



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 24 October 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
Hamish Reid	Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure
Leanne Ansell-McBride	Executive Manager Strategy and Performance
Bill Shanahan	Manager Finance
Damien Van Trier	Manager Open Space, Recreation and Wellbeing
Joan Andrews	Manager Community Services
Ken Bott	Manager Sustainability and Transport
Juliana Aya	Acting Manager Urban Strategy
Jacqui Goy	Community Wellbeing Coordinator
Terry Callant	Governance Manager
Karen Brown	Governance Coordinator
Mandy Bartlett	Governance Officer

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	Nil	

The Mayor declared the meeting open at 7pm and advised members of the public gallery that the Council meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

The Mayor invited Cr Heffernan to read the prayer.

1. Prayer

Cr Heffernan 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

There were no apologies submitted to the meeting.

It is recorded that Cr Martin was not present at the commencement of the meeting and advised of his late arrival to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

- 5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 19 September 2017.

Moved: Cr Grinter

Seconded: Cr Long

That the minutes of the Ordinary meeting of Bayside City Council held on 19 September 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

- 5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 17 October 2017.

Moved: Cr Long

Seconded: Cr Evans

That the minutes of the Special meeting of Bayside City Council held on 17 October 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, 3 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

1. Ms Amanda Levi (present in the Chamber)

- a) Will council make the review of the prior DAMP publicly available (not just for access at the corporate office) prior to closing off commentary on the proposed 2017-21 DAMP in order for the public to provide informed and constructive commentary?
- b) Or does council/ council administration seek to conceal this report from the public until after closing the consultation period in November?

Response by the CEO

The draft Domestic Animal Management Plan 2017-21 was released for public consultation on 17 October 2017 together with an evaluation of the Domestic Animal Management Plan 2012-16. Both documents are currently displayed on Council's 'Have your Say' webpage.

2. Mr Kevin Spencer (present in the Chamber)

Apparently there are a number of high valued homes, some of which are heritage listed purchased by Bayside private schools, and of which are not being used for education purposes, with teachers care- taking the homes.

- a) Are the owners paying the appropriate council Rates on these homes?
- b) If not please explain why not?

Response by the Mayor

- a) *Properties purchased by private schools remain rateable until such time that the school confirms in writing that the purpose of the property has changed to educational use and therefore meets the definition of non-rateable under S154 of the Local Government Act.*
- b) *Council is not aware of any circumstances where a non-rateable property owned by a private school is not being used for educational purposes.*

3. Mr Kevin Spencer (present in the Chamber)

With the Beaumaris Sport's Club increasing costs, this speculative venture appears to be financially out of control.

- a) Why didn't Bayside Council carry out a thorough Due Diligence investigation prior to entering into contracts with this embryonic start up club?
- b) Explain Councils somewhat "Pie in the sky" statement that "It is expected that the club will generate an operating surplus once the facility is fully operational.

Response by the CEO

- a) *Council conducted a thorough analysis as evidenced by the 13 previous Council reports on the project and other Council reports relating to the loan guarantee. Some changes have occurred during the project that could not be anticipated that have resulted in the current financial position.*
- b) *The detailed profitable business model presented by the Beaumaris Sports Club was reviewed by Pitcher Partners Chartered Accountants and was considered along with a feasibility report from SKcorp hospitality consultants.*

7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

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

9. Reports by Special Committees

9.1 MINUTES OF THE GALLERY@BACC BOARD MEETING HELD ON 9 OCTOBER 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/220294

Moved: Cr Castelli

Seconded: Cr Long

That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 9 October 2017; and
2. adopts the following recommendations of the Gallery@BACC Board meeting of 9 October 2017:

Item 6.1 Acquisition Report

1. That the Gallery@BACC Board recommends to Council the following acquisitions to the Bayside Art and Heritage collection:
 - a) James Voller, *Little Boxes*, digiglass panels with photographic reproductions (Martin Street public art commission) Value \$70,000;
 - b) Robert Kelly, *Chinaman's Creek* 2016 oil and acrylic on canvas (Artwork) Value \$3,850;
 - c) Peter Kennedy, *Light as a Feather 2017*, glass tubing, cathodes, noble gas (neon light), plastic clips, acrylic painted MDF surface (Visual Arts Collection) Value \$20,000
2. That a narrative be produced on the Martin Street Public Art "Little Boxes" to provide context.

Item 6.2 Recruitment of Board Members

That the Gallery@BACC Board recommends to Council that two additional Board members be recruited to provide additional skill set on the Board.

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 10.1 Amendment C151 - Hampton East (Moorabbin) Structure Plan

1. Mrs Motoko Iida
2. Mr Bruno De Michelis
3. Mrs Rachel Lui
4. Mrs Barbara Kraska
5. Mr Adam Kraska
6. Mr David Hughes
7. Mr Philip Callil
8. Mr Chris Oliver-Taylor
9. Mr Michael Walton

Item 10.2 Amendment C150 - Retail, Commercial and Employment Strategy_2016

1. Mr Steve Evans

Item 10.12 Application To Safe Travel in Local Streets Grant Program

1. Mr Kevin Spencer

Item 10.15 Beaumaris Sports Club at Banksia Reserve - Update No. 14

1. Mr George Reynolds

Item 10.16 HMVS Cerberus - Heritage Works Permit Update

1. Mr John Rogers
2. Mr John Baragwanath
3. Mr Kevin Spencer
4. Mr Graeme Disney OAM JP

Item 10.17 August 2017 Financial Report

1. Mr George Reynolds

10.1 AMENDMENT C151 - HAMPTON EAST (MOORABBIN) STRUCTURE PLAN

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/211831

It is recorded that, Mrs Rachel Lui, Mrs Barbara Kraska, Mr Adam Kraska, Mr David Hughes, Mr Chris Oliver-Taylor, Mr Michael Walton, Mrs Motoko Iida, and Mr Bruno De Michelis spoke for three minutes each on this item.

It is recorded that Mr Philip Callil was not present in the Chamber at the time his name was called to speak on this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

1. Submit Amendment C151 for Precincts 1, 2 & 4 of the ACZ1 for Approval by the Minister for Planning in the form outlined in this report under Key Issues, Part 1 of this Council report; and
2. Following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing.

CARRIED

10.2 AMENDMENT C150 - RETAIL, COMMERCIAL AND EMPLOYMENT STRATEGY 2016

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/211830

It is recorded that Mr Steve Evans spoke for three minutes on this item.

It is recorded that Cr Martin entered the meeting at 7:56pm.

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. Requests the Minister for Planning appoints an independent Planning Panel to consider the submissions received to Amendment C150; and
2. Writes to all submitters to advise of Council's decision.

CARRIED

10.3 WELLBEING FOR ALL AGES AND ABILITIES STRATEGY 2017-2021

Environment, Recreation & Infrastructure - Recreation
File No: PSF/17/65 – Doc No: DOC/17/188216

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

Moved: Cr Long

Seconded: Cr Castelli

That Council:

1. Adopts the Wellbeing for All Ages and Abilities Strategy 2017-2021;
2. Includes a specific reference in the Action Plans to be developed in the areas of Early Years, Youth, Healthy Community and Healthy Ageing to define Council’s role in improving mental health, and these plans be presented in draft form to Council at its February 2018 meeting; and
3. Seeks feedback on the four Action Plans from Beyond Blue, Headspace and other relevant mental health organisations to ensure each plan includes the appropriate recognition and activities to improve the mental health of the Bayside community.

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



10.4 BRIGHTON BEACH BOWLS CLUB LOAN GUARANTEE

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/17/209500

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

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council:

1. resolves to act as loan guarantor for the Brighton Beach Bowls Club Inc for \$100,000 for a maximum of 9 years to assist with the funding of the replacement of the surface and installation of floodlights; and
2. approves the necessary loan guarantee documentation being signed and affixed with the Bayside City Council common seal.

CARRIED

10.5 EARLY YEARS INFRASTRUCTURE PLAN

City Planning & Community Services - Family Services
File No: PSF/17/71 – Doc No: DOC/17/192656

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

Moved: Cr Evans

Seconded: Cr Martin

That Council receives a further report including a draft Early Year's Infrastructure Plan at the March 2018 Council meeting.

