



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 13 September 2016

The Meeting commenced at 7pm

PRESENT:

Cr Alex del Porto
Cr Bruce Lowe
Cr Laurence Evans
Cr James Long BM JP , Chairman
Cr Heather Stewart
Cr Michael Heffernan
Cr Felicity Frederico

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Strategy
Steven White	Director Infrastructure Services
Paulina Xerri	Executive Manager Communications, Customer and Cultural Services
Terry Callant	Governance Manager

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	
	Nil	
8.	Minutes of Advisory Committees	
8.1	Assembly of Councillors Record.....	6
8.2	Minutes of the Chief Executive Officer's Employment Matters Committee held on 25 July 2016	7
8.3	Minutes of the Audit Committee meeting held on 18 August 2016	8
8.4	Minutes of the Audit Committee held on 1 September 2016	13
9.	Reports by Special Committees	
	Nil	
10.	Reports by the Organisation	
10.1	Street and Park Tree Management Policy and Street and Park Tree Selection Guide.....	15
10.2	Acquisitive Art Prize	16
10.3	Response to Notice Of Motion 250 - Fitness Equipment along the foreshore at appropriate locations.	17
10.4	Wellbeing for All Ages and Abilities Implementation Report	17
10.5	Youth Resilience Survey 2016	18
10.6	Bayside Tourism Network Membership	18
10.7	Submission on the Directions Paper for a New Local Government Act	19
10.8	Annual Report on Operations 2015-16.....	19

10.9	Annual Financial Statements for the year ended 30 June 2016	20
10.10	Cleaning Contract Extension 2017/18	20
10.11	CON/16/102 Sportsground Baseball Lighting – AW Oliver Reserve and Tulip Street Reserve and CON/16/103 Sportsground Lighting - Dendy Park Stage Two And Hurlingham Oval One and Two ..	21
10.12	CON/16/22 Brighton Beach Bowling Club-Design and Construction of Bowling Green.....	22
10.13	CON/16/96 Street Litter Bin and Dumped Rubbish Collection Contract.....	22
10.14	Extension of Contract No: 080976 Management & Operation of Street Sweeping & Shopping Centre Cleaning Services & Contract No: 080977 Management & Operation of Infrastructure Maintenance Services to Citywide Service Solutions Pty Ltd....	23
10.15	VCAT Decisions	23
10.16	Council Action Awaiting Report	23
11.	Reports by Delegates	
12.	Urgent Business	
12.1	Urgent Business – Charman Road and Park Road Level Crossing Removal	
13.	Notices of Motion	
13.1	Notice of Motion - 257 - Bayside Community Nursery Garage ..	26
13.2	Notice of Motion - 258 - Sandringham Family Leisure Centre and Brighton Recreational Centre	26
13.3	Notice of Motion - 259 - Pedestrian Crossings along Hampton Street Hampton	27

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 Frederico 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

Cr del Porto declared an indirect interest where residential amenity may be altered in item 10.11. Contract 16/102 Sportsground Baseball Lighting – AW Oliver Reserve and Tulip Street Reserve and Contract 16/103 Sportsground Brighton Dendy Park Stage Two and Hurlingham Oval One and Two, given he resides adjacent to Hurlingham Park.

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 23 August 2016.

Moved: Cr Lowe

Seconded: Cr Stewart

That the minutes of the Ordinary meeting of Bayside City Council held on 23 August 2016, 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, 2 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 Sue Hardiman**

Would Council please tell how much the count-back cost the Bayside City Council to elect a new councillor when Stephen Hartney resigned after 12 months on Council?.
Would you also include the actual cost of the induction of the new councillor.

Response by the Chief Executive

The cost of the re-count following the resignation of a Councillor in 2013 was \$2,371. No additional costs were incurred for the induction of the new Councillor, given the induction was undertaken in house.

2. **Mr George Reynolds**

Given the unauthorised removal of many street trees without the necessary permits, what plans have Councillors to require Council staff to properly administer its Planning Scheme ? and what steps are being taken by Council to prosecute recent breaches of the Planning Scheme by its contractors?

