



Minutes of the Ordinary Meeting of Bayside City Council

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

The Meeting commenced at 7:00pm

PRESENT:

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

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
Leanne Ansell-McBride	Executive Manager Strategy & Performance
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: Installation of chicanes on Exon Street Brighton to reduce hoon behaviour.....	12
7.2	Petition: Request to Continue the Operation of Elsternwick Park Golf Course	13
8.	Minutes of Advisory Committees	
8.1	Minutes of the Audit Committee meeting held on 14 February 2018	14
8.2	Minutes of the Arts and Culture Advisory Committee meeting held on 18 October 2017.....	15
9.	Reports by Special Committees	
9.1	Minutes of the Gallery@BACC Board meeting held on 28 February 2018.....	16
10.	Reports by the Organisation	
10.1	Resilient Melbourne.....	19
10.2	Proposed Sale of Land 31 & 33 Orlando St, Hampton and 49 & 51 Beach Road Hampton	20
10.3	Proposed Suburb Name Change of a portion of Cheltenham to be known as Pennydale	21
10.4	Port Phillip Bay Environmental Management Plan 2017-2027 ..	22
10.5	Carbon Neutrality Action Plan 2018-2020	23
10.6	Highbett Structure Plan Review - Draft Structure Plan	24
10.7	Bushland Strategy Review Including Consideration of the Biodiversity Action Plan (BAP)	25
10.8	Policy Update: Works on Assets Within the Road Reserve Policy and Bluestone Replacement Policy	26

10.9	Planning Scheme Amendment C155 - Potentially Contaminated Land in Bayside.....	27
10.10	Early Years Infrastructure Plan.....	28
10.11	Planning Scheme Amendment C153 - Managing Flood Risk in Bayside - Planning Panel Recommendations.....	29
10.12	Changes in the Recycling and Waste Management Industry	30
10.13	Syringe Collection and Disposal Centre - Brighton.....	31
10.14	January 2018 Financial Report.....	32
10.15	2018 Australian Local Governance Association (ALGA) National General Assembly of Local Government.....	33
10.16	Municipal Association of Victoria - State Council - Call for Motions	34
10.17	CONTRACT CON/17/106 Redevelopment Cheltenham Park Pavilion.....	35
10.18	CONTRACT CON/18/18 Playground Improvement Program 2017/18 Construction	36
10.19	CONTRACT CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings At Male and Church Streets Roundabout, Brighton.....	37
10.20	CON1837 - Procurement Australia Panel of Suppliers for Recruitment Services	38
10.21	Council Action Awaiting Report	39
10.22	Recreation and Events Policies - Review.....	40
10.23	Rescission of Bayside Gaming Machines Policy 2010	41
10.24	Review of the Audit Committee Charter and renaming of the Committee.....	42
10.25	Review of the Gallery@BACC Board Charter and Instrument of Delegation and renaming of the Board.....	43
13.2	Notice of Motion - 270 - Removal and replacement of trees along St Kilda Street	44
10.26	St Kilda Street Tree Replacement Project.....	45
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
13.1	Notice of Motion - 269 - Flashing Lights at New Street and Bent Avenue Roundabout.....	47

14. Confidential Business

- 14.1 Minutes of the Chief Executive Officer's Employment Matters Committee held on 19 February 2018 48
- 14.2 Minutes of the Chief Executive Officer's Employment Matters Committee held on 15 March 2018 48



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 del Porto 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 was received from Cr Rob Grinter.

Moved: Cr Long

Seconded: Cr del Porto

That the apologies from Cr Grinter be received and leave of absence be granted for the Ordinary Meeting of Council.

CARRIED

It is recorded that Cr del Porto requested leave of absence for the period 20 April to 1 July, and further requested suspension of his allowance during his absence.

Moved: Cr del Porto

Seconded: Cr Long

That Council grant Cr Alex del Porto leave of absence for the period 20 April to 1 July, noting Cr del Porto's absence at the April, May and June Ordinary Meetings of Council, and it is further noted Cr del Porto's request to suspend his Councillor allowance during his leave of 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 20 February 2018.

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Ordinary meeting of Bayside City Council held on 20 February 2018, 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, 7 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 Neill Wiffin

It is recorded that Ms Kemp was not present in the Chamber therefore Ms Kemp'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.

2. Mrs Mary Larsen

Our home has been targeted by Council for heritage 3 times in the past 19 years, firstly 1999, secondly 2008, thirdly 2017, and possibly again in 2018. From previous objections Council is well aware of our thoughts on enforced heritage listing. In November 2017 the Planning Minister advised Council that "applying heritage overlays is an extraordinary use of his ministerial powers and may raise issues of fairness and natural justice". Please advise:

- (a) how does council consider this is fair treatment and natural justice to us and others similarly targeted?
- (b) how does Council, who promotes the health and well being of its homeowners propose to measure the terrible emotional impact this heritage shadow has cast over our lives?

Response by the Mayor

- (a) The development of heritage overlays occurs within a robust and transparent process that provides natural justice through numerous opportunities for land owners to ensure their views are taken into account. The approach for mid-century modern heritage will involve opportunities for land owner input 1) during the preparation of the heritage study, 2) when Council considers the study, 3) at key stages during the drafting of the amendment and 4) during the expected consideration by an independent Planning Panel appointed by the Minister for Planning.
- (b) It is recognised that consideration of heritage protection for privately owned buildings can be a divisive issue, which requires Council to consider the broader public interest and the views of land owners. Council is committed to a robust and transparent process within which the community and land owner views will be taken into account.

3. Mr George Reynolds

In regard to the lease of playing fields and the pavilion to the Beaumaris Sports Club, an answer regarding the land to now be leased the tennis club, indicates that at the time the Sports Club lease was prepared, part of the land forming the lease was already leased exclusively to the tennis club.

- (a) Why has this conflict in validity of the sports club lease not been recognised by Council?
- (b) Why has Council not made appropriate arrangements to enter into a valid lease with the Sports Club following the relinquishment of the original tennis club lease?

Response by the CEO

- (a) There is no conflict. The advertising for the lease of the Beaumaris Sports Club Lease was for a term of 15 years following practical completion. This occurred in December 2017. It is correct at the time of preparing the Sport Club Lease, the area to be constructed was part of the BLTC lease area subject to agreements between all parties. The BLTC lease has been in over holding since 2014. This allows for the lease to be varied. Changes in the lease area to cover the court surfaces only for BLTC was agreed prior to construction and forms the basis of the new lease. There is no conflict between the lease areas occupied directly by the BLTC and the Sports Club.
- (b) Council has appropriate lease arrangements in place.

4. Mrs Mary Larsen

What was the decision making process behind selecting a heritage assessment of mid-century modern architecture within Bayside, with a particular focus on Beaumaris and Black Rock, and what other heritage areas did Council consider?

Response by the Mayor

The selection of mid-century modern architecture in Beaumaris and Black Rock for heritage assessment was based on a review of previous Council heritage investigations as well as community feedback regarding the loss of heritage buildings across Bayside. It was identified that there was a lower representation of places in the heritage overlay in the southern part of the municipality and that in this area, dwellings constructed in a mid-century modernist style may be of significance. The Heritage Action Plan is available on Council's website and identifies a ten year work program including listing priority areas for future heritage studies.

5. Mr Ian Larsen

Can the Council please approach Beaumaris Modern to ask their members to voluntarily list their houses for heritage overlays as a show of genuine action to support what they are vigorously lobbying for?

Response by the Mayor

There is not a need for Council to approach residents for voluntary listing of their houses for heritage overlays. The development of heritage overlays occurs within a robust and transparent process that identifies properties with potential heritage value and includes numerous opportunities for land owners to ensure their views are taken into account.

6. Mr Kevin Spencer

The elaborate steel fencing on the Church & Carpenter Streets intersection roundabout have been continually damaged and a source of costly maintenance since its inception, with council recently removing the fencing for major maintenance, with the intersection operating normally without the expensive fencing.

- (a) What has been the maintenance cost of this fencing so far, including the recent removal and re-installation?
- (b) Would it not be prudent for council to install costly Traffic Lights or otherwise Low cost Stop Signs, rather than continue wasting ratepayer or taxpayers money on repairing repeated damage to the fencing.

Response by the CEO

- (a) The maintenance cost to reconstruct the steel fencing at Church and Carpenter Streets, Brighton was \$16,138.00. This is inclusive of all new fence panels, painting and all concrete works.

As part of the work the fence was positioned further from the back of the kerb to reduce the potential of future damage.

- (b) The pedestrian fencing at the intersection of Church and Carpenter Streets, Brighton is to ensure pedestrian safety by preventing pedestrians crossing within the roundabout. There are no plans to remove the fencing however as resolved on 26 July 2016, Council is investigating options to improve pedestrian safety, similar to the treatment proposed for the Church and Male Streets intersection – refer report 10.19 on tonight's agenda.

7. Mr Kevin Spencer

Bayside Council continues to make statements on engaging with its community yet we see major decisions being made without consulting with the Community, a case in point is the recent installation of a stylized sculpture of an animal on a large plinth on the Bayside Foreshore at a cost of almost \$100,000.

- (a) Please explain why the community was not consulted (or engaged) into the suitability of this costly work on the Ratepayers of Bayside.
- (b) Also explain the recent advertised Special Meeting of Bayside City Council where by community members in attendance were told to go away as the meeting (23 January 2018) had been declared confidential, in so doing thereby deserving of an apology from council to those members of the community that expected the notice in good faith of a public meeting.

Response by the Mayor

- (a) In 2015 the location of the sculpture was endorsed by Council as one of its preferred sites for public art. At this time, Council had two advisory committees which advised on public art. These members are from Bayside's community and provide an excellent avenue for community engagement and consultation. Following feedback received from these committees, the proposed "Summertime" sculpture by Anne Ross was commissioned by Council. This work was launched in December 2017 and through community feedback, this has proven to be a very popular decision by Council.
- (b) The Special Meeting of Council held on 23 January 2018 was in relation to a property matter. A member of the public spoke to the item on the agenda and after the conclusion of the presentation Council did resolve to close the meeting to the public given the matter related to a property and contractual matter which is in accordance with the Local Government Act 1989.

Following the resolution of the Council to close the meeting, the Mayor asked those present in the Chamber to leave given the matter will now be discussed in camera.

An apology is not required. In accordance with the Local Government Act 1989, Council may deem any matter to be dealt with in camera in accordance with the provisions of Section 89(2) of the Act.

Suspension of Standing Orders

Moved: Cr Long

Seconded: Cr Martin

That Standing Orders be suspended in order to enable a presentation.

CARRIED

Presentation by State Emergency Service

The Mayor welcomed Mr John Chaplain, Regional Operations Manager of the State Emergency Service to the meeting to make a presentation to Council.

Mr Chaplain presented the Mayor with a Certificate of Audit Compliance in relation to Council's emergency management plan.

The Mayor thank Mr Chaplain for the certificate and thanked staff for the preparation of the plan.

Resumption of Standing Orders

Moved: Cr Long

Seconded: Cr Martin

That Standing Orders be resumed.

CARRIED

7. Petitions to Council

7.1 PETITION: INSTALLATION OF CHICANES ON EXON STREET BRIGHTON TO REDUCE HOON BEHAVIOUR

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/53810

Petition from residents requesting Bayside City Council to install chicanes or other speed reduction measures in Exon Street Brighton to ensure the safety of residents and road users given an increase in hoon-like behaviour in the street.

Petition Prayer

"We the undersigned hereby petition Bayside City Council to put chicanes into Exon Street, Brighton at both ends of the bend to stop the observed excessive speed of drivers who are putting the lives of young children and elderly at risk."

Petition Requirements

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

Officer Comment

Decision-making for the installation of traffic management devices, such as kerb outstands (chicanes), is governed by the Local Area Traffic Management Policy. This Policy supports an area-based planning and management of street space to ensure acceptable levels of speed, traffic volume and composition in local and collector streets, while increasing amenity and safety for residents and improving access for pedestrians and cyclists. It has been developed and adopted by Council to ensure a consistent, equitable and inclusive approach to the investigation, consultation, design, implementation and monitoring of LATM schemes.

Moved: Cr Heffernan

Seconded: Cr del Porto

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

CARRIED

**7.2 PETITION: REQUEST TO CONTINUE THE OPERATION OF
ELSTERNWICK PARK GOLF COURSE**

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/53959

Petition from residents requesting Bayside City Council to continue the operation of Elsternwick Park Golf Course.

Petition Prayer

"We the undersigned hereby petition Bayside City Council to continue to operate the golf course in Elsternwick Park."

Petition Requirements

The submitted petition containing 853 signatories meets the required format of a petition in accordance with Council's Governance Local Law No: 1, Clause 65.

Moved: Cr del Porto

Seconded: Cr Heffernan

That the petition be received and considered in conjunction with the Future of Elsternwick Park Golf Course at the Special Meeting of Council to be held on Wednesday 28 March 2018 at 6.30pm.

CARRIED

8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 14 FEBRUARY 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/43192

Moved: Cr del Porto

Seconded: Cr Long

That Council:

1. notes the minutes of the Audit Committee held on 14 February 2018,
2. adopts the following recommendations of the Audit Committee meeting of 14 February 2018:

9.3.1 Local Government Bill Exposure Draft

That the Audit Committee:

1. Notes the report on the 2018 Local Government Bill Exposure Draft; and
2. Recommends to Council that the Audit Committee's comment concerning the proposed Local Government Exposure Bill be included in Council's submission subject to the following amendment:

Section 52(3) to read "Agree with the provision subject to the inclusion of a requirement for external members to be independent".

9.8.1. Review of Audit Committee Charter

That the Audit Committee:

1. recommends to Council that the Audit Committee be renamed as the Audit and Risk Committee;
2. recommends to Council that the Audit and Risk Committee Charter (review date 14 February 2018) as presented to the meeting and attached to the report, be adopted subject to the following minor amendment to part 5 – Chairperson to reflect that the Chairperson of the Audit and Risk Committee shall be appointed annually by Council at its Annual Meeting of Council from the independent members: and
3. Notes that the Audit and Risk Committee will review the Charter in February 2019 as a result of the proposed implementation of the Local Government Bill.

CARRIED

**8.2 MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE
MEETING HELD ON 18 OCTOBER 2017**

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/57478

Moved: Cr del Porto

Seconded: Cr Long

That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 18 October 2017.

CARRIED

NOTE: Item 8.2 was **CARRIED** as part of a block motion.

9. Reports by Special Committees

9.1 MINUTES OF THE GALLERY@BACC BOARD MEETING HELD ON 28 FEBRUARY 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/54689

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 28 February 2018;
2. adopts the following recommendations of the Gallery@BACC Board meeting of 28 February 2018:

Item 6.1 – Review of the Gallery@BACC Board Charter and Instrument of Delegation

That the Gallery@BACC Board:

1. Supports the process for the acquisition of Public Art, and acknowledges the Board's involvement in the selection of public art through the following process stages:
 - Stage 5 - Two representatives of the Gallery Board (based on the availability of Board members to be present at each meeting) and rotated where possible for ongoing projects, be part of the Public Art Project Team to access the EOI's and selected the preferred submissions.
 - Stage 9 – The Gallery board to confirm the preferred submission for Public Art installation and recommend the Public Arts' accession.
2. recommends to Council that the Gallery@BACC Board be renamed to the Bayside Arts and Culture Board to acknowledge the additional roles and responsibilities associated with Arts and Culture;
3. recommends to Council that the Arts and Culture Advisory Committee be dissolved as from 1 July 2018 and current members of the Arts and Culture Advisory Committee be encouraged to apply for the two additional positions on the Board; and
4. recommends to the Council that the amended Charter and the Instrument of Delegation be adopted to reflect the following changes:
 - Change of name to the Bayside Arts and Culture Board;
 - Number of Ordinary Members increased to 10 members;
 - Ordinary Members when appointed will be for a full three year term; and
 - inclusion of the appointment of the Chairperson process.

Item 6.5 – Public Art Future Sites Review.

That the Gallery@BACC Board recommends to Council that a Public Art Strategy be developed to outline the future direction for Public Art in Bayside with a view to encourage easily accessible public art works.

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 10.3 Proposed Suburb Name Change of a portion of Cheltenham to be known as Pennydale

1. Mr Derek Screen
2. Mrs Fiona Oliver-Taylor
3. Dr Rob Saunders
4. Mr Greg Scott

Item 10.5 Carbon Neutrality Action Plan 2018-2020

1. Mr David Williams
2. Mr Viresh Rataneyeke
3. Mr Alan Pears

Item 10.10 Early Years Infrastructure Plan

1. Ms Carol Every
2. Ms Nicki Gobbo
3. Mr Basil Tambanis

Item 10.11 Planning Scheme Amendment C153 – Managing Flood Risk in Bayside

1. Mr George Reynolds
2. Mr Kevin Spencer
3. Mr Michael Kearney

Item 10.14 January 2018 Financial Report

1. Mr George Reynolds

Item 10.22 Recreation and Events Policies – Review

1. Mr Kevin Spencer

Item 10.25 Review of the Gallery@BACC Board Charter and Instrument of Delegation and Renaming of the Board

1. Mr Kevin Spencer

10.1 RESILIENT MELBOURNE

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/18/106 – Doc No: DOC/18/5821

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

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. Does not continue with the annual membership of the Resilient Melbourne Project but does continue to work with the Resilient Melbourne Project on issues relevant to Bayside; and
2. Advises the Resilient Melbourne Project office of this decision.

CARRIED

10.2 PROPOSED SALE OF LAND 31 & 33 ORLANDO ST, HAMPTON AND 49 & 51 BEACH ROAD HAMPTON

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/16/201819

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

Moved: Cr Long

Seconded: Cr Castelli

That in accordance with Section 189 of the *Local Government Act 1989* Council resolves to:

1. Commence the statutory procedures to sell the land described as lots 1,2,3 and 4 on PS801384N (Land), as shown in Attachment 1, to the property owners of 31 and 33 Orlando Street and 49 and 51 Beach Road in Hampton by private treaty in accordance with Council Policy;
2. Give Public Notice of the proposed sale of the Land in the appropriate newspaper and on Council's website, in accordance with Sections 82A, 189 and 223 of the Local Government Act 1989;
3. If no submissions are received following the publication of the Public Notice, authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the sale of the Land including the execution of all relevant documentation, and
4. In the event submissions are received, a further report will be presented 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 consider any submissions received at a meeting to be held on Wednesday, 16 May 2018 at 6:30 pm in the Council Chambers, Boxshall Street Brighton in relation to the proposed sale.

CARRIED

**10.3 PROPOSED SUBURB NAME CHANGE OF A PORTION OF
CHELTENHAM TO BE KNOWN AS PENNYDALE**

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/52373

It is recorded that Mr Derek Screen, Mrs Fionna Oliver-Taylor, Dr Rob Saunders, and Mr Greg Scott spoke for three minutes each on this item.

Moved: Cr Long

Seconded: Cr Castelli

That Council:

1. supports the naming proposal of Pennydale within the area bounded by Frankston Railway Line, Bay Road, rear of residential properties abutting the west side of Jack Road (both sides), and Park Road;
2. submits the naming proposal for the proposed name of Pennydale for the area bounded by Frankston Railway Line, Bay Road, rear of residential properties abutting the west side of Jack Road (both sides), and Park Road to the Office of Geographical Names for the Registrar's consideration; and
3. advises the first name petitioners of Council's decision in this matter.

CARRIED

10.4 PORT PHILLIP BAY ENVIRONMENTAL MANAGEMENT PLAN 2017-2027

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/18/106 – Doc No: DOC/18/1645

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

Moved: Cr Martin

Seconded: Cr del Porto

That Council notes the work and involvement of agencies and Bayside City Council in managing Port Phillip Bay.

CARRIED

10.5 CARBON NEUTRALITY ACTION PLAN 2018-2020

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/18/108 – Doc No: DOC/18/11068

It is recorded that Mr David Williams, Mr Viresh Rataneyeke, and Mr Alan Pears spoke for three minutes each on this item.

Moved: Cr Martin

Seconded: Cr del Porto

That Council:

1. Adopts the Carbon Neutrality Action Plan 2018-2020 (Attachment 1);
2. Reports on progress of the Carbon Neutrality Action Plan 2018-2020 at a Council meeting in the first half of 2019, including the feasibility of battery technologies for power storage; and
3. Thanks all stakeholders and community members for their valuable input and feedback which has informed the finalisation of this document, and continues to work with the Bayside Climate Change Action Group and other key stakeholders.

CARRIED

10.6 HIGHETT STRUCTURE PLAN REVIEW - DRAFT STRUCTURE PLAN

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/18/51901

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

Moved: Cr del Porto

Seconded: Cr Castelli

That Council endorses the Draft Highett Structure Plan for the purposes of community consultation and engagement.

CARRIED

10.7 BUSHLAND STRATEGY REVIEW INCLUDING CONSIDERATION OF THE BIODIVERSITY ACTION PLAN (BAP)

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/45725

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

Moved: Cr del Porto

Seconded: Cr Castelli

That Council defer consideration of the draft Bayside Biodiversity Action Plan, incorporating the review of the Bushland Strategy, to a future meeting in 2018 after finalising a number of matters with Parks Victoria.

CARRIED

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

10.8 POLICY UPDATE: WORKS ON ASSETS WITHIN THE ROAD RESERVE POLICY AND BLUESTONE REPLACEMENT POLICY

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/18/97 – Doc No: DOC/18/46030

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

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. Adopts the Road Reserve Bluestone Replacement Policy (2018) and Works on Assets within the Road Reserve Policy (2018);
2. Rescinds the Discharge of Pumped Subterranean Drainage Policy (2012); Vehicle Crossing Policy (2017); Nature Strip Planting Policy (2014); and
3. Notes that guideline documents (Subterranean Drainage Guideline, Vehicle Crossing Guideline and Naturestrip Planting Guideline) will be developed and published.

CARRIED

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

**10.9 PLANNING SCHEME AMENDMENT C155 - POTENTIALLY
CONTAMINATED LAND IN BAYSIDE**

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/47329

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

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. Adopts Amendment C155;
2. Writes to the Minister for Planning requesting approval of Amendment C155; and
3. Writes to all submitters to inform them of Council's decision.

CARRIED

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

10.10 EARLY YEARS INFRASTRUCTURE PLAN

City Planning & Community Services - Community Services
File No: PSF/18/100 – Doc No: DOC/18/47335

It is recorded that Ms Carol Every, Ms Nicki Gobbo, and Mr Basil Tambanis spoke for three minutes each on this item.

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. receives and notes this report;
2. approves the immediate demolition of the Janet Mundy kindergarten;
3. notes the community consultation process; and
4. receives an Early Years Infrastructure Plan in August 2018.

CARRIED

10.11 PLANNING SCHEME AMENDMENT C153 - MANAGING FLOOD RISK IN BAYSIDE - PLANNING PANEL RECOMMENDATIONS

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/49123

It is recorded that Mr George Reynolds, Mr Kevin Spencer, and Mr Michael Kearney spoke for three minutes each on this item.

Moved: Cr Martin

Seconded: Cr Castelli

That Council:

1. Adopts Amendment C153;
2. Writes to the Minister for Planning requesting approval of Amendment C153; and
3. Writes to all submitters to inform them of Council's decision.

CARRIED

10.12 CHANGES IN THE RECYCLING AND WASTE MANAGEMENT INDUSTRY

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/18/108 – Doc No: DOC/18/50626

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

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. Authorises the Chief Executive Officer to negotiate a variation to the receipt of recyclables contract CON/12/69 for the 2017/18 financial year noting that the financial impact is likely to be up to \$900,000; and
2. Confirms its commitment to developing procurement models for advanced waste treatment facilities in collaboration with the Metropolitan Waste and Resource Recovery Group (MWRRG).

CARRIED

10.13 SYRINGE COLLECTION AND DISPOSAL CENTRE - BRIGHTON

City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/53198

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

Moved: Cr del Porto

Seconded: Cr Martin

That Council notes that a new syringe collection receptacle is no longer required to be installed on the exterior of the Brighton Chamber building on the basis that need appears to be satisfied by existing facilities.

CARRIED

NOTE: Item 10.13 was **CARRIED** as part of a block motion.

10.14 JANUARY 2018 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/18/44217

It is recorded that Mr George Reynolds spoke for three minutes on this item.

Moved: Cr Long

Seconded: Cr Heffernan

That Council notes the operating and capital financial report for seven months to 31 January 2018.

CARRIED

**10.15 2018 AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA)
NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/43299

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. approves the attendance of Cr Castelli and Cr Long at the ALGA National Assembly to be held in Canberra from 17 – 20 June 2018; and
2. submits the following motion to the National General Assembly:

Recycling

That the National General Assembly calls on the Australian Government to:

- Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
- Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;
- Financially support regional waste management solutions for advanced alternative waste treatment and processing;
- Ensure government and industry procurement and tenders specify the use of products with recycled content, minimal packaging and repair;
- Develop a national Circular Economy Strategy to develop markets for recyclable products.

CARRIED

10.16 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL - CALL FOR MOTIONS

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/57261

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council submits the following motion to the MAV State Council meeting to be held on 18 May 2018:

Motion 1 - Graffiti

That the MAV:

1. advocates to the State Government to increase the available police resources, penalties and programs to improve the enforcement of graffiti offences; and
2. advocates to the State Government to implement relevant changes to ensure organisations such as public utilities implement timely and effective graffiti clean-up as a matter of priority.

Motion 2 – Creating a sustainable recycling system in Victoria

That the MAV, call upon the State Government to:

- Work with other States and the Federal government to create a sustainable system for recyclables in Australia to minimise the impacts of changes in global markets.
- Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
- Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;

Motion 3 - Providing alternatives to landfill in Victoria

That the MAV, call upon the State Government to financially support regional waste management solutions for advanced alternative waste treatment and processing solutions that:

- Minimise waste to landfill
- Minimise transport distances for municipal residual wastes, particularly in the south eastern metropolitan region of greater Melbourne where transport distances to landfills are excessive.

CARRIED

NOTE: Item 10.16 was **CARRIED** as part of a block motion.

10.17 CONTRACT CON/17/106 REDEVELOPMENT CHELTENHAM PARK PAVILION

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/23355

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards Contract CON/17/106 Redevelopment of Cheltenham Park Pavilion to Stokes Rousseau Pty Ltd for the lump sum price of \$2,263,976.00 (excl. GST) and \$2,490,373.60 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/17/106 Cheltenham Park Pavilion Redevelopment; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

**10.18 CONTRACT CON/18/18 PLAYGROUND IMPROVEMENT PROGRAM
2017/18 CONSTRUCTION**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/22885

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards Contract CON/18/18 Construction of the Playground Improvement Program 2017/18 to UDL Group Pty Ltd for the lump sum price of \$ 1,142,200 (excl. GST) and \$1,256,420 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/18 Construction of the Playground Improvement Program 2017/18; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

**10.19 CONTRACT CON/18/8 CONSTRUCTION OF FOUR RAISED HUMPS /
PEDESTRIAN CROSSINGS AT MALE AND CHURCH STREETS
ROUNDAABOUT, BRIGHTON**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/22863

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. Awards Contract CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings at the Male and Church Streets Roundabout, Brighton to Metroplant and Civil Services for the lump sum price of \$349,814.00 (excl. GST) and \$384,795.40 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings at the Male and Church Streets Roundabout, Brighton; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

10.20 CON1837 - PROCUREMENT AUSTRALIA PANEL OF SUPPLIERS FOR RECRUITMENT SERVICES

Corporate Services - Corporate Services
File No: PSF/18/104 – Doc No: DOC/18/54916

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council accepts the recommendation from Procurement Australia in relation to tender 1912/0618 and authorises the use of the following suppliers:

- Permanent Recruitment – Entry/Middle/Senior (Category 2)
- Permanent Recruitment – Executive (Category 1)
- Temporary Recruitment – All (Category 3)

until 31 December 2018 including the possibility of two (2) one (1) year extensions at the schedule of rates submitted to Procurement Australia.

CARRIED

NOTE: Item 10.20 was **CARRIED** as part of a block motion.

10.21 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/54667

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council notes the Council Action Awaiting Report.

CARRIED

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

10.22 RECREATION AND EVENTS POLICIES - REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/41043

It is recorded that Mr Kevin Spencer spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. Rescinds the Sportsground Allocation Policy (2012) Attachment 1;
2. Rescinds the Use of Council Reserves for Commercial Purposes Policy (2012) Attachment 2; and
3. Amends the 2016 Events in Public Places Policy with the 2018 version referred to as Attachment 4 in the report.

CARRIED

10.23 RESCISSION OF BAYSIDE GAMING MACHINES POLICY 2010

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/41435

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

Moved: Cr Long

Seconded: Cr Castelli

That Council defer the consideration of this item until the May meeting cycle.

CARRIED

10.24 REVIEW OF THE AUDIT COMMITTEE CHARTER AND RENAMING OF THE COMMITTEE.

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55217

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

Moved: Cr Long

Seconded: Cr Castelli

That Council:

1. renames the Audit Committee to the Audit and Risk Management Committee; and
2. adopts the changes to the Charter as recommended by the Audit Committee at its meeting on 14 February 2018.

CARRIED

10.25 REVIEW OF THE GALLERY@BACC BOARD CHARTER AND INSTRUMENT OF DELEGATION AND RENAMING OF THE BOARD

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/55317

It is recorded that Mr Kevin Spencer spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. renames the Gallery@BACC Board, to the Bayside Arts Board;
2. adopts the changes to the Charter and Instrument of Delegation as recommended by the Gallery@BACC Board at its meeting on 28 February 2018; and
3. dissolves the Arts and Culture Advisory Committee as at 1 July 2018 noting the expanded role and responsibilities are included in the Charter of the Board, and Council acknowledges the commitment and achievement of the Arts and Culture Advisory Committee of the past two years.

CARRIED

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to bring forward Item 13.2 prior to the consideration of Item 10.26 on tonight's agenda at this stage of the meeting.

CARRIED

**13.2 NOTICE OF MOTION - 270 - REMOVAL AND REPLACEMENT OF TREES
ALONG ST KILDA STREET**

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55315

Moved: Cr del Porto

Seconded: Cr Castelli

That Council grant Cr del Porto leave to amend Notice of Motion No. 270.

CARRIED

Moved: Cr del Porto

Seconded: Cr Heffernan

"That Council only remove and replace trees in St Kilda Street which have been identified as obstructing sight lines for vehicles and cyclists or are of very poor health."

CARRIED

10.26 ST KILDA STREET TREE REPLACEMENT PROJECT

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/55344

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

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council, having regard to Item 13.2 Notice of Motion number 270 which was dealt with earlier in the meeting, notes the report on the St Kilda Street Tree Replacement Program.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Mayor Cr Laurence Evans advised that the Association of Bayside Municipalities have not met since the previous meeting.
2. **MAV Environment Committee** – Director Environment, Recreation and Infrastructure Services advised that a meeting was held on 1 March 2018 and attended by the Manager sustainability and Transport. A number of presentations were made at the meeting in relation to the recent inquiry into the EPA, Green Fleet Program and the Recycling crisis across Victoria.
3. **Metropolitan Transport Forum** – Cr Clarke Martin advised the meeting that he has resumed a seat on the Executive of the Metropolitan Transport Forum. Cr Martin indicated that the City of Kingston are conducting a public forum on public transport with a view to bringing the issue of public transport to the forefront leading into a state election campaign.
4. **Municipal Association of Victoria** – Cr Alex del Porto advised the MAV have not had a meeting since the October State Assembly.
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Laurence Evans advised the Forum has not met.
6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan advised the Forum has not met.

Moved: Cr Long

Seconded: Cr Castelli

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

13.1 NOTICE OF MOTION - 269 - FLASHING LIGHTS AT NEW STREET AND BENT AVENUE ROUNDABOUT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55310

Moved: Cr del Porto

Seconded: Cr Heffernan

“That Council consider installing flashing light pedestrian crossing at the New Street and Bent Avenue roundabout to improve the safety of pedestrians.”

CARRIED

13.2 NOTICE OF MOTION - 270 - REMOVAL AND REPLACEMENT OF TREES ALONG ST KILDA STREET

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55315

It is recorded that Notice of Motion 270 was dealt with earlier in the meeting.

14. Confidential Business

Moved: Cr Long

Seconded: Cr del Porto

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

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

CARRIED

Table of Contents

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 19 FEBRUARY 2018

(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

14.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 15 MARCH 2018

(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.55pm

CONFIRMED THIS INSERT 24 DAY OF APRIL 2018

CHAIRPERSON:

