Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 23 April 2019 at 7pm

Minutes
PRESENT:

Chairperson: Cr Michael Heffernan (Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans
Cr Rob Grinter
Cr James Long BM JP

Officers in Attendance:

Mick Cummins Chief Executive Officer
Jill Colson Director Corporate Services
Bryce Craggs Director Community and Customer Experience
Steven White Director Environment, Recreation and Infrastructure
Bill Shanahan Manager Finance
Jason Stubbs Manager Commercial Services
Damien Van Trier Manager Open Space, Recreation and Wellbeing
Ken Bott Manager Sustainability and Transport
Matthew Cripps Manager Development Services
Con Tsekouras Acting Manager Amenity Protection
Terry Callant Manager Governance
Robert Lamb Governance Officer
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Nil

14. Confidential Business

14.1 Minutes of the Chief Executive Officer's Employment Matters Committee held on 15 April 2019 .................................................. 31
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 del Porto to read the prayer.

1. **Prayer**

Cr del Porto 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 Sri Lanka on Easter Sunday.

2. **Acknowledgement of Original Inhabitants**

The Mayor invited Cr Long to read the acknowledgement of the original inhabitants of this land.

- We acknowledge that the original inhabitants of this land that we call Bayside were the Boon Wurrung people of the Kulin nation.
- They loved this land, they cared for it and considered themselves to be part of it.
- We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. **Apologies**

An apology from Cr Clarke Martin was submitted to the meeting, in accordance with Cr Martin’s substantive leave of absence, at the March Ordinary Meeting of Council.

**Moved: Cr del Porto**  
**Seconded: Cr Evans**

That the apology from Cr Clarke Martin be received and leave of absence be granted for this Ordinary Meeting of Council.

**CARRIED**
Moved: Cr del Porto  
Seconded: Cr Evans

That Council grant Cr del Porto leave of absence from 25 April to 19 May 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 March 2019.

Moved: Cr del Porto  
Seconded: Cr Castelli

That the minutes of the Ordinary meeting of Bayside City Council held on 19 March 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, 11 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. Ms Jo Pritchard

Ms Pritchard submitted a question; however, was not present at the meeting.

2. Mr Jamie Paterson

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

3. Mrs Fiona Austin

Mrs Austin submitted a question; however, was not present at the meeting.
4. **Ms Alison Joseph** (present in the chamber)

Ms Joseph’s question related to the Baytrail and she asked:

Can the Council please provide documentation demonstrating the boundaries of the land and evidence as to the appointment of a committee of management? The Council advised it would research the answer and respond. No response has been received to date.

**Response by the CEO**

*The investigations and documentation research has been completed and a response will be forwarded to you in the next few days.*

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

Ms Joseph’s second question related to the North Point Café and she asked:

The land on which the Northpoint cafe sits forms part of the land vested in the Council by the 1877 Vesting Act (which also includes the Brighton Beach Reserve from the Yacht Club to Green Point). Can the Council please advise if the reserve has been subdivided (ie if 2b North Rd is now on a separate title to the rest of the reserve)? If so, when did this subdivision occur?

**Response by the CEO**

*The land is contained in certificate of title volume 11904 folio 660 (Provisional Folio) being Lot 1 on title plan no. TP963646N. This lot contains the land bounded by Chatsworth Avenue and North Road. The Provisional Folio was created on 31 July 2017. LOT 2 on TP963646N describes the land from the Yacht Club to Green Point.*

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

Mr Boyle’s question related to a financial statement comparing budgeted revenue and expenditure and actual income and expenditure being presented to Council, and he asked:

How can Council use the adopted Budget figures in its annual reporting and adjusted budget figures in its progressive reporting when the Act and its associated Regulations refer to the one item of Budget, which is that adopted by resolution of Council?

**Response by the CEO**

*As previously advised, the monthly financial report presented to Council is based on the approved 2018/19 budget adjusted for confirmed carry forward of 4 project budgets based on the actual results for the prior year. A reconciliation between the adopted budget and adjusted budget is included in the report.*
7. **Mr Peter Boyle** (present in the chamber)

Mr Boyle’s second question related to the financial report on the agenda with particular reference to the cost for penalties relating to surrender of leases, and the overspend against the budget, and he asked:

(a) Please advise details of the surrender of lease e.g. leasor, outstanding period of lease, foregone rent, purpose of surrender, what benefit is there to the community at large for the use of their rates for this purpose.

(b) What are the major items contributing to the remaining $1.920 overspend against budget over the next four months which needs to advise description and cost of these major items.

**Response by the CEO**

a) *These matters are confidential for legal reasons.*

b) *Council has spent 99% of the materials and services budget to February 2019. While materials and services are forecast to be overspent at year end, the February finance report identifies an overall favourable surplus to budget of $2.784M. The major items that make up the $1.9M overspend in the last 4 months of the year predominantly relate to the timing of expenditure relative to the budget and includes $715k on the delivery of Urban Strategy projects, $166k for water and sewerage, $224k for Open Space contract works, $153k for planning appeal and other legal fees, and $170k for landfill contributions.*

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

Mr Reynolds’s question related to the state and federal ‘Meet the Candidates’ forums, and he asked:

a) Would Council advise where funds were provided in either an approved budget or a revised budget to support the political "meet the candidates" meetings established before the 2018 State election and the current (May 1st) meeting related to the Federal election.

b) How much is to be added to the reported $90,000 cost of the 2018 meeting to pay for the May 1st 2019 meeting?

**Response by the Mayor**

*As previously answered in November last year, the budget for advocacy in the lead up to the state election was approved by the CEO in accordance with his financial delegation following consultation with Councillors.*

*A further $26,000 has been budgeted for the development and implementation of an advocacy campaign in the lead up to the federal election which includes publications and marketing, advertising, event hire and audio visual equipment to support a community forum for residents to meet the candidates in the federal election for the seat of Goldstein.*

*This amount was also approved by the CEO in accordance with his financial delegation following consultation with Councillors.*
9. **Mr George Reynolds** (present in the chamber)

Mr Reynold's second question related to the adjusted budget and he asked:

a) Would Council advise of the date it published the adjusted budget which figures prominently in its Quarterly Accounts,

b) Advise of the changed Act or Regulations which allow an Adjusted Budget to be substituted for a Revised Budget as set out in s128 of the Local Government Act 1989?

**Response by the CEO**

*A previously indicated to you last month, Council does not intend to respond to future questions from you concerning the financial report as they have been addressed and rejected by VAGO, the Ombudsman and in Council’s previous correspondence. Adjustments reported are not material in nature therefore do not require a revised budget as required under the Local Government Act 1989.*

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

Mr Spencer’s question related to waste collection and the awarding of related contracts, and he asked:

a) Will the residents of the City of Bayside be able to collect the end product of composted food and green waste as done by Victorian Farmers?

b) Why are the two Contracts 10.17 Contract Receipt, Processing and commingled recyclables and 10.20 Purchase & Supply of Kitchen Caddies, Bin Liners and replace big bin green waste lids deemed Confidential matters?

**Response by the CEO**

a) Council is currently investigating the suitability of composted food and garden waste for domestic use by Bayside residents and whether a collection point for this material can be set up as part of the rollout of the food and garden waste service in July 2019.

b) Both contracts referred to will be considered by Council in the open meeting later in the agenda. A confidential attachment is provided to Councillors detailing the analysis of tenders. The attachment is deemed confidential in accordance with Section 89(2) of the Local Government Act 1989 given it deals with a contractual matter.
11. **Mr Kevin Spencer** (present in the chamber)

Mr Spencer's second question related to facilities and Council’s libraries and he asked:

Council has made some improvements with the magazine racks, however the magazine are falling out of the front sliding doors and of consequence not satisfactory. The book shelving at almost floor level leaves a lot to be desired for both staff and OhAS and Library uses bad backs.

a) Does Council have these health matters covered under its Risk Management Policy?

b) When does council intend to rectify these matters?

**Response by the CEO**

a) *Council’s current Risk Management Policies and OH&S procedures provide adequate coverage for these matters.*

b) *No further action is required at this stage.*
7. Petitions to Council

7.1 PETITION: MOBILE BILLBOARDS LOCAL LAW

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/104603

A petition has been received from residents petitioning Council to develop a local law controlling parked mobile billboards. (35 signatories)

“We the undersigned hereby petition Bayside City Council to develop bylaws controlling parked mobile billboards and “for sale” cars, caravans, boats and other equipment in designated Bayside Streets except where cars, caravans, boats and other equipment for sale are parked adjacent to the owner's house.”

Moved: Cr Castelli
Seconded: Cr Evans
That the petition be received and a report on this matter be presented to the 21 May 2019 Ordinary Meeting of Council.

CARRIED
8.  Minutes of Advisory Committees

8.1  ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/102090

Moved: Cr del Porto  Seconded: Cr Evans

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

- 7 March 2019 Budget Briefing
- 14 March 2019 Budget Briefing
- 26 March 2019 Strategic Issues Discussion
- 2 April 2019 CEO and Councillors only Briefing

CARRIED
PROCEDURAL MOTION

Moved: Cr del Porto  Seconded: Cr Castelli

That the Confidential Business Item 14.1 relating to the Minutes of the CEO’s Employment Matters Committee be dealt with in the open meeting of Council and be considered at this stage of the meeting.

CARRIED

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 15 APRIL 2019

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/102607

Moved: Cr del Porto  Seconded: Cr Castelli

That Council:

1. Receives and notes the minutes of the Chief Executive Officer’s Employment Matters Committee held on 15 April 2019.

2. Adopts the recommendations of the Chief Executive Officer’s Employment Matters Committee in relation to the following matters:
   - Item 6.5 – Chief Executive Officer’s Draft Performance Plan for 2019/20
   - Item 6.7 – Reappointment of the Chairperson of the Chief Executive Officer’s Employment Matter Committee

3. Adopts Item 6.6 – Review of the Chief Executive Officer’s Employment Matters Committee Charter dated 15 April 2019 subject to the following changes to Section 6 and 8 within the Charter to read:

   Section 6 - Future recruitment process
   To ensure gender equity is upheld through-out the recruitment process, Council will commit to ensuring that the shortlisted candidate pool for the recruitment of Bayside City Council’s CEO will be made up of a minimum of 50% female candidates.

   Section 8 – Appointment of Independent Chairperson
   The CEO’s Employment Matters Committee will commit to ensuring that the shortlisted candidate pool for the recruitment of an Independent Chairperson will consist of a minimum of 50% female candidates.

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
9. Reports by Special Committees

There were no Reports by Special Committees submitted to 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  Response to Petition - To Ban Smoking in and around Ricketts Point Marine Sanctuary**

1. Ms Virginia Mosk
2. Dr Vicki Karalis
3. Mr Ray Lewis
4. Ms Kathy O'Meara (via proxy Madeleine Heath)
5. Mrs Ramona Headifen
6. Dr Ross Headifen
7. Ms Jan Rosenberg
8. Ms Chelsie Millar
9. Ms Jillian Sokol
10. Dr Kate Charlton-Robb (via proxy Ms Virginia Mosk)
11. Mr Gregory Mier (via proxy Ms Wendy Parker)

**Item 10.2  Proposal to redevelop and enter into a 21 year lease at Northpoint Cafe, Brighton**

1. Mr Alex Salem
2. Mr Andre Salem
3. Mr James Newbury
4. Mr Michael Lawrence
5. Mr Chris Bishop
6. Ms Huarong Liang
7. Miss Eryue Zhao
8. Mr George Reynolds
9. Mr William Leaf
Item 10.3 Update on Nursery Management and Bushland Maintenance Model

1. Dr Vicki Karalis
2. Ms Anne Dennis
3. Ms Heather Stewart
4. Ms Sue Forster
5. Ms Elizabeth Walsh
6. Dr Robert Saunders (via proxy Ms Pauline Reynolds)
7. Mr Chris Sutton
8. Ms Pauline Reynolds
9. Mr Gregory Mier (via proxy Ms Heather Stewart)
10. Mr Geoffrey Goode

Item 10.4 2019 Bright n Sandy Food and Wine Festival Service Review

1. Mr Kevin Spencer (via proxy Mr Peter Boyle)

Item 10.5 Proposed Council Plan 2017-21 (2019 Review) and Strategic Resource Plan 2019-20 to 2022-23

1. Mr George Reynolds


1. Mr George Reynolds
2. Mr Peter Boyle
10.1 RESPONSE TO PETITION - TO BAN SMOKING IN AND AROUND RICKETTS POINT MARINE SANCTUARY

City Planning & Amenity - Amenity Protection  
File No: PSF/19/968 – Doc No: DOC/19/90317

It is recorded that Ms Virginia Mosk, Dr Vicki Karalis, Mr Ray Lewis, Ms Kathy O’Meara (via proxy Ms Madeleine Heath), Mrs Ramona Headifen, Dr Ross Headifen, Ms Chelsie Millar, Ms Jillian Sokol, Dr Kate Charlton-Robb (via proxy Ms Virginia Mosk) and Mr Gregory Mier (via proxy Ms Wendy Parker) each spoke for three minutes in relation to this item.

It is further recorded that Ms Jan Rosenberg was not present at the meeting and therefore did not speak in relation to this item.

Moved: Cr Evans  
Seconded: Cr Long

That Council:

1) Commences a process in accordance with Clause 68 of Council’s Local Law No.2 “Neighbourhood amenity”, to declare the following Municipal places as smoke-free:
   • All Bayside beaches including Ricketts Point Marine Sanctuary and surrounds.

2) Receives a progress report on the various stages of developing the Local Law following the completion of the engagement, research and risk assessment process, to determine specific areas proposed to be declared as smoke free.

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
10.2 PROPOSAL TO REDEVELOP AND ENTER INTO A 21 YEAR LEASE AT NORTHPOINT CAFE, BRIGHTON

It is recorded that Mr Alex Salem, Mr Andre Salem, Mr James Newbury, Mr Michael Lawrence, Mr Chris Bishop, Mr George Reynolds and Mr William Leaf each spoke for three minutes in relation to this item.

It is recorded that Ms Huarong Liang was not present at the meeting and therefore did not speak in relation to this item.

It is further recorded that Miss Eryue Zhao did not exercise her opportunity to speak in relation to this item.

Moved: Cr del Porto
Seconded: Cr Grinter

That Council:

1. Provide Landlord Consent for the tenant to apply for a Planning Permit to rebuild the café subject to detailed design having been approved by the Director of Corporate Services.

2. Provide Landlord Consent for the tenant to apply for a Planning Permit to amend the liquor licence to a ‘Restaurant and Café Licence’ for the below hours:
   - Monday - Wednesday: 11:30am – 9:30pm
   - Thursday - Sunday: 11:30am – 11:00pm
   - Public Holiday: 11:30am – 11:00pm
   - Public Holiday Eve: 11:30am – 11:00pm.

3. In the event the tenant is unable to obtain a planning permit for the demolition, rebuild and/or amendment to the liquor licence, authorise officers to negotiate a refurbishment of the existing building with final approval being at the sole discretion of the Director of Corporate Services.

4. Authorise the Director of Corporate Services to commence the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 to lease part of 2b North Road Brighton to the current tenant on the below terms:
   - Term: 21 Years
   - Base Rent: to be determined by Council’s Valuer
   - Turnover Rent: 7.5% of turnover that exceeds 12.5 times the base rent.
   - Rent Escalation: C.P.I Melbourne All Groups.

5. In the event a submission is received, authorise the Director of Corporate Services to convene a Section 223 Special Committee of Council meeting on Wednesday 10 July 2019 commencing at 6.30pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.

6. In the event no submissions are received, authorise the Director of Corporate Services to execute the lease with the tenant on the terms set out in point 4.
The Motion was PUT and a **DIVISION** was called:

**DIVISION:** FOR: Crs Alex del Porto, Michael Heffernan (Mayor) and Rob Grinter (3)

**AGAINST:** Crs Laurence Evans, James Long and Sonia Castelli (3)

The Mayor exercised the casting vote and the division was **CARRIED**
10.3 UPDATE ON NURSERY MANAGEMENT AND BUSHLAND MAINTENANCE MODEL

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/85307

It is recorded that Dr Vicki Karalis, Ms Anne Dennis, Ms Heather Stewart, Ms Sue Forster, Ms Elizabeth Walsh, Dr Robert Saunders (via proxy Ms Pauline Reynolds), Mr Chris Sutton, Ms Pauline Reynolds and Mr Gregory Mier (via proxy Ms Heather Stewart) and Mr Geoffrey Goode each spoke for three minutes in relation to this item.

It is recorded that Councillor del Porto left the Meeting at 10:14 pm. Councillor del Porto returned to the Meeting at 10:16 pm.

It is recorded that Councillor Grinter left the Meeting at 10:21 pm. Councillor Grinter returned to the Meeting at 10:22 pm.

Moved: Cr Evans Seconded: Cr del Porto

That Council:

1. Receives a further report at or before the September 2019 Council meeting on the merits and costs of providing Nursery and/or bushland services via an in-house service delivery model.

2. Establishes a Nursery and Bushland Steering Committee to guide conservation activities.

3. Develops a Terms of Reference for the Nursery and Bushland Steering Committee including provisions to enable the knowledge of volunteers to contribute towards the setting of service levels and provide greater input into the propagation regime at the Nursery and bushland maintenance works programs.

4. Provides a higher level of support to the Nursery and bushland service areas.

5. Incorporates feedback from the Nursery Steering Committee and bushland volunteers while developing Key Performance Indicators and service levels for the Nursery and bushland service areas.

6. As described in the adopted Bayside Biodiversity Action Plan 2018-2027:
   a. Undertakes regular flora surveys of species that are locally threatened in Bayside in consultation with the Nursery and Bushland Steering Committee and publishes the findings;
   b. Develops a locally rare flora list for Bayside and an action plan to increase plant numbers in conjunction with environmental volunteers; and
   c. Develops a program to support, train, recruit and empower more environmental volunteers.

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
10.4 2019 BRIGHT N SANDY FOOD AND WINE FESTIVAL SERVICE REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/19/11 – Doc No: DOC/19/60139

It is recorded that Mr Kevin Spencer (via proxy Mr Peter Boyle) spoke for three minutes in relation to this item.

PROCEDURAL MOTION

That the meeting be extended for a period of 30 minutes at this time.

Moved: Cr Grinter  Seconded: Cr Evans  
CARRIED

It is recorded that the meeting was extended for 30 minutes at 10.56pm

Moved: Cr del Porto  Seconded: Cr Castelli

That Council:

1. Continues the Bright n Sandy Food and Wine Festival for a period of one year (2020).
2. Reduces the scope and costs of the 2020 Bright n Sandy Food and Wine Festival by removing the Stage and Demonstration Tent and associated entertainers and presenters/chefs.
3. Encourages the Bright n Sandy Food and Wine Festival contractor to engage local, particularly young, performers for the event.
4. Provides a report on an event review following the 2020 Bright n Sandy Food and Wine Festival.
5. Conducts an annual Expression of Interest process for suitably qualified individuals or organisations to conduct major events in the City of Bayside.
6. Develops an annual program of smaller, community-based events held in different Bayside localities.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Laurence Evans, Alex del Porto, James Long and Sonia Castelli (4)
AGAINST: Crs Michael Heffernan (Mayor) and Rob Grinter (2)
CARRIED
10.5 PROPOSED COUNCIL PLAN 2017-21 (2019 REVIEW) AND STRATEGIC RESOURCE PLAN 2019-20 TO 2022-23

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/85258

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

Moved: Cr Grinter Seconded: Cr Evans

That Council:


3. Establishes a Special Committee of Council in accordance with Section 223 of the Local Government Act 1989 consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the Council Plan 2017-21 (2019 Review) and the Strategic Resource Plan 2019-20 to 2022-23 on Wednesday 12 June 2019 at 6.30pm at the Council Chambers, Boxshall Street, Brighton.

CARRIED

10.6 PROPOSED ANNUAL BUDGET 2019/20 AND LONG TERM FINANCIAL PLAN

Corporate Services - Finance
File No: PSF/18/102 – Doc No: DOC/19/90863

Moved: Cr Grinter Seconded: Cr Castelli

That Council:


4. In accordance with Section 223 of the Local Government Act 1989, establishes a Special Committee of Council consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the Proposed Annual Budget 2019/20 on Wednesday 12 June 2019 at 7.30pm at the Council Chambers, Boxshall Street, Brighton.

CARRIED

NOTE: Item 10.6 was CARRIED as part of a block motion.
10.7 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL - CALL FOR MOTIONS

Moved: Cr Grinter  Seconded: Cr Castelli

That Council:

1. Endorses the following motions to be put forward at the MAV State Council Meeting to be held on 17 May 2019:

**Public Transport Improvements**
That the MAV call upon the State Government to fast track public transport improvement in particular: improvements to local bus services to improve frequency and connectivity with the railway schedule.

**Sustainable solution to the recycling crisis**
That the MAV call upon the Minister for Environment to urgently convene a taskforce comprising representatives for MAV, the Metropolitan Waste Management Forum, the Metropolitan Waste Management and Resource Recovery Group and key State Government decision makers to identify and implement sustainable solutions to the current crisis in the recycling sector.

2. Appoints the Mayor Cr Michael Heffernan as its representative at the May 2019 MAV State Council Meeting for the purposes of presenting Bayside’s motions and having voting rights at the State Council Meeting.

**NOTE:** Item 10.7 was CARRIED as part of a block motion.
10.8 NAMING OF ROADWAY FROM BEACH ROAD TO THE BEAUMARIS MOTOR YACHT SQUADRON

Moved: Cr Grinter  Seconded: Cr Castelli

That Council:

1. Approves the naming of the access roadway from Beach Road through to the Beaumaris Motor Yacht Squadron as “Keefers Way”.
2. Advises the Registrar of Geographical Names of Council’s resolution in this matter to progress the approvals process by the Registrar.
3. Advises the Beaumaris Motor Yacht Squadron of Council’s decision in this matter.
4. Installs appropriate street signage once advice has been received from the Registrar of Geographical Names indicating that the roadway has been formally gazetted.

CARRIED

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

10.9 RE-ALIGNMENT OF HAMPTON / SANDRINGHAM BOUNDARY AT 1 ARTHUR STREET

Moved: Cr Grinter  Seconded: Cr Castelli

That Council requests the Registrar of Geographic Names to amend the suburb boundary of 1 Arthur Street from the suburb of Hampton to Sandringham.

CARRIED

NOTE: Item 10.9 was CARRIED as part of a block motion.
10.10 NAMING OF LANEWAY BETWEEN 12-14 MEREDITH STREET, SANDRINGHAM

Moved: Cr Grinter  
Seconded: Cr Castelli

That Council:

1. Approves the use of the name ‘Banksia Lane” for the laneway between 12-14 Meredith Street, Sandringham extending to the rear of 37 Tulip Street, Sandringham.

2. Advises the Registrar of Geographical Names of Council decision.

3. Advises abutting owners of the laneway once advice has been received from the Registrar of Geographical Names and the laneway has been formally gazetted.

4. Erects appropriate street name signage once the laneway name has been formally gazetted.

CARRIED

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

10.11 CANCELLATION OF THREE PLANNING AND AMENITY COMMITTEE MEETINGS (JULY, OCTOBER AND NOVEMBER)

Moved: Cr Grinter  
Seconded: Cr Evans

That Council gives public notice of the cancellation of the 30 July 2019, 22 October 2019 and 26 November 2019 Planning and Amenity Committee meetings, and a further review considered at the Annual Meeting of Council.

CARRIED
10.12 PROPOSED DISCONTINUANCE AND SALE OF PART OF THE ROAD AT REAR OF 70 ESPLANADE, BRIGHTON

Moved: Cr Grinter
Seconded: Cr Castelli

That Council:
1. Receive a further report 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 submissions received at a meeting to be held on 30 April 2019 at 6.30pm in the Council Chambers, Boxshall Street, Brighton.

2. Write to the owner of 72 Esplanade Brighton, advising that Council will hear/consider his submissions in accordance with the above meeting.

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

10.13 FEBRUARY 2019 FINANCIAL REPORT

Moved: Cr Grinter
Seconded: Cr Evans

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

That Council notes the operating and capital financial report for eight months to 28 February 2019.

CARRIED

10.14 COUNCIL ACTION AWAITING REPORT

Moved: Cr Grinter
Seconded: Cr Castelli

That Council notes the Council Action Awaiting Report.

NOTE: Item 10.14 was CARRIED as part of a block motion.
10.15 DELIVERED MEALS SERVICE AGREEMENT

Community and Customer Experience - Community Services
File No: PSF/19/963 – Doc No: DOC/19/89254

Moved: Cr Grinter  Seconded: Cr Castelli
That Council:

1. Approves an extension of the Service Agreement with Community Chef for the supply of meals for 12 months from 1 July 2019 to 30 June 2020.
2. Approves an option at Council's discretion for a two year extension of the Service Agreement until June 2022, subject to Council continuing to receive Commonwealth funding for the Delivered Meals service.

CARRIED

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

10.16 CIVIL INFRASTRUCTURE AND OPEN SPACE MAINTENANCE CONTRACT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/96730

Moved: Cr Grinter  Seconded: Cr Castelli
That Council approves the extension of Contract No: 080926 Administration Management and Maintenance of Open Space and Trees, Contract No: 080976 Operations of Street Sweeping and Shopping Centre Cleaning Services and Contract No: 080977 Management and Operation of Infrastructure Maintenance Services until 30 September 2019 and authorises the Chief Executive Officer to negotiate the extension provisions in accordance with the proposed budget and any Ministerial conditions.

CARRIED

NOTE: Item 10.16 was CARRIED as part of a block motion.
10.17 CONTRACT CON/18/107 RECEIPT, PROCESSING AND RESPONSIBLE TRADE OF COMMINGLED RECYCLABLES

Environment, Recreation & Infrastructure - Sustainability and Transport
File No: PSF/19/955 – Doc No: DOC/19/87505

Moved: Cr Grinter  Seconded: Cr Castelli

That Council authorises the Chief Executive Officer or his delegate to award the Contract for the Receipt, Processing and Responsible Trade of Commingled Recyclables (CON/18/107) to Visy Recycling (ABN 49 984 541 896), in accordance with the rate shown in Confidential Attachment 1, for the period 1 July 2019 to 30 June 2021 and execute this in accordance with the terms and conditions of the contract.

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

CARRIED

10.18 CONTRACT CON/18/151 BRICKWOOD STREET AND NEW STREET BRIDGE WORKS

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/90078

Moved: Cr Grinter  Seconded: Cr Castelli

That Council:

1. Awards contract CON/18/151 Brickwood Street and New Street Bridge Works to Entracon Civil Pty Ltd (ABN 35118370077) for the lump sum price of $623,964.90 (excl. GST) and $686,361.39 (incl. GST).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/151 Brickwood Street and New Street Bridge Works.

3. Advises the unsuccessful tenderers accordingly.

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

CARRIED
10.19 CONTRACT CON/19/8 CONSTRUCTION OF SMALL STORMWATER HARVESTING AND IRRIGATION SYSTEMS AT NORTH ROAD, BRIGHTON AND A J STEELE RESERVE, SANDRINGHAM

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/90665

Moved: Cr Grinter  Seconded: Cr Castelli

That Council:

1. Awards Contract CON/19/8 Construction of small water harvesting and irrigation systems at North Road, Brighton and A J Steele Reserve, Sandringham to Contek Constructions Pty Ltd (ABN 80 060 505 099) for the lump sum price of $492,466.50 (excl. GST) and $541,713.15 (incl GST).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/19/8 Integrated Water Management Strategy Implementation Year 1 Construction.

3. Advises the unsuccessful tenderers accordingly.

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

10.20 CONTRACT CON/19/27 PURCHASE, SUPPLY AND DELIVERY OF KITCHEN CADDIES, COMPOSTABLE BIN LINERS AND THE CHANGEOVER OF GREEN WASTE BIN LIDS

Environment, Recreation & Infrastructure - Sustainability and Transport
File No: PSF/19/955 – Doc No: DOC/19/89195

Moved: Cr Grinter  Seconded: Cr Castelli

That Council authorises the Chief Executive Officer or his delegate to award the Contract for the Purchase, Supply and Delivery of Kitchen Caddies, Compostable Bin Liners and the Changeover of Green Waste Bin Lids (CON/19/27) to Mastec Australia Pty Ltd (ABN 93 352 948 438), in accordance with the rate shown in Confidential Attachment 2, and execute this in accordance with the terms and conditions of the contract.

NOTE: Item 10.20 was CARRIED as part of a block motion.
10.21 CONTRACT CON/19/51 MICROSOFT SOFTWARE LICENCE RENEWAL

Corporate Services - Information Services
File No: PSF/19/958 – Doc No: DOC/19/72808

Moved: Cr Grinter  Seconded: Cr Castelli

That Council:

1. Accepts the quoted price for (contract number CON/19/51) supply of Microsoft Licences from Data3, for the total sum of $722,855.04 (Excl' GST).
2. Authorises the Chief Executive Officer to sign all necessary documentation related to contract number CON/19/51.
3. Advises the unsuccessful supplier accordingly.

NOTE: Item 10.21 was CARRIED as part of a block motion.

CARRIED
11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that there was nothing further to report since the previous meeting.

2. **MAV Environment Committee** – Director Environment, Recreation & Infrastructure indicated that no meeting was held since the last Council meeting.

3. **Metropolitan Transport Forum** – The Manager Sustainability & Transport attended the meeting. The key matter discussed was a presentation by Daniel Bowen from Public Transport Users Association. The presentation highlighted some of the challenges including:
   - the challenges facing transport mobility in greater Melbourne;
   - the benefits that will be achieved from level crossing removal projects, Melbourne Metro and the proposals for Doncaster and Rowville rail projects;
   - the limitations of road-based investment decisions such as the North-east link and the Westgate Tunnel; and
   - the potential that buses can play in truly integrating Melbourne’s public transport network.

   The meeting also included a report back from meetings with State MPs with a transport interest, and discussion on the Federal budget which has the potential to support local transport projects.

4. **Municipal Association of Victoria** – Cr Alex del Porto attended the MAV South East Regions Representative meeting. The President of the MAV, Cr Coral Ross was present and highlighted the advocacy which is currently underway with the Minister regarding the recycling crisis in Victoria.

5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Michael Heffernan indicated he attended the meeting held last week hosted by Bayside. The forum received a presentation concerning homelessness. Discussion also took place regarding the finalisation of the Graffiti Management project across the group.

6. **Metropolitan Local Government Waste Forum** – Director Environment, Recreation & Infrastructure (in the absence of Cr Clarke Martin) indicated that no meeting was held since the last Council meeting.

Moved: Cr Castelli
Seconded: Cr Grinter

That the Reports by Delegates be received and noted.

CARRIED
12. Urgent Business

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

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

14. Confidential Business

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 15 APRIL 2019
(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

It is recorded that this item was dealt with earlier in the open meeting under Minutes of Advisory Committees. Therefore, there was no Confidential Business considered at this meeting.

The Chairperson declared the meeting closed at 11:27pm.