Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre, Boxshall Street Brighton
on Tuesday 19 March 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
Bryce Craggs Director Community and Customer Experience
Hamish Reid Director City Planning and Amenity
Steven White Director Environment, Recreation and Infrastructure
Terry Callant Governance Manager
Karen Brown Governance Coordinator
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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 Evans to read the prayer.

1. Prayer

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

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

The Mayor invited the Councillors and members of the gallery to pause for a minute’s silence to reflect on the recent tragedy that occurred in Christchurch, New Zealand on Friday 15 March.

2. Acknowledgement of Original Inhabitants

The Mayor invited Cr Castelli 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.

Moved Cr Evans Seconded Cr Grinter

That Council grant Cr del Porto leave of absence from 22 March to 31 March 2019 inclusive, and it is noted that his allowance will be suspended during this absence.

CARRIED
Moved Cr Grinter
Seconded Cr del Porto
That Council grant Cr Martin leave of absence from 15 April to 26 April 2019 inclusive, and it is noted that his allowance will be suspended during this absence.
CARRIED

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 19 February 2019.

Moved: Cr Long
Seconded: Cr Martin
That the minutes of the Ordinary meeting of Bayside City Council held on 19 February 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, 8 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 Derek Screen

Mr Screen submitted a question; however, was not present at the meeting.

2&3. Mr Peter Boyle

Mr Boyle submitted two questions; however, was not present at the meeting.

4. Mr George Reynolds (present in the chamber)

Mr Reynolds' question related to the payment of overdue rates and interest and he asked:
Will Council advise the meeting date, or the Policy adoption date, when this authority was delegated to the CEO.

Response by the Mayor
The authority to levy and collect interest is contained in the Declaration of Rates and Charges adopted by Council on 19 June 2018 (Item 10.3 point 7).

5. Mr George Reynolds (present in the chamber)

Mr Reynolds' second question related to the January Financial Report regarding the use the heading Adjusted Budget and he asked:
Will Council explain
a) Why the adjusted budget has been adopted without following the process set out in sections 127 and 223 of the Act, and
b) Why the accounts listed in Attachment 1, to Agenda Item 10.13, should not be considered by the users of the accounts (the ratepayers), to be false and misleading?

Response by the CEO
a) The financial report presented to Council is the approved 2018/19 budget adjusted for confirmed carry forward of project budgets based on the actual results for the prior year. The adjustments reported are not material in nature therefore do not require a revised Budget as required under the Local Government Act 1989.

b) The attachment you refer to is a true and accurate financial report as at 31 January 2019. For the record, Council does not intend to respond to future questions from you concerning the financial report as your accusations of misleading information have been addressed and rejected by the Victorian Auditor General’s Officer, the Victorian Ombudsman and in Council’s substantial correspondence.
6. **Mr Tony Shepherd** (present in the chamber)

Mr Shepherd’s question related to parking at Hampton station commuter parking and he asked:

Could Council advise how the additional 133 commuter parking spaces will be provided by Council and is this funding / requirement being considered as part of the Hampton Community Infrastructure Feasibility Assessment and Masterplan process?

**Response by the CEO**

*Council is seeking details from the Federal Government about the funding allocation or car park project. No further details are available at this time.*

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

Mr Spencer’s question related to the 1st /14th Brighton Sea Scouts and he asked:

a) By what authority was permission granted to use the city name on the organizations documents?

b) As the sea scouts occupy an extensive area of prime Bayside Council foreshore land at Holloway Bend opposite Were Street, why isn’t the lease arrangements disclosed in Councils Annual Report.

**Response by Mayor**

a) A recent review of the 1st /14th Brighton Sea Scouts website indicates Bayside City Council is a supporter of the Sea Scouts. This is appropriate as the Sea Scout Group is known as the Mayor’s own. This symbolic title was bestowed upon the group by the former City of Brighton. This Group maintains close ties with each elected Mayor, and participates in many civic and ceremonial events.

b) The Annual Report is not required to include information pertaining to leasing / occupancy arrangements. It does however indicate that a Lease Register is available for inspection at Council offices.

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

Mr Spencer’s second question related to the Durrant Street, Brighton Flood Mitigation works and he asked:

a) What was the total cost of these works?

b) What was the Budget Estimate for the works?

**Response by CEO**

a) The total cost of the works is $1.73 million.

b) The budget provision included an $850,000 allocation for Durrant Street, with the remaining funds provided by the Road Reconstruction budget allocation.
7. Petitions to Council

7.1 PETITION: TO REMOVE TELSTRA MOBILE PHONE BASE STATION LOCATED AT 41B BLUFF ROAD, BLACK ROCK

Petition from Black Rock residents requesting the removal of Telstra Mobile phone base station from 41B Bluff Road, Black Rock. (Total petitioners – 15)

Petition Requirements

“We the undersigned hereby petition Bayside City Council to instruct Telstra to remove the mobile phone base station located at 41B Bluff Road, Black Rock.”

Petition Preamble

The facility is not low impact and as such Telstra has breached both the Planning and Environment Act 1987 and Telecommunications (Low Impact facilities) Determination 1997 by not applying for a planning permit.

Petition Requirements

The submitted petition containing 15 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No:1 Clause 65.

Officer comment

On 15 March 2018, Telstra submitted the relevant product information to Council, with accompanying explanatory reports that indicated the Station was in fact ‘low-impact’ and therefore did not require a planning permit pursuant to 52.19 of the Bayside Planning Scheme (this is a State-wide Policy rather than a local Policy Specific to Bayside). A notice was published in the Bayside Leader on 20 March 2018, advising of the proposed installation.

In light of the status of the structure being low-impact, the matter was taken out of Council control and Telstra were able to erect the facility without the need for a planning permit.

Unfortunately, Council has no control over such structures once they have been deemed low-impact.

Moved: Cr Grinter Seconded: Cr Castelli

That the petition be received and noted.

CARRIED
Petition from residents requesting Council to place on hold the proposed development of the Bayside Netball Centre. (Total petitioners – 270 - all Bayside residents)

We the undersigned hereby petition Bayside City Council to place on hold plans for the development of the new Bayside Netball Centre in Wangara Road Sandringham until such works are subjected to a review by local residents, in accordance with the eight strategic goals objectives described in the Bayside City Council, Council Plan 2017/21. Whilst in support of improving sporting facilities, we are opposed to the proposed location of the development in Wangara Road on the following grounds:

**Environmental Impact**
- Failure to consider the impact of the flood lights in a habitat area of the bronzewing pigeon and other indigenous animals in the area.
- Potential exposure to substances hazardous to health, both short term (during construction) as well as long term.
- Noise pollution in the residential areas from whistles and sirens during matches and practice sessions.
- Noise will also cause a major disturbance and distress to elderly residents receiving palliative and dementia care living in adjacent care facilities.
- The water run-off from the embankment will potentially exacerbate the flooding issues on George Street.

**Traffic impact and safety**
- Significant impact on week night peak hour traffic flows for George Street, Bay Road, Wangara Road, Talinga Road, Reserve Road and Tulip Street.
- Increased volume in traffic, including oversized vehicles in a residential area, will lead to increased hazards.

**Transparent decision making and feeling safe in the area**

The Council’s decision making about this project was not transparent to us, residents, at the early stage of the project. Our quiet area currently habituated by the indigenous wildlife is proposed to be replaced with a loud netball court, with an additional 272 carpark spaces and bus access. The prospect of bringing hundreds of visitors and spectators into our residential area on a daily basis will not improve liveability and will no longer make us feel safe.

Petition Requirements
The submitted petition containing 270 signatures meets the required format of a petition in accordance with Council’s Governance Local Law No: 1 Clause 65.
Officer Comment
The petition will be referred to the planning application process.

Moved: Cr Martin  Seconded: Cr Evans
That the petition be received and be dealt with in conjunction with Planning application 2019/106/1 at a future Planning and Amenity Committee meeting.

CARRIED
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 20 FEBRUARY 2019

Moved: Cr Castelli              Seconded: Cr Grinter

That the Audit and Risk Management Committee recommends to Council that:

1. Council notes the minutes of the Audit & Risk Management Committee held on 20 February 2019; and

2. Adopts the following recommendations of the Audit and Risk Management Committee:

   Item 9.1.2. Risk Management Update

   That the Audit and Risk Management Committee:

   1. Notes the report and the six monthly review of the Strategic Risks;

   2. For the purposes of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations, the Audit and Risk Management Committee noted the review of the 11 strategic risks and recommended to Council that the review of the Strategic Risks be noted; and

   3. Recommends that Council be briefed on the changes to the risk profile.

CARRIED
8.2 ASSEMBLY OF COUNCILLORS RECORD

Moved: Cr Grinter  Seconded: Cr Evans

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

- 5 March 2019 CEO and Councillors Only Briefing

CARRIED
9. **Reports by Special Committees**

9.1 **MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 6 MARCH 2019**

Moved: Cr del Porto  
Seconded: Cr Castelli

That Council:

1. Notes the minutes of the Bayside Arts Board meeting held on 6 March 2019;

2. Adopts the following recommendations of the Bayside Arts Board meeting of 6 March 2019

**Item 6.4 - Public Art Donation Proposal for Black Rock Foreshore**

The Bayside Arts Board recommends that Council commence the process of seeking Coastal Consent to install the sculpture, The Bird, by Michael Cartwright, on the Black Rock foreshore.

**Item 6.5 - Proposed new site location for public art commissions at Beaumaris.**

That the Bayside Arts Board recommends to Council that the commissioning for public art in Beaumaris be located at Beaumaris Reserve, Reserve Road instead of Beaumaris Concourse, and the exact site of the work will be determined following the appointment of architects and the formation of the Public Art Project Team for this commission as per Public Art Process.

**Item 6.6 – Street/Mural Art in Bayside**

A. That the Bayside Arts Board recommends that Council:

1. Considers street art as a positive contribution to the urban environment in Bayside and encourages community groups to apply for Council grants as appropriate and when available to realise murals on private property.

2. Recognises there was an opportunity for curated street art to be incorporated into Council’s Graffiti Management Plan which should be addressed in future iterations of the Plan.

3. Supports the commission of murals on walls that are privately owned if they are part of a funded Graffiti Management Plan or if they are identified as part of a Streetscape Masterplan, endorsed by Council and where community engagement has been undertaken and appropriate funding allocated.

4. Conducts appropriate consultation regarding the public facing wall along Railway Walk starting at Well Street, and situated near Middle Brighton Station, as a potential location for a substantial mural project to be installed in 2018/19 FY pending community endorsement.
B. That the Bayside Arts Board recommends to Council to support the Sandringham Street Art Project to proceed with installation of the ‘Bundjil and the Creation of the Bay’ and ‘Bundjil’s Children’, murals at Sandringham Village and recommends that Council funds the 2 street art projects up to an amount of $40,000 at the two locations as identified within the report.

C. That the Bayside Arts Board recommends to Council that Council provides additional funding in 2019/20 for the commissioning of street art in Railway Walk and other street art opportunities to mitigate graffiti and enhance streetscape and local amenity.

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 Response to Notice of Motion - 277 – Single-Use Plastics Associated with Council Premises**

1. Ms Elizabeth Jenson
2. Prof. Vicki Karalis
3. Mrs Lesley Bawden
4. Mr Ian O’Loughlin
5. Mr Gregory Mier
6. Mrs Ramona Headifen
7. Dr Ross Headifen
8. Mr David Williams
9. Mr David Rothfield
10. Ms Jillian Sokol
11. Ms Kathy O’Meara
12. Ms Helen Gibson
13. Mr Tony Aplin
14. Mr Ken Blackman
15. Ms Kate McPherson

**Item 10.2 Hampton Community Infrastructure Feasibility Assessment and Masterplan**

1. Mr Tony Batt

**Item 10.3 Proposal for an Urban Forest Strategy**

1. Prof. Vicki Karalis
2. Mr Gregory Mier
3. Mr Chris Sutton
4. Mr Kevin Spencer

**Item 10.4 Sportsground Pavilion Improvement Plan review**

1. Mr George Reynolds

**Item 10.5 Planning Scheme Amendment C126 - Small Activity Centres Strategy 2014**

1. Mrs Marian Woolf

**Item 10.13 January 2019 Financial Report**

1. Mr George Reynolds
10.1 RESPONSE TO NOTICE OF MOTION - 277 - SINGLE-USE PLASTICS ASSOCIATED WITH COUNCIL PREMISES

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/19/955 – Doc No: DOC/19/27994

It is recorded that Ms Elizabeth Jenson, Prof. Vicki Karalis, Mrs Lesley Bawden, Mr Gregory Mier, Mrs Ramona Headifen, Dr Ross Headifen, Mr David Williams, Mr David Rothfield, Ms Jillian Sokol, Ms Kathy O’Meara, Ms Helen Gibson, Mr Tony Aplin, Mr Ken Blackman and Ms Kate McPherson each spoke for three minutes in relation to this item.

It is recorded that Mr Ian O’Loughlin was not present in the Chamber at the time his name was called to speak to this item.

Moved: Cr Evans  Seconded: Cr Martin

That Council:

1. Implements a combination of: community education; enhanced environmental conditions in relevant policy, tenders, contracts, leases and guidelines; and raising community awareness regarding the reduction of single-use plastics;

2. Commits to reduce to zero single-use plastics within the Bayside Corporate Centre and Libraries by the end of 2018/19 financial year and other Council-owned properties (i.e.: community centres, senior citizen centres and other community-leased premises) by the end of financial year 2019/20;

3. Notes that an amount of $10,000 from the existing operational budget allocations will be re-prioritised to assist Council-owned property community lessees, and corporate centre and libraries to introduce this environmental initiative;

4. Issues a media release on this environmental initiative and circulate the media release to all local schools for inclusion in their newsletter to provide awareness for students; and

5. Receive a report at the June 2019 Ordinary Meeting of Council on the merits of the introduction of a local law banning the single-use of plastic similar to the Hobart City Council model.

6. Brings this environmental initiative to the attention of the Association of Bayside Municipalities to encourage other member councils to introduce similar initiatives.

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
10.2 HAMPTON COMMUNITY INFRASTRUCTURE FEASIBILITY ASSESSMENT AND MASTERPLAN

   City Planning & Amenity - Urban Strategy
   File No: PSF/19/954 – Doc No: DOC/19/60548

Moved Cr Grinter                  Seconded Cr Martin
That Mr Tony Batt be granted three minutes to speak to this item.

CARRIED

It is recorded that Mr Tony Batt spoke for three minutes in relation to this item.

It is recorded that Councillor Castelli left the meeting at 8:40 pm. Councillor Castelli returned to the meeting at 8:43 pm.

Moved: Cr Grinter                  Seconded: Cr Martin
That Council notes this report and receives a further progress report at or before the 23 July 2019 Ordinary Meeting.

CARRIED
10.3 PROPOSAL FOR AN URBAN FOREST STRATEGY

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/60518

It is recorded that Councillor del Porto left the meeting at 8:59 pm. Councillor del Porto returned to the meeting at 9:03 pm.

It is recorded that Prof. Vicki Karalis, Mr Gregory Mier, Mr Chris Sutton and Mr Kevin Spencer each spoke for three minutes in relation to this item.

Moved: Cr Martin Seconded: Cr Evans

That Council:

1. Initiates a suburb level case study that assists Council to define the scope of a future Urban Forest Strategy by testing the benefits, outcomes, limitations and opportunities; and

2. Receives a further report at the 17 December 2019 Ordinary Meeting of Council reporting on the outcomes of the case study.

CARRIED
10.4 SPORTSGROUND PAVILION IMPROVEMENT PLAN REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/54031

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

Moved: Cr Grinter  Seconded: Cr Evans

That Council:

1. Adopts the Review of Bayside Sportsground Pavilion Improvement Plan as contained in Attachment, 1 including the pavilion priority order as shown on page 59 of the report; and

2. Conducts a further review of the Sportsground pavilion Improvement Plan in 2024.

CARRIED
10.5 PLANNING SCHEME AMENDMENT C126 - SMALL ACTIVITY CENTRES STRATEGY 2014

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/60455

It is recorded that Mrs Marian Woolf spoke for three minutes in relation to this item.

It is recorded that Councillor Grinter left the meeting at 10:01 pm. Councillor Grinter returned to the meeting at 10:02 pm.

Moved: Cr del Porto  Seconded: Cr Castelli

That Council:

1. Adopts the revisions to the Bayside Small Activity Centre Strategy 2014;
2. Adopts Amendment C126 in the form of Attachment 4;
3. Immediately commence the preparation of a study to support the application of mandatory height controls in Small Neighbourhood Activity Centres where mandatory controls have not been supported by Planning Panels Victoria;
4. Present a report to Council in June 2019 with the outcomes of the study;
5. Submits amendment C126 to the Minister for Planning; and
6. Writes to all submitters to advise of Council’s decision.

CARRIED
10.6 BAYSIDE COUNCIL GRANTS POLICY REVIEW 2019

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/38474

Moved: Cr Martin  Seconded: Cr del Porto

That Council:

1. Considers increasing the budget allocation for the Community Grants Program when preparing the 2020/21 Council budget;

2. Increases the maximum amount in 2019/20 that community organisations can apply for through the Annual Community Grants Program to $7,500; and

3. Establishes a Disability Inclusion Contingency Grant in 2020/21 to be funded from the Contingency Grants Program.

CARRIED
10.7 BAYSIDE FILM FESTIVAL COMMUNITY EVENT REPORT

Community and Customer Experience - Customer & Cultural Services
File No: FOL/19/504 – Doc No: DOC/19/62981

Moved: Cr del Porto  Seconded: Cr Castelli

That Council notes this report and commends the organisers of the Bayside Film Festival for their commitment to this community event.

CARRIED
10.8 CONTRACT CON/18/145 BEACH ACCESS UPGRADE AT DENDY STREET BEACH, BRIGHTON

Moved: Cr Castelli  Seconded: Cr Grinter

That Council:

1. Awards contract CON/18/145 Beach Access Upgrade at Dendy Street Beach, Brighton to Connell Design & Construction Pty Ltd (ABN:) for the lump sum price of $282,930.00 (excl. GST) and $311,223.00 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/145 Beach Access Upgrade at Dendy Street Beach, Brighton; and

3. Advises the unsuccessful tenderers accordingly.

NOTE: Item 10.8 was CARRIED as part of a block motion.
10.9 CONTRACT CON/18/156 BEAUMARIS CONCOURSE STREETSCAPE WORKS

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/47204

Moved: Cr Castelli Seconded: Cr Grinter

That Council:

1. Awards contract CON/18/156 Beaumaris Concourse Streetscape Works to Balmain & Co Pty Ltd (ABN:71 613 663 817) for the lump sum price of $1,578,281.90 (excl. GST) and $1,736,110.09 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/156 Beaumaris Concourse Streetscape Works; and

3. Advises the unsuccessful tenderers accordingly.

CARRIED

NOTE: Item 10.9 was CARRIED as part of a block motion.
10.10 CONTRACT CON/18/160 WILLIAM STREET RESERVE PAVILION REDEVELOPMENT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/46845

Moved: Cr Castelli  Seconded: Cr Grinter

That Council:
1. Awards Contract CON/18/160 Demolition and New Construction of William Street Reserve Pavilion and Cricket Nets to Melbcon Pty Ltd for the lump sum price of $2,166,295.00 (excl. GST) and $2,382,925.00 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/160 Demolition and New Construction of William Street Reserve Pavilion and Cricket Nets; and
3. Advises the unsuccessful tenderers accordingly.

NOTE: Item 10.10 was CARRIED as part of a block motion.
10.11 CONTRACT CON/19/17 RAISED PEDESTRIAN CROSSINGS AT CHURCH AND CARPENTER STREET; AND, BAY AND ASLING STREET, BRIGHTON

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/47146

Moved: Cr Castelli
Seconded: Cr Grinter

That Council:

1. Awards Contract CON/19/17 Raised Pedestrian Crossings at Church and Carpenter Street; and, Bay and Asling Street, Brighton to Harte Civil VIC P/L for the lump sum price of $876,115.40 (excl. GST) and $963,726.94 (incl GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/19/17 Raised Pedestrian Crossings at Church and Carpenter and Bay Street and Asling, Brighton; and

3. Advises the unsuccessful tenderers accordingly.

NOTE: Item 10.11 was CARRIED as part of a block motion.
10.12 DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER AND OTHER COUNCIL OFFICER POSITIONS WITHIN THE ORGANISATION

Moved: Cr Castelli           Seconded: Cr Grinter

That Council:

1. Revokes the existing Instruments of Delegation to the Chief Executive Officer and to members of Council staff previously approved by Council on 19 December 2017;

2. Adopts the Schedule 5 - Instrument of Delegation to the Chief Executive Officer dated 19 March 2019 noting changes to the financial delegation only;

3. Adopts the Schedule 6 – Instrument of Delegation to the Members of Council staff dated 19 March 2019 noting changes to the position titles; and

4. Signs and seals Schedules 5 and 6 Instruments of Delegation.

NOTE: Item 10.12 was CARRIED as part of a block motion.
10.13 JANUARY 2019 FINANCIAL REPORT

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

Moved: Cr Evans  
Seconded: Cr Grinter

That Council notes the operating and capital financial report for seven months to 31 January 2019.

CARRIED
10.14 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/63274

Moved: Cr Grinter
Seconded: Cr del Porto

That Council notes the Council Action Awaiting Report.

CARRIED
11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that a meeting of the ABM was held on 7 March at the office of the MAV. This meeting was the Annual General Meeting to elect the new President, Vice President and Secretary. Cr Evans advised that Cr Tim Baxter from Port Phillip Council was elected as President of the ABM. Other matters discussed at the meeting included a review of the jet ski zones, boat ramp fees and beach renourishment. Discussion also took place concerning dog controls and drinking on beaches as it appears to becoming an issue on a number of beaches.

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

3. **Metropolitan Transport Forum** – The Director Environment, Recreation & Infrastructure indicated that he was unable to attend the meeting scheduled on 6 March and therefore no report is provided.

4. **Municipal Association of Victoria** – Cr Alex del Porto indicated that there has been no meeting to report on.

5. **Inner South Metropolitan Mayors’ Forum** – The Mayor Cr Michael Heffernan indicated that the ISMMF have not met since the previous meeting.

6. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin advised the meeting that the Forum will be meeting again next month.

**Moved: Cr Long**  
**Seconded: Cr Castelli**

That the Reports by Delegates be received and noted.

**CARRIED**
12. **Urgent Business**

12.1 **LEGAL ADVICE CONCERNING PLANNING APPLICATION 2017/523/1 (695 - 707 HAWTHORN ROAD, BRIGHTON EAST)**

Moved: Cr del Porto  
Seconded: Cr Grinter  
That the matter of legal advice concerning Planning Application 2017/523/1 relating to 695 – 707 Hawthorn Road, Brighton East be considered as a matter of urgent business.  

CARRIED

Moved: Cr Grinter  
Seconded: Cr del Porto  
That the urgent business item in relation to Planning Application 2017/523/1 be deferred and dealt with in Confidential Business, as Item 14.2, given the matter relates to legal advice in accordance with section 89(2)(f) of the *Local Government Act 1989*.  

CARRIED

13. **Notices of Motion**

There were no Notices of Motion submitted to the meeting.
14. Confidential Business

Moved: Cr Long  
Seconded: Cr del Porto

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

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

CARRIED

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14.1 LANDLORD CONSENT FOR STAGE 2 WORKS SANDRINGHAM GOLF COURSE
(LGA 1989 Section 89(2)(d), (e) and (f) contractual matters, proposed developments and legal advice.)

14.2 LEGAL ADVICE CONCERNING PLANNING APPLICATION 2017/523/1
(695 - 707 HAWTHORN ROAD, BRIGHTON EAST)
(LGA 1989 Section 89(2)(f) legal advice.)

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 11.08pm.