



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 28 February 2017

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure Services
Terry Callant	Governance Manager
Matt Kelleher	Manager Urban Strategy

Table of Contents

1.	Prayer	
2.	Acknowledgement of Original Inhabitants	
3.	Apologies	
4.	Disclosure of any Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition: Retention of street tree at 39 Tennyson Street Sandringham	10
7.2	Petition: To retain the Sandringham Athletic Club track at its current location.....	11
8.	Minutes of Advisory Committees	
	Nil	
9.	Reports by Special Committees	
	Nil	
10.	Reports by the Organisation	
10.1	Southland Structure Plan and Highett Structure Plan Review ...	13
10.2	Amendment C151 - Implementation of the Hampton East (Moorabbin) Structure Plan	14
10.3	Advocacy for 15 hours of kindergarten funding	15
10.4	Potential land Purchase - CSIRO Site, Highett.....	16
10.5	Christmas in Bayside 2016 Update	17
10.6	The Use of Herbicides in Council's Public Open Space	18
10.7	Bay Trail Shared Path Public Safety Risks And Outstanding Audit Actions	19
10.8	Quarter two Performance Report - October to December 2016	20
10.9	CON/16/71 Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction And Renovation.....	21
10.10	Councillor and Mayoral Allowances.....	22
10.11	Council action awaiting report	23

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

Nil

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 Clark to read the prayer.

1. Prayer

Cr Clark 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 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

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr Laurence Evans declared an Indirect Interest by conflicting duties in item 10.4 regarding the Potential Land Purchase – CSIRO Site Highett.

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 20 December 2016.

Moved: Cr Grinter

Seconded: Cr Long

That the minutes of the Ordinary meeting of Bayside City Council held on 20 December 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 13 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. *Mr George Reynolds*

- a) Why has Council failed to properly administer its Planning Scheme by allowing its contractor to remove a tree native to Australia, from the nature strip outside No 42 Hotham Street, Beaumaris, on or about 13th January 2017 without the necessary planning permit for a tree within VPO3, and
- b) Why has Council failed to prosecute the contractor for this and other breaches in the same manner as it prosecutes other citizens for pruning lopping and removing native trees, without a planning permit within a Vegetation Protection Overlay?

Response by the CEO

In order to undertake vegetation removal in the Vegetation Protection Overlay, Council is required to obtain a Planning Permit unless one of the exemption criteria applies.

The street tree adjacent to 42 Hotham Street, Beaumaris was removed on 13 January 2017 due to damage caused by a vehicle. As a result of the damage, the tree was assessed and removal was considered the only viable option to ensure the ongoing safety and efficient functioning of a public road. Therefore the tree met one of the exemption criteria of the Vegetation Protection Overlay and no Planning Permit was required.

2. *Mr Chris Sutton*

Council's response to a question put to its 29 November 2016 meeting stated that it obtained legal advice on whether the MCC funded facilities at the Beaumaris High School site were exempt from enforcement of the applicable Vegetation Protection Overlay. Was this legal advice provided internally by Council legal staff or from an external legal source? If external, from which legal firm or firms was this advice sought?

Response by the CEO

The legal advice was provided by Maddocks lawyers and HWL Ebsworth lawyers.

3. Mr Chris Sutton

What immediate action is Council taking to ensure all planning decisions are properly managed to halt continuing and irretrievable loss of Beaumaris vegetation character, and amenity, from this significantly valued and extremely prominent site?

Response by the CEO

Council currently has applications for residential development on the former Beaumaris RSL site. All of these development applications are subject to the requirements of the Section 173 agreement to the subdivision permit 2014/516/2 as well as the conditions of that permit.

Importantly, no permits for any development have been issued for the land at the former Beaumaris RSL site. A number of the applications have been advertised, or, if those applications have been amended, they have been re-advertised in accordance with the Planning Act.

Council is seeking to work with each of the individual owners and future owners of the site, as well as with Red Star Beaumaris Pty Ltd, regarding the current permit applications, compliance with the existing permit, to ensure that future development on the Bolton Street frontage comply with permit requirements and the Section 173 agreement.

4. Ms Sue Hardiman

In respect of the Christmas Function held in December:

- a) *Would Council provide particulars of number of staff and their partners; Councillors and their partners and the number of non-staff who attended this function*
- b) *Would Council provide details of cost of this function including taxis, food, beverages*

Response by the Mayor

- a) *A total of 39 people attended the function, which included 7 Councillors, 7 councillors partners, 16 staff members and 9 staff member partners.*
- b) *The total cost of the function was \$4,097.50*

5. Ms Sue Hardiman

- a) Would the Council provide particulars of the number of CCTV's the Council have in place
- b) Where the CCTVs are situated
- c) Cost per CCTV

Response by the CEO

The only CCTV cameras operated by Council are in the foyer area of the Corporate Centre where there are eight cameras and at the Brighton Gallery where there are seven cameras.

The current CCTV equipment was installed over three years ago and the cost per camera to replace is in the order of \$500.

6. Ms Amanda Levi

Could Council please explain the rationale behind removing the gates from ovals (12 reported) in Bayside and in particular in Beaumaris, where there is currently no provision in Beaumaris for fully fenced off leash parks as recommended and identified in the open space strategy?

Response by the CEO

Council has a range of off-leash areas and finds that dog behaviour and management is better where there are no fences. In fenced areas Council finds that some inattentive pet owners fail to effectively supervise or clean up after their dog as evidenced by dog droppings being left on the ovals and dogs digging holes in the oval surfaces. Council invests \$144,000 each year to repair damage caused to playing surfaces as a result of owner's failure to keep dogs under effective control

Under State and Local laws, dog owners are required to supervise and clean up after their dogs. This means having their dogs under effective voice control if the dog is to be off-leash. This is a requirement in fenced and unfenced areas.

The removal of some gates does not alter the off-leash status of the nominated sportsgrounds and is designed to reduce the number of unsupervised dogs.

7. Ms Amanda Levi

Given the amount of recent community discussion around the proposed works at Donald MacDonald Reserve, the BDA (representatives of Bayside Dog owners) requests council to administer a stay of works until all sections of the community can be represented via a consultative process.

Response by the CEO

Council understands that removal of some gates of Donald MacDonald Reserve is a concern for some people that use this dog off-leash area. When under effective voice control, as required by law, dog behaviour should not be influenced by the existence of a fence or gate.

Removal of gates in sportsground fencing is designed to encourage appropriate dog supervision. The installation of new sportsground fencing without gates at Donald MacDonald Reserve is planned to be completed before 1 April 2017. Signs were erected to inform ovals users of the changes to the gates.

8. Ms Michelle Sturrock

If the council is indeed invoking an administrative order for removal of the gates at Donald Macdonald Reserve oval, is this not in contravention of their own stated objective of consultation and community engagement?. Reference mayoral statement Nov 11 2016

Response by the Mayor

Council installed signage informing users of Donald MacDonald Reserve of the removal of some gates, more than four weeks prior to the planned changes that are designed to result in better dog supervision and behaviour.

Under State and Local laws dog owners are required to have their dogs under effective voice control if they wish to walk them off leash.

9. Mr Max Redlich

What details Council has regarding the number of Tac Tiles, ground surface indicators in each ward and what correlation to the increase in municipal housing and population over the four years 2012-2016?

Response by the CEO

Council has 616 sites with Tactile Ground Surface Indicators (TGSIs) at our major activity centres. TGSIs are installed where pedestrian numbers are high, not necessarily on a population basis.

Council monitors and audits TGSIs as part of its footpath surveillance and inspection program. Council installs additional TGSIs as part of routine accessibility improvements to footpaths.

Wards are a means of electing Councillors. Maintenance records within the city are not based on wards.

10. Mr Max Redlich

Would council provide explicit details regarding the number of recorded incidents, not deemed complaints from residents, travellers, whomever over the last four calendar years 2012-2016 including hospitalisation, necessity for ambulance calls etc? What data is on records?

Response by the CEO

If your question relates to TGSIs there were 53 requests for service between 2012 – 2016 in relation to TGSIs. A search of our incident reports did not reveal any report of ambulance or hospitalisation related to TGSIs. Only one claim was received.

11. Ms Carly Skinner

Can Council confirm that this readvertising where a landscape plan was not previously submitted, therefore in breach of Condition 7d, will be via yellow notices on site to provide the community with the full transparency on the plans for these lots and in recognition that landscaping is a major consideration for our community, not just a minor change to the plans? Council officers have indicated that only Objectors will be notified via a letter of the landscape plans once submitted.

Response by the CEO

Ms Skinner is correct that Condition 7d of the subdivision permit requires that landscape plans form part of the planning permit application material for lots under 500sqm. These applications would be advertised to the community, in accordance with the provisions of the Planning Environment ACT 1987 which can include notices to individual owners, and may also include on-site notices ("yellow signs") and notices in the newspaper.

Council commits to the correct advertising of all application on this (and all sites) in the municipality in accordance with the Planning & Environment Act and Regulations. The need for advertising, who is advertised to, and the type of advertising (letter, sign, newspaper or all three methods), is at the discretion of the delegated planning officers.

12. Mr Kevin Spencer**13. Mr Kevin Spencer**

It is recorded that Mr Spencer was not present in the Chamber therefore Mr Spencer's question was not read out at the meeting and is not recorded in the minutes in accordance with Section 65 (15) of the governance Local Law.

7. Petitions to Council

7.1 PETITION: RETENTION OF STREET TREE AT 39 TENNYSON STREET SANDRINGHAM

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/35425

Petition from residents requesting Bayside City Council to reconsider the removal of the nature strip tree located at 39 Tennyson Street Sandringham (100 signatories)

“We the undersigned hereby petition Bayside City Council to reconsider the removal of the nature strip tree located at 39 Tennyson Street Sandringham. We kindly request Council to:

- Involve the owner and residents in the street who are affected by the trees' removal (up until now, no consultation has occurred)
- Explore options other than removal
- Conduct a cost benefit analysis
- Ensure that, under no circumstances, the tree be removed before this petition is tabled in Council.

We believe it is the Council's obligations to consider all options, and to keep those affected informed. We believe there will be options, other than the trees removal, that will comply with the Royal Commission Bush Fire Guidelines.

Moved: Cr Evans

Seconded: Cr Martin

That the petition be received and a report be submitted to the March Ordinary Meeting of Council.

CARRIED

7.2 PETITION: TO RETAIN THE SANDRINGHAM ATHLETIC CLUB TRACK AT ITS CURRENT LOCATION

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/35598

Petition from residents requesting Bayside City Council to retain Sandringham Athletics Club track at its current location at Glamis Avenue Hampton (additional 938 signatories)

“We the undersign hereby petition Bayside City Council to retain Sandringham Athletics Club track and land at its current location at Glamis Avenue, Hampton and as that the Council advocate to the State Government for assistance in the upgrade of the Sandringham Athletics Club, track and land to ensure the ongoing use as an Athletics Club for future generations of the City of Bayside and surrounds.”

Petition Requirements

The submitted petition containing 100 *signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

It should be noted that the same petition was tabled at the 21 June Ordinary Meeting of Council. At the December meeting of Council additional signatories to this petition was tabled and accordingly they are presented on this agenda.

Moved: Cr Long

Seconded: Cr Grinter

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

CARRIED

8. Minutes of Advisory Committees

There were no minutes of Advisory Committees submitted to the meeting.

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. Soutland Structure Plan and Highett Sturcute Plan Review**
Ms Sally Connor,
Mr Keith Stevenson,
Mr Murray Anderson,
Mr Bruce Anderson,
Mr Andrew Rumbelow,
Mr Greg Scott,
Mr Ian Bliss,
Mr Brett Dennis,
Ms Simone Boileau,
Mr Michael Walton,
Mr Robert Saunders,
Dr Nicholas Coleman
Mr Michael Norris
- Item 10.2. Amendment C151 Implementation of the Hampton East (Moorabbin) Structure Plan**
Mrs Rachel Lui,
Mr David Hughes
Mr Noel Johnstone
- Item 10.4 Potential Land Purchase CSIRO Highett**
Ms Pauline Reynolds
- Item 10.8 Quarter Two Performance Report – October to December 2016**
Mr George Reynolds

10.3 ADVOCACY FOR 15 HOURS OF KINDERGARTEN FUNDING

City Planning & Community Services - Community Services
File No: PSF/17/71 – Doc No: DOC/17/7431

Moved: Cr Evans

Seconded: Cr Martin

That Council writes to the leaders of all federal parties; the Minister for Education and Training; the Minister for Social Services and local federal members seeking a commitment from the Australian Government to enduring funding for its share of the 15 hours of kindergarten for four year-old children in the year prior to commencing school.

CARRIED

It is recorded that Cr Evans declared a conflict of interest in item 10.4 – Potential Land Purchase CSIRO Site given he has conflicting duties as a Board Member of a community organisation. Councillor Evans left the Meeting at 9:05 PM

10.4 POTENTIAL LAND PURCHASE - CSIRO SITE, HIGHETT

Corporate Services - Corporate Services
File No: FOL/17/944 – Doc No: DOC/17/38438

It is recorded that Cr Evans was present in the Chamber during the consideration of this item given he had declared a conflict of interest in this item.

It is recorded that Ms Pauline Reynolds spoke for three minutes in relation to this matter.

Moved: Cr Long

Seconded: Cr Grinter

That Council:

1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and
2. receives a further report on the outcomes of these negotiations

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

DIVISION: **FOR:** Crs del Porto, Long, Heffernan, Martin, Grinter and Castelli (6)
AGAINST: Nil (0)

CARRIED

It is recorded that Cr Evans was not present in Chamber during the discussion of the above item and was not present in the Chamber whilst the vote was taken on this item.

Councillor Evans returned to the Meeting at 9:17 PM

10.5 CHRISTMAS IN BAYSIDE 2016 UPDATE

City Planning & Community Services - Urban Strategy
File No: PSF/16/4402 – Doc No: DOC/17/9596

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. adopts Option 1 of this report to provide for:
 - a) the purchase of additional 7 x 600mm wreaths for Martin Street;
 - b) the lighting of two street trees located in the roundabouts of Church Street and at the intersections of St Andrews and Carpenter Streets;
 - c) an ongoing maintenance program that addresses installation costs and a contingency budget;
2. allocates \$14,330 capital funds and \$15,140 annual operating funds as part of 2017/18 Budget to fund the cost of Option 1; and
3. writes to trader associations, Rotary and Lions Clubs involved in the delivery of the 2016 Christmas decorations program to thank them for their support and contribution
4. receives a further report on the feasibility of installing additional Christmas decorations in appropriate Neighbourhood Activity Centres (NACs) along with Highett, Hampton East and Cheltenham areas.

CARRIED

10.6 THE USE OF HERBICIDES IN COUNCIL'S PUBLIC OPEN SPACE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/16/279844

Moved: Cr Evans

Seconded: Cr Grinter

That Council:

1. notes the conclusions of the Australian Pesticides and Veterinary Authority assessment of the International Agency for Research on Cancer report that glyphosate does not pose a health risk to humans when applied in accordance with the relevant instructions;
2. continues to control weeds using Australian Pesticides and Veterinary Authority approved methods while seeking opportunities to reduce reliance on glyphosate as a means of weed control; and
3. continues to fund the use of non-chemical weed control methods, like steam as an alternative weed control method at Council maintained playgrounds, kindergartens and Sandringham Athletics Centre.

CARRIED

10.7 BAY TRAIL SHARED PATH PUBLIC SAFETY RISKS AND OUTSTANDING AUDIT ACTIONS

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/26166

Moved: Cr Grinter

Seconded: Cr Martin

That Council:

1. notes that the remaining high risk safety hazards along the Bay Trail present a public safety, legal, financial and reputational risk to Council if left unresolved;
2. undertakes community engagement activities associated with addressing each of the 'high risk' safety hazards identified in the Bay Trail Safety Audit, as outlined in the report.
3. receives a further report following the completion of the community consultation and the phased approach for the implementation of the program.

CARRIED

10.8 QUARTER TWO PERFORMANCE REPORT - OCTOBER TO DECEMBER 2016

CEO - Strategy and Performance
File No: PSF/16/331 – Doc No: DOC/17/33312

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

Moved: Cr Grinter

Seconded: Cr Heffernan

That Council:

1. notes the Quarter 2 Performance Report against the Council Plan activities for the period October to December 2016; and
2. adopts the financial report to 31 December 2016.

CARRIED

**10.9 CON/16/71 CHELTENHAM RECREATION RESERVE SPORTS PAVILION
- PART DEMOLITION, RECONSTRUCTION AND RENOVATION**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/33394

Moved: Cr Evans

Seconded: Cr Martin

That Council:

1. notes that the contract with Fercon Property Group Pty Ltd for Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation has been terminated; and
2. authorises the Chief Executive Officer to award a new contract for CON/16/71 Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation provided the Contract value and costs of associated works are within the budget allocation of \$1,573,743.

CARRIED

10.10 COUNCILLOR AND MAYORAL ALLOWANCES

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/37880

Moved: Cr Heffernan

Seconded: Cr Grinter

That the Council having considered the one submission received in favour of the proposed Councillor and Mayoral allowances, resolves in accordance with Section 74 of the Local Government Act 1989 to set the allowances with the Order in Council as a category 2 Council at the maximum level of :

- Councillor allowances - \$24,730
- Mayoral allowance - \$76,521

with a superannuation contribution for 2016-2020 be set at:

- Councillor \$2,349
- Mayor \$7,269

subject to any indexation of the allowances applied automatically as determined by the Minister for Local Government.

CARRIED

10.11 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/39216

Moved: Cr Evans

Seconded: Cr Grinter

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Evans indicated that there was nothing further to report.

2. **MAV Environment Committee** – Director Environment, Recreation and Infrastructure Services indicated that the Committee has not yet met.

3. **Metropolitan Transport Forum** – Cr Martin indicated he has attended two meetings of the Forum and has been elected to the Executive Board of the Metropolitan Transport Forum.

4. **Municipal Association of Victoria** – The Mayor Cr del Porto attended an MAV Strategic Plan Review meeting held last week, and discussed key activities to be undertaken by the MAV in the coming year. Cr del Porto indicated he is currently standing for a position on the MAV Board representing the South East Metropolitan Region, and will know the results of the election on Friday 4 March.

5. **Inner South Metropolitan Mayors' Forum** – Cr del Porto indicated that the Inner South Metropolitan Mayor's Forum have not met recently.

6. **Metro Waste & Resource Recovery Group** – Cr Heffernan attended the Metro Waste & Resource Recovery Group meeting held three weeks ago.

Moved Cr Martin

Seconded Cr Long

That the Councillors' report 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 Notice of Motions submitted to the meeting.

Following consideration of Confidential Business the Chairperson declared the meeting closed at 10.26pm.

CONFIRMED THIS INSERT 28 DAY OF MARCH 2017

CHAIRPERSON:

