursement. This consideration would be used for buildings where there is additional reinstatement costs related to the historic nature of the building. Council's independent Property Valuers ascertain the reinstatement costs that include consideration of the historic nature of the building.*
- b) *None of the current kindergartens have been considered as historic by Council's independent Property Valuers.*

**7. Mr Peter Boyle** (present in the chamber)

Mr Boyle's second question relates to the Financial Report:

- a) Please confirm that reporting of Revenue and Expenditure in the Income Statement during the year and in the second quarter report is in accord with the requirements of S138 of the Local Government Act.
- b) As Allocated are determined by Council and hence can be re-allocated by Council, surely the report should show a total for Unallocated and unrestricted funds plus Allocated and unrestricted funds which would show funds available to Council. As at the end of December 2018 this totalled \$68.116 million.

**Response by the CEO**

- a) *The report confirms that the budget reported is the Adopted 2018/19 budget adjusted for the confirmed carry forward of project revenue and expenditure related to 4 projects totalling \$2.1M. Council has complied with its reporting obligations under s138 of the Local Government Act.*
- b) *The allocation of funds reported in the “Cash and Investments” in the Quarterly Performance Report represent Council’s current intention regarding the use of funds which has been previously approved by Council resolution and through the Adopted 2018/19 budget.*

**8. Mr Don Beggs**

Mr Beggs submitted a question however was not present at the meeting.

**9. Ms Sue Hardiman****10. Ms Sue Hardiman**

Ms Hardiman submitted two questions however was not present at the meeting.

**11. Ms Alison Joseph (present in the chamber)**

Ms Joseph’s question relates to the Bay Trail:

- a) Does the Council realise that it is proposing the extension to the Bay Trail over Crown Land that it does not control?
- b) Can the Council please provide documentation demonstrating the boundaries of the land and evidence as to the appointment of a committee of management?

**Response by the CEO**

- a) *The proposal is to construct the separated path for cyclists on coastal Crown land that is managed by Council.*
- b) *The information will be researched and will be provided to you in due course.*



**12. Ms Alison Joseph** (present in the chamber)

Ms Joseph's second question also relates to the Bay Trail:

The proposal is within 200m of the Bay (in an area of aboriginal cultural heritage sensitivity) and involves a walking track and road more than 500m long. A cultural heritage management plan is mandatory. Has the Council completed a Cultural Heritage Management Plan for the proposal?

**Response by the CEO**

*Any works would be required to address any permit conditions imposed to protect the coastal environment. This would include any permit conditions related to cultural heritage management.*

**13. Mr Michael Cassar** (present in the chamber)

Mr Cassar's question relates to the North Road Foreshore Masterplan:

- a) What are the direct costs and internal staffing costs to date of the North Road Foreshore Masterplan consultative process?
- b) Before approval of the Masterplan will Bayside Council include any projected costs of implementation and what funding intentions it has?

**Response by the CEO**

- a) *As at 18 February, Council has spent approximately \$14,000 on the development of the North Road Foreshore Masterplan. Indirect staff costs are unable to be calculated as this project forms part of a number of roles across Council.*
- b) *Indicative implementation costs will be detailed as part of the final draft North Road Foreshore Masterplan presented to Council.*

**14. Mr Michael Cassar** (present in the chamber)

Mr Cassar's second question also relates to the North Road Foreshore Masterplan:

Before Bayside Council proceeds any further on the North Road Foreshore Masterplan consultative process is there any plans to conduct a detailed Environmental and Community Impact Statement; and Coastal Hydrology Assessment in respect to the Groyne/Seawall area adjoining the pedestrian bridge near Sandown Street.

**Response by the CEO**

*The proposal to address the Bay Trail 'high risk' site between Sandown Street and Middle Brighton Baths is considered in the North Road Foreshore Masterplan. The proposal is currently a concept design, which would be further developed with consideration of the environmental impacts. More detailed information such as a Coastal Hydrology Assessment may be required to address any permit conditions imposed to protect the coastal environment. However, this will be determined in future stages of the project.*

**15. Mr Kevin Spencer** (present in the chamber)

Mr Spencer's question relates to the Bayside Arts Board:

- a) In addition to the Mayor, CEO and Chairman of the Arts Board. Ultimately, who is fully responsible for the security of the City of Bayside Works of art Collection.
- b) In general Business at the Meeting, regarding the Bayside Gallery Business Cards, there was no mover or seconder nor costs to provide such Business Cards to members of the Board and Councillors, Please explain why need for cards when no -one has a permanent position on Arts Board.

**Response by the Mayor**

- a) *Council's building security is managed by contractors, Protection Pacific Security. The collection is stored in a secured and alarmed storage area.*
- b) *The Bayside Arts Board requested the card with the aim to promote the location of the Bayside Gallery and act as ambassadors for the Gallery. The card has a map of the gallery's location on the back with the Gallery's contact details on the front. No individuals' names appear on the card. Total cost for this printed collateral is \$105.25 and is part of the Gallery's marketing budget.*

**16. Mr Kevin Spencer** (present in the chamber)

Mr Spencer's second question relates to the recent improvement to the Brighton Library and he asks:

- a) Why has council failed to make necessary adjustments to the shelving?
- b) Why has Council instead of wasting money on expensive monolithic signs not placed an appropriate sign above entrance to Brighton Library?

**Response by the Mayor**

- a) *The magazine units were adjusted in height and new covers were installed on the cabinets for easier lifting and access. In order to lower shelf heights across the library, the book shelving lower shelf was unable to be adjusted. Staff are willing and able to assist all customers in accessing collections.*
- b) *The building is heritage listed and is subject to heritage controls which precludes the installation of permanent signage on the building.*

## 7. Petitions to Council

### 7.1 PETITION: PARKING IN SEACOMBE GROVE BRIGHTON

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/14246

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Petition from residents of Seacombe Grove Brighton seeking resident parking permit in Seacombe Grove Brighton. (*Total petitioners – 21 – all residents of Seacombe Grove*)

*We the undersigned hereby petition Bayside City Council to:*

1. Allow permit only vehicle parking in Seacombe Grove Brighton; and
2. Provide an adequate provision of resident visitor parking permits for tradespeople and family.

#### Petition Preamble:

*A significant and overwhelming increase in the vehicle usage of Seacombe Grove, Brighton by individuals gaining access to the Sandown Street Dog Beach has caused major traffic concerns to local residents accessing their homes.*

*On weekends approximately 200 cars per hour are looking for a car park in Seacombe Grove totalling 2000 cars per day. The entrance to Seacombe Grove from St Kilda Street has become a safety hazard due to the high number of vehicles waiting to enter the street for a car park to access the dog beach.*

*There are currently 12 car spaces available in Seacombe Grove and the mass overloading of cars on many occasions results in cars parked across driveways and on the naturestrips.*

*The increase of dog beach users to the Sandown Street Dog Beach has caused enormous frustration to the residents of Seacombe Grove with the dog beach users regularly leaving raw and bagged dog rubbish on the road, gutters and footpaths. This causing anger and frustration to all residents who are left to clean up every day.*

*The combination of traffic dangers, the enormous volume of cars fighting for car parks, the ever increasing amount of rubbish and excrement left behind, the continuous dog barking, dog fights and banging of car doors and people arguing about parking, and blocked or partially blocked driveways has fuelled the residents of Seacombe Grove Brighton to seek immediate changes to the traffic management of Seacombe Grove. The residents of Seacombe Grove are being denied the privacy and quite enjoyment they are entitled too because of the poor placement of the dog beach.*

#### Petition Requirements

The submitted petition containing 21 signatures meets the required format of a petition in accordance with Council's Governance Local Law No:1 Clause 65.

#### Officer Comment

These matters are operational in nature and can be investigated and actioned by Council Officers under the relevant Council Policy.

**Moved: Cr del Porto**

**Seconded: Cr Long**

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

**CARRIED**

## 7.2 PETITION: CAR PARKING IN SIMS STREET SANDRINGHAM

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/25476

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Petition from residents of Sims Street, Sandringham seeking parking time limits and/or permit parking in Sims Street, Sandringham (*Total petitioners – 31 – all petitioners are Bayside residents*).

*“We the undersigned hereby petition Bayside City Council to introduce parking time limits and/or permit parking in Sims Street, Sandringham.”*

### Petition Preamble:

*We wish to inform council that all day city commuter parking in Sims Street, Sandringham is congested and obstructing parking for visitors and residents.*

### Petition Requirements

The submitted petition containing 31 signatures meets the required format of a petition in accordance with Council’s Governance Local Law No:1 Clause 65.

### Officer Comment

These matters are operational in nature and can be investigated and actioned by Council Officers under the relevant Council Policy.

**Moved: Cr Evans**

**Seconded: Cr Martin**

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

**CARRIED**

### 7.3 PETITION: TO BAN SMOKING IN AND AROUND RICKETTS POINT MARINE SANCTUARY

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/38655

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Petition from residents of Bayside and surrounding areas seeking to ban smoking on the beaches, car parks, barbeques and foreshore areas in and around the sanctuary Ricketts Point Sanctuary.

*(Total petitioners: 20 – (10 are Bayside residents).*

*“We the undersigned hereby petition Bayside City Council to ban smoking on the beaches, car parks, barbeques and foreshore areas in and around the Ricketts Point Sanctuary.”*

#### Petition Preamble:

*A marine sanctuary is a place for the environment to regenerate and for animals to be able to reproduce and care for their young safely without threat or harm. It is also a place where people come with their children and families to enjoy the natural environment; to play walk, snorkel, kayak, breathe fresh air and exercise. There is no place for toxic smoking in and around Ricketts Point Marine Sanctuary.*

*This has already been achieved in many other places around Australia and the world for the same valid reasons. Thank you.*

#### Petition Requirements

The submitted petition containing 20 signatures meets the required format of a petition in accordance with Council’s Governance Local Law No:1 Clause 65.

#### Officer Comment

In addition to the petition, a letter of support containing 17 signatories was received. A further electronic petition was also submitted.

**Moved: Cr Martin**

**Seconded: Cr Evans**

That the petition be received and a report be submitted to the April 2019 Ordinary Meeting of Council of this matter.

**CARRIED**

## 8. Minutes of Advisory Committees

### 8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/38620

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Moved: Cr del Porto

Seconded: Cr Long

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

- 5 February 2019 CEO and Councillors Only Briefing.

**CARRIED**

## 9. Reports by Special Committees

Nil

## **10. Reports by the Organisation**

### **REQUESTS TO BE HEARD:**

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

#### **Item 10.1 Commuter Shuttle Bus Service Trial Review**

1. Mr Michael Groves
2. Mr Ian Armstrong

#### **Item 10.2 Community Engagement Approach for Elsternwick Park Nature Reserve Masterplan**

1. Mr Geoffrey Love
2. Ms Amanda Levi
3. Ms Helen Halliday
4. Ms Jo Samuel-King
5. Mr Marcus Gwynne
6. Ms Anna Rabinov

#### **Item 10.3 Elsternwick Park Nature Reserve Dog On Leash Enforcement Update**

1. Ms Amanda Levi
2. Mr Sam Gulliver

#### **Item 10.4 Parking Technology - Church Street Major Activity Centre**

1. Mr Cedric Van Spall

#### **Item 10.7 Rezoning of land at 5-7 Well Street, Brighton, from General Residential Zone to Public Use Zone Schedule 6**

1. Mr Graeme Goode
2. Mr Hanna El Mouallem

#### **Item 10.8 Bay Trail High Risk Sites – Sandown Street to the Royal Brighton Yacht Club**

1. Mr Kevin Spencer

#### **Item 10.18 Quarter two Performance Report - October to December 2018**

1. Mr George Reynolds

## 10.1 COMMUTER SHUTTLE BUS SERVICE TRIAL REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/18/108 – Doc No: DOC/18/298686

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*It is recorded that Mr Michael Groves and Mr Ian Armstrong each spoke for three minutes in relation to this item.*

**Moved: Cr Long**

**Seconded: Cr Martin**

That Council:

1. Ceases the operation of the commuter shuttle bus service trial, with the last day of service being Friday 8 March 2019;
2. Continues to advocate for public transport improvements as outlined in the Integrated Transport Strategy 2018 – 2028; and
3. Raise the issue of public transport improvements ([billions4buses.melbourne](http://billions4buses.melbourne)) at the MAV State Council meeting.

### Procedural Motion

**Moved: Cr Grinter**

**Seconded: Cr Martin**

That the motion be PUT.

**CARRIED**

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

**DIVISION:**   **FOR:**       Crs Laurence Evans, James Long, Michael Heffernan (Mayor),  
Clarke Martin and Sonia Castelli (5)  
**AGAINST:** Crs Alex del Porto and Rob Grinter (2)

**CARRIED**



## 10.2 COMMUNITY ENGAGEMENT APPROACH FOR ELSTERNWICK PARK NATURE RESERVE MASTERPLAN

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/19/11 – Doc No: DOC/19/9952

*It is recorded that Mr Geoffrey Love, Ms Amanda Levi, Ms Helen Halliday, Ms Jo Samuel-King, Mr Marcus Gwynne and Ms Anna Rabinov each spoke for three minutes in relation to this item.*

**Moved: Cr Evans**

**Seconded: Cr Martin**

That Council:

1. Endorses the community engagement approach as set out in Attachment No.1 for the Elsternwick Park Nature Reserve subject to the existing Community Reference Panel continuing their work, noting that all stakeholders will have the opportunity to participate in the community engagement process;
2. Receives a report detailing the outcomes of the community engagement on the Elsternwick Park Nature Reserve at the 25 June 2019 Council meeting; and
3. Prepares a detailed Project Plan aimed at commencing construction work on the flood mitigation and landscaping works by August 2020 for discussion with the Community Reference Panel.

### **AMENDMENT**

**Moved: Cr del Porto**

That Council:

1. Endorses the community engagement approach as set out in Attachment No.1 for the Elsternwick Park Nature Reserve subject to the existing Community Reference Panel continuing their work, noting that all stakeholders will have the opportunity to participate in the community engagement process;
2. Receives a report detailing the outcomes of the community engagement on the Elsternwick Park Nature Reserve at the 25 June 2019 Council meeting; and
3. Prepares a detailed Project Plan aimed at commencing construction work on the Melbourne Water flood mitigation and landscaping works by August 2020 for discussion with the Community Reference Panel.

**LAPSED FOR WANT OF A SECONDER**

The Original Motion moved by Cr Evans and Seconded by Cr Martin was PUT and a **DIVISION** was called:

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

**CARRIED**

### 10.3 ELSTERNWICK PARK NATURE RESERVE DOG ON LEASH ENFORCEMENT UPDATE

City Planning & Amenity - Amenity Protection  
File No: PSF/19/968 – Doc No: DOC/19/32301

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*It is recorded that Councillor del Porto left the meeting at 9:13 pm. Councillor del Porto returned to the meeting at 9:17 pm.*

*It is recorded that Councillor Castelli left the meeting at 9:15 pm. Councillor Castelli returned to the meeting at 9:19 pm.*

*It is recorded that Ms Amanda Levi and Mr Sam Gulliver each spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council:

- a) notes the report on Elsternwick Park Nature Reserve enforcement; and
- b) continues the current enforcement approach until the end of March 2019.

**CARRIED**

#### 10.4 PARKING TECHNOLOGY - CHURCH STREET MAJOR ACTIVITY CENTRE

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/19/955 – Doc No: DOC/19/17368

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*It is recorded that Mr Cedric Van Spall spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Grinter**

That Council:

1. Notes the available technology options and costs associated with the introduction of parking technology within the Church Street Major Activity Centre;
2. Undertakes community engagement activities associated with the introduction of parking technology as identified in Option 1 (in-ground vehicle detection sensors) in March 2019; and
3. Receives a further report regarding the findings from the community engagement activities at the June 2019 Council meeting.

**CARRIED**

**10.5 ENVIRONMENTAL SUSTAINABILITY FRAMEWORK ACTION PLAN  
2019–2023**

Environment, Recreation & Infrastructure - Environment  
File No: PSF/19/955 – Doc No: DOC/19/26936

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**Moved: Cr Martin**

**Seconded: Cr Evans**

That Council endorses the updated Environmental Sustainability Framework Action Plan for 2019-2023, subject to the additional action under the waste management objective to read as follows:

- Advocate to the State Government and the Municipal Association of Victoria for a sustainable solution to the recycling crisis.

**CARRIED**

## 10.6 LOCAL AREA TRAFFIC MANAGEMENT POLICY REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/19/955 – Doc No: DOC/19/29693

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council adopts the revised Local Area Traffic Management Policy 2019 as shown in Attachment 1.

**CARRIED**

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

**10.7 REZONING OF LAND AT 5-7 WELL STREET, BRIGHTON, FROM  
GENERAL RESIDENTIAL ZONE TO PUBLIC USE ZONE SCHEDULE 6**

City Planning & Amenity - Urban Strategy  
File No: PSF/19/954 – Doc No: DOC/19/31331

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*It is recorded that Mr Graeme Goode and Mr Hanna El Mouallem each spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council seeks authorisation from the Minister for Planning to commence the full planning scheme amendment process to rezone 5-7 Well Street, Brighton to a Public Use Zone Schedule 6 to facilitate the use and development of the land for a car park.

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

**DIVISION:**     **FOR:**         Crs Laurence Evans, Alex del Porto, Michael Heffernan (Mayor),  
  Clarke Martin and Rob Grinter (5)  
  **AGAINST:** Crs James Long and Sonia Castelli (2)

**CARRIED**

## 10.8 BAY TRAIL HIGH RISK SITES – SANDOWN STREET TO THE ROYAL BRIGHTON YACHT CLUB

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/18/108 – Doc No: DOC/18/204370

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*It is recorded that Mr Kevin Spencer was not present in the Chamber at the time his name was called to speak to this item.*

**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Notes the level of community support outlined in this report following the community engagement activities undertaken in relation to the proposal to duplicate the section of the Bay Trail shared path between Sandown Street and the Royal Brighton Yacht Club;
2. Endorses the duplication of the Bay Trail as a surface path as shown in Attachment 1 between Sandown Street and the Royal Brighton Yacht Club to address a 'high risk' safety hazard to path users; and
3. Considers funding for this project in the 2019/2020 Council Budget.

**CARRIED**

**10.9 PROPOSED DISCONTINUANCE AND SALE OF LAND AT REAR 70  
ESPLANADE AND 5-7A TENNYSON STREET, BRIGHTON**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/299796

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**Moved: Cr Grinter**

**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 road adjoining 70 Esplanade, Brighton, highlighted in Attachment 1 and to sell the land to the owner of 70 Esplanade, Brighton via private treaty;
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 \$275,000 including GST;
3. Receive a further report outlining any submissions made including any submissions made under the previous public notice;
4. In the event of any submitters requesting to be heard, a further report will be presented to 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 Councillors to hear/consider the submission/s received at a meeting to be held on 26 March 2019 at 6:30pm in the Council Chambers, Boxshall Street, Brighton; and
5. Write to the owner of 72 Esplanade Brighton, advising him that Council intends to readvertise the Public Notice due to an administrative error including advice that Council will include his submission as if it were made against the subsequent public notice.

**CARRIED**

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



**10.10 PROPOSED SALE OF COUNCIL LAND AT 2 KARRAKATTA STREET,  
BLACK ROCK**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/19/6072

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Having undertaken all statutory procedures, authorises the Director of Corporate Services, to sell the property known as 2 Karrakatta Street, Black Rock by public auction with a reserve price at the sworn valuation not more than six months old at the time of sale, with the timing of the sale to be aligned to the relocation of the Seniors Respite Service;
2. 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;
3. In the event of negotiations being unsuccessful, authorises the Director Corporate Services to negotiate privately at a price no less than 5% below the reserve price; and
4. Authorises 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 1, 2 and 3 above.

**CARRIED**

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

**10.11 PROPOSED DISCONTINUANCE OF ROAD AND CONSOLIDATION OF LAND AT REAR LIVINGSTON STREET KINDERGARTEN, HIGHTT**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/291846

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act* 1989, for the discontinuance of the road adjoining the Livingstone Street Kindergarten, Hightt generally in accordance with attachment 1;
2. Give Public Notice of the Proposal in the appropriate newspapers and on Council's website;
3. If no submissions are received, authorises the Director Corporate Services to complete the formal procedures for the discontinuance of the road and consolidation of land into the Livingston Street Kindergarten and Hightt Neighbourhood Community House title; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the *Local Government Act* 1989 consisting of all Councillors with quorum of four Councillors to hear submissions received at a meeting to be held on 16 April 2019 at 6:30pm at the Council Chambers, Boxshall Street, Brighton.

**CARRIED**

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

**10.12 2019 AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA)  
NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/32690

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council approves the attendance of Cr Alex del Porto, Cr Sonia Castelli and the Mayor Cr Michael Heffernan at the ALGA National Assembly to be held in Canberra from 16 – 19 June 2019.

**CARRIED**

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

**10.13 POWER PURCHASE AGREEMENT - COMMITMENT TO PURCHASE  
RENEWABLE ENERGY**

Environment, Recreation & Infrastructure - Environment  
File No: PSF/19/955 – Doc No: DOC/19/26937

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Commits to the procurement of renewable electricity through a Power Purchase Agreement with Procurement Australia, for Council's Public Lighting and Large Market sites; and
2. Commits to the procurement of renewable electricity through the South East Melbourne Renewable Energy Project, for Council's Small Market sites.

**CARRIED**

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

## 10.14 CONTRACT CON/18/127 - BANKING AND BILL PAYMENT SERVICES

Corporate Services - Finance  
File No: PSF/18/102 – Doc No: DOC/19/386

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Awards Contract CON/18/127 to the National Australia Bank for the provision of Banking and Bill Payment Services for a period of three years from 1 July 2019 to 30 June 2022 with the option for two twelve month extension periods;
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/127 Banking and Bill Payment Services contract; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

## 10.15 CONTRACT CON/18/138 B9 AND B13 CAR PARK RENEWAL

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/19/966 – Doc No: DOC/19/13953

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Awards contract CON/18/138 B9 and B13 Car Park Renewal to VCrete Contractors Pty Ltd (ABN:40 055 492 683) for the lump sum price of \$690,920.44 (excl. GST) and \$760,012.48 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/138 B9 and B13 Car Park Renewal; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

**10.16 CONTRACT CON/18/140 COUNCIL CAR PARK RENEWAL PROGRAM  
2018/19**

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/19/966 – Doc No: DOC/19/13448

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Awards contract CON/18/140 Council Car Park Renewal Program 2018/19 to Kaizen Civil Pty Ltd (ABN:18 619 423 068) for the lump sum price of \$470,200.87 (excl. GST) and \$517,220.95 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/140 Council Car Park Renewal Program 2018/19; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

**10.17 CONTRACT CON/18/163 BAY TRAIL AND BOARDWALK  
CONSTRUCTION AT MIDDLE BRIGHTON BATHS**

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/19/966 – Doc No: DOC/19/21090

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Awards contract CON/18/163 Bay Trail and Boardwalk Construction at Middle Brighton Baths to GP Bluestone Pty Ltd (ABN: 69 269 343 641) for the lump sum price of \$294,104.00 (excl. GST) and \$323,514.40 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/163 Bay Trail and Boardwalk Construction at Middle Brighton Baths; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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



**10.18 QUARTER TWO PERFORMANCE REPORT - OCTOBER TO DECEMBER 2018**

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/32752

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*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. Notes the Quarter 2 Performance Report against the Council Plan activities for the period October to December 2018; and
2. Adopts the financial report to 31 December 2018.

**CARRIED**

**10.19 COUNCIL ACTION AWAITING REPORT**

Corporate Services - Governance  
File No: PSF/19/960 – Doc No: DOC/19/33931

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council notes the Council Action Awaiting Report.

**CARRIED**

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

## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that no meeting has been held since the previous meeting.
2. **MAV Environment Committee** – In the absence of the Director Environment, Recreation and Infrastructure, no report was submitted to the meeting.
3. **Metropolitan Transport Forum** – In the absence of the Director Environment, Recreation and Infrastructure, no report was submitted to the meeting.
4. **Municipal Association of Victoria** – Cr Alex del Porto reported on his attendance at the MAV Strategic Planning Workshop held on 6 February 2019.
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Michael Heffernan indicated that the forum has undertaken a recent review and it was agreed to meet on 4 occasions throughout the year and the chair would be rotated to the hosting council.
6. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin advised that the first meeting is scheduled to be held on the coming Thursday morning and it is his intention with the support of other delegates to keep the forward momentum on the State Government to seek the release of funds from the sustainability fund to assist in finding a solution to the recycling crisis.

**Moved: Cr Evans**

**Seconded: Cr Grinter**

That the delegates' reports be received and noted.

**CARRIED**

### **Procedural Motion**

**Moved: Cr Grinter**

**Seconded: Cr Evans**

That the meeting be continued for a further 30 minutes.

**CARRIED**

*It is recorded that the meeting was extended for a period of 30 minutes at 11.01pm.*

## 12. Urgent Business

There were no items of urgent business submitted to the meeting.

## 13. Notices of Motion

### 13.1 NOTICE OF MOTION - 277 - SINGLE USE PLASTICS ASSOCIATED WITH COUNCIL PREMISES

Corporate Services - Governance  
File No: PSF/18/103 – Doc No: DOC/19/8586

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**Moved: Cr Evans**

**Seconded: Cr del Porto**

*That Council receives a report at its March 2019 Ordinary Meeting to consider issues related to single use plastics associated with Council premises and leases and the opportunities to minimise single use plastics in Council premises and leases.*

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

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

**CARRIED**

## 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**

### Table of Contents

#### 14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 11 FEBRUARY 2019

*(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)*

*It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.*

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at 11:17pm.*