



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 19 December 2017

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

| | |
|----------------|--|
| Adrian Robb | Chief Executive Officer |
| Mick Cummins | Director Corporate Services |
| Hamish Reid | Director City Planning and Community Services |
| Steven White | Director Environment, Recreation and Infrastructure |
| Yvonne Hansen | Manager Amenity Protection |
| Juliana Aya | Manager Urban Strategy |
| Terry Callant | Governance Manager |
| Karen Brown | Governance Coordinator |
| Mandy Bartlett | Governance Officer |

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: Allocate Bayside United Football Club access to a Permanent Pavilion and Oval within the Municipality | 14 |
| 7.2 | Petition: West side of Jack Road to be known as Pennydale | 15 |
| 7.3 | Petition: Inappropriate Development in Bayside..... | 16 |
| 8. | Minutes of Advisory Committees | |
| 8.1 | Minutes of the Audit Committee meeting held on 22 November 2017 | 18 |
| 9. | Reports by Special Committees | |
| 9.1 | Minutes of the Gallery@BACC Board meeting held on 16 August and 29 November 2017 | 19 |
| 9.2 | Minutes of a Special Committee to hear submissions in relation to the sale of 31 Abbott Street and 16 Station Street Sandringham | 21 |
| 10. | Reports by the Organisation | |
| 10.1 | Proposed Sale of 31 Abbott Street and 16 Station Street Sandringham..... | 23 |
| 10.2 | Elsternwick Park Pavilion - Statutory requirements relating to occupancy agreements | 24 |
| 10.3 | Proposed lease of Tennis courts to Beaumaris Lawn Tennis Club at the Banksia Reserve, Beaumaris | 25 |
| 10.4 | Delegations from Council to the Chief Executive Officer and other Council Officer positions within the organisation. | 26 |
| 10.5 | Privacy and Data Protection Policy 2017 | 27 |
| 10.6 | Naming of Elsternwick Park No 2 Oval to Holmes-Todd Oval ... | 28 |
| 10.7 | Bayside Healthy Ageing Reference Group..... | 29 |

| | | |
|-------|--|----|
| 10.8 | October 2017 Financial Report..... | 30 |
| 10.9 | Community and Stakeholder Engagement Policy 2017 | 31 |
| 10.10 | Alcohol Harm Minimisation Policy Review..... | 32 |
| 10.11 | Adoption of the Domestic Animal Management Plan 2017-21 .. | 33 |
| 10.12 | Bay Trail High Risk Sites - Middle Brighton Baths - Community Feedback on Design | 34 |
| 10.13 | Bayside Planning Scheme Amendment C152 - Implementation of the Martin Street Structure Plan - Planning Panel Report | 35 |
| 10.14 | Elster Creek Catchment - Action Plan | 36 |
| 10.15 | Bayside Film Festival | 37 |
| 10.16 | Victoria's Proposed E-waste Policy | 38 |
| 10.17 | Beaumaris Bay - National Heritage Nomination | 39 |
| 10.18 | Council Action Awaiting Report | 40 |
| 10.19 | CON/17/99 New Street, Wellington and Carpenter Streets Roundabout, Brighton | 41 |
| 10.20 | Sandringham Aged Care Association - Amendment of Deed.... | 42 |
| 11. | Reports by Delegates | |
| 12. | Urgent Business | |
| 13. | Notices of Motion | |
| | Nil | |
| 14. | Confidential Business | |
| 14.1 | CON/16/125 Contract Variation for Brighton Golf Course Stormwater Harvesting Project..... | 44 |

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 Long to read the prayer.

1. Prayer

Cr Long 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 Grinter 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 21 November 2017 Ordinary Meeting, Council granted Councillor del Porto and Councillor Martin a leave of absence for the December 2017 Ordinary Meeting.

Moved Cr Grinter

Seconded Cr Long

That the apology from Councillor del Porto and Councillor Martin be received and leave of absence be granted.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

It is recorded that the Mayor Cr Evans declared an indirect interest in Item 10.20 by conflicting duties given he is a Board member of the Sandringham Aged Care Association.

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 21 November 2017.

Moved: Cr Heffernan

Seconded: Cr Long

That the minutes of the Ordinary meeting of Bayside City Council held on 21 November 2017, 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, 18 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 Peter Corfield

Re Bayside Planning Scheme Amendment C158, Proposed Interim Heritage Controls. In response to Ms Sandra Collin's question 3 at the BCC Meeting on November 21 2017, The Mayor responded that it was community sentiment that persuaded Councillor's to introduce Interim Heritage Controls over 34 individual houses and 1 precinct.

a) How was this community sentiment(cs) gauged and measured?

b) What was the process used to attain this cs?

Please refer me to the documented report/piece of research that reflects this cs: who undertook this piece of research/study, how many residents in Beaumaris participated in this piece of research, what % of total residents in Beaumaris participated, did any participants live outside of Beaumaris, if affirmative how many, what process was used to eliminate those with a conflict of interest, and without contravening privacy policy please advise a profile of those Beaumaris residents who conveyed this sentiment to Councillors and how many.

Response by the Mayor

a) *Council undertook a comprehensive community engagement process throughout the development of the Community Plan 2025, which provides an outcome for Council to 'ensure that areas and places of heritage, environmental and vegetation significance are protected.'*

b) *A number of community engagement activities were carried out as part of the development of the Community Plan, which are summarised at Section 5 of the Plan. This included a number of engagement locations for people to participate, including the Beaumaris Farmers market.*

The protection of housing and neighbourhood character is a strong theme throughout the Community Plan which translates directly into the preservation of important local streetscape character and the protection of Bayside's cultural and architectural heritage.

The Mayor invited the Director City Planning and Community Service to make a statement.

Council has received a response from the Department of Environment, Land Water and Planning regarding the application for interim heritage controls to a total of 51 properties in Beaumaris and Black Rock. The interim heritage controls were proposed in order to provide demolition protection while the current heritage value of properties identified in previous heritage studies was assessed. In practical terms, the Department response means that the current application for interim heritage controls has not been supported. Council will complete the upcoming mid-modern heritage study to determine whether any of the identified sites warrant inclusion in a permanent heritage overlay.

There will be significant community engagement undertaken as part of the upcoming mid-modern heritage study, including consultation with affected property owners prior to the Draft Study being presented to Council for Adoption. Council will write by the end of the week, to the land owners proposed to be affected by the proposed interim heritage overlay providing advice on the outcome of the interim controls and the next steps.

2. Mrs Fiona Marshall

In response to Fiona Marshall's question at the previous council meeting, which was asking council for confirmation they would be sharing the burden of any increased costs if a heritage measure was introduced, the CEO response stated that there are "those in the market who are prepared to pay a premium for properties of heritage significance whilst there are some who will not participate due to heritage listing."

I ask council to provide evidence for this statement, in particular what data they are relying on, when they state "there are those in the market who are prepared to pay a premium for properties of heritage significance."

In my research of the data and speaking with leading property real estate agents and valuers, there is a consensus that properties are worth 15-20% less if they have a heritage overlay. Therefore I am keen to understand who is informing Bayside Council on this data, given this is contrary to my research and discussions. I am more than happy to provide data to council members and/or this study supporting the above.

Response by the Chief Executive Officer

Property values are determined by multiple factors and as a result, it is commonly accepted that potential impacts on property values are not a planning consideration. Some literature, references heritage properties becoming more valuable over time as like any commodity, scarcity of an asset is a major value influencer. However, scarcity is not the only factor in determining property values. It is considered that a market assessment will be speculative as the factors affecting property values are wide.

Consideration for heritage listings is based on the merits of heritage significance alone. This is no different than for any planning requirement in as much as any change in a planning control is likely to have an effect on the status of a property, its potential and its market appeal.

3. Mrs Fiona Marshall

Is council planning to rely solely on the 2008 study to identify houses of heritage significance, or are they planning to do a wider review of all properties in Bayside to ensure no houses are missed?

With such a small selection of houses listed for this study, it is unlikely to significantly change any street scape and will instead seem to ensure there are certain houses randomly kept in this era, without regard for other houses being built in the same street. In other areas of heritage protection (such as Richmond, Kew, Hawthorn) there are not individual houses selected, rather there are 'street scapes' or precincts selected. By selecting individual houses, we will potentially end up with street scapes full of new houses / townhouses, and a random 'mid century' house in the middle. This is hardly going to retain our existing street scapes, and will not ensure consistency of character in the suburbs of Black Rock and Beaumaris. Also, for the mid century house, they are likely to be surrounded by larger houses overlooking their house, with no ability to change.

Could council please confirm if they are reviewing all Bayside properties for such a measure, and if not, why not?

Response by the Mayor

Consistent with its resolutions of 25 July 2017 and 19 September 2017, Council will be undertaking a Mid-Century Modern Heritage Study which focuses on the Black Rock and Beaumaris suburbs only.

The study will identify places in Beaumaris and Black Rock that warrant inclusion in the heritage overlay. Some of these places may have been previously identified in the City of Bayside Inter-War and Post-War Heritage Study 2008.

Direct notification to property owners of places identified for inclusion in the new study will occur once the draft study is prepared and the significant properties confirmed. The study could include individual buildings or groups of buildings for inclusion in the Heritage Overlay.

4. Mr Neill Wiffin

Council are in the process of seeking proposals to complete a mid-century modern heritage study (in relation to C158/159).

Can you please explain why Council have not consulted with the owners of the 45 affected properties as to the scope of works, preferred methodology and other related items prior to issuing the Request for Proposal?

Response by the Chief Executive Officer

Council's Procurement Policy (available online) has the intention to ensure high standards of probity and accountability in Council's procurement activities whilst obtaining best value for money outcomes when purchasing goods, services and works and managing contracts and supplier relationships. Council must review the Procurement Policy once every financial year.

The purpose of this Policy is to ensure that all Council's procurement activities consider the following overall objectives:

- 1. Achieve best value for money in the procurement of goods, services and works;*
- 2. Are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;*
- 3. Provide a robust, accountable and transparent audit trail; and*
- 4. Comply with legislation, Council Plan objectives, other relevant Council policies and external standards.*

It is not standard process for Council to publicly consult on a tender specification. The procurement process for the Mid-Century Modern Heritage Study is being undertaken in accordance with the relevant Council policies and procedures.

Consultation, however, with affected properties will occur as part of future stages of the project and all property owners will be engaged with.

5. Mr Shane Young (not present in the Chamber)

Following extensive research, consultation and feedback throughout Australia, in 2012 the AFL developed preferred guidelines for pavilions - in particular the size of change rooms. These guidelines have been adopted by the majority of councils throughout Australia. When and why did BCC decide to deviate from the recommended AFL change room guidelines and replace with their own standards that are around 25% - 32% smaller in size?

Response by the Chief Executive Officer

A written response will be provided to the questioner.

6. Mr Marcus Gwynne

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant sought written consent or submitted any plans or specifications for any "Proposed Work" (as defined under the lease)?
- b) If so, what were the relevant dates and details of the Works, including the person approved to supervise them?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

7. Mr Marcus Gwynne

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant notified the Council of any "accidents, damage etc." (refer Clause 11.6 of the lease)?
- b) If so, what were the relevant dates and details what were the relevant dates and details, including nature of accidents, damage etc.?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

8. Dr Jo Samuel-King

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with copies of any maintenance and amenities plans, programs or reports (refer special condition 5.2)?
- b) If so, what were the relevant dates and details, including type (e.g. annual programmed maintenance, annual periodic maintenance, and/or capital works), and scope of the plans, programs and /or reports?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

9. Dr Jo Samuel-King

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with any results of water level, water condition and/or water quality testing?
- b) If so, what were the dates and results of the testing?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

10. Mr Ken Blackman

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with any “tree management plans?
- b) If so, what were the dates and general contents (e.g., how many trees were specified for planting and removal, respectively)?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

11. Mr Ken Blackman

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with any vegetation management plans?
- b) If so, what were the dates and general contents?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

12. Mr Peter Holland

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with any detail about chemicals used on the premises?
- b) If so, what chemicals were advised and what dates?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

13. Mr Peter Holland

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the council approved the use of any chemicals by the tenant?
- b) If so, what were the relevant dates and details, including chemicals approved?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

14. Mr Derek Wilson

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided the Council with any “quality plans” (Special Condition 10)?
- b) If so, on what dates?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

15. Mr Derek Wilson

With respect to the LMS lease of Elsternwick Golf Course:

- a) Has the tenant provided any reports detailing compliance with "Hygiene Requirements"?
- b) If so, what were the relevant dates and details, including whether there was any non-compliance reported?

Response by the Chief Executive Officer

Given the detail required in responding to this question, a written response will be provided to the questioner in January once the information is collated.

16. Mr Kevin Spencer

A building development obviously of some multi millions of dollars has been on-going for some time now on the Brighton Grammar School grounds opposite Outer Crescent, in the process the builder has closing the public walkway of which has a condition that the Cramer Public Walkway be open at all times.

- a) When was a Planning Permit granted for this development?
- b) Will council have the builder open the Cramer Public Walkway ASAP that passes through the grounds of the school and provide safety fencing to Work Safe Standards along the potential danger section of walk way.

Response by the Chief Executive Officer

- a) *Planning permit 2015/772 was issued by Council on 27 July 2016 for the demolition of the existing pavilion and construction of a new double storey pavilion for education purposes and advertising signage in a Heritage overlay.*
- b) *A condition of the permit required a Site Management plan detailing how public access would be retained connecting New Street and Outer Crescent during demolition and construction of the approved building.*

Council has endorsed a Site Management plan which ensures pedestrian safety during construction and alternatives access points between New Street and Outer Crescent. The Site Management plan identified that at stages during construction, Cramer Walk would be closed. During periods when it is closed, an alternative location is provided on the northern side of Crowther Oval. Signage is to be provided directing how pedestrians can walk between both streets in lieu of Cramer Walk. On completion of works, Cramer Walk would be reconstructed and re-opened to the public.

Council's Building Surveying Coordinator inspected the site on 18 December 2017 and has confirmed that appropriate fencing is erected around the construction site and closing off Cramer Walk to pedestrians. There are signs on the fencing which direct the public to the temporary pedestrian access to the north of the oval.

17. Mr Kevin Spencer

The Bayside Public Art Policy was adopted 29 April 2014 and scheduled for review April 2017.

- a) When and was this policy reviewed to date.
- b) As a non-current financial asset, what was the valued of the Bayside communities collection of works of art at the time of reporting in the financial report for 2016/2017.

Response by the Chief Executive Officer

- a) *The Bayside Public Art Policy is now currently under review and is scheduled for Council adoption in April 2018.*
- b) *In 2016/17 a declaration to Council's insurer based the value of the arts and heritage collection at \$4.7 million.*

18 Valance Roberts (not present in the Chamber)

Council are in the process of seeking proposals to complete a mid-century modern heritage study (in relation to C158/159). Can you please Outline what parameters have been used to designate a property as "historically significant"?
Our property has been listed and I do not understand why - not has anyone been able to tell me or even speak to me about the process.

Response by the Mayor

A written response will be forwarded to the questioner.

7. Petitions to Council

7.1 PETITION: ALLOCATE BAYSIDE UNITED FOOTBALL CLUB ACCESS TO A PERMANENT PAVILION AND OVAL WITHIN THE MUNICIPALITY

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/267606

Petition from residents requesting Bayside City Council to allocate Bayside United Football Club access to a permanent pavilion and oval within the municipality. (18 signatories).

Petition Prayer

"We the undersigned hereby petition Bayside City Council to allocate Bayside United Football Club access to a permanent pavilion and oval within the municipality."

Further Detail

Bayside United FC was granted a National Premier League license in 2015 with a strong letter of support from the Bayside City Council, to provide an elite pathway for Bayside's talented female soccer players. Despite the letter of support, Bayside United is the only women's Premier League club with no permanent access to an oval and pavilion. We currently pay more than \$20,000 p.a. to access pitches outside the municipality - \$15-17,000 more than any other soccer club in Bayside or in the women's Premier League. We have no storage, no clubrooms for match review or team meetings or fundraising events, and no canteen to help raise funds to offset the costs of a season that runs 46 weeks of the year. This results in ever increasing fees - currently sitting at \$1,850 p.a. - which is making the league unaffordable for some talented girls.

We ask that a report be prepared by Council officers and tabled at a future council meeting detailing oval and pavilion access, and that the report refers to the Bayside Sportsground Allocation Policy that states: "Preference will be given to clubs that demonstrate providing participation opportunities for under- represented target groups (e.g. females, people with disabilities, older adults)".

Moved: Cr Long

Seconded: Cr Castelli

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

CARRIED

7.2 PETITION: WEST SIDE OF JACK ROAD TO BE KNOWN AS PENNYDALE

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/268422

Petition from residents requesting Bayside City council to rename the west side of Jack Road Cheltenham. (17 signatories)

Petition Prayer

“We the undersigned hereby petition Bayside city Council to include the west side of Jack Road properties into the proposed area to be renamed Pennydale, and a survey of the properties be undertaken in conjunction with the current survey being undertaken within the proposed Pennydale boundary.”

Moved: Cr Long

Seconded: Cr Grinter

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

CARRIED

7.3 PETITION: INAPPROPRIATE DEVELOPMENT IN BAYSIDE

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/269963

Petition from residents requesting Bayside City Council to oppose inappropriate development that doesn't respond to the neighbourhood character of the area and diminishes the liveability of existing residents.

Petition Prayer

"We the undersigned hereby petition Bayside City Council to oppose inappropriate development that doesn't respond to the neighbourhood character of the area and diminishes the liveability of existing residents."

Further Detail

Stop our beautiful Bayside suburbs being destroyed by inappropriate apartment development.

Three level bulky developments do not enhance, protect or respond to the valued character of the Bayside neighbourhood. They affect the look and feel of our beautiful streetscapes, heritage buildings and open spaces, the reasons residents live in Bayside in the first place.

These planned developments ruin the cultural identity of the neighbourhood, as they do not respect neighbourhood character. Often the buildings in the streets and surrounding the proposed developments are single level or double storey houses. The new developments are three level high density apartment complexes which are large and bulky. They are dramatically greater in height than all adjacent buildings making them look bulky and out of place.

The character of our Bayside neighbourhood is spacious visual separation between buildings and this will remove the open space feel that the residents love.

A three level complex is an excessive building height and will cause unreasonable adverse impact to neighbouring properties by way of visual bulk, access to daylight and overshadowing.

Planning regulations allow buildings up to 3 levels or 11 metres in the General Residential Zone but that doesn't mean you have to approve every development if it is outside the character of the surrounding neighbourhood houses.

The General Residential Zone is a transitional zone and is up for discretion by the Council to oppose developments based on whether they diminish neighbourhood character.

The remaining residential areas should maintain the present scale and spacious character with any increase in density only where this character can be maintained.

This is supported by the stated objective of the Future Role and Character Statement within Church St Centre Structure Plan 2006 being "existing residential areas will retain their spacious and leafy character, which is highly valued by the local community" and "encourage additional housing in established residential neighbourhoods that is in keeping with the preferred future character of the area as outlined in the Bayside Neighbourhood Character Policy". The Bayside Neighbourhood Character Review 2004 confirming that character for the area to be "predominantly single storey, new development and some localised streets predominantly 2 storeys".

Thus we request that developments within the General Residential Zone be limited to only two level townhouses, with a maximum of 2-3 per block if not in line with neighbourhood

character and/or if outside the 400m walking distance to the train station. This distance as prescribed by the Church St Centre Structure Plan 2006.

Moved: Cr Heffernan

Seconded: Cr Long

That Council receives the petition and a further report on this matter is submitted to Council at the March 2018 Ordinary Meeting

CARRIED

8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 22 NOVEMBER 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/268254

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

1. notes the minutes of the Audit Committee held on 22 November 2017, and
2. adopts the following recommendations of the Audit Committee meeting of 9 August 2017:

8.1 Chief Executive Office's Report

That the Audit Committee:

1. notes the Chief Executive Officer's report for the period August 2017 to November 2017;
2. recommends the deferral of the Internal Audit Review relating to Business Continuity from 2017/18 audit plan, to the 2018/19 program; and
3. recommends that the ICT & digital Systems Steering Committee be renamed as the ICT & Digital Advisory Committee.

9.7.1. Risk Management Update

That the Audit Committee:

1. notes the Risk Management update report;
2. recommends to Council that a dedicated section be included in future reports in relation to insurance and WorkCover self-insurance key issues; and
3. recommends to Council that the organisation investigate protection against automatic billing across all Council telephone and mobile devices.

CARRIED

9. Reports by Special Committees

9.1 MINUTES OF THE GALLERY@BACC BOARD MEETING HELD ON 16 AUGUST AND 29 NOVEMBER 2017

Corporate Services - Governance

File No: PSF/17/68 – Doc No: DOC/17/267784

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 16 August 2017 and 29 November; and
2. adopts the following recommendations of the Gallery@BACC Board meeting of 16 August 2017 and 29 November 2017:

16 August 2017 - Item 6.3 Annual Report 2016/17

That the Gallery@BACC Board recommends to Council that the Gallery @BACC Board Annual Report be included in the Bayside City Council's 2016/17 Annual Report.

16 August 2017 - Item 6.7 Bayside Aquisitive Art Prize Report

That the Gallery@BACC Board:

1. notes the report and agrees to retain the current governance processes and criteria for the Bayside Acquisitive Art Prize in 2018 and beyond in line with the following Strategic Objectives :
 - 1.1 Consolidate, manage, preserve, promote and grow the arts and heritage collection
 - 1.2 Provide opportunities and support for the artistic community
2. recommends to Council that the resources for the Bayside Acquisitive Art Prize budget be increased by from \$36,000 to \$39,000 and be referred to the 2018/2019 budget process; and
3. reviews the Acquisitive Art Prize business case proposal for an increase of funding to \$39,000 at the November Board meeting.

16 August 2017 - Item 6.8 Proposed cancellation of design competition for seating under Cork Tree

That the Gallery@BACC Board:

1. notes the report of the cancellation of the design competition for seating under the Cork Tree at the Brighton Civic Precinct, and agrees that the Design Competition for seating under the Cork Tree at Boxshall Street not proceed; and
2. recommends to Council that a standard street furniture seat be reinstated on the paving area adjacent to the Cork Tree.

29 November 2017 – Item 6.1 – Public Art Sites

That the Gallery@BACC Board:

1. supports the commissioning of public art at the Dacey Street playground site; and
2. recommends to Council that a review of the public art sites be undertaken to discuss the alternative locations for public art including activity centres, and the Board considers a report at this matter at the February 2018 meeting.

29 November 2017 – Item 6.3 – Report on 2017 Exhibitions and programs

That the Gallery@BACC Board:

1. notes the report on the 2017 Exhibitions and Programs;
2. recommends that Council officers give consideration of advertising opportunities of the Gallery with Palace Cinema to assist in promotion of the Gallery; and
3. receives a strategic communications and marketing plan for the gallery to be considered at the February 2018 meeting.

CARRIED

**9.2 MINUTES OF A SPECIAL COMMITTEE TO HEAR SUBMISSIONS IN
RELATION TO THE SALE OF 31 ABBOTT STREET AND 16 STATION
STREET SANDRINGHAM**

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/269376

Moved: Cr Grinter

Seconded: Cr Long

That Council receives and notes the Minutes of the Special Committee of Council held on 15 November 2017 to hear submissions in relation to the proposed sale of 31 Abbott Street and 16 Station Street Sandringham.

CARRIED

10. Reports by the Organisation

REQUESTS TO BE HEARD:

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

Item 10.2 Elsternwick Park Pavilion – Statutory Requirements relating to Occupancy Agreements

1. Mr George Reynolds

Item 10.3 Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club at the Banksia Reserve

1. Mr Mark Barbour
2. Mr Ian Thomas
3. Mr George Reynolds

Item 10.6 Naming of Elsternwick Park No 2 Oval to Holmes-Todd Oval

1. Mr Mark Dunstan

Item 10.8 October 2017 Financial Report

1. Mr George Reynolds

Item 10.9 Community and Stakeholder Engagement Policy 2017

1. Dr Kate Dempsey

Item 10.11 Adoption of the Domestic Animal Management Plan 2017-21

1. Dr Kate Dempsey
2. Ms Amanda Levi

Item 10.14 Elster Creek Catchment – Action Plan

1. Dr Jo Samuel-King
2. Mr Ken Blackman

Item 10.20 Sandringham Aged Care Association – Amendment of Deed

1. Mr George Reynolds

10.1 PROPOSED SALE OF 31 ABBOTT STREET AND 16 STATION STREET SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/265692

It is recorded that three submitters spoke in relation to this matter at a Special Committee of Council established to hear submissions on 15 November 2017.

Moved: Cr Long

Seconded: Cr Heffernan

That Council:

1. Having undertaken the necessary statutory procedures and considered the public submissions delegates authority to the Director Corporate Services to sell the property at 31 Abbott Street and 16 Station Street by public auction with a reserve price at the sworn valuation not more than six months old at the time of sale;
2. In the event that the reserve price is not achieved, authorises the Director Corporate Services to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;
3. In the event of negotiations being unsuccessful, authorises the Director Corporate Services to negotiate privately at a price no less than 5% below the reserve price;
4. Authorises the Director Corporate Services to sign and seal all documentation associated with the proposed sale and transfer of the land on behalf of Council for the price in accordance with points 1, 2 and 3 above;
5. Allocates the net funds of the sale to the relocation of the Maternal and Child Health Service and the upgrade of the Sandringham Library building; and
6. Refers consideration of the future location of Maternal and Child Health services in the Sandringham/Black Rock area to the Early Years Infrastructure study.

CARRIED

10.2 ELSTERNWICK PARK PAVILION - STATUTORY REQUIREMENTS RELATING TO OCCUPANCY AGREEMENTS

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/188390

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

Moved: Cr Heffernan

Seconded: Cr Grinter

That Council:-

1. In accordance with Section 190 and Section 223 of the Local Government Act 1989 (the Act) gives public notice of its intention to enter into leasing and licencing arrangements for the pavilion located at Elsternwick Park, Glenhuntly Road, Elsternwick with;
 - a. the Victorian Amateur Football Association at an annual lease rental of \$353 with annual increase of 5% or CPI whichever is greater, for a term of twenty one years for the Elsternwick Park Pavilion areas exclusively used for Administration and storage areas, plus control of the social space including the bar and kitchen; and
 - b. the Old Melburnians Football Club at an annual licence rental of \$353 with annual increase of 5% or CPI whichever is greater, for a term of twenty one years for the Elsternwick Park Pavilion for use of the gym and storage area and seasonal licence agreement to game related facilities;
2. Establishes a Special Committee of Council in accordance with S223 of the Act 1989 consisting of all councillors with a quorum of four (4) Councillors to consider any public submissions, including those submitters who wish to be heard or represented at a meeting to be held on 7 February at 6:30pm 2018 in the Council Chambers, Boxshall Street Brighton in relation to the proposal to lease;
3. In the event that no submissions are received, authorise the Director Corporate Services to undertake all necessary actions to finalise and execute the lease and licence agreements, and;
4. Seek the approval of the Minister for the occupancy arrangements outlined in this report in accordance with Section 17E of the Crown Land (Reserves) Act 1978.

CARRIED

10.3 PROPOSED LEASE OF TENNIS COURTS TO BEAUMARIS LAWN TENNIS CLUB AT THE BANKSIA RESERVE, BEAUMARIS

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/183748

It is recorded that Mr Mark Barbour, Mr Ian Thomas and Mr George Reynolds spoke for three minutes each in relation to this item.

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council:-

1. In accordance with S190 of the Local Government Act 1989 (the Act) gives public notice of its intention to enter into a lease with the Beaumaris Lawn Tennis Club for a term of fifteen years and inviting submissions from the public within twenty eight (28) days; and such public notice to include details of proposed operating times for the tennis courts at Banksia Reserve;
2. Provides written notification of the proposed lease and court operating time to the Beaumaris Lawn Tennis Club and also residents in the immediate vicinity of the tennis courts including the opportunity to make a submission;
3. In accordance with S223 of the Act consider public submissions, including those submitters who wish to be heard or represented at a special committee meeting of Council to be held on 7 February at 7:00pm 2018;
4. In the event that no submissions are received, authorise the Director Corporate Services or Council's delegate to finalise and execute the lease including the operating times outlined in this report;
5. Requires the Beaumaris Lawn Tennis Club to develop a Code of Conduct relating to its members and guests and submit the draft Code of Conduct to Council for approval; and
6. Authorises Council's delegate to finalise, approve and execute the Code of Conduct on Council's behalf.

CARRIED

10.4 DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER AND OTHER COUNCIL OFFICER POSITIONS WITHIN THE ORGANISATION.

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/260579

It is recorded that there were no speakers for this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

1. revokes the existing Instruments of Delegation to the Chief Executive Officer and to members of Council staff previously approved by Council on 23 August 2016;
2. adopts the attached Instrument of Delegations to the Chief Executive Officer noting no change to the Instrument of Delegation;
3. adopts the attached Instrument of Delegation to Members of Council Staff dated 19 December 2017; and
4. signs and seals the Instruments of Delegation.

CARRIED

10.5 PRIVACY AND DATA PROTECTION POLICY 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/258857

It is recorded that there were no speakers for this item.

Moved: Cr Long

Seconded: Cr Castelli

That Council:

1. rescinds the Information Privacy Policy (2000); and
2. adopts the Privacy and Data Protection Policy (2017).

CARRIED

10.6 NAMING OF ELSTERNWICK PARK NO 2 OVAL TO HOLMES-TODD OVAL

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/269016

It is recorded that Mr Mark Dunstan spoke for three minutes in relation to this item.

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. approves of the naming of the Elsternwick Park Oval No: 2 to be named and known as the “Holmes-Todd” Oval, and suitable signage be erected following the redevelopment of the pavilion and reconstruction of oval; and
2. congratulates both the Elsternwick Cricket Club and Elsternwick Amateur Football Club for the collegiate manner in which the proposal has been put forward.

CARRIED

10.7 BAYSIDE HEALTHY AGEING REFERENCE GROUP

City Planning & Community Services - Community Services
File No: PSF/17/71 – Doc No: DOC/17/255553

It is recorded that there were no speakers for this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council:

1. amends the Bayside Healthy Ageing Reference Group Terms of Reference to provide for an increase of members to a maximum number of 25 members;
2. re-appoints the following members to the Bayside Healthy Ageing Reference Group for a two year commencing 1 January 2018 – 31 December 2019:
 - Bridget Hsu-Hage
 - Stephen Le Page
 - Elizabeth Jensen
 - Rowena Arnhold
 - John Barlow
 - Sue Steele;
3. appoints the following members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2018 – December 31 2019:
 - Beverley Cooney-Brown
 - Christopher D'Arcy
 - John Fisher
 - Rosie Johnston
 - Raymond Lewis
 - Lois Lindsay
 - Kevin McDonnell
 - Vivian Snitkjaer
 - Pamela Thomas
 - Maureen Togarlini
 - Maree Webb
 - Carolyn Brown
 - Anthony Carr
 - Ian Lacey
 - David Seedsman
 - Jooyce Evtomov
 - Mark Powell
 - Lorraine Pirhi; and
4. writes to all appointed members congratulating them on their appointment to the Bayside Healthy Ageing Reference Group.

CARRIED

10.8 OCTOBER 2017 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/17/262073

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

Moved: Cr Castelli

Seconded: Cr Long

That:

1. Council notes the operating and capital financial report for four months to 31 October 2017.
2. the \$2.5 million purchase of the Sandringham Masonic Hall be funded from the Infrastructure Reserve.

CARRIED

10.9 COMMUNITY AND STAKEHOLDER ENGAGEMENT POLICY 2017

Communications, Customer & Cultural Services - Community Engagement
File No: PSF/17/3789 – Doc No: DOC/17/208665

It is recorded that Dr Kate Dempsey spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

1. Adopts the Community and Stakeholder Engagement Policy 2017 and rescinds the Community Stakeholder Engagement Policy (2014); and
2. Thanks all stakeholders and community members for their valuable input and feedback which has informed the finalisation of the Policy and Guidelines.

CARRIED

10.10 ALCOHOL HARM MINIMISATION POLICY REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: FOL/17/4949 – Doc No: DOC/17/240558

It is recorded that there were no speakers for this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council adopts the Alcohol Harm Minimisation Policy (2017) which replaces the Alcohol Harm Minimisation Policy (2013).

CARRIED

10.11 ADOPTION OF THE DOMESTIC ANIMAL MANAGEMENT PLAN 2017-21

City Planning & Community Services - Amenity Protection
File No: FOL/17/430 – Doc No: DOC/17/231882

It is recorded that Dr Kate Dempsey and Ms Amanda Levi spoke for three minutes each in relation to this item.

*Councillor Grinter left the Meeting at 8:49 pm
Councillor Grinter returned to the Meeting at 8:51 pm*

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. Adopts the Domestic Animal Management Plan 2017-2021, provided as Attachment 1; subject to the following alteration:

Page 5 – Item 1.3 Bayside Profile

*Commentary to read: It is estimated that one in **three (33%)** households in Bayside have a dog and/or cat (either registered or unregistered) and approximately 11% of households have a dog or cat that is not registered with Council;*

2. Provides a copy of the Domestic Animal Management Plan 2017-2021 to the Department of Economic Development, Jobs, Transport and Resources by 22 December 2017; and
3. Authorises the Chief Executive Officer to make minor editorial changes to the DAMP prior to submitting to the Minister.

CARRIED

**10.12 BAY TRAIL HIGH RISK SITES - MIDDLE BRIGHTON BATHS -
COMMUNITY FEEDBACK ON DESIGN**

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/244043

It is recorded that there were no speakers for this item.

Moved: Cr Grinter

Seconded: Cr Castelli

That Council approves the duplication of the Bay Trail within the high risk area of the Middle Brighton Baths and the Royal Brighton Yacht Club to address a 'high risk' safety hazard to path users as shown in Attachment 1.

CARRIED

10.13 BAYSIDE PLANNING SCHEME AMENDMENT C152 - IMPLEMENTATION OF THE MARTIN STREET STRUCTURE PLAN - PLANNING PANEL REPORT

City Planning & Community Services - Urban Strategy
File No: FOL/16/1167 – Doc No: DOC/17/244844

It is recorded that there were no speakers for this item.

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. Adopts Amendment C152 in accordance with Option 2 outlined in this report.
2. Writes to the Minister for Planning requesting approval of Amendment C152 including the exhibited:
 - a) preferred building heights of non-heritage buildings in Martin St, Asling Street and the southern part of Spink Street in the commercial area;
 - b) requirements for laneway widening behind the Spink Street shopping strip (south side of Martin St) where any of the preferred building heights in Spink Street are exceeded;
 - c) front setback requirements for upper levels of non-heritage buildings in Martin Street and front setback requirements for balconies fronting Martin Street; and
 - d) 3m front setback for properties facing Nepean Hwy.

CARRIED

10.14 ELSTER CREEK CATCHMENT - ACTION PLAN

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/17/74 – Doc No: DOC/17/260489

It is recorded that Dr Jo Samuel-King and Mr Ken Blackman spoke for three minutes each in relation to this item.

Moved: Cr Castelli

Seconded: Cr Heffernan

That Council endorses the Elster Creek Catchment Action Plan as shown in Attachment 1.

CARRIED

10.15 BAYSIDE FILM FESTIVAL

Communications, Customer & Cultural Services - Cultural services
File No: FOL/17/371 – Doc No: DOC/17/260611

It is recorded that there were no speakers for this item.

Moved: Cr Heffernan

Seconded: Cr Grinter

That Council:

1. Acknowledges it does not own the naming rights of the Bayside Film Festival;
2. Advises the petitioners to consider making application to the Community Grants Program for funding to support the proposal to establish a new Bayside Film Festival;
3. Offers the petitioner in-kind support through expertise and knowledge of Council staff;
4. Pending the outcome of the grant application, a further report be provided to Council which includes the findings of the work undertaken should the application be successful, and in the event that it is not, Council receive a further report; and
5. Notifies the lead petitioner of this decision.

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

DIVISION: **FOR:** Crs Laurence Evans (Mayor), Rob Grinter, James Long, Michael Heffernan and Sonia Castelli (5)
AGAINST: Nil (0)

CARRIED

10.16 VICTORIA'S PROPOSED E-WASTE POLICY

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/265663

It is recorded that there were no speakers for this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council advocates to the State government for ongoing financial support to cover Council's growing costs of managing e-waste as a result of the e-waste Policy as outlined in Attachment 2.

CARRIED

10.17 BEAUMARIS BAY - NATIONAL HERITAGE NOMINATION

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/17/65 – Doc No: DOC/17/268791

It is recorded that there were no speakers for this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council undertakes community consultation and then receives a further report at its February 2018 meeting on the implications of the nomination for National Heritage listing of Beaumaris Bay.

CARRIED

10.18 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/267028

It is recorded that there were no speakers for this item.

Moved: Cr Grinter

Seconded: Cr Long

That Council notes the deletions from the Council Action Awaiting Report.

CARRIED

**10.19 CON/17/99 NEW STREET, WELLINGTON AND CARPENTER STREETS
ROUNDAABOUT, BRIGHTON**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/257638

It is recorded that there were no speakers for this item.

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council:

1. Awards contract CON/17/99 New Street, Wellington and Carpenter Streets Roundabout, Brighton to VCrete Contractors Pty Ltd (ABN: 40 055 492 683) for the lump sum price of \$280,237.51 (excl. GST) and \$308,261.26 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/99 New Street, Wellington and Carpenter Streets Roundabout, Brighton;
3. Advises the unsuccessful tenderers accordingly;
4. Notes that this project is externally funded by the Black Spot program and the budget allocation made by Council in the 2017/18 Budget is not required; and
5. Authorises the 2017/18 Budget allocation for the roundabout at New, Wellington and Carpenter Streets of \$330,000 to be transferred to the Infrastructure Reserve.

CARRIED

It is recorded that Mayor Cr Evans declared an indirect interest by conflicting duties given he is a Board Member of the Sandringham Aged Care Association and accordingly vacated the Chamber prior to the discussion on this item.

Procedural Motion

Moved Cr Long

Seconded Cr Heffernan

That the Deputy Mayor Cr Grinter take the Chair for the consideration of Item 10.20.

CARRIED

Councillor Evans (Mayor) left the Meeting at 9:51 pm

10.20 SANDRINGHAM AGED CARE ASSOCIATION - AMENDMENT OF DEED

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/276321

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

Moved: Cr Long

Seconded: Cr Castelli

That this matter be deferred for further consideration to the February 2018 Ordinary meeting of Council.

CARRIED

It is recorded that that Mayor was not present in the Chamber whilst discussion took place and was not present whilst the vote was undertaken on this item.

Procedural Motion

Moved Cr Long

Seconded Cr Castelli

That the Mayor, Cr Evans resume the chair for the remainder of the meeting.

CARRIED

Councillor Evans (Mayor) returned to the Meeting at 9:58 pm

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Mayor Cr Laurence Evans reported that there has been no meeting since the last report.

2. **MAV Environment Committee** – Director Environment, Recreation and Infrastructure Services advised that the 23 November 2017 meeting was attended by the Coordinator Environmental Sustainability. Agenda items included:
 - Stormwater impacts on the urban environment, presented by Professor Chris Walsh from the University of Melbourne
 - State Environment Protection Policy for Waters consultation, presented by Veronica Lanigan from DELWP
 - Integrated Water Management
 - Westernport Integrated Water Management Forum information, presented by Dr Gillian Sparkes, Commissioner for Environmental Sustainability Victoria and chair of the Westernport IWM Forum
 - Moreland City Council's Integrated Water Management approach, presented by Vaughn Grey from Moreland City Council
 - Victoria's Integrated Water Management Framework, presented by Brigid Adams from DELWP

3. **Metropolitan Transport Forum** – Cr Clarke Martin – It is noted that no report was provided as Cr Martin is on leave.

4. **Municipal Association of Victoria** – Cr Alex del Porto – It is noted that no report was provided as Cr del Porto is on leave.

5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Laurence Evans reported that there has been no meeting since the previous meeting.

6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan reported that there has been no meeting since the previous meeting.

Moved: Cr Long

Seconded: Cr Grinter

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 Long

Seconded: Cr Grinter

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

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

CARRIED

Table of Contents

**14.1 CON/16/125 CONTRACT VARIATION FOR BRIGHTON GOLF COURSE
STORMWATER HARVESTING PROJECT**
(LGA 1989 Section 89(2)(d) 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 10.06pm.

CONFIRMED THIS INSERT 20 DAY OF FEBRUARY 2018

CHAIRPERSON:

