Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre, Boxshall Street Brighton
on Tuesday 22 August 2017

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Adrian Robb Chief Executive Officer
Mick Cummins Director Corporate Services
Hamish Reid Director City Planning and Community Services
Steven White Director Environment, Recreation and Infrastructure
Paulina Xerri Executive Manager Communications, Customer and Cultural Services
Leanne Ansell-McBride Executive Manager Strategy and Performance
Damien Van Trier Manager Open Space, Recreation and Wellbeing
Juliana Aya Acting Manager Urban Strategy
Brett Turner Manager Building Surveying
Karyn Siegmann Manager Library Services
Terry Callant Governance Manager
Karen Brown Governance Coordinator
Mandy Bartlett Governance Officer
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The Mayor declared the meeting open at 7pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Mayor invited Cr Evans to read the prayer.

1. **Prayer**

Cr Evans 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 Heffernan to read the acknowledgement of the original inhabitants of this land.

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

3. **Apologies**

There were no apologies submitted to the meeting.

It is recorded that Councillor Michael Heffernan declared he will be taking leave of absence for a short period of time. The specific dates have been forwarded to the Manager Governance. During this time Cr Heffernan will suspend his Councillor Allowance. It should be noted that there are no formal Council or Committee meetings to be held during Cr Heffernan’s absence.

4. **Disclosure of any Conflict of Interest of any Councillor**

It is recorded that Councillor Laurence Evans declared an Indirect Interest due to conflicting duties in Item 10.6 – Annual Community Grants Program.
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 25 July 2017.

Moved: Cr Long
Seconded: Cr Martin
That the minutes of the Ordinary meeting of Bayside City Council held on 25 July 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, 4 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. **Mr George Reynolds (present in the Chamber)**

Mr Reynolds’s first question relates to the Vegetation Protection Overlay and he asks:

a) Why does Council require a planning permit to remove trees on private land when similar trees are being removed without a permit on Council land, and

b) Why is Council not prosecuting the responsible persons, for removing trees unlawfully, in the manner of recent prosecutions for the well-publicised tree removal in White Street, Beaumaris?

**Response by the CEO**

a) **All tree removals in the Vegetation Protection Overlay require a planning permit unless an exemption applies.** Council is only exempt from planning permit requirements when a tree is pruned or removed for safety and/or maintenance purposes.

   The tree at 42 Hotham Street, Beaumaris was assessed as having major limbs low over the road and a decline in structure due to multiple vehicle impacts. With no pruning option that would enable the tree to remain healthy and stable tree removal was undertaken under the maintenance exemption mentioned above. Council has planted two replacement trees in the nature strip fronting 42 Hotham St, Beaumaris.

b) **All reported incidents of illegal tree removal, where the trees are protected by either the Bayside Planning Scheme Vegetation Protection Overlay or the Local Law, are investigated.**

   In some circumstances, there is insufficient evidence available to support a prosecution. Where sufficient evidence is available, the offender may either be prosecuted, receive an ‘on the spot’ fine or warning depending on the facts and circumstances of each individual case.
2. Mr Kevin Spencer (not present in the Chamber)
3. Mr Kevin Spencer (not present in the Chamber)

It is recorded that Mr Spencer was not present in the Chamber therefore Mr Spencer’s questions were not read out at the meeting and are not recorded in the minutes in accordance with Section 65 (15) of the Governance Local Law.

4. Mr Shane Peters (present in the Chamber)

Mr Peter’s question relates to netball and he asks:

In a decade by decade breakdown, what has been the investment in netball over the past 35 years?

Response by the Mayor

Investment details in netball over the past 35 years are currently unknown and it would require significant investigative resources to ascertain.

In 2010 the outdoor courts at the Thomas Street Netball Centre were resurfaced and lighting installed at a cost of $228,946. Council contributed $208,946 to complete these works and has continued to invest funds while maintaining the indoor court facility, existing car park and demolishing the adjacent Thomas Street Scout Hall to provide additional car parking.

Council’s four year capital works program includes an allocation of $7.2 million towards the provision of new netball facilities in Bayside.
7. Petitions to Council

There were no Petitions submitted to the meeting.

8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 9 AUGUST 2017

Moved: Cr Grinter
Seconded: Cr Castelli

That Council:
1. notes the minutes of the Audit Committee held on 9 August 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 recommends to Council that a letter under the seal of Council be presented to Dr A J Purcell in recognition of his outstanding contribution to the Audit Committee over the past 6 years.

9.8.1.2016/17 Annual Report of the Audit Committee

That the Audit Committee:
1. notes the content of the draft 2016/17 Audit Committee Annual Report subject to minor editorial changes;
2. presents the Audit Committee Annual Report to Council; and
3. recommends to Council that the Audit Committee Annual Report be included in the 2016/17 Annual Report.

CARRIED
8.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 31 JULY 2017

Moved: Cr Heffernan
Seconded: Cr Grinter

That Council notes the minutes of the Chief Executive Officer’s Employment Matters Committee held on 31 July 2017;

CARRIED

8.3 MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 21 JUNE 2017

Moved: Cr Castelli
Seconded: Cr Long

That Council:

1. notes the minutes of the Arts and Culture Advisory Committee meeting held on 21 June 2017; and

2. adopts the recommendation of the Arts and Culture Advisory in relation to the following matter:

   Item 6.2 – Design competition for seating under the Cork Tree Brighton Cultural Precinct

   That the Advisory Committee notes the report on the design competition for seating under the Cork tree at the Brighton Cultural Precinct and recommends to Council that the competition for public seating under the tree not be pursued given the significant impact that the seat would have on the health of the significant tree.

CARRIED
9. Reports by Special Committees

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

10. Reports by the Organisation

REQUESTS TO BE HEARD:

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

**Item 10.1  Future Provision of Netball Facilities – Site Assessment Outcomes**

1. Ms Kris Pierce
2. Mr George Reynolds
3. Ms Elizabeth Walsh
4. Ms Felicity Frederico
5. Mrs Jill Esplan
6. Mr Ian Wood
7. Mrs Lesley Falloon OAM
8. Ms Sally Dewis

**Item 10.2  Response to Petition – Inappropriate Development in Hampton East**

1. Mrs Soula Lakrindis
2. Mr Bruno De Michelis
3. Mrs Motoko Iida
4. Dr Mark McGee
5. Miss Maddy Hogan
6. Mrs Barbara Kraska (via proxy Mr Bruno De Michelis)
7. Mr Philip Callil
8. Mr Adam Kraska (via proxy Mr Bruno De Michelis)
9. Ms Anne-Marie Quarrell
10. Mr David Hughes
10.1 FUTURE PROVISION OF NETBALL FACILITIES - SITE ASSESSMENT OUTCOMES

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/169957

It is recorded that Ms Kris Pierce, Mr George Reynolds, Ms Elizabeth Walsh, Ms Felicity Frederico, Mrs Jill Esplan, Mr Ian Wood, Mrs Lesley Falloon OAM spoke for three minutes each in relation to this item.

It is recorded that Ms Sally Dewis was not present in the Chamber at the time her name was called to speak to this item.

Moved: Cr Grinter Seconded: Cr Castelli

That Council:

1. Identifies the Sandringham Golf Driving Range as its preferred site for two indoor and 12 outdoor netball centre;

2. Undertakes further planning work to establish the feasibility of establishing a netball centre on the site of the Sandringham Golf Driving Range;

3. Explores opportunities for external funding and advocates for external funding to establish a netball centre;

4. Receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range; and

5. Advise members of the Project Reference Group on the outcomes of this report.

Amendment

Moved: Cr Long Seconded: Cr Martin

That Council:

1. Identifies the Sandringham Golf Driving Range as its preferred site for three indoor and 15 outdoor netball centre;

2. Undertakes further planning work to establish the feasibility of establishing a netball centre on the site of the Sandringham Golf Driving Range;

3. Explores opportunities for external funding and advocates for external funding to establish a netball centre;

4. Receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range; and

5. Advise members of the Project Reference Group on the outcomes of this report.
The Amendment was PUT and a **DIVISION** was called:

**DIVISION:**  **FOR:**  Crs Laurence Evans, James Long, Michael Heffernan, Clarke Martin and Sonia Castelli (5)
**AGAINST:**  Crs Alex del Porto (Mayor) and Rob Grinter (2)

**CARRIED**

The Amendment then became the Motion and the Motion was PUT.

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

**DIVISION:**  **FOR:**  Crs Alex del Porto (Mayor), Laurence Evans, James Long, Michael Heffernan, Clarke Martin, Rob Grinter and Sonia Castelli (7)
**AGAINST:**  Nil (0)

**CARRIED**

Moved: Cr Grinter  
Seconded: Cr Evans

That the Deputy Mayor, Cr Long temporarily replace the Mayor, Cr del Porto as the Chair.

**CARRIED**

_Councillor del Porto (Mayor) left the Meeting at 8:40 pm_
10.2 RESPONSE TO PETITION - INAPPROPRIATE DEVELOPMENT IN HAMPTON EAST

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/173696

Councillor Castelli left the Meeting at 8:40 pm
Councillor Grinter left the Meeting at 8:48 pm
Councillor Grinter returned to the Meeting at 8:50 pm

It is recorded that Mrs Soula Lakrindis, Mr Bruno De Michelis, Mrs Motoko Iida, Dr Mark McGee, Miss Maddy Hogan, Mrs Barbara Kraska (via proxy Mr Bruno De Michelis), Mr Philip Callil, Mr Adam Kraska (via proxy Mr Bruno De Michelis), Ms Anne-Marie Quarrell, and Mr David Hughes spoke for three minutes each on this item.

Moved: Cr Castelli Seconded: Cr Grinter
That Council write to the head petitioner and advise of the content of this report as its response.

CARRIED

Moved: Cr Evans Seconded: Cr Martin
That the Mayor, Cr del Porto resume his seat as the Chair.

CARRIED

Councillors del Porto (Mayor) and Castelli returned to the Meeting at 8:44 pm
10.3  BRIGHTON SECONDARY COLLEGE SYNTHETIC HOCKEY FACILITY - MANAGEMENT COMMITTEE FINANCIALS UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/100863

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

Moved: Cr Long  Seconded: Cr Grinter

That Council receives a further report no later than July 2018 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.

CARRIED
10.4 INTEGRATED TRANSPORT STRATEGY 2013 - IMPLEMENTATION PROGRESS DURING 2016/17

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/163429

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

Moved: Cr Martin Seconded: Cr Long

That Council:

1. notes the actions taken to implement the Integrated Transport Strategy 2013 and the supporting suite of transport-mode strategies and plans during 2015/16; and


CARRIED
10.5 FLAMMABLE CLADDING TO BUILDINGS

City Planning & Community Services - Director City Planning and Community Services
File No: FOL/17/245 – Doc No: DOC/17/175252

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

Moved: Cr Long  Seconded: Cr Castelli
That Council notes the establishment of the Government appointed Victorian Cladding Taskforce and its role in overseeing a state-wide audit of the non-compliant use of wall cladding.

CARRIED
10.6 ANNUAL COMMUNITY GRANTS 2017/18

Environment, Recreation & Infrastructure - Recreation
File No: PSF/17/65 – Doc No: DOC/17/159910

It is recorded that Cr Evans declared an Indirect Interest because of conflicting duties in this item given he is a board member of Fairways Hostel which has a funding application for consideration in this item. It is further recorded that Cr Evans vacated the meeting at 10:08pm prior to any discussion on this item.

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

Moved: Cr Long
Seconded: Cr Castelli

That Council allocates the 2017/18 Annual Community Grants recipients as outlined in Attachment 1.

CARRIED

It is recorded that Cr Evans was not present in the Chamber during discussion of this item and was not present whilst the vote was taken on this item. Councillor Evans returned to the Meeting at 10:12pm.
10.7 SOUTH-EAST REGIONAL WASTE MANAGEMENT GROUP
ENVIRONMENTAL ASSURANCE FUND

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/164037

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

Moved: Cr Heffernan Seconded: Cr Long

That Council authorises the Chief Executive Officer to advise the Metropolitan Waste and Resource Recovery Group that Council:

1. agrees to close the Environmental Assurance Fund;

2. agrees to amend Clause 18.1 (e) of the trust deed to include distribution of the Environmental Assurance Fund to the council’s landfill operators; and

3. endorses the Metropolitan Waste and Resource Recovery Group to distribute the monies held by the Environmental Assurance Fund as at 30 June 2017 less any wind up and administration costs; and that the distribution be undertaken in accordance with the proportions established and outlined in Attachment 1.

CARRIED
10.8  AMENITY PROTECTION SERVICE REVIEW

City Planning & Community Services - Amenity Protection
File No: FOL/16/6293 – Doc No: DOC/17/174764

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

Moved: Cr Long  Seconded: Cr Martin
That Council notes the report on the Amenity Protection Service Review.

CARRIED
10.9 CON/17/60 DENDY PARK GROUND STABILISATION AND REDEVELOPMENT - STAGES FOUR AND FIVE

Environment, Recreation & Infrastructure - City Assets & Projects

File No: PSF/17/74 – Doc No: DOC/17/125170

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

Moved: Cr Grinter          Seconded: Cr Long

That Council:

1. Awards contract CON/17/60 Dendy Park Ground Stabilisation and Redevelopment Stages four and five to Contek Constructions Pty Ltd for the lump sum price of $1,804,808.09 (excel. GST) and $1,985,288.90 (incl GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/60 Dendy Park Ground Stabilisation and Redevelopment Stages four and five; and

3. Advises the unsuccessful tenderers accordingly.

CARRIED
10.10 REPORT ON PROCUREMENT AUSTRALIA CONTRACT 1906/0836
LIBRARY COLLECTIONS, FURNITURE, EQUIPMENT AND
ASSOCIATED REQUIREMENTS

Communications, Customer & Cultural Services - Library Services
File No: FOL/11/3537 – Doc No: DOC/17/120002

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

Moved: Cr Martin       Seconded: Cr Long

That Council:

1. approves the following suppliers as contractors for the provision of library collections, furniture and equipment for the libraries over the next four years:

   Category 1 Printed material - English
   - James Bennett Pty Ltd

   Category 3 Large Print materials
   - Bolinda Publishing Pty Ltd

   Category 4 Printed Magazines and newspapers
   - EBSCO
   - iSubscribe Pty Ltd

   Category 6 Digital Collections – English and LOTE
   - Bolinda Digital Pty Ltd
   - OverDrive

   Category 9 Full shelf ready services
   - D&THaroutunian
   - Lewis Logic

   Category 11 Library Management System
   - Civica Pty Ltd

   Category 12 RFID
   - F E Technologies

   Category 13 Library furniture, shelving and associated products
   - CEI Pty Ltd (Raeco)
   - Intraspace Pty Ltd
   - SANZAP Pty Ltd; and

2. authorises the Chief Executive Officer to sign all necessary documentation to access the above suppliers from Procurement Australia.

CARRIED
10.11 EXTENSION OF CONTRACT NO: 080976 MANAGEMENT AND OPERATION OF STREET SWEEPING AND SHOPPING CENTRE CLEANING SERVICES AND CONTRACT NO: 080977 MANAGEMENT AND OPERATION OF INFRASTRUCTURE MAINTENANCE SERVICES TO CITYWIDE SERVICE SOLUTIONS PTY LTD

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/158443

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

Moved: Cr Grinter
Seconded: Cr Long

That Council authorises the Chief Executive Officer or his delegate to extend the following contracts with Citywide Service Solutions Pty Ltd for the period of 3 March 2018 to 2 March 2019 in accordance with the terms of the current contracts for:

1. Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976, and


NOTE: Item 10.11 was CARRIED as part of a block motion.
10.12 NAMING OF A LANEWAY BETWEEN NEPEAN HIGHWAY, THOMAS STREET AND CENTRE ROAD EAST BRIGHTON

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/178269

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

Moved: Cr Heffernan  Seconded: Cr Martin

That Council:

1. approves the use of the name ‘Luxe Lane” for the laneway between Nepean Highway, Thomas Street and Centre Road;

2. advises the Registrar of Geographical Names of Council decision;

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

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

CARRIED
10.13 MELBOURNE METROPOLITAN PARTNERSHIPS

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

Moved: Cr Grinter
Seconded: Cr Long

That Council notes the report on the establishment of the Inner South-East Metropolitan Partnership and receives a further report on the outcomes of the 30 August 2017 Annual Assembly.

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

CARRIED
10.14 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/178609

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

Moved: Cr Grinter
Seconded: Cr Long

That Council notes the Council Action Awaiting Report.

NOTE: Item 10.14 was CARRIED as part of a block motion.
11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans reported on his attendance at the ABM meeting on Wednesday 25 July. Key discussions at this meeting were around the production and distribution of the Bay Blueprint 2070, leadership and advocacy on banning of single-use plastic bags, and Mornington Peninsula Shire’s request for support from the ABM to advocate to the State Government for appropriate funding for repairs to State owned or controlled jetties and piers.

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

3. **Metropolitan Transport Forum** – Cr Clarke Martin reported that the monthly executive meeting of the forum is scheduled for 25 October 2017 at Melbourne Town Hall. Key issues tabled for discussion include improvements to bus services.

4. **Municipal Association of Victoria** – The Mayor Cr Alex del Porto advised nothing further to report.

5. **Inner South Metropolitan Mayors’ Forum** – The Mayor Cr Alex del Porto reported that the ISMMF are currently looking at regional issues impacting member Councils such as mandatory height controls, transport, and open space. The Forum is looking at a combined strategic approach to address shared issues more effectively.

6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan reported on his attendance at the Forum. The meeting focused on unlawful tips, illegal dumping, and a proposed ban on e-waste to come into effect in 2018. There was also discussion around alternative waste arrangements in place at other Councils around the world.

**Moved:** Cr Grinter  
**Seconded:** Cr Long  
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 that may prejudice the Council or any person.

CARRIED

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14.1 BAYSIDE BUILT ENVIRONMENT AWARDS 2017 - JUDGING PANEL RECOMMENDATIONS

(LGA 1989 Section 89(2)(h) matters which the Council considers would prejudice the Council or any person.)

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 10:55pm.

CONFIRMED THIS INSERT 19 DAY OF SEPTEMBER 2017

CHAIRPERSON: .................................