Response by the Mayor

This question relates to your previous questions on 26 April 2016, 24 May 2016 and 23 August 2016 regarding tree removal in Beaumaris.

In the response provided on 23 August 2016 it was identified that the tree removal was not illegal so no action is necessary.

7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159493

Moved: Cr Stewart

Seconded: Cr Evans

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act 1989:

Date	Name
30 August 2016	CEO and Councillor Only Briefing
30 August 2016	Councillor Briefing Session

CARRIED

8.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 25 JULY 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159131

Moved: Cr Heffernan

Seconded: Cr Stewart

That Council:

1. notes the minutes of the Chief Executive Officer's Employment Matters Committee held on 25 July 2016; and
2. adopts the following recommendations of the CEO's Employment Matters Committee meeting held on 25 July 2016:

6.2 Chief Executive Officer Performance Plan 2015/16 – 4th Quarter Performance Report.

That the Chief Executive Officer's Employment Matters Committee notes the results of the Chief Executive Officer's 4th Quarter and Annual Performance report for the period 2015/16 and recommends this to Council as completion of the statutory requirements to review the CEO's performance for the 2015/16 financial year.

CARRIED

8.3 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 18 AUGUST 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159219

Moved: Cr Evans

Seconded: Cr del Porto

That Council:

1. notes the minutes of the Audit Committee meeting held on 18 May 2016 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee meeting of 18 August 2016:

9.8.1.2015/16 Annual Report of the Audit Committee

That the Audit Committee recommends to Council that the Audit Committee Annual Report be included in the 2015/16 Annual Report.

9.8.2.Directions Paper for a new Local Government Act relating to the Audit Committee

That the Audit Committee recommends to Council that the Audit Committee's comments be included in Council's submission subject to the minor editorial changes outlined at the Committee Meeting.

No:	Proposed Direction	Comment
14 and 15	<p>CEO Remuneration</p> <p>The proposed directions paper suggests that all councils have a CEO remuneration policy that broadly aligns with the Remuneration Principles of the Victorian Public Sector Commission's Policy on Executive Remuneration for Public Entities in the Broader Public Sector</p> <p>The suggestion is that the Audit and Risk Committee will monitor and report on Council's performance against the remuneration policy.</p>	<p>This direction is supported as it would ensure compliance with an explicit policy and provide a form of transparency for the process and compliance with the policy.</p>

Long Term financial and asset planning

No:	Proposed Direction	Comment
86	Require all council to prepare and adopt a rolling financial plan of at least ten years by 31 December of the second year after a general election in accordance with the principles of sound financial management, and for council to review and approve this plan annually.	This direction is supported.
87	Remove the requirement for a council to prepare a strategic resource plan	This direction is supported. The current Strategic Resource Plan does not have a real functional purpose with which the community can engage.

88.	<p>Require the financial Plan to:</p> <ul style="list-style-type: none"> • Guide financial planning and inform the council plan. • Provide the community with prescribed information about the human resources and capital works assumptions and decision making underlying financial forecasts 	This direction is supported.
89.	Require all councils to prepare and adopt a rolling asset plan of at least ten years by 31 December of the second year after a general election, in accordance with the principles of sound financial management, and for a council to review and approve this plan annually. This plan will guide asset planning and inform the council plan.	It is suggested that the rolling asset plan be reviewed annually, but be prepared within the first year of the newly elected council.
90.	Require the asset plan to include information about new assets, asset retirement, and maintenance and renewal requirements for each class of infrastructure assets and to be informed by the deliberative community engagement process.	This direction is supported however further understanding how the asset plan will be informed by the deliberative community engagement process and what will suffice as adequate deliberative engagement is unclear and requires exploration.
91.	Set out requirements for what is to be included in the financial and asset plans in Regulations and guidelines.	This direction is supported.

Improved budget guidance

No:	Proposed Direction	Comment
92.	Require a council to prepare a budget annually and to review it mid cycle at 31 December each year. Require the CEO to report the results and to explain material budget variations, including whether a revised budget is required, to council.	This direction is supported.
93.	Include in the Act a clearer definition of material variation in order to clarify when a revised council budget must be struck.	This direction is supported provided that the 'material' does not trigger the requirement for budget due to relatively minor budget variations.
94.	Remove the requirement to submit a copy of the adopted budget to the minister.	This direction is supported.

Strengthened role for audit and risk committees.

No:	Proposed Direction	Comment
95	<p>Require all councils to establish an audit and risk committee with an expanded oversight of:</p> <ul style="list-style-type: none"> • The integrated strategic planning and reporting framework and all associated documents; • Financial management and sustainability; • Financial and performance reporting; • Risk management and fraud prevention; • Internal and external audit • Compliance with council policies and legislation • Service reviews and continuous improvements • Collaborative arrangements • The internal control environment 	<p>This direction is supported in part, however concerns are raised on the role of Audit Committee in service reviews within the organisation and continuous improvements opportunities within an organisation.</p> <p>There are aspects of the proposed service reviews, continuous improvement and collaborative arrangements which need to be better understood in order to make judgements at this time.</p>
96	<p>Require the audit and risk committee to include a majority of independent members and include councillors but not council staff.</p>	<p>This direction is supported and Council currently has the Committee structured with a majority of independent members.</p>
97.	<p>Require the audit and risk committee to report to the council biannually and require each council to table the biannual audit and risk committee report at a council meeting.</p>	<p>Biannually is considered too excessive, given the minutes of the Audit Committee are presented to the Council Meeting cycle. It is suggested that it be a requirement for the Audit Committee to prepare an annual report on the activities of the Committee and recommend its inclusion in the organisation's annual report.</p>

New financial sustainability principles

No:	Proposed Direction	Comment
102	<p>Require a council to embed the principles of sound financial management in its council plan, community plan, financial plan and asset plan.</p>	<p>This direction is supported.</p>
103	<p>Include in the Act the following principles of sound financial management:</p> <ul style="list-style-type: none"> • Manage financial risk prudently, having regard to economic circumstances • Align income and expenditure policies with strategic planning documents • Undertake responsible spending and investment for the benefit of the community to achieve financial, social and environmental sustainability over the long term. • Provide value-for-money services and infrastructure which are accessible and responsive to the community's needs • Ensure that decisions are made and actions are taken having regard to their financial effects on future generations • Ensure full. Accurate and timely disclosure of financial information about the council • Undertaken regular stress testing and evaluation of financial risk management. 	<p>This direction is supported.</p>

8.2 Removal of Best Value Principles

No:	Proposed Direction	Comment
104.	Remove the current best value provisions, as value for money is included in the new principles of sound financial management.	This direction is supported.

8.3 Streamlining procurement practices

No:	Proposed Direction	Comment
105	Require a council at the start of the council term to develop and adopt a procurement policy that is consistent for the principles of sound financial management and require that all council procurement practices and contract comply with this policy.	This direction is supported.
106	Specify in Regulations what must be included in a procurement policy, including when council will go to tender for the provision of good and services (including thresholds), the process for going to tender and what collaborative arrangements have been explored to deliver value for money for the council.	This should be left to an organisational policy. The direction appears to be to reduce such provisions in the Act, with broad process being available to the Minister in the Regulations. This is not regarded as satisfactory given successive Ministers make reactive decisions.
107	Require the audit and risk committee to review compliance with the procurement policy and require a council to report in its annual report any non-compliance with its procurement policy.	This direction is supported.
108.	Require a council to make its procurement policy available on its website.	This direction is supported. All Council policies are currently on the website.
109	Remove the requirement for an annual review of the procurement policy and the requirement to obtain ministerial exemptions for failure to go to tender in certain circumstances.	This direction is supported.
110	Provide councils with automatic access to state purchase contracts, whole-of-Victorian-Government contracts and the Construction Suppliers Register to save time, strengthen and improve efficiency.	This direction is supported.

8.4 Improved investment practices

No:	Proposed Direction	Comment
111	Require councils to develop and adopt an investment policy in accordance with the principles of sound financial management and require all council investment decisions to be made in accordance with that policy.	This direction is supported
112.	Require the audit and risk committee to review compliance with the investment policy and require a council to report any non-compliance with its investment policy in its annual report.	This direction is supported.

8.5 Improved debt practices

No:	Proposed Direction	Comment
113	Require a council to develop and adopt a debt policy in accordance with the principles of sound financial management and only enter into debt in accordance with that policy.	This direction is supported.
114.	Require the audit and risk committee to review compliance with the debt policy and require a council to report any non-compliance with its debt policy in its annual report.	This direction is supported.
115.	Remove the overdraft provisions and remove the requirements for the minister to approve the repayment of an overdraft from its borrowings.	This direction is supported.

CARRIED

8.4 MINUTES OF THE AUDIT COMMITTEE HELD ON 1 SEPTEMBER 2016

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/161655

Moved: Cr Stewart

Seconded: Cr Evans

That Council:

1. notes the minutes of the Audit Committee meeting held on 1 September 2016 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee dated 1 September 2016.

9.1.1 .Draft Annual Financial Statements for year ended 30 June 2016

That the Audit Committee

- 1 receives and notes the Financial Report and draft management representation letter for the financial year ended 30 June 2016;
- 2 recommends to Council that Council resolves to give in principle approval of the Financial Statements for the financial year ended 30 June 2015,
- 3 notes the content of the organisation's Representation Letter dated 13 September 2016 with any minor changes.

9.1.2. Victorian Auditor General's Office (VAGO) Closing Report for the Financial year ending 30 June 2016 and Final Management Letter for Year Ended 30 June 2016

That the Audit Committee:

1. recommends to Council that the Victorian Auditor General's Office Closing Report for Bayside City Council for the financial year 30 June 2016 be noted; and
2. recommends to Council that the Final Management Letter issued by VAGO for year ended 30 June 2016 be noted.

9.1.3. Performance Statement for year ended 30 June 2016

That the Audit Committee:

1. recommends to Council that Council resolves to adopt the Performance Statement for the financial year ended 30 June 2016 in principle;
2. recommends to Council that the two Councillor representatives on the Audit Committee certify the performance statement in the required format; and
3. expressed their appreciation to Ms Lauren Ross for her contribution and presentation of the Performance Statements for the year ended 30 June 2016.

CARRIED

9. Reports by Special Committees

Nil

10. Reports by the Organisation

Moved: Cr Stewart

Seconded: Cr Lowe

That items 10.13 and 10.16, 10.15, 10.14 be dealt with as a block motion and the recommendations be adopted.

CARRIED/LOST

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 | Street and Park Trees Management Policy and Street and Park Tree Selection Guide <ol style="list-style-type: none">1. Mr George Reynolds |
| Item 10.9 | Annual Financial Statements <ol style="list-style-type: none">1. Mr George Reynolds |

10.1 STREET AND PARK TREE MANAGEMENT POLICY AND STREET AND PARK TREE SELECTION GUIDE

Environment and Infrastructure - Environmental Sustainability & Open Space
File No: PSF/15/8761 – Doc No: DOC/16/148842

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

Moved: Cr Stewart

Seconded: Cr Evans

That Council:

1. adopts the Street and Park Tree Management Policy (2016) and the Street and Park Tree Selection Guide (2016) as shown in Attachments 1 and 2 incorporating the following amendments:
 - where any indigenous street or park tree species or indigenous understory species are planted, and these plants will be of local provenance;
 - within 150m of a conservation reserve, all new street and park trees to be indigenous species of local provenance;
 - removal of the shopping centre exemption from the understory planting in the Vegetation Protection Overlay 3 (VPO3) area;
 - annual reporting of the number of street and park trees removed and replanted, and the species selected for replanting be published; and
 - Provide a definition within the policy to define local provenance.
2. authorises the Director Environment, Recreation and Infrastructure to make editorial changes to the Street and Park Tree Management Policy (2016) and the Street and Park Tree Selection Guide (2016); and
3. notes that the Street Tree Selection Guide (2016) replaces the Streetscape Manual (1997).

CARRIED

Procedural Motion

Moved Cr Lowe

Seconded Cr del Porto

That item 10.12 be brought forward and dealt with at this stage of the meeting.

CARRIED

10.2 ACQUISITIVE ART PRIZE

CEO - Communications & Customer Service
File No: PSF/15/8766 – Doc No: DOC/16/157874

Moved: Cr del Porto

Seconded: Cr Stewart

That Council;

1. notes an error in the report relating to Rob McHaffle and it is recorded that Mr Rob McHaffle does have a connection with Bayside as a resident of Bayside as defined by the criteria, in addition to the work which was eligible given it was set in the grounds of Billilla Mansion in Brighton.
2. resolves that the current criteria be retained for the 2017 Local Art Prize;
3. through the Gallery@BACC Board, undertakes a review of the Acquisitive Art Prize governance, process and criteria; and
4. resolves to review the Acquisitive Art Prize governance, process and criteria for 2018 and beyond in November 2017.

Amendment

Moved Cr Frederico

Lapsed for want of a seconder

That Council;

1. notes an error in the report relating to Rob McHaffle and it is recorded that Mr Rob McHaffle does have a connection with Bayside as a resident of Bayside as defined by the criteria, in addition to the work which was eligible given it was set in the grounds of Billilla Mansion in Brighton.
2. resolves that the current criteria be retained for the 2017 Local Art Prize;
3. through the Gallery@BACC Board, undertakes a review of the Acquisitive Art Prize governance, process, criteria and resource allocation; and
4. resolves to review the Acquisitive Art Prize governance, process and criteria for 2018 and beyond in November 2017.

CARRIED

10.3 RESPONSE TO NOTICE OF MOTION 250 - FITNESS EQUIPMENT ALONG THE FORESHORE AT APPROPRIATE LOCATIONS.

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/15/8761 – Doc No: DOC/16/158743

Moved: Cr Evans

Seconded: Cr del Porto

That Council:

1. Notes that fitness equipment is not considered coastal dependent by the Department of Environment, Land, Water and Planning in accordance with the Victorian Coastal Strategy;
2. Considers fitness equipment as inappropriate for installation on Coastal Crown Land as it is not coastal dependent;
3. Considers fitness equipment for inland parks and reserves as identified in relevant Masterplans or other park development proposals; and
4. Acknowledges that fitness equipment will be installed on Council land as part of the Dendy Street Beach Masterplan, recognising this is occurring as an integrated element in the project, on land for which Council is not bound by Coastal Management Act consent.

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

DIVISION: **FOR:** Crs del Porto, Lowe, Evans, Stewart and Heffernan (5)
 AGAINST: Crs Long and Frederico (2)

CARRIED

10.4 WELLBEING FOR ALL AGES AND ABILITIES IMPLEMENTATION REPORT

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/15/8751 – Doc No: DOC/16/92948

Moved: Cr del Porto

Seconded: Cr Lowe

That Council receives and notes the report on the annual review of the City of Bayside's Wellbeing for All Ages and Abilities Strategy 2013-2017 and Action Plans.

CARRIED

10.5 YOUTH RESILIENCE SURVEY 2016

Community Services - Family, Youth & Cultural Services
File No: PSF/15/8751 – Doc No: DOC/16/151631

Moved: Cr Frederico

Seconded: Cr del Porto

That Council receives this report on the 2016 Youth Resilience Survey results, and thank the local schools involved in the survey for their willingness to participate.

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

DIVISION: **FOR:** Crs del Porto, Lowe, Evans, Long, Stewart, Heffernan and
 Frederico (7)
 AGAINST: Nil (0)

CARRIED

10.6 BAYSIDE TOURISM NETWORK MEMBERSHIP

City Planning and Amenity - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/16/142754

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council:

1. reappoints to the Bayside Tourism Network the following renominating members, each for a full two year term:
 - Ms Debbie Tizi
 - Mr Kel Costello
 - Ms Jessica Derham
2. appoints Ms Susan Carden and Ms Jane Cox to the Bayside Tourism Network for a full two year tenure; and
3. thanks Mr Sebastian Fontanarossa who is retiring, for his contribution to the Bayside Tourism Network.

CARRIED

10.7 SUBMISSION ON THE DIRECTIONS PAPER FOR A NEW LOCAL GOVERNMENT ACT

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159117

Councillor del Porto returned to the Meeting at 8:31 PM.

Moved: Cr Frederico

Seconded: Cr Evans

That Council endorses the submission attached to the report dated September 2016 for submission to the Victorian State Government in response to the directions paper titled "Act for the Future – Directions for a new Local Government Act".

CARRIED

10.8 ANNUAL REPORT ON OPERATIONS 2015-16

Organisational Strategy & Performance - Organisational Strategy & Performance
File No: PSF/15/8766 – Doc No: DOC/16/102040

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

1. receives the Annual Report on Operations for 2015/2016, as provided in attachment 1 to the report;
2. authorises the Chief Executive Officer to make immaterial editorial changes to the document as needed;
3. submits the Annual Report on Operations 2015/2016 to the Minister for Local Government by 30 September 2016 as required by the Local Government Act 1989;
4. gives public notice that it has received an Annual Report for 2015/2016, and that the report may be viewed by the public at Council's Corporate Centre, at each of Council's four branch libraries and on Council's website;
5. within one month of submitting the Annual Report to the Minister, gives notice and holds a meeting on 18 October 2016 at 6.45pm to consider the Annual Report as required by Section 22 of the Local Government (Planning and Reporting) Regulations 2014;
6. authorises Cr Evans and Cr Lowe as Audit Committee members to sign the Performance Statement in conjunction with the Chief Executive Officer and Manager Finance; and
7. authorises the Mayor and Chief Executive Officer to sign the Governance and Management Checklist.

CARRIED

10.9 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/160615

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

Moved: Cr Evans

Seconded: Cr del Porto

That Council:

- 1 receives and notes the Financial Report for the financial year ended 30 June 2016;
- 2 authorises the Manager Finance to make immaterial adjustments to the Financial Statements if requested by the Victorian Auditor General's Office. If material adjustments are requested, the Manager Finance is authorised to make such adjustments and advise Council and the Audit Committee of the effect of these adjustments; and
- 3 resolves to give "in principle" approval of the Financial Report for the financial year ended 30 June 2016, and authorises Councillors Bruce Lowe and Laurence Evans, who are members of the Audit Committee, to certify the statements on behalf of Council and submit these to the Minister for Local Government.

CARRIED

10.10 CLEANING CONTRACT EXTENSION 2017/18

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/145384

Moved: Cr del Porto

Seconded: Cr Stewart

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 for the period 6 January 2017 to 5 January 2018 and execute this in accordance with the terms of the current contract.

CARRIED

10.11 CON/16/102 SPORTSGROUND BASEBALL LIGHTING – AW OLIVER RESERVE AND TULIP STREET RESERVE AND CON/16/103 SPORTSGROUND LIGHTING - DENDY PARK STAGE TWO AND HURLINGHAM OVAL ONE AND TWO

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/15/8763 – Doc No: DOC/16/147274

It is recorded that Cr del Porto declared an indirect interest where residential amenity may be altered given that Cr del Porto resides adjacent to Hurlingham Park.

It is further recorded that Cr del Porto vacated the Chamber prior to the discussion on this item.

Moved: Cr Evans

Seconded: Cr Stewart

That Council:

1. awards contract CON/16/102 AW Oliver Baseball Infield and Tulip Street Baseball Infield Sportsground Lighting to Wallgates Pty Ltd (ABN 27 096 477 842) for the lump sum price of \$169,443.00 exclusive of GST and \$186,387.30 inclusive of GST;
2. awards contract CON/16/103 Sportsground Lighting Dendy Park Stage Two and Hurlingham Park Oval One and Two to Wallgates Pty Ltd (ABN 27 096 477 842) for the lump sum price \$301,101.00 exclusive of GST and \$331,211.10 inclusive of GST;
3. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/102 AW Oliver Baseball Infield and Tulip Street Baseball Infield Sportsground Lighting and CON/16/103 Sportsground Lighting Dendy Park Stage Two and Hurlingham Park Oval One and Two; and
4. advises the unsuccessful tenderers accordingly.

CARRIED

It is recorded that Cr del Porto was not present in the Chamber whilst the discussion and vote took place in relation to this matter.

10.12 CON/16/22 BRIGHTON BEACH BOWLING CLUB-DESIGN AND CONSTRUCTION OF BOWLING GREEN

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/147540

Moved: Cr Lowe

Seconded: Cr del Porto

That Council:

1. approves Council expenditure of \$112,000 for the synthetic bowling green at the Brighton Beach Bowling Club with funds expected to be met from the current year capital works budget;
2. awards contract CON/16/22 Brighton Beach Bowling Club-Design and Construct of Bowling Green to Berry Bowling Systems Pty Ltd (66 143 857 309) for the lump sum price of \$295,431 exclusive of GST and \$324,974.10 inclusive GST;
3. authorise the Chief Executive Officer to sign all necessary documentation related to CON/16/22 Brighton Beach Bowling Club-Design and Construct of Bowling Green; and
4. advises the unsuccessful tenderers accordingly.

CARRIED

10.13 CON/16/96 STREET LITTER BIN AND DUMPED RUBBISH COLLECTION CONTRACT

Environment, Recreation & Infrastructure - Environmental Sustainability & Open Space
File No: PSF/15/8761 – Doc No: DOC/16/150819

Moved: Cr Stewart

Seconded: Cr Lowe

That Council:

1. awards CON/16/96 for the provision of Street Litter Bin and Dumped Rubbish Collection Services to Total Waste Solutions (ABN 13 521 9680) for the sum of \$252,468.20 for the first year of the contract term(\$757,404 excl GST for the three year term);
2. authorises the Chief Executive Officer to sign the necessary contract documentation for CON/16/96 for the provision of Street Litter Bin and Dumped Rubbish Collection Services; and
3. advises the unsuccessful tenders accordingly.

CARRIED

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

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

Environment and Infrastructure - City Works
File No: PSF/15/8763 – Doc No: DOC/16/150845

Moved: Cr Stewart

Seconded: Cr Lowe

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 2017 to 2 March 2018 in accordance with the terms of the current contracts for:

- Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976, and
- Management and Operation of Infrastructure Maintenance Services, Contract No 080977.

CARRIED

NOTE: Item 10.14 was **CARRIED** as part of a block motion.

10.15 VCAT DECISIONS

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/145512

Moved: Cr Stewart

Seconded: Cr Lowe

That the report on the VCAT decisions on the planning applications handed down during the months of July and August 2016 be received and noted.

CARRIED

NOTE: Item 10.15 was **CARRIED** as part of a block motion.

10.16 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159503

Moved: Cr Stewart

Seconded: Cr Lowe

That Council notes the Council Action Awaiting Report.

CARRIED

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

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico – Nothing further report since the previous meeting.
2. **MAV Environment Committee** – Director Environment & Infrastructure – advised that the MAV Environment Committee scheduled to be held on 25 August 2016 was cancelled.
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure attended the forum on Wednesday 7 September 2016.
The Forum received a presentation on the Reconfiguration of bus networks and PTV's Engagement Charter by Chris Loader, from Public Transport Victoria. There were a number of examples presented from the western and norther suburbs and provincial cities. The PTV staff were asked whether there was a network plan guiding the review of bus services. The response given was that there is no 'published' plan and the current work is aligned to the Better Bus Networks Program, a \$100 million State government program.

Key areas of focus for the Better Bus Networks program are:

- Melbourne's growth areas – improving and introducing new services in growing communities
- Regional areas - improving and expanding on buses already running and introducing new and improved routes in regional areas such as Geelong & Bellarine, Bendigo, Ballarat, Warragul and Drouin and Latrobe Valley
- University connections – providing better bus connections for university and school students.

It is unclear when any review of the metropolitan bus network or the Bayside bus network will be undertaken.

4. **Municipal Association of Victoria** – Cr Frederico indicated that the MAV State Conference and State Council meeting was held on 8 and 9 September 2016. Cr Frederico reported that Bayside's State Council motion concerning commuter parking was passed along with Bayside's contribution to the ISMMF motion regarding the positive public relations of the local government sector.
5. **Inner South Metropolitan Mayors' Forum** – Cr Long – nothing further to report.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart – nothing further to report.

Moved Cr del Porto

Seconded Cr Evans

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

Item 12.1 Charman Road and Park Road level Crossing Removal

Moved Cr Frederico

Seconded Cr Evans

That the matter of the Charman Road level Crossing removal be considered and dealt with as a matter of urgent business.

CARRIED

12.1 CHARMAN ROAD AND PARK ROAD LEVEL CROSSING REMOVAL

Moved: Cr Frederico

Seconded: Cr del Porto

That Council:

1. writes to the Premier of Victoria, Minister for Transport, Opposition Leader, Shadow Minister for Transport, local state members of parliament and the Chief Executive Officer of the Level Crossing Removal Authority expressing its disappointment at the recent announcement of the timing of the consultation / engagement for the proposed level crossing removal at Charman Road, given the consultation period clashes with the Local government elections and the election period limitation, which will restrict Council's ability to take decisions during this period and to publish material; and
2. makes a submission as part of the current consultation process on the Charman Road and Park Road level crossing removal:
 - Seeking additional commuter parking be created as part of the project;
 - Urging the State government to take a case by case approach to the needs of each resident affected by property acquisition;
 - Requesting that residential amenity for properties affected by the works due to their proximity be protected, particularly noise, dust and overlooking for the rail over road option;
 - Seeking retention of the Heather Grove pedestrian crossing across the railway corridor;
 - Seeking the inclusion of a pedestrian crossing on Park Road in the vicinity of the railway to provide a safe crossing point for pedestrians; and
 - Requesting that the heritage properties of the Cheltenham Station be considered as part of the project.

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

DIVISION: **FOR:** Crs del Porto, Lowe, Evans, Long, Stewart, Heffernan and Frederico (7)
AGAINST: Nil (0)

CARRIED

13. Notices of Motion**13.1 NOTICE OF MOTION - 257 - BAYSIDE COMMUNITY NURSERY GARAGE**

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/159120

Moved: Cr Stewart

Seconded: Cr Evans

That Council demolishes and removes the 1950's single car garage, but retain the concrete slab at the Bayside Community Nursery within 60 days of Council's resolution.

CARRIED

13.2 NOTICE OF MOTION - 258 - SANDRINGHAM FAMILY LEISURE CENTRE AND BRIGHTON RECREATIONAL CENTRE

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/164332

Moved: Cr Frederico

Seconded: Cr Lowe

That Council refers to the 2017/18 Council budget process funding to investigate the feasibility to redevelop the Sandringham Family Leisure and Brighton Recreational Centre, while considering options to increase community participation.

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

DIVISION: **FOR:** Crs Lowe, Evans, Long, Stewart, Heffernan and Frederico (6)
 AGAINST: Cr del Porto (1)

CARRIED

**13.3 NOTICE OF MOTION - 259 - PEDESTRIAN CROSSINGS ALONG
HAMPTON STREET HAMPTON**

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/164335

Moved: Cr Frederico

Seconded: Cr Lowe

That a Council report be prepared to review the need for additional pedestrian crossings along Hampton Street, whether signal controlled or otherwise, given there are only three existing crossings between Crisp Street and South Road.

CARRIED

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.53pm.

CONFIRMED THIS INSERT 18 DAY OF OCTOBER 2016

CHAIRPERSON: