



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 25 July 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
Terry Callant	Governance Manager
Karen Brown	Governance Coordinator

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12. Urgent Business

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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 Martin to read the prayer.

1. Prayer

Cr Martin read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

The Mayor invited Cr Long to read the acknowledgement of the original inhabitants of this land.

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

3. Apologies

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

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 27 June 2017.

Moved: Cr Evans

Seconded: Cr Martin

That the minutes of the Ordinary meeting of Bayside City Council held on 27 June 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. Mr Kevin Spencer (present in the Chamber)

Mr Spencer's first question relates to Council's Facebook page highlighting that it is the perfect time to plant new street trees, and he asks:

- a) Will council engage extra employees or those on court ordered Community Service, to plant as many as possible suitable indigenous trees throughout the cities road reserves, in consideration of the numerous number of trees destroyed by developments or trees that have died from natural causes now vacant spaces?
- b) ask that such trees to have a spreading canopy increasing the provision of sustainable quality shade to provide a safe environment for the community in conformity with the State Government Sun Smart policy in reducing the incident of skin cancer.

Response by the CEO

- a) *Council will not engage extra employees or those in court order community service to plant trees. Tree planting resources are strengthened during the April to October period to optimise outcomes of the annual indigenous planting season. Council uses qualified personnel for this activity and does not utilise people on court orders for this activity.*
- b) *Trees planted as part of the annual program are selected based on the species and criteria described in Council's Street and Park Tree Management Policy 2016. Prevention from skin cancer is not a consideration when determining species or location.*

Shade provided by intermittent street trees plays little to no role in preventing skin cancer. Adults and parents of children should always adopt Cancer Council Victoria's sun smart practices including the wearing of a hat, sunscreen and appropriate clothing during sunny periods.



2. Mr Kevin Spencer (present in the Chamber)

Mr Spencer's second question relates to the petition regarding the relation of the Yarra Trams substation at Nepean Highway and he asks:

- a) Why did council not carry out the request in the petition which clearly stated that Bayside City Council to instruct Yarra Trams to "relocate" the power substation?
- b) Explain why Yarra Trams have now constructed and even larger monstrosity and target for graffiti dullards despite council knowingly aware of the community concerns?

Response by the Mayor

Following the receipt of the petition, in January 2017, Council wrote to Public Transport Victoria (PTV) and Yarra Trams to request reconsideration of the location of the substation. The Hon Philip Dalidakis, Minister for Small Business and Innovation and Trade and local member for the Southern Metropolitan Region, the Minister for Public Transport and Member for Brighton have also been contacted seeking reconsideration of the site for the substation.

The substation is a project by Public Transport Victoria and Council does not have authority to direct PTV in this regard. The local community and Council voiced concerns about the substation and PTV worked with the local community on the ultimate design response through a community reference group.

3. Mr Derek Screen (present in the Chamber)

Mr Screen's questions relate to the accessibility of Council's Significant Tree Register and he asks:

- a) Why is it that the Significant Tree Register for Bayside is protected under privacy but all other councils either have them freely available on their websites or available at the Council offices to view free of charge?
- b) Can we please have our tree register made available on our webpage the same as all other councils and if not why not.

Response by the CEO

- (a) *Council does make available its Significant Tree Register which can be inspected at the Council's offices during normal business hours. Significant trees are regulated through the application of Council's Local Law No.2 which prescribes the manner in which Council makes this information available to the public free of charge. We also apologise for any confusion in advice you may have received concerning privacy of this information. There are no privacy restriction on this information, it is publicly available information.*
- (b) *The Significant Tree Register will be made available on Council's website. Council staff will update this information on Council's website later this week.*



7. Petitions to Council

7.1 PETITION: INAPPROPRIATE DEVELOPMENT IN HAMPTON EAST

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/142613

Petition from residents requesting Bayside City Council to limit overdevelopment and provide protection for residents against inappropriate development. (108 signatories).

"We the undersigned hereby petition Bayside City Council to:

1. Limit overdevelopment in line with election undertakings given by our present councillors
2. Retain our part of Hampton East as 'General Residential' by not proceeding with the proposal to rezone it as an 'activity centre'
3. Provide protection for current and future residents against overshadowing by introducing a municipal policy guaranteeing solar access throughout the year
4. Ensure that safety is not compromised in the narrow streets of Hampton East by traffic congestion and parking deficiency
5. Provide the legal resources needed to defend Council rulings where cases of inappropriate development are appealed through VCAT."

Petition Requirements

The submitted petition containing 108 signatories meets the required format of a petition in accordance with Council's Governance Local Law No: 1, Clause 65.

Moved: Cr Castelli

Seconded: Cr Grinter

That the petition be received and a report be submitted to the 22 August 2017 Ordinary Meeting for consideration.

CARRIED

8. Minutes of Advisory Committees

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

9. Reports by Special Committees

There were no 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 Bayside Heritage Action Plan

1. Mrs Fiona Austin
2. Dr Olivia Abbay
3. Ms Annie Price
4. Mr Jamie Paterson
5. Mr Jason Davidson
6. Mr Kevin Spencer
7. Mrs Carly Skinner

Item 10.2 HMVS Cerberus – Heritage Victoria Permit Update

1. Mr Kevin Spencer
2. Mr John Rogers
3. Mr John Baragwanath

Item 10.4 Sandringham Golf Course Increased Investment and Upgrade Proposal

1. Mr George Reynolds
2. Mr Andrew Rumbelow

Item 10.6 Response to Petition – Reclaim the historic name 'Pennydale' Ms Sally Connor

1. Mrs Fionna Oliver-Taylor
2. Mr Derek Screen
3. Mrs Mary Saunders
4. Mr Greg Scott

Item 10.12 May 2017 Financial Report

1. Mr George Reynolds



10.2 HMVS CERBERUS - HERITAGE VICTORIA PERMIT UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/153490

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

Councillor Grinter left the Meeting at 8:18 pm. Councillor Grinter returned to the Meeting at 8:20 pm.

Moved: Cr Martin

Seconded: Cr Evans

That Council:

1. Notes the preferred Heritage Victoria process for Council to apply for a Heritage Permit for conservation and stabilisation works on the HMVS Cerberus;
2. Expends approximately \$20,000 to engage suitable consultants to prepare the Heritage Permit application for works on the HMVS Cerberus;
3. Seeks reimbursement of any unbudgeted expenditure on the HMVS Cerberus from available grant funding; and
4. Authorises the Chief Executive Officer to make contact with the relevant senior officers of the Royal Australian Navy (RAN) to identify RAN's potential future interest in matters relating to the HMVS Cerberus.

CARRIED

**10.3 METROPLITAN TRANSPORT FORUM - PUBLIC TRANSPORT
STRATEGY 2017/18**

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: FOL/12/1728 – Doc No: DOC/17/141210

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

Moved: Cr Martin

Seconded: Cr Long

That Council supports the request from the Metropolitan Transport Forum for Council's support for the development of a Bus Advocacy Strategy as part of its public transport advocacy priority ahead of the State Government election in November 2018.

CARRIED



10.4 SANDRINGHAM GOLF COURSE INCREASED INVESTMENT AND UPGRADE PROPOSAL

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/144938

It is recorded that Mr Andrew Rumbelow spoke for three minutes each on this item. It is recorded that Mr George Reynolds was not present in the Chamber.

Moved: Cr Evans

Seconded: Cr Grinter

That Council

1. Having reviewed the proposal to redevelop the Sandringham Golf Course including a driving range, reconfiguration of the course, training facilities and a new administration building, considers that the proposal has sufficient merit to continue to explore the design with Golf Victoria and Sandringham Golf Links Management.
2. Immediately consults with affected stakeholders and the broader community on the proposal upon the completion of the preliminary design;
3. Reviews the commercial terms of the lease with the tenant to ensure that any improvement in commerciality of the site is shared with Council; and
4. Receives a report on the outcomes of the consultation to determine if the proposal should proceed.

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

10.5 BETTER PLACE STRATEGIC PLANNING FRAMEWORK - COUNCIL STRATEGY AND POLICY REVIEW PROGRAM

CEO - Strategy and Performance
File No: PSF/17/64 – Doc No: DOC/17/144505

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

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

1. Adopts the definitions for Council Strategy and Policy as per Attachment 1 as outlined in the report; and
2. Notes the Council Strategy and Policy Review Program 2017-2021 as per Attachment 2 as outlined in the report.

CARRIED

**10.6 RESPONSE TO PETITION - RECLAIM THE HISTORIC NAME
'PENNYDALE' FOR THE NEIGHBOURHOOD BOUNDED BY BAY ROAD,
FRANKSTON RAILWAY LINE, PARK ROAD AND THE RESIDENTIAL
ZONE ON BOTH SIDES OF JACK ROAD.**

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/151310

It is recorded that Ms Sally Connor, Mrs Fionna Oliver-Taylor, Mrs Mary Saunders, and spoke for three minutes each on this item. It is recorded that Mr Greg Scott was not present in the Chamber and Mr Derek Screen did not pursue his right to speak on this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council:

1. having received preliminary advice concerning the use of the name Pennydale for the purpose of consultation from the Office of Geographical Names, formally commences the statutory renaming process for the area bounded by Bay Road, Frankston Railway line, Park Road and the residential zone on both sides of Jack Road to be known as Pennydale;
2. Commences the statutory boundary change process for that section of Cheltenham on the north side of Bay Road to become Highett; and
3. Considers a further report on the matter following the completion of the community consultation process, and to further address the strong link with the locality and sense of place.

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

**10.7 BRIGHTON SECONDARY COLLEGE SYNTHETIC HOCKEY FACILITY -
MANAGEMENT COMMITTEE UPDATE**

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/146133

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

Moved: Cr Grinter

Seconded: Cr Long

That Council receives a report detailing Brighton Secondary College Synthetic Hockey Facility Management Committee activities and financial position at its 22 August 2017 meeting.

CARRIED

10.8 NOTICE OF MOTION 265 - PLASTIC BAGS

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/147343

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

Moved: Cr Grinter

Seconded: Cr Evans

That Council:

1. Supports the intent of the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016 that will amend the Environmental Protection Act 1970 to:
 - *Restricts the sale or supply of plastic bags by retailers, with exceptions applying for:*
 - *bags supplied and used for medical or health-related purposes and policing or security purposes; and*
 - *bags declared exempt by the Minister.*
 - *Restricts the sale, supply or provision of perishable fruit or vegetables by retailers in packaging made in whole or in part from polyethylene or polystyrene.*
 - *Makes it an offence for a retailer to sell, supply or provide goods containing prohibited plastic microbeads without a reasonable excuse; and*
2. Writes to the State Government urging finalisation of the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016; and
3. Advises the Association of Bayside Municipalities of Council's position and seek advocacy support for the finalisation of the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016.

CARRIED

10.9 BAYSIDE ENVIRONMENTAL SUSTAINABILITY FRAMEWORK 2016-2025 - ANNUAL PROGRESS REPORT

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/147482

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

Moved: Cr Evans

Seconded: Cr Long

That Council:

1. Notes the actions taken during 2016/2017 to implement the ESF action plan; and
2. Receives a further report in the first quarter of the 2018/19 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.

CARRIED



10.10 AMENDED COUNCIL MEETING SCHEDULE

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/151047

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

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. Resolves to the change the location of the September 2017 Ordinary Meeting of Council from the Civic Centre Precinct to the Beaumaris Community Hall;
2. Resolves to cancel the Planning and Amenity Committee meeting scheduled for 3 August 2017; and
3. Gives appropriate public notice via local newspaper, Council's website, public notices on Council Chambers, Corporate Centres, Library Branches, and social media advising of the change of location and cancelation of meeting.
4. Resolves to conduct an Ordinary Meeting of Council during 2018 to be held in a location within Central Ward.

CARRIED

10.11 AFFORDABLE HOUSING STRATEGIC ACTIONS - 2017-2021 COUNCIL PLAN

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/151141

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

Moved: Cr Martin

Seconded: Cr Heffernan

That Council:

1. Approves the attendance of the Mayor Cr del Porto at the Affordable Housing Development Summit to be held in Melbourne on 31 July to 1 August 2017; and
2. Notes and endorses Council's intended participation in accordance with the Council Plan 2017-2021 in an advocacy campaign relating to the State Government's Public Housing Renewal Program.

CARRIED

10.12 MAY 2017 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/17/137185

It is recorded that Mr George Reynolds was not present in the Chamber.

Moved: Cr Long

Seconded: Cr Heffernan

That Council notes the operating and capital financial report for the eleven months to 31 May 2017.

CARRIED

10.13 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/150647

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.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that ABM is meeting tomorrow and a report will be provided at the next meeting.
2. **MAV Environment Committee** – Director Environment, Recreation and Infrastructure Services advised that the Committee has not met.
3. **Metropolitan Transport Forum** – Cr Clarke Martin indicated that the next meeting will be held next month.

ALGA National General Assembly – Cr Castelli reported on her attendance at the National Congress in Canberra and highlighted some the achievements and benefits of attending this national congress.

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 indicated that the next meeting is scheduled to be held next week.
6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan advises that the next meeting is scheduled to be held on 10 August 2017.

Moved Cr Long

Seconded Cr Castelli

That the Councillors' report be received and noted.

CARRIED

12. Urgent Business

There were no items of urgent business submitted to the meeting.

13. Notices of Motion

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 10.33pm.

CONFIRMED THIS INSERT 22 DAY OF AUGUST 2017

CHAIRPERSON: