



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 20 November 2018

The Meeting commenced at 7:00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Mick Cummins	Chief Executive Officer
Hamish Reid	Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure
Jill Colson	Director Corporate Services
Terry Callant	Manager Governance
Karen Brown	Governance Coordinator
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 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

It is recorded that at the 23 October 2018 Ordinary Meeting of Council, Cr Clarke Martin was granted a leave of absence for the period 9 November to 26 November 2018 (inclusive).

Moved: Cr del Porto

Seconded: Cr Grinter

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

CARRIED

It is recorded that Cr del Porto requested leave of absence for the period 1 December to 13 December 2018 (inclusive)

Moved: Cr Grinter

Seconded: Cr Castelli

That leave of absence for Cr Alex del Porto be granted for the period 1 December to 13 December 2018 (inclusive) and that his Councillor allowance be suspended during this time.

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 23 October 2018.

Moved: Cr Long

Seconded: Cr Evans

That the minutes of the Ordinary meeting of Bayside City Council held on 23 October 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

5.2 Confirmation of the Minutes of the Annual meeting of Bayside City Council held on 8 November 2018.

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Annual Meeting of Council held on 8 November 2018 be confirmed subject to an amendment relating to the Meeting Cycle (Item 8), to correct the Planning and Amenity Committee meeting date for December to read: Monday 9 December 2019.

CARRIED

6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 36 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. Mr George Reynolds (present in the Chamber)

The image of a candidate in the State Election has been displayed on a Council notice board at the Beaumaris Concourse for a number of weeks.

- (a) Did Council resolve in public meeting to support a Greens candidate, and
- (b) Which Council employee authorised this attempt to give an advantage to another person in breach of Councillor code of conduct in Section 76D (1) of the LGA ?

Response by the CEO

- a) *Council has not resolved to support any candidate in the upcoming State Election.*
- b) *No Council officer authorised the display of an image of a candidate. The notice board at Beaumaris Concourse is not owned or operated by Council. It is owned and operated by a private media buying company offering billboard space.*

2. Mr George Reynolds (present in the Chamber)

In the 30th September performance statement on page 137 of the notice paper \$90,000 of unbudgeted expenditure is reported for State election advocacy.

- (a) What was this \$90,000 spent on, and
- (b) Who authorised the expenditure?

Response by the CEO

- a) *The \$90,000 budget provided for the development and implementation of a detailed advocacy campaign in the lead up to the state election and included marketing, advertising, event hire, audio visual equipment and brochures for the two successful candidate forums.*
- b) *The \$90,000 was approved by the CEO in accordance with his financial delegation following consultation with Councillors.*

3. Mr Ian Armstrong (present in the Chamber)

The free bus contravenes the bus safety act 2007 as the service is not connected with any of the prescribed activities allowed in the definition of a Community Bus Service. Is the Council aware of this breach and what fines the Government may impose?

Response by the CEO

Public Transport Victoria has confirmed that the commuter shuttle bus trial does not contravene any legislation and that Council is able to legally operate the service.

4. Mr Ian Armstrong (present in the Chamber)

Is the shuttle project at all linked with the Councils proposal to sell/develop the Black and Well Street car parks as we believe it is?

Response by the Mayor

The commuter shuttle bus trial is not connected to the Council proposal to develop the Black and Well Streets car parks.

5. Mrs Mary Armstrong (present in the Chamber)

The State Government promised \$150 million for parking upgrades at rail stations is council oblivious that Brighton will miss out because it has shown the ability to run its own bus service to solve this? Or was this the councils actual intention to forge the shuttle bus through?

Response by the CEO

Council will continue to advocate to the State government for improved commuter parking provision at train stations in Bayside. State expenditure on expanding commuter parking has been restricted to outer metropolitan areas to date, with inner metropolitan areas not being considered for funding.

6. Mrs Mary Armstrong (present in the Chamber)

As 2 councillors at our Public Meeting (08 2018) advised, they were not provided with the proposed routes and bus stops, obviously the others weren't either. Nor were the residents! Is it not a case to abort the project due to poor or non-existent advice/consultation?

Response by the Mayor

All Councillors were provided with a copy of a proposed motion that articulated the proposed bus route one (1) hour prior to the commencement of the Council meeting. At the meeting the detailed motion regarding the commuter shuttle bus trial and bus stop locations was moved, seconded and debated. All Councillors and those present in the gallery were able to see the content of the motion before a vote was taken on the matter.

7. Mr Alex Harratt (present in the Chamber)

Regarding the hasty installation of the Shuttle without proper due process is Council prepared to handle the queries from the Ombudsman, Vic Roads, PTV, Ventura Bus Lines, The Local Government Inspectorate etc?

Response by the Mayor

Public Transport Victoria has confirmed that the commuter shuttle bus trial does not contravene any legislation and that Council is able to legally operate the service. Council will respond to any questions from other statutory bodies as required.

8. Mr Alex Harratt (present in the Chamber)

Is Council aware of the widths of the roads highlighted for the routes and the current parking issues?

Response by the Mayor

Council is aware of the road widths. A trial run of the 12-seater mini bus was undertaken along the service routes prior to the trial commencing and no issues were encountered with the mini bus sharing the roads with other road users.

9. Mr Paul Ingleby (present in the Chamber)

By observation the council buses to and from Middle Brighton Railway Station carry nil, one or two passengers. Therefore is council prepared to terminate its experiment which relieves the State Government from upgrading commuter car parking at Bayside Railway Stations and reallocate the council funding from our council rates to a project or programme that benefits the Bayside community?

Response by the Mayor

The commuter shuttle bus trial includes a scheduled review process and will be considered by Council in February 2019.

10. Mr Paul Ingleby (present in the Chamber)

What consideration was placed on the safety of local community members, including children who use the route to make their way to school?

Response by the Mayor

On average, the commuter shuttle bus service has resulted in an increase of six vehicles per hour in those streets in which it operates. This small increase in vehicle volume does not impact safety.

11. Mr Larry Takis (present in the Chamber)

A council can only make decisions and pass resolutions about matters falling within its jurisdiction, otherwise it will be deemed to be acting "ultra vires" – acting beyond its power. Are any of the councillors, qualified traffic engineers or qualified to override officers recommendation NOT to proceed with the Commuter Shuttle Bus?

Response by the Mayor

Council's decision to implement the commuter shuttle bus trial does not breach any legislation. Council is not required to make decisions based on the recommendation from its officers, and is able to make decisions informed by the officers' report and the many varied views of Councillors.

12. Mr Larry Takis (present in the Chamber)

When I contacted Ventura Bus Lines and they and Public Transport Victoria were not aware of this service. In your ordinary council meeting executive summary 21 August 2018, you state “in conjunction with PTV conducts a survey of commuters using Middle Brighton.....” Where is the documentation that this indeed did occur?

Response by the CEO

The results of the commuter survey are documented in the 21 August 2018 Council report. Council wrote to PTV seeking its involvement in this survey but no response was received.

13. Mr Tim Riordan (present in the Chamber)

Is Council aware of the Code of Conduct 2017 for councillors and in particular, the requirement that:

“in performing the role of a councillor, we as councillors must:

- Act with integrity;
- Impartially exercise our responsibilities in the interests of the local community;”
(quote).

Do all councillors consider that they have complied with the code of conduct and if so, how?

Response by the Mayor

Council’s decision to implement the commuter shuttle bus trial does not breach the Councillors’ Code of Conduct.

14. Mr Tim Riordan (present in the Chamber)

Is the Council aware that the decision to install a bus route is in breach of the Public Transport Victoria/ Ventura Bus Lines 10 year agreement and is in direct competition with the same?

Response by the CEO

PTV has confirmed that the commuter shuttle bus trial does not contravene any legislation and that Council is able to legally operate the service.

15. Mr Phil Briggs (present in the Chamber)

I note that current Council budget did not allow for this Shuttle Bus extravaganza.

- a) Where has the money come from?
- b) Why wasn’t this revenue shifting noted in any Council documents?

Response by the CEO

At the Ordinary Meeting of Council on 21 August 2018 Council resolved to implement the commuter shuttle bus trial and allocated up to \$60,000 from the 2018/19 budget from savings to be identified as part of the first quarter Performance Report. The budget forecasts have been updated to reflect this expenditure.

16. Mr Phil Briggs (present in the Chamber)

Valuers have advised us that valuation along the routes and particularly those with bus stops will reduce. Is council aware that this will put a greater rates burden on other Bayside ratepayers?

Response by the CEO

There will be no loss of rates revenue due to the introduction of the commuter shuttle bus trial. Residential rates will vary depending on property valuations.

17. Ms Katarina Papatheodorou (present in the Chamber)

Did all councillors read the Report tabled at the meeting on 21 August 2018? If so, on what basis did they ignore the recommendation NOT to trial a community bus?

Response by the Mayor

Council is not required to make decisions based on the recommendations from its officers, and is able to make decisions informed by the officers' report and the many varied views of Councillors.

18. Ms Katarina Papatheodorou (present in the Chamber)

What consultation (prior to the decision being made) was carried out by Council and/or councillors with the local community:

- (a) On what dates did the consultation take place?
- (b) Can you identify which community members were consulted?

Response by the CEO

No consultation on the commuter bus service was undertaken prior to the decision being made. Commuters were surveyed on travel modes and travel behaviours to allow the August 2018 report to be prepared.

19. Professor Jacqui True (present in the Chamber)

Professor True submitted two questions both of a similar nature therefore one question was read out at the meeting.

Is the council aware that its decision to run the Shuttle Bus Service and to serve the Local Community is in blatant breach of the Local Government Act 1989 refer to Part 1, 1A Preamble, (4)? This breach will be reported to Local Government Inspectorate and Ombudsman.

Response by the CEO

Council's decision to implement the commuter shuttle bus trial does not contravene any legislation.

20. Mrs Lisa Dangerfield (present in the Chamber)

What is the audited monetary amount that has been spent which includes drivers wages, running cost of buses, signage, labour to rectify incorrectly place signs, promotion (including handouts at railway station and mobile bicycle placards), officers time in setting up this ill-conceived scheme, and checking compliance with relevant government bodies AFTER the Shuttle service commenced?

Response by the CEO

As of 16 November 2018, approximately \$26,000 had been spent on the commuter shuttle bus service. This cost does not account for any officer time associated with establishing the service as officer time is not attributed to individual services or projects in this way.

21. Mrs Lisa Dangerfield (present in the Chamber)

This Shuttle Service is a mistake, it may be costing the ratepayers up to \$1000 per day to run (over and above the initial set up costs). Why doesn't council a) abort NOW, b) apologise it made the wrong decision?

Response by the CEO

A review of the commuter shuttle bus trial has been scheduled to be considered by Council in February 2019.

22. Ms Helen Briggs (present in the Chamber)

Is the council aware that a number of bus stops that have been erected are adjacent to childcare, aged facilities and busy crossroads and cause a real threat to the safety of locals?

Response by the Mayor

The commuter shuttle bus stop locations have been assessed and have been confirmed as being appropriate.

23. Ms Helen Briggs (present in the Chamber)

Are you aware that of approximately 1000 resident/ratepayers whose homes these 2 routes pass, 99% are vehemently against the shuttle.

Response by the Mayor

Council has received a range of feedback regarding the commuter shuttle bus trial including a petition which is listed on the agenda this evening.

Section 64 part 3 of the Local Law No 1 states that Public Question Time will not exceed 15 minutes in duration. During the allotted time, 23 of the public questions received were read out at the meeting. The remaining public questions submitted were not read out at the meeting and accordingly the following individuals will receive a written response:

- ***Professor Jacqui True***
- ***Mr Mark Lampard***
- ***Mr Kim Beveridge***
- ***Mr Lachie Lampard***
- ***Mr Campbell Beveridge***
- ***Mr Greg Hoy***
- ***Mr Michael Takis***
- ***Mr Kevin Spencer***



7. Petitions to Council

7.1 PETITION - TO CEASE THE TRIAL OF THE BAYSIDE COMMUTER BUS SERVICE

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/272436

Petition from residents seeking the immediate ceasing of the Bayside Commuter Bus Services to Brighton Station. (*Total petitioners 130. – all petitioners are Bayside residents*)

“We the undersigned hereby petition Bayside City Council to immediately cease the trial of the Bayside Commuter Bus Service to Brighton Station until such time as a comprehensive consultation is undertaken with affected parties and a detailed assessment, including a full traffic assessment, consultation feedback and usage analysis is presented to Council.”

Petition Requirements

The submitted petition containing 130 signatories meets the required for mat of a petition in accordance with Council's Governance Local Law No: 1 Clause 65.

Officer Comment

The Commuter Shuttle Bus Service commenced on 29 October 2018 following Council's decision to trial this service on 21 August 2018. Council's decision requires a review of the trial to be reported to Council's February 2019 meeting.

It is recorded that a further 8 signatories to the petition were received following the publication of the agenda. The Mayor indicated that the total number of petitioners is now 138.

Moved: Cr del Porto

Seconded: Cr Castelli

That the petition be received and a report be submitted to the February 2019 Ordinary Council Meeting in conjunction with the substantive report on the Commuter Bus Service as per Council's previous resolution.

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

DIVISION: **FOR:** Crs Laurence Evans, Alex del Porto, Michael Heffernan (Mayor) and Rob Grinter (4)
AGAINST: Crs James Long and Sonia Castelli (2)

CARRIED

8. Minutes of Advisory Committees

It is recorded that the Mayor called for a motion that Item 9.2 (Minutes of the Bayside Arts Board) be brought forward and dealt with within section 8 of the agenda.

Moved Cr del Porto

Seconded Cr Grinter

That item 9.2 (Minutes of the Bayside Arts Board) be brought forward and dealt with within section 8 of the agenda.

CARRIED

9.2 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 26 SEPTEMBER 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/268115

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. notes the minutes of the Bayside Arts Board meeting held on 26 September 2018;
2. adopts the following recommendations of the Bayside Arts Board meeting of 26 September 2018:

Item 6.1 – Bayside Arts Strategic Plan 2018-2021

The Bayside Arts Board recommends that Council adopts the Bayside Arts Strategic Plan 2018-2022 including the above amendments at its Ordinary Council meeting in October.

CARRIED

9. Reports by Special Committees

9.1 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL TO HEAR SUBMISSIONS IN RELATION TO: PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND AT REAR 42 MURPHY STREET AND 55 BRICKWOOD STREET, BRIGHTON

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/262950

Moved: Cr Evans

Seconded: Cr Long

That Council notes the Minutes of the Special Committee of Council held on 1 November 2018 to hear submissions in relation to the proposed road discontinuance and sale of land at rear of 42 Murphy Street and 55 Brickwood Street Brighton.

CARRIED

9.2 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 26 SEPTEMBER 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/268115

It is recorded that this item was dealt with earlier in the meeting.

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 Domestic Animal Management Plan Progress Report

1. Ms Amanda Levi

Item 10.2 Indian Myna Control Program 2017/18 - Program Update

1. Mr Geoff Jamieson
2. Ms Jenny Soloman

Item 10.12 Open Space Management - Service Review

1. Mrs Heather Stewart
2. Ms Pauline Reynolds (via proxy Heather Stewart)

Item 10.14 Quarter One Performance Report - July to September 2018

1. Mr George Reynolds

10.1 DOMESTIC ANIMAL MANAGEMENT PLAN PROGRESS REPORT

City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/266750

It is recorded that Ms Amanda Levi spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Evans

That Council receives and notes the annual review on the progress made against year one actions as outlined in the Domestic Animal Management Plan 2017 – 2021.

CARRIED

10.2 INDIAN MYNA CONTROL PROGRAM 2017/18 - PROGRAM UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/260428

It is recorded that Mr Geoff Jamieson and Ms Jenny Soloman each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Grinter

That Council discontinues the Indian Myna control programme and provides \$2000 to the Friends of Native Wildlife group, for nesting boxes.

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

DIVISION: **FOR:** Crs Alex del Porto, Sonia Castelli and Rob Grinter (3)
 AGAINST: Crs Laurence Evans, James Long and Michael Heffernan
 (Mayor) (3)

The Mayor exercised the casting vote against the motion and the motion was

LOST

Moved Cr Evans

Seconded Cr Long

That Council continue its support for BIMAG, on the basis that the group continues to focus on activities to improve the quality of natural habitat, in turn enhancing native bird diversity in the Bayside area.

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

DIVISION: **FOR:** Crs Laurence Evans, James Long and Michael Heffernan
 (Mayor) (3)
 AGAINST: Crs Alex del Porto, Sonia Castelli and Rob Grinter (3)

The Mayor exercised the casting vote in favour of the motion and the motion was

CARRIED

10.3 RESPONSE TO PETITION - BAN THE USE OF SOLID FUEL OUTDOORS FOR THE PURPOSES OF THE COOKING OF FOOD AND HEATING

City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/266680

Moved: Cr del Porto

Seconded: Cr Castelli

That Council refer consideration of banning solid fuel for the purposes of cooking and heating to the next scheduled review of Council's Consolidated Local Law No.2 'Neighbourhood Amenity'.

CARRIED

10.4 BAYSIDE ENVIRONMENTAL SUSTAINABILITY FRAMEWORK 2016-2025 ACTION PLAN UPDATE HOLDING REPORT

Environment, Recreation & Infrastructure - Environment
File No: PSF/18/108 – Doc No: DOC/18/259286

Moved: Cr del Porto

Seconded: Cr Grinter

That Council receives a report at the February 2019 Council meeting on the updated Environmental Sustainability Framework Action Plan for 2018-2022.

CARRIED

10.5 ADVANCED WASTE RESOURCE RECOVERY FACILITIES - REGIONAL BUSINESS CASE AND CONTRACT MODELS

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/18/108 – Doc No: DOC/18/204374

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Supports a contract model that utilises a Special Purpose Vehicle (or Joint Venture) as a means of collaborating with other Councils to aggregate waste volumes necessary to make an Alternative Waste and Resource Recovery facility in the south-east Melbourne region viable;
2. Continues to work with south-east Melbourne region Councils and the Metropolitan Waste Resource Recovery Group to finalise the South-east Cluster Business Case for Alternative Waste and Resource Recovery services;
3. Notes that the business case is being developed in accordance with the State Department of Treasury and Finance guidelines; and
4. Authorises the Chief Executive Officer to enter into agreements required for Council to participate in the establishment of a Special Purpose Vehicle (or Joint Venture) and commencement of the procurement process for Alternative Waste and Resource Recovery services.

CARRIED

10.6 CSIRO - LEGAL AGREEMENTS UPDATE

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/267557

Moved: Cr Evans

Seconded: Cr Grinter

That Council:

- Reaffirms its resolution from 27 January 2016 to authorise the Chief Executive Officer to execute the Deed of Agreement with the CSIRO and the Section 173 with the future owner of the CSIRO on Council's behalf; and
- Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps.

CARRIED

**10.7 EXTENSION OF LANDFILL DISPOSAL CONTRACT (CON/10/1) -
WYNDHAM REFUSE DISPOSAL FACILITY**

Environment, Recreation & Infrastructure - Sustainability and Transport
File No: PSF/18/108 – Doc No: DOC/18/262260

Moved: Cr Castelli

Seconded: Cr del Porto

That Council authorises the Chief Executive Officer or his delegate to extend the current Landfill Disposal Direct Deed Contract, Contract No. 10/1 (constructed by the Metropolitan Waste and Resource Recovery Group) for waste disposal at the Wyndham Refuse Disposal Facility for the period 1 April 2019 to 31 March 2021 and execute this in accordance with the terms and conditions of the current contract.

CARRIED

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

**10.8 CONTRACT CON/18/106 PLAYGROUND IMPROVEMENT PROGRAM
CONSTRUCTION 2018/19**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/241461

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards contract CON/18/106 Playground Improvement Program Construction 2018/19 to Open Playscapes Pty Ltd (ABN:43 399 527 793) for the lump sum price of \$1,242,483 (excl. GST) and \$ 1,366,731.3 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/106 Playground Improvement Program Construction 2018/19; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

10.9 CONTRACT CON/18/110 ROAD RECONSTRUCTION WORKS IN CHANDOS STREET, CHELTENHAM

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/241460

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards contract CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham to CDN Constructions Pty Ltd (ABN: 62 884 294 341) for the lump sum price of \$776,132.17 (excl. GST) and \$853,745.39 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

10.10 CONTRACT CON/18/115 RG CHISHOLM RESERVE PAVILION RECONSTRUCTION

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/241435

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards contract CON/18/115 RG Chisholm Reserve Pavilion Reconstruction to Bowden Corporation Pty Ltd (ABN: 55 097 029 993) for the lump sum price of \$2,143,113.00 (excl. GST) and \$2,357,424.30 (incl. GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/115 RG Chisholm Reserve Pavilion Reconstruction; and
3. Advises the unsuccessful tenderers accordingly.
4. Notes that \$1,081,000 will be required in the 2019/20 Budget to complete the RG Chisholm Reserve Pavilion.

CARRIED

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

10.11 CONTRACT CON/18/123 BEACH, BINS AND AMENITY CLEANING SERVICES UNTIL OCTOBER 2019

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/249426

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards Contract CON/18/123 Beach, Bins and Amenity Cleaning Services to New Age Cleaning Services Pty Ltd (ABN 31 057 008 509). for the specified schedule of rates in Confidential Attachment 2;
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/123 Beach, Bins and Amenity Cleaning Services; and
3. Formally advises the unsuccessful tenders accordingly.

CARRIED

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

10.12 OPEN SPACE MANAGEMENT - SERVICE REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/265447

It is recorded that Mrs Heather Stewart and Ms Pauline Reynolds (via proxy Heather Stewart) each spoke for three minutes in relation to this item.

Moved: Cr Evans

Seconded: Cr Long

That Council adopts the Open Space Management Service Review and recommendations as contained in the Open Space Management Service Review Final Report and recommendations, as referred to in Attachment 1 to the report with the following amendment to recommendation 4.2.1 to read:

- 4.2.1 Develop specialist contract specifications for the Community Nursery and Bushland Maintenance functions and provide a report to Council in March 2019 on the Nursery Management and Bushland Maintenance model following further consultation with the Community Nursery Steering Committee.

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

DIVISION: **FOR:** Crs Laurence Evans, Alex del Porto, James Long, Michael Heffernan (Mayor), Sonia Castelli and Rob Grinter (6)
AGAINST: Nil (0)

CARRIED

10.13 PROPOSED DISCONTINUANCE AND SALE OF LAND AT REAR 42 MURPHY STREET AND 55 BRICKWOOD STREET, BRIGHTON WITH CONSIDERATION TO SUBMISSION AT SPECIAL COMMITTEE OF COUNCIL MEETING

Corporate Services - Commercial Services
File No: FOL/16/5282 – Doc No: DOC/18/263089

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the *Local Government Act* 1989 discontinue the road at the rear of 42 Murphy Street and 55 Brickwood Street, Brighton, shown hatched in Attachment 1;
2. Direct a public notice to be published in the Victoria Government Gazette;
3. Proceed to sell and transfer the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton, by private treaty for the below amounts:
 - 55 Brickwood Street, Brighton = \$41,200 (including GST)
 - 42 Murphy Street, Brighton = \$41,200 (including GST)
4. Authorise the authorise the Director Corporate Services to complete the formal procedures for the discontinuance of the road and sale of the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton including the execution of all relevant documentation; and
5. Advise any party who lodged a submission in relation to the discontinuance of Councils resolution.

CARRIED

**10.14 QUARTER ONE PERFORMANCE REPORT - JULY TO SEPTEMBER
2018**

Strategy and Performance - Strategy and Performance
File No: PSF/18/107 – Doc No: DOC/18/266588

It is recorded that Mr George Reynolds was not present at the meeting at the time this item was dealt with.

Moved: Cr Evans

Seconded: Cr Castelli

That Council:

1. notes the Quarter One Performance Report against the Council Plan activities for the period July to September 2018;
2. adopts the financial report to 30 September 2018.

CARRIED

10.15 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/268084

Moved: Cr del Porto

Seconded: Cr Grinter

That Council notes the Council Action Awaiting Report.

CARRIED

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** – The Director Environment, Recreation & Infrastructure indicated that no meeting has been held since the previous meeting.
3. **Metropolitan Transport Forum** – The Director Environment, Recreation & Infrastructure indicated that the scheduled meeting clashed with a Councillor Briefing and therefore no presentative attended the Forum.
4. **Municipal Association of Victoria** – Cr Alex del Porto attended the MAV South East Region representative meeting held on Friday 9 November 2018. Cr del Porto indicated that several councils had conducted similar advocacy forums for the upcoming State elections.
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Michael Heffernan attended his first ISMMF held on Friday 9 November 2018. The Mayor indicated that the Forum was successful in its Graffiti submission with the State Government. As a result of the submission, each council within the Group will receive a grant of \$165,000 per council for two years to assist in mitigating graffiti from public assets.
6. **Metropolitan Local Government Waste Forum** – The Director Environment, Recreation & Infrastructure attended the Waste Forum in the absence of Council's representative, Cr Clarke Martin. The Director Environment, Recreation & Infrastructure indicated that the forum discussed a recent trail undertaken by various councils associated with the introduction of FOGO (Food Organics and Garden Organics). The meeting was an opportunity to learn and share from experiences in relation to FOGO.

Moved Cr Grinter

Seconded Cr del Porto

That the delegates' reports be received and noted.

CARRIED

12. Urgent Business

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

13. Notices of Motion

There were no notices of motion submitted to the meeting.

14. Confidential Business

Moved: Cr Grinter

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

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 22 OCTOBER 2018

This report is to be considered in Camera in accordance with Section 89(2)(a) and (d) of the Local Government Act 1989 as it contains 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 9.10pm.