CARRIED

10.6 YOUTH RESILIENCE SURVEY 2017

City Planning & Community Services - Community Services
File No: PSF/17/71 – Doc No: DOC/17/199705

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

Moved: Cr Long

Seconded: Cr Castelli

That Council notes the results of the 2017 Youth Resilience Survey, which will be an important document to inform the Wellbeing for All Ages and Abilities Strategy 2017 - 2021 Youth Action Plan.

CARRIED

10.7 BAYSIDE TOURISM NETWORK MEMBERSHIP 2017-2019

City Planning & Community Services - Urban Strategy
File No: FOL/17/435 – Doc No: DOC/17/217406

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

Moved: Cr Grinter

Seconded: Cr Long

That Council:

1. Reappoints to the Bayside Tourism Network the following renominating members each for a two year term:
 - Mr Jason Douglas
 - Mr David Elias
 - Ms Maureen Griffiths
 - Mr Stephen Le Page
 - Mr Michael Lee;
2. Appoints the following new members to the Bayside Tourism Network each for a two year term:
 - Ms Gair Miller
 - Mr Peter Brearley;
3. Thanks the retiring Bayside Tourism Network members for the contribution to the Bayside Tourism Network; and
4. Writes to the unsuccessful nominees to thank them for their interest in the Bayside Tourism Network.

CARRIED

**10.8 EXTENSION OF CONTRACT 091009 CORPORATE CLEANING SERVICE
- BLUEGUM SERVICES GROUP PTY LTD**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/173523

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

Moved: Cr Grinter

Seconded: Cr Castelli

That Council authorises the Chief Executive Officer or his delegate to extend the current Corporate Cleaning Services Contract No. 091009 with Bluegum Services Group Pty Ltd (ABN: 34 103 118 118) for the period 6 January 2018 to 5 January 2019 and to execute this in accordance with the terms of the current contract.

CARRIED

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

10.9 EXTENSION OF CONTRACT CON/14/69 BUILDING MAINTENANCE SERVICES - CAMPEYN GROUP PTY LTD

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/173590

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

Moved: Cr Grinter

Seconded: Cr Castelli

That Council authorises the Chief Executive Officer, or his delegate to extend the current Building Maintenance contract CON/14/69 with Campeyn Group Pty Ltd (ABN 33 006 818 051) for the period 1 July 2018 to 30 June 2021, in accordance with the provisions of the current contract.

CARRIED

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

10.10 CON/17/75 DALGETTY ROAD DRAIN RENEWAL BEAUMARIS

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/195382

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

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

1. Awards contract CON/17/75 Dalgetty Road Drain Renewal Beaumaris to Evergreen Civil Pty Ltd for the lump sum price of \$ 311,753.00 (excl. GST) and \$ 342,928.30 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/75 Dalgetty Road Drain Renewal Beaumaris; and
3. Advises the unsuccessful tenderers accordingly.

CARRIED

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

10.11 RECYCLING AND WASTE MANAGEMENT STRATEGIC SERVICE REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/210645

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

Moved: Cr Heffernan

Seconded: Cr Evans

That Council adopts the Recycling and Waste Management strategic service review and considers budget related items in its forthcoming budget process, in accordance with the review's recommendations.

CARRIED

10.12 APPLICATION TO SAFE TRAVEL IN LOCAL STREETS GRANT PROGRAM

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/212503

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

Moved: Cr Heffernan

Seconded: Cr Long

That Council:

1. Supports an application for State government funding from the Safe Travel in Local Streets Program for the implementation of raised zebra crossings at the roundabouts in the Church and Bay Streets Activity Centres; and
2. Refers an allocation of \$200,000 to both the 2018/19 and 2019/20 Active Transport Facility Improvement Program as part of the capital works budget deliberations to match the proposed contribution from the State government, if successful in the grant application process.

CARRIED

**10.13 INNER SOUTH-EAST METROPOLITAN PARTNERSHIP - 30 AUGUST
2017 ANNUAL ASSEMBLY**

CEO - CEO

File No: PSF/17/75 – Doc No: DOC/17/219633

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

Moved: Cr Castelli

Seconded: Cr Long

That Council notes this report on the 2017 Annual Assembly of the Inner South-East Metropolitan Partnership.

