



---

## **Minutes of the Ordinary Meeting of Bayside City Council**

---

held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 21 June 2016

The Meeting commenced at 7:00pm

**PRESENT:**

Cr James Long BM JP (Mayor)  
Cr Alex del Porto  
Cr Bruce Lowe  
Cr Laurence Evans  
Cr Heather Stewart  
Cr Felicity Frederico

**OFFICERS IN ATTENDANCE:**

Mick Cummins	Acting Chief Executive Officer
Shiran Wickramasinghe	Director City Planning & Amenity
Steven White	Director Environment & Infrastructure
Paulina Xerri	Executive Manager Communications and Customer Service
Joan Andrews	Acting Director Community Services
Bill Shanahan	Acting Director Corporate Services
Mark Patterson	Manager Family, Youth & Cultural Services
Lili James	Manager Amenity Protection
Ken Bott	Manager Infrastructure Assets
Damien Van Trier	Acting Manager Recreation Events & Community Partnerships
Imogen Kelly	Communications Co-ordinator
Janice Pouw	Governance Officer

## Table of Contents

1.	Prayer	
2.	Acknowledgement of Original Inhabitants	
3.	Apologies	
4.	Disclosure of any Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition: Dendy Village Brighton Renovation .....	6
7.2	Petition: Sandringham Athletics Club, Track and Land .....	8
8.	Minutes of Advisory Committees	
8.1	Minutes of the Audit Committee meeting held on 12 May 2016	10
8.2	Assembly of Councillors Record.....	11
9.	Reports by Special Committees	
9.1	Minutes of a Special Committee to hear submissions in relation to the Council Plan 2013--2017 (2016 Review) and Strategic Resource Plan 2016-17 to 2019-20 held on 2 June 2016 .....	13
9.2	Minutes of a Special Committee to Hear Submissions in relation to the Proposed Budget 2016/2017 and the Long Term Financial Plan 2016/17.....	14
10.	Reports by the Organisation	
10.1	Cenotaph at Green Point, Brighton - Activity Exclusion Zones and Signage .....	16
10.2	Dendy Street Beach Masterplan - Access Path G.....	17
10.3	Bayside Public Transport Advocacy Statement.....	18
10.4	Youth Services - Peterson Youth Centre Review .....	19
10.5	Council Plan 2013-2017 (2016 Review) and Strategic Resource Plan 2016-2020 .....	20
10.6	Adoption of the 2016/17 Budget and Long Term Financial Plan	21
10.7	Declaration of Rates and Charges .....	22
10.8	Rating Strategy 2016 - 2017.....	25
10.9	Media policy .....	27

10.10	Risk Policy Annual Review .....	28
10.11	Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update .....	29
10.12	Landscape Guidelines .....	30
10.13	Revised Asset Management Plans 2016.....	31
10.14	CON/16/46 Road Resurfacing Program for 2016/17–2017/18 ..	32
10.15	Audit Committee - Re-appointment of External Independent Audit Committee Member.....	33
10.16	April 2016 Financial Report .....	34
10.17	VCAT Decisions .....	35
10.18	Council Action Awaiting Report .....	36
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
13.1	Notice of Motion - 248 - Removal of Street Tree Adjacent to 14 Gladstone Street Sandringham .....	38
14.	Confidential Business	
14.1	Update to Council on current contractual matters arising from the Landfill Services Contract (Contract No. 2010/1). .....	39

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 Lowe to read the prayer.

## **1. Prayer**

Cr Lowe 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 Stewart to read the acknowledgement of the original inhabitants of this land.

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

### 3. Apologies

An apology was received from Cr Heffernan at the 24 May 2016 Council Meeting.

Cr Heffernan was granted leave of absence for the 21 June 2016 Council Meeting.

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

- Cr Stewart declared an Indirect Conflict of Interest where residential amenity may be altered in item 10.3 – Bayside Public Transport Advocacy Statement given she lives in close proximity to the Southland Train Station which is mentioned within the Advocacy Statement.

### 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 24 May 2016.

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the minutes of the Ordinary meeting of Bayside City Council held on 24 May 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, 10 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. Mrs Deborah Golden

Item 7.2 is a petition submitted to retain and upgrade the athletics track at Glamis Avenue and at the 22 March Council Meeting Council affirmed any feasibility study will consult with key stakeholders which explicitly names neighbours of any potential re-development.

Why is it then Council's position to defer a response to this petition to after Council elections in November?

#### Response by the Mayor

Council is unable to commit to the retention or relocation of the athletics track until the outcomes of the Feasibility Study into a netball centre at the current Thomas Street athletics/netball site, including the relocation of the synthetic athletics track to Dendy Park are known. Consultation with tenant groups will be completed by September 2016, while engagement with local residents and the broader Bayside community will be undertaken during the period of October to December 2016.

---

### 2. Mrs Deborah Golden

When will affected adjoining residents be able to get involved in the study of development options for current or future athletics and netball facilities in Bayside?

#### Response by the Acting CEO

As part of the Feasibility Study into the future provision of netball and athletic facilities in Bayside, engagement with local residents and the broader Bayside community will commence in October 2016, with outcomes of this consultation to be included in a subsequent report to Council in February 2017.

---

### 3. Mr Peter Boyle

The 24 May meeting included Item 10.5 Council Policy re Footpath Treatments within the road reserve. The proposal included Areas of Sensitivity, defined as Adjacent to parks, reserves, golf courses. Present footpaths in these locations use basic tinted concrete and 65% of respondents were satisfied that such continue to be used. The staff submission dismissed this clear majority opinion and proposed that a much more expensive material be used in these so called areas of sensitivity.

- a) Why did staff disregard the opinion of 65% of respondents on this issue as to material to be used?

- b) Why did Councillors not only approve the Policy submission which results in a much dearer material being used in so called areas of sensitivity, but added all new footpaths south of Bay Road to be of the most expensive material, whether or not in a defined areas of sensitivity.

### Response by the Acting CEO

- (a) The community engagement inputs to the final Footpath Treatments in the Road Reserve Policy comprised of a number of activities. The response to the 'have your say' consultation showed that 65% of respondents saw concrete as suitable in all locations. Attachment 3 to the report showed that of 148 responses, 97 favoured concrete and 51 favoured aggregate. The areas of Bayside from which the responses were received is not known. Council also collected information from a Collaborative Working Group. This group considered and explored the issue recognising the differing neighbourhood characters in Bayside and identified that alternative treatments to reflect neighbourhood character are warranted.
- (b) Council made a decision informed by the Report from the Organisation that included information on the Community Engagement process and results.

---

## 4. Mr Peter Boyle

The 2016/17 budget includes \$5.3M for the Dendy Street Beach Pavilion Redevelopment in the Building category split equally between Renewal and Upgrade. The project will be a new, major expansion of the facilities, being some 2.8 times larger than the present facility. The Executive summary with the 2016/17 budget papers states that "redevelopment of the pavilion and lifesaving Club at Dendy Street Beach to encourage greater tourism to the iconic Bathing Boxes (\$3,926,302?).

- a) While there may be some increase in the number of tourists please advise what research and evaluation has been made to justify the benefit to residents, and especially ratepayers who will foot this huge cost for a far larger facility.
- b) Please advise the cost of the project by appropriate categories: Buildings (Renewal, Upgrade, New, Expansion); Infrastructure by category.

### Response by the Acting CEO

- (a) The expected benefits to the community (residents) are as follows:
- A Lifesaving facility that can meet the needs of the area for decades to come. It is Currently inadequate and in need of renewal;
  - Revenue through rent from commercial cafe/kiosk;
  - New community meeting space on Brighton foreshore;
  - The beach will be accessible to people of all abilities;
  - Potential revenue from hire of community space; and
  - Improved beach health and water quality through storm water upgrade, including the rain garden.
- (b) The cost of the project by appropriate categories are as follows:

- Building renewal \$2.5m
- Building upgrade/expansion \$2.5m
- Car park \$1.0m
- Stormwater works \$1.5m

The Acting Chief Executive Officer indicated that in addition to Council there are other contributors to this project.

-----

## 5. Ms Sue Hardiman

Statements were made by councillors on their 'vote for me' cards for the 2012 elections that more funding for mental health services, libraries, aged care, greater police presence, funding for immediate expansion of kindergartens, opposing high rise high density developments threatening the character of our suburbs et al.

- a) Would the councillors seeking re-election at the October 2016 elections tell the Bayside residents if they achieved the above and if not, why not.

### Response by the Mayor

- a) The question you raise relates to the personal comments of councillors and not the council and as such the question will not be responded to. It is suggested you personally correspond with individual councillors.
- 

## 6. Ms Sue Hardiman

Let's Talk Bayside:

- a) What is the cost for the printing of Let's Talk Bayside?
- b) What is the cost of distributing of this document and by what means does it arrive in our letterboxes and has the council ever done a survey to establish the number of households that actually read Let's Talk Bayside?

### Response by the Acting CEO

- (a) Lets Talk Bayside is distributed bimonthly to 40,000 households at a unit cost of less than 50 cents.

The cost to print each edition at 40,000 copies is \$12,786.

- (b) It is distributed by walkers employed by a local Bayside business at a cost of \$2,230.50. In the most recent readership survey conducted at the end of 2014, 402 responses were received indicating 58.5% of respondents reported reading it cover to cover and 37.8% reported scanning for articles that interest them. Detailed results will be provided in a letter to Ms Hardiman.
-



## 7. Mr George Reynolds

The 24th May response to my question seeking details of the removal of native trees without a permit, indicated that the trees had to be removed under Bayside Planning Scheme s42.02 - 3 Emergency Works. The trees were removed from sites on the East Concourse, Edith Street, and in Reserve Road from Moyseys Run to the Library.

- (a) When will Council publish the engineers report advising of this widespread emergency, to alert residents of the danger posed by the trees, and
- (b) When will Council publish the identity of engineers and arborists willing to advise residents if such an emergency may exist or befall native trees, planted close to their properties?

### Response by the Acting CEO

- (a) The trees were assessed by Council's arborist as causing substantial root damage to adjacent buildings and footpaths. Mitigation of this damage through root pruning, would cause instability to the trees thus endangering road and pedestrian safety.

Any member of the community who wishes to discuss the tree assessment may contact Council staff.

- (b) The trees in this matter were brought to Council's attention by the property owners impacted by the tree root infrastructure damage. An assessment was conducted by Council's qualified arborist. Council's Street and Park Tree Management Policy 2012 outlines the process for tree removal on Council land.

---

## 8. Mr George Reynolds

At its meeting of 24th May 2016, Council passed a resolution at Item 10.4 which has the effect of authorising Council staff to give grants to persons (poor or otherwise) without restraint, up to the level of their discretionary purchasing authority.

- (a) As this discretionary authority level may range from \$25,000 for a Manager to \$300,000 for the CEO, has management received support from the Audit Committee for this resolution to be implemented, and
- (b) Has the Audit Committee also been advised of the related resolution, Item 10.9, to remove compliance with Federal and State laws from its purchasing policy.

### Response by the Acting CEO

- a) Under the Contingency grants policy in which you refer to has a total allocation of \$25,000 per annum to be allocated. Each individual allocation is expected to be of low dollar value. This Council policy does not require the endorsement of the Audit Committee.
  - b) Amendments to the procurement policy were discussed at the Audit Committee. The Procurement Policy as adopted, does not in any way, remove the need to comply with State and Federal legislation as asserted in the question.
-

## 9. Mr K.S. Spencer

Once again Bayside City Council is engaging in wasteful spending on its so called Built Environment awards, at a cost to the Bayside Ratepayers of some \$30,000 a year, benefiting a minority of affluent architects and conversely, of little interest to the community.

- (a) Please explain how Bayside City Council can use public money for commercial gain as is being done in this case.
- (b) Explain why council is promoting such building designs, most of which do not meet requirements of Neighbourhood Built Form nor preferred Character of areas.

### Response by the Mayor

- (a) The objective of the Built Environment Awards are to:
  - Help raise community awareness and understanding of building design, landscape and heritage issues.
  - Encourage quality urban design and architectural outcomes within Bayside.
  - Recognise and promote the benefits of such designs by making awards.The intent is not to facilitate commercial gain.
- (b) The awards are seen as an opportunity to acknowledge and encourage excellence in design to enhance the liveability of the area for Bayside residents. The awards are made only to properties within the municipality. The recommendations for awards to properties are made by an independent judging panel. The Panel comprises two Councillors and industry professionals in the areas of architecture, planning and heritage.

---

In accordance with Section 64 of Council's Governance Local Law 1, public question time will not exceed 15 minutes in duration. At the conclusion of the 15 minutes, the second question received from Mr K.S. Spencer was not read. A letter will be forwarded to Mr Spencer containing the response.

## 7. Petitions to Council

### 7.1 PETITION: DENDY VILLAGE BRIGHTON RENOVATION

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/89944

---

Petition from residents opposing the commencement of any renovation works at Dendy Village, Hampton Street, Brighton. (16 signatures)

*“We the following undersigned petitioners hereby request Bayside City Council to place on hold its proposal for streetscape renovation works in the Dendy Village Shopping Centre Hampton Street Brighton until such works are subjected to community review in accordance with the six strategic objectives described in the Bayside City Council Plan 2013/17.”*

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

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

**CARRIED**

**7.2 PETITION: SANDRINGHAM ATHLETICS CLUB, TRACK AND LAND**

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/97941

---

Petition from residents seeking Council to retain the Sandringham Athletics Club, track and land at its current location in Glamis Avenue Hampton (116 signatories).

*“We the undersigned hereby petition Bayside City Council to retain Sandringham Athletics Club, track and land at its current location at Glamis Avenue Hampton and ask that the Council advocate to the State Government for assistance in the upgrade of the Sandringham Athletics Club, track and land to ensure the ongoing use as an Athletics Club for future generations of the City of Bayside and surrounds.”*

**Moved: Cr Frederico**

**Seconded: Cr Lowe**

That Council:

1. receives the petition; and
2. considers a report at its February 2017 Ordinary Meeting outlining the findings of the Thomas Street Netball and Dendy Park Synthetic Athletics Track Feasibility Study following consultation with relevant sporting groups (July-Sept 2016) and engagement with local residents and the broader Bayside community (October-Dec 2016)

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

**DIVISION:**   **FOR:**       Crs Lowe, Evans and Frederico (3)  
                          **AGAINST:** Crs del Porto, Long and Stewart (3)

The Mayor exercised the casting vote and the division was

**LOST**

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That the petition be received and a report be submitted to Council at a future meeting to be determined following the 2016 Council elections.

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

**DIVISION:**   **FOR:**       Crs del Porto, Evans, Long and Stewart (4)  
                          **AGAINST:** Crs Lowe and Frederico (2)

**CARRIED**

## 8. Minutes of Advisory Committees

### 8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 12 MAY 2016

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/91112

**Moved: Cr Stewart**

**Seconded: Cr Evans**

That Council:

1. notes the minutes of the Audit Committee meeting held on 12 May 2016 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee meeting of 12 May 2016:

#### 9.6.2. Three Year of the Three Year Internal Audit Plan 2014/15 – 2016/17

That the Audit Committee recommends to Council that the 3<sup>rd</sup> Year Proposed Audit Plan for 2016/17 financial year be adopted.

#### 9.8.1. Review of the Audit Committee Charter

That the Audit Committee recommends to Council that the Audit Committee Charter as amended be adopted.

**CARRIED**

### 8.2 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/94535

**Moved: Cr Frederico**

**Seconded: Cr Evans**

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

Date	Name
31 May 2016	Councillor Briefing
31 May 2016	CEO and Councillor Only Briefing
14 June 2016	Councillor Discussion
14 June 2016	Strategic Issues Discussion

**CARRIED**

## 9. Reports by Special Committees

### 9.1 MINUTES OF A SPECIAL COMMITTEE TO HEAR SUBMISSIONS IN RELATION TO THE COUNCIL PLAN 2013--2017 (2016 REVIEW) AND STRATEGIC RESOURCE PLAN 2016-17 TO 2019-20 HELD ON 2 JUNE 2016

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/94604

---

**Moved: Cr Evans**

**Seconded: Cr Lowe**

That Council notes the Minutes of the Special Committee of Council held on 2 June 2016 to hear submissions in relation to the 2016 Review of the Council Plan 2013-17 and the Strategic Resource Plan 2016-17 to 2019-20.

**CARRIED**

### 9.2 MINUTES OF A SPECIAL COMMITTEE TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED BUDGET 2016/2017 AND THE LONG TERM FINANCIAL PLAN 2016/17

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/94966

---

**Moved: Cr Stewart**

**Seconded: Cr Lowe**

That Council notes the Minutes of the Special Committee of Council held on 2 June 2016 to hear submissions in relation to the Proposed Budget 2016 – 2017 and the Long Term Financial Plan 2016-17 to 2025-26.

**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 Cenotaph at Green Point, Brighton – Activity Exclusion Zones and Signage**

1. Mr. K.S. Spencer

#### **Item 10.3 Bayside Public Transport Advocacy Statement**

1. Mr Rob Grinter

#### **Item 10.4 Youth Services – Peterson Youth Centre Review**

1. Mr Ian Dougherty or Mr Greg Cusak

#### **Item 10.12 Landscape Guidelines**

1. Mr Chris Sutton

#### **Item 10.16 April 2016 Financial Report**

1. Mr George Reynolds

## 10.1 CENOTAPH AT GREEN POINT, BRIGHTON - ACTIVITY EXCLUSION ZONES AND SIGNAGE

Corporate Services - Recreation, Events & Community Partnerships  
File No: PSF/15/8751 – Doc No: DOC/16/93551

*It is recorded that Mr K.S. Spencer spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1. acknowledges the importance of large scale community participation events and continues to support the use of Green Point, Brighton as a staging site for some of these events;
2. continues to implement its Event Permit process including a requirement of major event organisers to securely fence immediately around the Cenotaph at Green Point, Brighton;
3. receives a report to include the outcome of an audit of the state of the monument and a feasibility study of installing a camera over the cenotaph; and
4. notifies the lead petitioner of the outcomes of this Report.

**CARRIED**

## 10.2 DENDY STREET BEACH MASTERPLAN - ACCESS PATH G

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/96279

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1. proceeds with works on Paths C, D, and H in line with the Council Meeting resolutions of 23 November 2013;
2. does not proceed with works on Path G and the path is closed and rehabilitated; and
3. installs a drinking fountain on Path D at the location of the existing shower.

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

**DIVISION:**   **FOR:**       Crs del Porto, Lowe, Evans, Long and Stewart (5)  
                  **AGAINST:** Cr Frederico (1)

**CARRIED**



*It is recorded Cr Stewart declared an Indirect Conflict of Interest where residential amenity may be altered in item 10.3 – Bayside Public Transport Advocacy Statement given she lives in close proximity to the Southland Train Station which is noted within the Advocacy Statement.*

*Cr Stewart was not present in the Chamber when this item was considered and vacated the Chamber at 8pm.*

### **10.3 BAYSIDE PUBLIC TRANSPORT ADVOCACY STATEMENT**

Environment and Infrastructure - Infrastructure Assets  
File No: PSF/15/8756 – Doc No: DOC/16/92920

*It is recorded that Mr Rob Grinter spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Lowe**

That Council:

1. adopts the Bayside Public Transport Advocacy Statement, as provided in Attachment 1;
2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council's resolution for adopting the ITS to seek the endorsement of any new advocacy issues and positions that are evolved;
3. advocates for public transport improvements within the municipality based on the endorsed Bayside Public Transport Advocacy Statement advocacy actions; and
4. welcomes the Minister's offer to discuss options for additional commuter parking in Bayside.

**CARRIED**

*It is recorded Cr Stewart vacated the Chamber prior to item 10.3 and was not present in the Chamber when this item was considered.*

*It is recorded Cr Stewart returned to the Meeting at 8.10pm following consideration of the above item.*

#### 10.4 YOUTH SERVICES - PETERSON YOUTH CENTRE REVIEW

Community Services - Family, Youth & Cultural Services  
File No: PSF/15/8751 – Doc No: DOC/16/93988

---

*It is recorded that Mr Rod Stelling spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That Council defers this item for officers to investigate shared use of the Peterson Youth Centre facility and other potential stand-alone locations for the Youth Centre with a further report to be presented to Council at the August meeting.

**CARRIED**

#### 10.5 COUNCIL PLAN 2013-2017 (2016 REVIEW) AND STRATEGIC RESOURCE PLAN 2016-2020

Corporate Services - Governance  
File No: PSF/15/8754 – Doc No: DOC/16/91684

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

1. having considered the submission received in accordance with Section 223 of the Local Government Act 1989 in relation to the Council Plan 2013-3017 (2016 Review) and Strategic Resource Plan 2016-2020, adopts:
  - a) The Council Plan 2013-2017 (2016 Review) incorporating changes as outlined in the report specifically relating to the strategic indicator targets; and
  - b) The Strategic Resource Plan 2016-2020 incorporating changes as outlined in the report specifically relating to the deletion of \$250,000 in the capital expenditure for 2016/17 in relation to the Black Rock Life Saving pavilion;
2. forwards to the Minister of Local Government a copy of the Council Plan 2013-2017 (2016 Review) and the Strategic Resource Plan 2016-2020 by 30 June 2016 in accordance with the legislative requirements.

**CARRIED**

**10.6 ADOPTION OF THE 2016/17 BUDGET AND LONG TERM FINANCIAL PLAN**

Corporate Services - Finance  
File No: PSF/15/8759 – Doc No: DOC/16/95757

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

- 1) having considered submissions received pursuant to Section 223 of the Local Government act 1989, adopt the 2016/17 Budget (as attached) for the financial year ending 30 June 2017 with the following changes:
  - a) the removal of the Black Rock Life Saving Club pavilion redevelopment \$3.450 million (\$250k for 2016/17)
- 2) gives public notice of its decision to adopt the Budget in accordance with Section 130 of the Local Government act 1989;
- 3) forward a copy of the 2016/17 Budget to the Minister in accordance with the Local Government act 1989;
- 4) thanks the submitters for their submissions and advise of the reason for the adoption of the 2016/17 Budget;
- 5) adopts the Long Term Financial Plan 2016/17 – 2025/26;
- 6) adopts the Schedule of Discretionary Fees and Charges attached to the 2016/17 Budget with the following changes:
  - a) nursery plant prices Residential Tubes \$2, Non Residential Tubes \$2.50, Wholesale Tubes \$1.40, Wholesale Non Residential Tubes \$1.65

**CARRIED**

**Moved: Cr Lowe**

**Seconded: Cr del Porto**

That the Motion be now PUT.

**CARRIED**

The Motion moved by Cr del Porto and seconded by Cr Lowe was PUT and **CARRIED**

## 10.7 DECLARATION OF RATES AND CHARGES

Corporate Services - Finance

File No: PSF/15/8759 – Doc No: DOC/16/89652

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council formally declare the Rates and Charges for the 2016/17 Rating Year as follows:

### 1. Amount Intended To be Raised

That an amount of \$84,975,108 be declared as the amount which Council intends to raise by general rates, municipal charge, annual service charge and an amount in lieu of General Rates (in accordance with the Cultural and Recreational Lands Act 1963) described later in this Resolution, which amount is calculated as follows:

General Rates	\$ 69,413,196
Municipal Charge	\$6,340,657
Annual Service Charge (Waste)	\$8,910,631
Amount in lieu of General Rates in accordance with Cultural and Recreational Lands Act	\$310,624
<b>TOTAL</b>	<b>\$84,975,108</b>

### 2. General Rates

2.1 That a General Rate be applied at a uniform rate of 0.123270 cents for each dollar of Capital Improved Value be declared in respect of the 2016/17 Financial Year.

2.2 That in accordance with the Cultural and Recreational Lands Act 1963, the amounts payable as rates be the amounts set out in the attached "Cultural and Recreational Lands Summary" in respect of the 2016/17 Financial Year for all land to which that Act applies.

### 3. Municipal Charge

3.1 That a Municipal Charge is declared in respect of the 2016/17 Financial Year.

3.2 That the Municipal Charge is declared for the purpose of covering some of the administrative costs of Council.

3.3 That a Municipal Charge in the sum of \$144.83 for each rateable land (or part thereof) in respect of which a municipal charge may be levied is declared in respect to the 2016/17 financial year.

3.4 That it is confirmed that the Municipal Charge is declared in respect of all rateable land within the municipal district in respect of which a Municipal Charge may be levied.

### 4. Annual Service Charges

4.1 That pursuant to the provisions of Section 162 of the Local Government Act 1989 an Annual Service Charge relating to Waste Management be declared for each rateable property:

4.1.1 The Annual Service Charge is charged on each rateable property (excluding Advertising Signs, Electricity Substations, Telecommunication Towers and Bathing Boxes) in the sum of \$221.85 for a 140-litre mobile

- garbage bin or \$168.50 for a 80-litre mobile garbage bin or \$168.50 for a shared 140-litre mobile garbage bin.
- 4.1.2 That an amount of \$70.85 be charged as a waste contribution if no waste service is available.
  - 4.1.3 That an amount of \$70.85 be charged as a waste availability service charge where no waste service is provided by Council but such a service is available.
  - 4.1.4 That an amount of \$221.85 be charged for the second waste bin on each rateable property.
  - 4.1.5 That an amount of \$460.85 be charged for the third or subsequent waste bin on each rateable property.
  - 4.1.6 That an amount of \$74.10 be charged for the second or subsequent recycling bin on each rateable property.
  - 4.1.7 That an amount of \$94.85 be charged for the second or subsequent green waste bin on each rateable property.
  - 4.1.8 The Annual Service Charge is declared in respect of the 2016/17 Financial Year.
- 4.2 That pursuant to the provisions of Section 221 of the Local Government Act 1989 an Annual Service Charge relating to Waste Management is declared on each non-rateable property where the service is provided:
- 4.2.1 The Annual Service Charge is levied on each non-rateable property in the sum of \$221.85 for a 140-litre mobile garbage bin or \$168.50 for a 80-litre mobile garbage bin.
  - 4.2.2 That an amount of \$221.85 be charged for the second waste bin on each non-rateable property.
  - 4.2.3 That an amount of \$460.85 be charged for the third or subsequent waste bin on each non-rateable property.
  - 4.2.4 That an amount of \$74.10 be charged for the second or subsequent recycling bin on each non-rateable property, or the first recycling bin if no waste bin is provided.
  - 4.2.5 That an amount of \$94.85 be charged for the second or subsequent green waste bin on each non-rateable property, or the first green waste bin if no waste bin is provided.
  - 4.2.6 The Annual Service Charge is declared in respect of the 2016/17 Financial Year.
  - 4.2.7 That a one off carbon price refund of \$14.30 be credited on 1 July 2016 for each of the first two 140 litre waste services as a one off credit on 1 July 2016.
  - 4.2.8 That a one off carbon price refund of \$10.75 be credited on 1 July 2016 for the first 80-litre waste service as a one off credit on 1 July 2016.
  - 4.2.9 That a one off carbon price refund of \$10.75 be credited on 1 July 2016 for a shared 140-litre service as a one off credit on 1 July 2016.
  - 4.2.10 That a one off carbon price refund of \$30.30 be credited on 1 July 2016 for the third and subsequent 140 litre waste services as a one off credit on 1 July 2016.

4.2.11 That a one off carbon price refund of \$4.45 be credited on 1 July 2016 for the second and subsequent recycling services as a one off credit on 1 July 2016, or the first recycling bin on a non-rateable property if no waste bin is provided.

4.2.12 That a one off carbon price refund of \$5.90 be credited on 1 July 2016 for the second and subsequent green waste services as a one off credit on 1 July 2016, or the first green waste bin on a non-rateable property if no waste bin is provided.

5. **Incentives**

An incentive is given at the rate of 1.3 percent discount in relation to the total amount payable for the sum of the General Rates, Municipal Charge and Annual Service Charges if full payment is received by 31 August 2016.

6. **Rate Payments**

6.1 Rates are payable in four instalments due by 30 September 2016, 30 November 2016, 28 February 2017 and 31 May 2017.

6.2 Where no instalment has been paid by 30 September 2016, rates are due in a lump sum and payable by 15 February 2017.

7. **Consequential**

7.1 It be recorded that Council requires any person to pay interest on any amounts of rates and charges which:

- That person is liable to pay; and
- Have not been paid by the date specified for their payment.

7.2 The Revenue Coordinator is authorised to levy and recover the rates, municipal and annual service charges and interest described earlier in this Resolution in accordance with the Local Government Act 1989.

**CARRIED**

## 10.8 RATING STRATEGY 2016 - 2017

Corporate Services - Finance

File No: PSF/15/8759 – Doc No: DOC/16/90593

---

**Moved: Cr Evans**

**Seconded: Cr del Porto**

That Council adopts the Rating Strategy for 2016/17 including the following:

1. That Council continues to use the Capital Improved Value as the valuation methodology to levy Council rates.
2. That Council continues to apply a uniform rate for all rating categories, including commercial, industrial, vacant land and retirement villages.
3. That Council continues to allow a discount on the commercial rate to Cultural and Recreational properties subject to a two-yearly review of each property being undertaken.
4. That Council acknowledges the impact of Council revaluations.
5. That Council considers the use of special rates and charges as an alternative funding source in instances that fit the following circumstances:
  - i. Funding of specifically defined projects (eg streetscape works, stormwater drainage, upgrading of footpaths with non-standard materials and undergrounding of power lines) where special benefit can be shown to exist to, or a special request is received from, a grouping of property owners; and
  - ii. Raising funds for a dedicated purpose.

In circumstances outside of the above two scenarios, Council will use differential rating to achieve its objectives.

6. That Council utilises a Municipal Charge as part of its rating strategy.
7. That Council reviews the level of the Municipal Charge every four years.
8. That Council continues to apply a Waste Service charge as part of its rating strategy based on cost recovery of the waste function, and that all rateable properties other than bathing boxes, advertising / billboards, telecommunications facilities (mobile phone equipment sites) and electrical substations are subject to a Waste Service Charge. Non-rateable properties are also charged if they are utilising the service.
9. That Council continues to apply both the mandatory rate instalment payment option and the lump sum payment option.
10. That Council continues to offer direct debit payments over nine monthly instalments.
11. That Council continues to apply a payment discount to those residents who wish to pay all instalments in a single payment by the end of August.
12. That the level of prompt payment discount be set at a cost neutral basis based on forecast investment interest rates.

**CARRIED**

## 10.9 MEDIA POLICY

Communications and Customer Service -  
File No: PSF/16/816 – Doc No: DOC/16/95629

---

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1. adopts the Media Policy contained in Attachment 1, dated 21 June 2016 with the following change:

- Item 6.3 – Protocols for Determining the spokesperson;

Dot point 2 to read – At the Mayor's or the Deputy Mayor's discretion or via a Council resolution at the Annual Meeting, another Councillor may be designated as spokesperson.

**CARRIED**

**Moved Cr del Porto**

**Seconded: Cr Lowe**

That items 10.10, 10.11, 10.13 and 10.14 be dealt with as a block motion and the recommendations be adopted.

**CARRIED**

## 10.10 RISK POLICY ANNUAL REVIEW

Corporate Services - Commercial Services  
File No: PSF/15/8762 – Doc No: DOC/16/22672

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council adopts the Risk Management Policy as contained in Attachment 1.

**CARRIED**

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



### 10.11 BRIGHTON SECONDARY COLLEGE SYNTHETIC HOCKEY FACILITY - MANAGEMENT COMMITTEE FINANCIALS UPDATE

Corporate Services - Recreation, Events & Community Partnerships  
File No: PSF/15/8751 – Doc No: DOC/16/82350

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council receives a further report no later than July 2017 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.

**CARRIED**

**NOTE:** Item 10.11 was **CARRIED** as part of a block motion.

### 10.13 REVISED ASSET MANAGEMENT PLANS 2016

Environment and Infrastructure - Infrastructure Assets  
File No: PSF/15/8756 – Doc No: DOC/16/94373

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council adopts the updated Buildings, Roads and Recreation and Open Space Service-Driven Asset Management Plans 2016 (Attachments 4, 5 and 6 respectively).

**CARRIED**

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

### 10.14 CON/16/46 ROAD RESURFACING PROGRAM FOR 2016/17 – 2017/18

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/61440

---

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

1. awards contract CON/16/46 Road Resurfacing Program for 2016/17 – 2017/18 commencing 1 July 2016 to Fulton Hogan Industries Pty Ltd (ABN: 54 000 538 689) for the specified schedule of rates in Confidential Attachment 2;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/46 Road Resurfacing Program for 2016/17 – 2017/18; and
3. advises the unsuccessful tenderers accordingly.

**CARRIED**

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

## 10.12 LANDSCAPE GUIDELINES

City Planning and Amenity -  
File No: FOL/15/4128 – Doc No: DOC/16/87008

*It is recorded that Mr Chris Sutton spoke in relation to this matter.*

**Moved: Cr Stewart**

**Seconded: Cr del Porto**

That Council:

1. adopts the Landscape Guidelines dated June 2016 shown as Attachment 1 of this report with the following changes;
  - Section 2 - Planting Ratios and Scale to read ' If you are building within the VPO 3 or SLO zones where the trees are protected by the Bayside Planning Scheme in addition to any Planning Scheme requirements, you will be asked to meet the required planting ratios and other landscape planting requirements set out in tables 2 and 3. This will mean that new developments in VPO 3 and SLO zones will have landscaping and new tree planting, including:'. . . .
  - Section 2 - Table 2 will have the following information added as follows:  
In addition, all VPO 3 and SLO zones will require at least 80% indigenous ground cover and mid storey vegetation to be planted. An example is provided in Appendix 4. Soil volume and required planting area requirements for trees are provided in Appendix 3.
  - Section 2 – Table 3 – Title will change to read 'Example Landscape Requirements for New Buildings'
  - Section 2 - Table 3 will have the following information added as follows:  
In addition, all new developments should have vegetation planted across the site. Refer to Appendix 4 for examples of vegetation planting. Soil volume and required planting area requirements for trees are provided in Appendix 3.
  - Section 2 – Table 3 – Low Density (Dual Occupancy) Application, preferred number of canopy trees in the front will change to read '1 large canopy tree or 2 smaller canopy trees' and the preferred scale of these trees to read ' 1 tree to grow to 12 metres tall or greater or 2 trees to grow to 8 metres or greater'.
2. writes to the submitters to thank them for providing feedback and their contribution to the development of the Landscape Guidelines; and
3. authorises the Director City Planning & Amenity to make any necessary editorial changes to the document.

**CARRIED**

**10.15 AUDIT COMMITTEE - RE-APPOINTMENT OF EXTERNAL  
INDEPENDENT AUDIT COMMITTEE MEMBER**

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/97263

---

**Moved: Cr Evans**

**Seconded: Cr Lowe**

That Council re-appoints Mr Brian Keane as an external independent member of the Audit Committee for a period of 3 years effective as from 1 October 2016 to conclude 30 September 2019.

**CARRIED**

**10.16 APRIL 2016 FINANCIAL REPORT**

Corporate Services - Finance  
File No: PSF/15/8759 – Doc No: DOC/16/88115

---

*It is recorded that Mr George Reynolds spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council notes the operating and capital financial report for the ten months to 30 April 2016.

**CARRIED**

**Moved Cr del Porto**

**Seconded Cr Stewart**

That Items 10.17 and 10.18 be dealt with as a block motion and the recommendations be adopted.

**CARRIED**

### **10.17 VCAT DECISIONS**

City Planning and Amenity - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/16/95511

---

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That the report on the VCAT decisions on the planning applications handed down during the month of May 2016 be received and noted.

**CARRIED**

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

### **10.18 COUNCIL ACTION AWAITING REPORT**

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/94541

---

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council notes the Council Action Awaiting Report.

**CARRIED**

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

## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico advised that the report in relation to the Association of Bayside Municipalities meeting held on 16 June 2016 has been circulated to Councillors.

2. **MAV Environment Committee** – Director Environment & Infrastructure advised that no meetings have been held since the last Council meeting. The next meeting is scheduled for 25 August 2016.

3. **Metropolitan Transport Forum** – Director Environment & Infrastructure advised that a report has been forwarded to Councillors for the Metropolitan Transport Forum held on 1 June 2016.

4. **Municipal Association of Victoria** – Cr Frederico indicated that she attended the Municipal Association of Victoria meeting held on 10 June 2016 and her report has been circulated to Councillors.

Cr Frederico advised that she has been appointed to the Local Government Act Review Taskforce to review the MAV Act 1907. Their inaugural meeting is scheduled in July 2016.

Cr Frederico also advised that the Chief Executive Officer has been appointed to the Taskforce to review the Local Government Act 1989.

5. **Inner South Metropolitan Mayors' Forum** – Cr Long indicated that he will circulate a report to Councillors for a recent meeting of the Inner South Metropolitan Mayors' Forum that he attended.

6. **Metro Waste & Resource Recovery Group** – The Director Environment and Infrastructure advised that a report from the Metro Waste & Resource Recovery Group has been circulated to Councillors.

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That the delegates reports be received and noted.

**CARRIED**

## 12. Urgent Business

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

**Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That the Deputy Mayor, Cr Evans take the Chair for consideration of item 13.1 – Notice of Motion 248.

**CARRIED**

**Moved: Cr Stewart**

**Seconded: Cr del Porto**

That Cr Long be granted leave of Council to amend Notice of Motion 248 – Removal of Street Tree Adjacent to 14 Gladstone Street, Sandringham.

**CARRIED**

## 13. Notices of Motion

### 13.1 NOTICE OF MOTION - 248 - REMOVAL OF STREET TREE ADJACENT TO 14 GLADSTONE STREET SANDRINGHAM

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/92947

**Moved: Cr Long**

**Seconded: Cr Stewart**

“That Council, having considered the confidential correspondence received on 24 May 2016 in relation to the above matter, and having regard to legal advice received on the same:

1. reaffirms its previous resolution at the Planning and Amenity Committee meeting on 12 April 2016 and the Ordinary Meeting of Council on 26 April 2016 to remove the street tree adjacent to 14 Gladstone Street, Sandringham;
2. plant a suitable indigenous replacement tree, at a minimum height of 3 metres at the time of planting, during this current planting season on the nature strip adjacent to 14 Gladstone Street Sandringham in consultation with adjacent property owners;
3. provide additional street tree planting with suitable indigenous trees **within this planting season at** Gladstone Street Sandringham where a current gap exists within the nature strips in consultation with adjacent property owners;
4. advise the property owners of 14 and 16 Gladstone Street Sandringham of Council’s review and final decision in this matter; and
5. explores ways to recycle the timber as a result of the felling of the tree, and offer the seeds or cuttings for propagation to the Burnley Horticultural College or any other horticulture educational institute and or any other interested educational facility especially in the bayside region.”

#### **AMENDMENT**

**Moved: Cr Stewart**

**Seconded: Cr del Porto**

That Council, having considered the confidential correspondence received on 24 May 2016 in relation to the above matter, and having regard to legal advice received on the same:

1. reaffirms its previous resolution at the Planning and Amenity Committee meeting on 12 April 2016 and the Ordinary Meeting of Council on 26 April 2016 to remove the street tree adjacent to 14 Gladstone Street, Sandringham;
2. plant a suitable indigenous replacement tree, at **approximate height of** 3 metres at the time of planting, during this current planting season on the nature strip adjacent to 14 Gladstone Street Sandringham in consultation with adjacent property owners;
3. provide additional street tree planting with suitable indigenous trees **within this planting season at** Gladstone Street Sandringham where a current gap exists within the nature strips in consultation with adjacent property owners;
4. advise the property owners of 14 and 16 Gladstone Street Sandringham of Council’s review and final decision in this matter; and
5. explores ways to recycle the timber as a result of the felling of the tree, and offer the seeds or cuttings for propagation to the Burnley Horticultural College or any other horticulture educational institute and or any other interested educational facility especially in the bayside region.

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

**DIVISION:**    **FOR:**        Crs del Porto, Lowe, Evans, Long and Stewart (5)  
                  **AGAINST:** Cr Frederico (1)

**CARRIED**

The Amendment became the Motion before the Chair.

The Motion was Put and **CARRIED**



**14. Confidential Business**

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

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

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

**CARRIED**

**Table of Contents**

**14.1 UPDATE TO COUNCIL ON CURRENT CONTRACTUAL MATTERS ARISING FROM THE LANDFILL SERVICES CONTRACT (CONTRACT NO. 2010/1).**  
*(LGA 1989 Section 89(2)(d) contractual matters.)*

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

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.38pm.*

**CONFIRMED THIS INSERT 26 DAY OF JULY 2016**

**CHAIRPERSON: .....**