CARRIED

**10.14 COUNCIL SUBMISSION TO THE SOCIAL HOUSING RENEWAL
STANDING ADVISORY COMMITTEE, PLANNING PROPOSAL FOR NEW
STREET, BRIGHTON**

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/222170

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

Moved: Cr Evans

Seconded: Cr Martin

That Council:

1. Adopts the submission to the Social Housing Renewal Standing Advisory committee advising that Council does not support Amendment C157 in its current form for the reasons outlined in Attachment 3; and
2. Authorises the Director City Planning and Community Services to make any further minor editorial changes to the submission document prior to submission of the adopted Council submission to the Standing Advisory Committee.
3. Authorises a submission to be finalised and submitted by the 3 November, to the Parliamentary Legal and Social Issues Committee inquiry into the Public Housing Renewal program, with the submission to reflect the submission in this report and aligned against the terms of reference for the Parliamentary inquiry; and
4. The CEO be authorised to approve the final form of the submission, in consultation with the Mayor.

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

10.15 BEAUMARIS SPORTS CLUB AT BANKSIA RESERVE - UPDATE NO. 14

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/220387

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

Moved: Cr Evans

Seconded: Cr Martin

That Council:

1. Defers Beaumaris Sports Club's payment of \$213,000 and includes in the lease terms the following future payments:
 - i. \$100,000 currently being held by Beaumaris Sports Club as 'start-up' cash be paid to Council by no later than the fourth anniversary of the execution of the lease; and
 - ii. In addition to any rental, insurances, or other payments required as part of the lease with Council, the Beaumaris Sports Club commences annual payments of \$11,300 on the fifth anniversary of the lease, continuing until such time as the outstanding \$113,000 is paid in full to Council; and
2. Advises Beaumaris Sports Club of this decision.

CARRIED

10.16 HMVS CERBERUS - HERITAGE WORKS PERMIT UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/223093

It is recorded that Mr John Baragwanath, Mr John Rogers, Mr Kevin Spencer, and Mr Graeme Disney spoke for three minutes each on this item.

*Councillor Castelli left the Meeting at 9:08 pm
Councillor Castelli returned to the Meeting at 9:11 pm*

Moved: Cr Evans **Seconded: Cr Martin**

That Council:

- 1. Endorses the use of concrete in-fill as the preferred method of conservation and stabilisation of the HMVS Cerberus and makes an application for a permit to Heritage Victoria to undertake the works;
- 2. Informs stakeholders including the Friends of the Cerberus and The Assistant Director Maritime and Commonwealth Heritage from the Department of the Environment and Energy, Historic Heritage Section of this decision; and
- 3. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans, Michael Heffernan,
Clarke Martin, Rob Grinter and Sonia Castelli (6)
AGAINST: Cr James Long (1)

CARRIED

10.17 AUGUST 2017 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/17/188226

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 two months to 31 August 2017.

CARRIED

10.18 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/218649

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

Moved: Cr Grinter

Seconded: Cr Castelli

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans advised that the ABM met on 28 September 2017 at Port Phillip Council and had previously circulated to Councillors a copy of his delegates report. Cr Evans highlighted the Association’s role in leadership and advocacy on the ban of the single use plastic bag and indicated that the legislation has been widely discussed and supported.
2. **MAV Environment Committee** – The Director Environment, Recreation and Infrastructure Services advised that the Committee has not yet met since the last update.
3. **Metropolitan Transport Forum** – Cr Clarke Martin advised that the forum is scheduled to meet next week. It was indicated that the forum would include a workshop on the advocacy component for bus services with the aim to improve services and transform commuter perspectives on bus services across Melbourne.
4. **Municipal Association of Victoria** – That Mayor indicated he attended the State Council Meeting of the MAV on Thursday 19 and Friday 20 October. The Mayor highlighted some of the significant motions put forwarded that were resolved upon. The Mayor also indicated both that Cr Long and the Mayor received a 20 year service certificate from the MAV and the Mayor also received a Emeritus award for 4 mayoral terms.
5. **Inner South Metropolitan Mayors’ Forum** – The Mayor Cr Alex del Porto advised nothing further to report.
6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan advised nothing further to report.

Moved: Cr Martin

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

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 10:13pm.

CONFIRMED THIS INSERT 21 DAY OF NOVEMBER 2017

CHAIRPERSON:

