



Minutes of the Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 20 December 2016

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
Bill Shanahan	Acting Director Corporate Services
Matt Kelleher	Acting Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure Services
Rachel Lunn	Manager Development Services
Arthur Vatzakis	Statutory Planning Coordinator
Terry Callant	Governance Manager

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

The Mayor invited Cr Long to read the prayer.

1. Prayer

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

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

2. Acknowledgement of Original Inhabitants

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

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

3. Apologies

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

Item 10.5 – Cr Martin – indirect interest by Conflicting duties.

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 29 November 2016.

Moved: Cr Evans

Seconded: Cr Long

That the minutes of the Ordinary meeting of Bayside City Council held on 29 November 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. **Mr Alex Wood**

It is recorded that Mr Alex Wood submitted a public question but was not present in the Chamber. In accordance with the Governance Local Law the public question was not read out at the meeting or recorded in the minutes. A written response will be forwarded to Mr Wood.

2. **Mr Max Redlich**

Would it be appropriate for the Council, in the light of many injuries being sustained and the possibilities of broken hips being hospitalised and shortening the life by the elderly tripping on the TAC Tiles, to pre-empt these by attending to the danger spots right away rather than after a complaint is registered and injury sustained?

The solution is painting these spots with non-slip long lasting hazard yellow that cannot be missed before more injuries are sustained.

Can I make a presentation to the Council proving the viability of this plan?

Response read by the Mayor

Council not only acts on when a complaint is registered, but also has a proactive surveillance and maintenance program to identify issues to ensure tactiles meet Australian standards.

3. Mr Peter Boyle

Quarterly Performance Report

- A) *The report shows under Discretionary Reserves: Infrastructure Reserve an amount of \$4,271K as the balance as at 30 June 2016. However the Annual Financial Statements to 30 June 2016 show a balance of \$6,824K a difference of \$2,553K, Why*
- B) *The report shows Total Reserves as \$33,249 as at 30 June 2016. In the Annual Financial Statements the amount for Total Reserves (Note 31) is \$2,113,880, as Asset Revaluation Reserves are included. The amount described in the quarterly report as Total Reserves should be in accord with the Annual Financial Statements, that is Total Other Reserves. Please confirm that such will be done in future reporting?*

Response read by the Chief Executive Officer

- a) *The balance of the discretionary infrastructure reserve as at 30 June 2016 as reported in the annual financial statements was \$6,824K. The opening balance of the reserve reported in the September quarter report was incorrectly stated due to an administrative error and has now been corrected. Please refer to the October Finance report for confirmation.*
- b) *The word "other" will be included in the table in the monthly Finance report to avoid confusion.*

4. Mr Peter Boyle

- A) *The report show a figure for Total Restricted and Committed Funds of \$43,518. This includes Discretionary Reserves. Discretionary Reserves, as the description states, are not committed nor restricted, as they may be amended at the discretion of Council. As such it is misleading to include them as Restricted and Committed Funds. The reporting as per the Annual Financial Statements needs to be applied. Please advise that such will be done in future reporting?*
- B) *The Income Statement per the report for the three months to September shows a favourable variance against budget for Employee Costs of \$299K for the period, yet the forecast for the year shows an unfavourable variance of \$526K. So for the nine months October 2016 to June 2017 there is an expected unfavourable variance of \$825K. The root and branch review of Council being undertaken according to the budget, was to reduce costs and improve service. Please advise why an adverse variance of \$825K in Employee Costs for the nine months October 2016 to June 2017 of \$825K is expected to be incurred?*

Response read by the Mayor

- a) *The reserves in question have been allocated for specific future purposes by Council resolution and have been correctly identified as discretionary reserves. The classification reported in the annual financial statements "intended allocation" will be applied to the monthly Finance report to avoid any confusion.*
- b) *The year to date favourable position for salaries and wages includes the impact of movements in leave provisions compared to that predicted in the budget phasing which is expected to reverse during the year as well as a number of vacant positions which are expected to be filled. The unfavourable forecast position of \$526k includes*
 - *\$417k anticipated increase in resources required in the Development Services Department to process a 30% increase in planning applications which is fully funded by the anticipated increase in revenue*
 - *\$95k increase in Aged & Disability Services for additional resources required to transition aged care from State Government to Commonwealth Government responsibility which is funded from a grant received in advance in 2015/16.*

5. Sue Hardiman

The preamble of Ms Hardiman's question was deemed to embarrass a Councillor therefore it was not read out in accordance with the Governance Local Law.

Ms Hardiman's question related to the use of the mayoral vehicle and asks::

1. What are the rules for use of mayoral vehicle
2. Cost of registration, insurance and depreciation of mayoral vehicle and is a log book kept, and if so, who oversees this.

Response read by the Chief Executive Officer

1. *The rule of use of the mayoral vehicle are outlined in the Councillor Support, Resources, Reimbursement and Accountability Policy adopted by Council at its July 2016 meeting. A copy of the policy can be found on Council's website.*
2. *The cost of registration is \$284.70. The cost of insurance is \$630.20. No depreciation of the mayoral vehicle is incurred as it is a leased vehicle. Given the Mayor has full private use which includes Council use and personal use of the vehicle, a log book is not kept or monitored.*

6. George Reynolds

Why did Council send me an unsolicited letter claiming it was answering an accounting question from the November meeting when no such question was asked, and Why was a statement made in the letter which claimed the support of the auditor for an accounting allocation that I had not questioned, in the response to the question that I had not asked?

Response read by the Chief Executive Officer

At the November Council meeting the Director of Corporate Services made a commitment to respond to Mr Reynolds in order to address the claims he made about the 2015/16 annual financial statements and the September financial statements.

7. George Reynolds

Council has sent me a letter acknowledging a material error in the 2015-16 accounts. The error has been adjusted simply by carrying the error forward into the 2016-17 accounts. Why are the users of the accounts, and the auditors, not informed of the existence of the material error in the 2015-16 accounts by having it adjusted by an audited revision to the 2015-16 accounts and then the totals may be carried forward correctly into 2016-17?

Response read by the Chief Executive Officer

The assertion that Council has sent Mr Reynolds a letter acknowledging a material error in the 2015-16 accounts is false. The Director of Corporate Services emailed Mr Reynolds responding to comments he made at the November Council meeting regarding the financial statements.

8. Mr Barry Brooker

Given that people have a right to be heard and fairly informed, my question respectfully asks in public interest, whether Council is able to reliably inform and reassure residents and travellers traversing the municipality, whether or not, it holds any powerful legal advice, clearly affirming its insurance cover would cover liability, in a tragic accident 'knock-on consequence' case concerning a lack of CMP (Construction Management Plan) involving amongst other things, valid public safety issues, having been called for on 'Special Conditions' ground and on point: discounted by Council?

Response read by the Mayor

If Council was found to be liable for an accident related in some manner to the issuing of a planning permit or the enforcement of the requirements of the permit such as a construction management plan the liability is covered by Councils Professional Indemnity Policy.

9. Mr Kevin Spencer

Noted in tonight's Agenda is a call for review of Councillor and Mayoral allowances. To give the community a better understanding of the full costing of the allowances and notwithstanding the use of Mayoral vehicle;

- (A) *Is the cost of providing a mayoral vehicle in addition to the current generous Mayoral allowance ?*
- (B) *Does council have a policy on limitations on the use of the mayoral vehicle ?*

Response read by the Chief Executive Officer

- A) *The provision of a mayoral vehicle is in addition to the Mayoral allowance.*
- B) *Council adopted the Councillor Support, Resource, Reimbursement and Accountability policy at its meeting in July 2016 which clearly articulates the limitations on the use of the vehicle.*

10. Mr Kevin Spencer

Council is currently selling off a further two bathing Boxes that it constructed on the publicly owned foreshore of Dendy Beach.

- (A) *Will council explain what rights it has to construct a building on public/community owned land and then sell it for private ownership ?*
- (B) *Further two, explain how council can, in addition to such privileged ownership on a public beachside reserve, carry out such an act when is clearly in contradiction to the principle clauses of Councils Open Space Policy & Coastal Management Plan.*

Response read by the Mayor

- A. *Council holds freehold title to the land where the bathing boxes are located. While the bathing box is sold, title to the land is retained by Council and an annual license is granted to the purchaser to occupy the land. In accordance with Council resolution of 21 October 2014 Council is undertaking construction of 8 infill bathing boxes of which 5 have now been constructed and licences issued after their sale. The proceeds from the sale of the bathing boxes will be used to fund improvements to Dendy Beach.*

- B. *Section 3.5.3 of the Coastal Management Plan identifies the construction of further bathing boxes at Dendy Beach as an action. The Open Space Strategy refers to the Coastal Management Plan for the management of Foreshore spaces. While there is an aspiration for no net gain in built form there is a balance to be achieved between this and the opportunities for revenue generation to supplement beach maintenance costs.*

7. Petitions to Council

7.1 PETITION: RELOCATION OF POWER SUB STATION ON THE CORNER OF NEPEAN HIGHWAY AND HAWTHORN ROAD BRIGHTON EAST

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/255027

Petition requesting Council to instruct Yarra Trams to relocate the power substation located at the corner of Nepean Highway and Hawthorn Road Brighton East. (298 signatories)

“We the undersigned hereby petition Bayside City Council to instruct Yarra Trams to relocate the power substation located on the of Nepean Highway and Hawthorn Road Brighton East, as we consider it to be safety hazard for road users.”

Petition Requirements

The submitted petition containing 298 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Moved: Cr Heffernan

Seconded: Cr Long

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

CARRIED

8. Minutes of Advisory Committees

It is recorded that this was dealt with later in the meeting at the reconvened meeting.

8.1 ASSEMBLY OF COUNCILLOR RECORD

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/269077

Moved: Cr Evans

Seconded: Cr Grinter

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

Date	Name
24 November 2016	Councillor Induction Session – Emerging Issues
1 December 2016	Councillor Induction Session – Democratic Governance
6 December 2016	CEO and Councillor Only Briefing
6 December 2016	Councillor Briefing
8 December 2016	Councillor Induction Session – Corporate Governance

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees.

10. Reports by the Organisation

That items 10.9, 10.11, 10.10 be dealt with as a block motion and the recommendations be adopted.

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.

10.1 Dendy Pavilion

1. Mrs Darleen Corcoris (O)
2. Professor Weston Bate (O)
3. Mrs Liz McQuire (O)
4. Mr David Fenton (O)
5. Mrs Sally Fenton (O)
6. Ms Judith Kasputtis (O)
7. Ms Kristin Stegley (O)
8. Ms Kathryn Millett (O)
9. Ms Cassie Johnstone (O)
10. Mr Geoffrey Edwards (O)
11. Mr Clifford Hayes (O)
12. Ms Patricia Carden (O)
13. Mrs Rosemary Meagher (O)
14. Ms Kristin Stegley speaking on behalf of Ms Sally Boyd (O)
15. Mr Kerry Callaghan (O)
16. Mr John Wertheimer (O)
17. Mr Derek Wilson (O)
18. Mr Geoffrey Edwards speaking on behalf of Dr Scott McQuire (O)
19. Mr Kevin Spencer (O)
20. Dr Susan Carden (O)
21. Mr Roger Gillard (O)
22. Ms Joanne Bryant speaking on behalf of Ms Jillian Callaghan (O)
23. Ms Kathryn Millett speaking on behalf of Ms Debbie Brady (O)
24. Mr David Ross (O)
25. Ms Liz McGuire speaking on behalf of Dr David McGuire (O)
26. Professor Weston Bate speaking on behalf of Mr Charles Lyne (O)
27. Ms Cassie Johnstone speaking on behalf of Ms Jenny Warfe (O)
28. Ms Joanne Bryant (O)
29. Mr Andrew Monotti (S)
30. Mr William Meares (S)
31. Mr John Rundell (S)
32. Mr Tim Bolton (S)
33. Mr Duncan Gibson (S)
34. Ms Suzanne McCourt (S)
35. Miss Mae James (S)
36. Mr Troy Ross (S)
37. Mrs Liz Bolton (S)
38. Mr Paul Duckett (S)

39. Mr Graham Burrows (A)
40. Mr Chris Sawyer (A)
41. Mr Vaughan Connor (A)

10.2 Future Provision of Netball and Athletics Facilities in Bayside

1. Mr Stephen Hall
2. Dr Julie McClellan
3. Dr Michelle Sharpe
4. Mr Bart de Boer
5. Ms Kris Pierce
6. Dr David Cunnington
7. Mrs Gillian Billings
8. Mr Gary Murphy
9. Mrs Jill Esplan
10. Mrs Amanda Adams
11. Mr Phillippe Charluet
12. Mr David Redman
13. Ms Karen Payne
14. Mr Tim Lai
15. Ms Eva Gregorich
16. Mrs Elizabeth Walker
17. Mr Mark Walker
18. Mrs Wendy Wroblewski
19. Mrs Anna-Louise Bellarts
20. Miss Charlotte Brown
21. Miss Mel Taylor
22. Ms Catherine McCallig
23. Miss Charlotte Oliphant
24. Mrs Jenny Yelland
25. Miss Darby Bush
26. Ms Cheryl Huxtable
27. Mrs Mia LeFevre Taylor
28. Mrs Deborah Golden
29. Ms Nicole Nabout
30. Ms Rachel Visser
31. Miss Isabelle Hodgson
32. Mrs Ebony Boyd
33. Mr Cameron Mason
34. Ms Doone Ballantine
35. Mr Brad Keifer
36. Ms Sally Dewis
37. Mr Tom Morehouse

10.5 Beaumaris Sports Club Loan Guarantee

1. Mr George Reynolds
2. Mr Kevin Spencer

10.15 Financial Report

1. Mr George Reynolds

**10.1 133 ESPLANADE, BRIGHTON
DENDY BEACH PAVILION
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO.: 2016/266/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/218996

It is recorded that the following individuals spoke for up to three minutes in relation to this matter:

Mrs Darleen Corcoris, Professor Weston Bate, Mrs Liz McQuire, Mr David Fenton, Mrs Sally Fenton, Ms Judith Kasputtis, Ms Kristin Stegley, Ms Kathryn Millett, Ms Cassie Johnstone, Mr Geoffrey Edwards, Mr Clifford Hayes, Ms Patricia Carden, Mrs Rosemary Meagher, Ms Kristin Stegley speaking on behalf of Ms Sally Boyd, Mr Kerry Callaghan, Mr John Wertheimer, Mr Derek Wilson, Mr Geoffrey Edwards speaking on behalf of Dr Scott McQuire, Mr Kevin Spencer, Dr Susan Carden, Mr Roger Gillard, Ms Joanne Bryant speaking on behalf of Ms Jillian Callaghan, Ms Kathryn Millett speaking on behalf of Ms Debbie Brady, Ms Liz McGuire speaking on behalf of Dr David McGuire, Professor Weston Bate speaking on behalf of Mr Charles Lyne, Ms Cassie Johnstone speaking on behalf of Ms Jenny Warfe, Ms Joanne Bryant, Mr Andrew Monotti, Mr William Meares, Mr John Rundell, Mr Tim Bolton, Mr Duncan Gibson, Ms Suzanne McCourt, Miss Mae James, Mr Troy Ross, Mrs Liz Bolton, Mr Paul Duckett, Mr Graham Burrows, Mr Chris Sawyer and Mr Vaughan Connor

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application No. 2016/266/1 of the land known and described as **133 Esplanade, Brighton (Dendy Beach Pavilion)**, for the **partial demolition and associated works to the existing bluestone sea wall, the removal of native / indigenous vegetation, a waiver of loading bay requirements and alterations to an access to a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans, prepared by Jackson Clement Burrows Architects, Project No. 14-041, Council date stamped 7 June 2016 and 7 September 2016 and Site Office Landscape Architects, Council date stamped 7 June 2016 but modified to show:

- a) A revised demolition plan which details the exact extent of demolition including the stormwater pipe penetrations (ie. Size of holes, the extent of bluestone removal and methods to ensure the bluestone wall remains intact). Such detail must be provided at a scale of 1:20 to the satisfaction of the Responsible Authority.
 - b) Detailed engineering drawings which demonstrate the repairs to the removed stormwater pipe penetration to the existing bluestone sea wall including the materials and finishes to be used consistent with the existing bluestone wall. Such detail must be provided at a scale of 1:20 to the satisfaction of the Responsible Authority.
 - c) The proposed steps adjacent to the existing bluestone wall must be constructed of a different material to ensure the steps are easily distinguishable from the existing bluestone wall.
 - d) A detailed landscape plan generally in accordance with the landscape concept plans prepared by Site Office dated 03/08/2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - i. Removal of indigenous vegetation to be replaced with a similar extent of indigenous coastal vegetation;
 - ii. Removal of native vegetation to be replaced with a similar extent of indigenous coastal vegetation;
 - iii. Removal of non-native vegetation to be replaced with native or indigenous coastal vegetation of species likely to provide habitat for native and indigenous fauna;
 - iv. Removal of exotic vegetation to be replaced with native or indigenous coastal vegetation of species likely to provide habitat for native and indigenous fauna.
 - v. A survey, including, botanical names of all existing trees and vegetation to be retained on the site.
 - vi. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species and count.
 - vii. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - viii. Details of surface finishes of pathways and driveways.
 - e) A Tree Management Plan in accordance with Condition 3 of this permit.
 - f) Any other changes to be in accordance with all conditions in this permit.
- All changes to the plans must be to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Tree Management and Protection Plan

3. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan (report) must be specific to the site, be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Management Plan (report) must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and all trees adjoining the subject land where any part of the Tree Protection Zone falls within the subject land.
- b) Methods to be utilised and instruction on how to deploy them.
- c) When the protection measures are to be deployed.
- d) When the protection measures can be modified.
- e) The process that will be followed if any damage occurs to a tree.
- f) The process that will be followed if construction works require alteration to protection measures outlined in the report.
- g) The stages of development at which inspections will occur.

The Tree Protection Plan must be drawn to scale and show:

- a) The location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

4. All protection measures identified in the Tree Management Plan and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
5. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
7. All loading and unloading of goods to occur between 6am and 10am to the satisfaction of the Responsible Authority unless with the prior written approval of the Responsible Authority.

VicRoads conditions

8. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation (VicRoads) prior to the commencement of the use of the development hereby approved.

- 9. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 10. Prior to the commencement of the use of the development hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all-weather seal or some other durable surface.

Permit Expiry:

- 11. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act* 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

VicRoads Notes:

- If the proposed development requires works within the arterial road reserve, separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works. The Motion was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs del Porto, Evans, Long, Heffernan, Martin, Grinter and Castelli (7)
AGAINST: Nil (0)

CARRIED

10.2 FUTURE PROVISION OF NETBALL AND ATHLETICS FACILITIES IN BAYSIDE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/15/8761 – Doc No: DOC/16/227902

It is recorded that the following individuals spoke for up to three minutes in relation to this item:

Mr Stephen Hall, Dr Julie McClellan, Dr Michelle Sharpe, Mr Bart de Boer, Ms Kris Pierce, Dr David Cunnington, Mr Phillippe Charluet, Mr David Redman, Ms Karen Payne, Mr Tim Lai, Ms Eva Gregorich, Mrs Anna-Louise Bellarts, Miss Charlotte Brown, Miss Mel Taylor, Ms Catherine McCallig, Miss Darby Bush, Mrs Mia LeFevre Taylor, Mrs Deborah Golden, Ms Nicole Nabout, Miss Isabelle Hodgson, Mr Cameron Mason, Mr Brad Keifer, Ms Sally Dewis, Mr Tom Morehouse and Ms Rachel Pears

Moved Cr Evans

Seconded Cr Grinter

That the meeting be extended for a period of 30 minutes.

CARRIED

It is recorded that the meeting was extended for a period of 30 minutes at 11.00pm in accordance with the Governance Local Law.

Moved: Cr Grinter

Seconded: Cr Long

That Council:

1. Acknowledges that the three Bayside athletics clubs do not support the proposed relocation of athletics to a like facility at Dendy Park and development of a two indoor and eight outdoor court netball centre at Thomas Street, and without this support, the proposal is not feasible;
2. Writes to the lead petitioners to notify them of the recommendations included in this report;
3. Reconfirms its commitment to meet the identified needs for netball being the provision of two indoor and eight outdoor netball courts, including a commitment to consider funding in 2017/18 and future years as required to meet the needs of netball in Bayside;
4. In keeping with its commitment to engage stakeholders, convenes a Project Reference Group including representatives of Sandringham and District Netball Association to update the Netball Needs Assessment and in the form of site assessment and facility planning, examine alternatives for Council to respond to the needs of netball in Bayside;
5. Presents a report to the August 2017 Ordinary meeting of Council outlining the findings of the netball site assessment and facility planning activities;



Minutes of the Reconvened Ordinary Meeting of Bayside City Council

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 21 December 2016

The Meeting reconvened at 6:30pm

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
Bill Shanahan	Acting Director Corporate Services
Matt Kelleher	Acting Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure Services
Terry Callant	Governance Manager

Apology

Moved: Cr Long

Seconded: Cr Grinter

That the apologies from Cr Clarke Martin be received and leave of absence be granted for <Insert meetings> Meetings.

CARRIED

Moved Cr Long**Seconded Cr Grinter**

That the Ordinary Meeting of Council be resumed.

CARRIED

It is recorded that the meeting was resumed at 6.30pm.

It is recorded that Cr Heffernan was present in the Chamber at the commencement of the meeting.

10.3 LEVEL CROSSING REMOVAL UPDATE

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/15/8756 – Doc No: DOC/16/228994

Moved: Cr Evans**Seconded: Cr Long**

That Council:

1. Endorses the submission to the Level Crossing Removal Authority by the Director Environment, Recreation and Infrastructure dated 27 October 2016 and writes to the Minister for Public Transport outlining Council's concerns, specifically:
 - Property Acquisition;
 - Additional Commuter Parking;
 - Overshadowing and Overlooking;
 - Noise Emissions;
 - Dust;
 - Interface with Cheltenham Park and Cheltenham Cemetery;
 - Retention of the Heather Grove Pedestrian Link;
 - Inclusion of Pedestrian Operated Signals on Park Road;
 - Preservation and Relocation of Heritage Elements of Cheltenham Station;
 - Bus Stops on Park Road;
 - Retention of the Parkiteer Bicycle Cage;
 - Closure of Cheltenham Station Car Park During the Level Crossing Removal Works; and
2. writes to the Minister for Public Transport and Chief Executive Officer of the Level Crossing Removal Authority requesting advice on how the heritage elements of the Cheltenham station will be preserved, and forward a copy of Council's letter to local State Members of Parliament.

CARRIED

10.4 NOTICE OF MOTION - 256 - EXPECTED IMPACT OF COMMUTER PARKING ON THE SANDRINGHAM LINE

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/15/8756 – Doc No: DOC/16/222997

Moved: Cr Evans

Seconded: Cr Long

That Council:

1. continues with its current advocacy position for Public Transport Victoria (PTV) to provide more commuter parking at stations and for Council to continue to protect residential amenity from commuter parking by introducing time restricted parking restrictions as necessary;
2. continues to advocate to the Level Crossing Removal Authority (LXRA) to mitigate the impacts of the construction works associated with the Cheltenham level crossing removal project on both affected local residents and the local area; and
3. notes that temporary time based parking restrictions may be necessary in residential streets surrounding Cheltenham Station and does not support the use of foreshore parking areas for use by commuters.

CARRIED

10.5 BEAUMARIS SPORTS CLUB LOAN GUARANTEE

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/218464

It is recorded that Cr Clarke Martin had declared a conflict of interest in this matter at the commencement of the Ordinary Meeting, however Cr Martin was an apology at the reconvened Ordinary Meeting, and accordingly was not present at this reconvened meeting.

It is recorded that Mr George Reynolds spoke for three minutes in relation to this item. It is further recorded that Mr Kevin Spencer was present at the meeting.

Moved: Cr Evans

Seconded: Cr Grinter

That Council

1. acts as loan guarantor for the Beaumaris Sports Club Inc for \$700,000 for a maximum of 15 years to assist with the funding of the Beaumaris Sports Club pavilion project subject to the loan excluding a redraw facility; and
2. authorises the necessary loan guarantee documentation being signed and affixed with the Bayside City Council Common Seal.

CARRIED

It is recorded that Cr Heffernan entered the Chamber at this point of the meeting.

10.6 TRAFFIC MANAGEMENT AND TRANSPORT PLANNING SERVICE REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/15/8756 – Doc No: DOC/16/228529

Moved: Cr Long

Seconded: Cr Grinter

That Council notes the findings and operational improvements recommended in the Traffic Management and Transport Planning strategic service review.

CARRIED

10.7 AGE FRIENDLY VICTORIA DECLARATION - STATEMENT OF SUPPORT AND PARTNER ENDORSEMENT

City Planning & Community Services - Community Services
File No: PSF/15/8765 – Doc No: DOC/16/195459

Moved: Cr Evans

Seconded: Cr Long

That Council:

1. confirms its commitment to supporting an age-friendly community by signing the Age-Friendly Victoria Declaration
2. develops an Ageing Well Action Plan for inclusion in the Wellbeing for All Ages and Ability Strategy 2017 - 2021

CARRIED

10.8 CON/16/119 TULIP STREET BASKETBALL COURTS REDEVELOPMENT – DESIGN SERVICES

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/15/8763 – Doc No: DOC/16/204668

Moved: Cr Grinter

Seconded: Cr Evans

That Council:

1. awards contract CON/16/119 Tulip Street Basketball Courts Redevelopment – Design Services to Hede Architects Pty Ltd (ABN: 17 089 721139) for the lump sum price \$248,260.00 exclusive of GST and \$273,086.00 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/119 Tulip Street Basketball Courts Redevelopment – Design Services to Hede Architects Pty Ltd; and
3. advises the unsuccessful tenderers accordingly.

CARRIED

10.9 CON/16/125 BRIGHTON GOLF COURSE STORMWATER HARVESTING PROJECT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/15/8763 – Doc No: DOC/16/204680

Moved: Cr Grinter

Seconded: Cr Evans

That Council:

1. awards contract CON/16/125 Brighton Golf Course Stormwater Harvesting Project to Entracon Civil Pty Ltd (ABN: 35 118 370 077) for the lump sum price of \$2,602,601.58 exclusive of GST and \$2,862,861.74 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/125 Brighton Golf Course Stormwater Harvesting Project; and
3. advises the unsuccessful tenderers accordingly.

CARRIED

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

10.10 CON/16/132 PLAYGROUNDS UPGRADE WORKS 2016/17

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/15/8763 – Doc No: DOC/16/204690

Moved: Cr Grinter

Seconded: Cr Evans

That Council:

1. awards Contract CON/16/132 Playgrounds Upgrade Works (2016/17) to Red Centre Nominees Pty Ltd Trading As Exterior Concept Landscapes (ABN: 55 084 274 411) for the lump sum price of \$777,380.69 excluding GST, \$855,118.76 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation relating to CON/16/132 Playgrounds Upgrade Works (2016/17); and
3. advises the unsuccessful tenderers accordingly.

CARRIED

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

10.11 KERBSIDE RECYCLABLES COLLECTION CONTRACT EXTENSION

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/15/8756 – Doc No: DOC/16/228864

Moved: Cr Grinter

Seconded: Cr Evans

That Council:

1. executes the three year extension of the Kerbside Recyclables Collection Contract No. CON/12/64 available based on the cost reduction offer from Solo Resource Recovery shown in Confidential Attachment 1; and
2. authorises the Chief Executive Officer to sign all necessary contract documentation relating to the kerbside recyclable collection and disposal service.

CARRIED

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

10.12 REVIEW OF COUNCILLOR AND MAYORAL ALLOWANCES

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/227345

Moved: Cr Evans

Seconded: Cr Castelli

That Council:

1. commences the statutory process pursuant to section 74(4) of the Local Government Act 1989 to determine the councillor and mayoral allowances for the period 2016 to 2016, and give public notice of such review in accordance with section 223 of the Local Government Act 1989 based on the proposed allowances:
 - Proposed mayoral allowance be \$76,521 per annum, being the maximum allowed for category 2 councils.
 - Proposed councillor allowance be \$24,730 per annum, being the maximum allowed for category 2 councils.
2. establishes a Special Committee of Council consisting of all Councillors with a quorum of 4 Councillors, to hear submissions in relation to the determining of Councillor and mayoral allowances to be held on Wednesday 8 March 2017 at 6.30pm at the Council Chamber, Civic Centre, Brighton.

CARRIED

10.13 DEBT COLLECTION SERVICES - EXTENSION TO CONTRACT NO 1511/1212

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/229296

Moved: Cr Long

Seconded: Cr Grinter

That Contract No 1511/1212 – Provision of Debt Collection Services be extended until 30 November 2017.

CARRIED

10.14 VALUATION SERVICES CONTRACT 2018

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/229492

Moved: Cr Evans

Seconded: Cr Long

That Council exercises its option to extend the valuation services contract provided by Matheson Stephen Valuations (Contract No 1478) for a period of two years from 1 December 2016 to 30 November 2018.

CARRIED

10.15 OCTOBER 2016 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/16/254785

Moved: Cr Long

Seconded: Cr Grinter

That Council notes the operating and capital financial report for the four months to 31 October 2016.

CARRIED

10.16 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/269687

Moved: Cr Long

Seconded: Cr Evans

That Council notes the Council Action Awaiting Report.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Evans advised the meeting the ABM had not met since the election.
2. **MAV Environment Committee** – Director Environment & Infrastructure that there was no report on this Committee.
3. **Metropolitan Transport Forum** – Cr Martin was not present at the meeting therefore no report was submitted.
4. **Municipal Association of Victoria** – Cr del Porto indicated that the MAV had not met at this stage, the MAV will be conducting elections to the Board in March 2017.
5. **Inner South Metropolitan Mayors' Forum** – Cr del Porto attended a meeting at Kingston Council two weeks ago.
6. **Metro Waste & Resource Recovery Group** – Cr Heffernan The Director Environment, Recreation and Infrastructure Services attended the meeting.

Moved Cr Long

Seconded Cr Evans

That the Councillors' reports be received and noted.

CARRIED

12. Urgent Business

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

Moved Cr Evans

Seconded Cr Grinter

The Deputy Mayor take the Chair for the consideration of Notice of Motion 13.1.

CARRIED

13. Notices of Motion

13.1 NOTICE OF MOTION - 260 - KERB OUTSTANDS IN COCHRANE STREET BRIGHTON

Corporate Services - Governance
File No: PSF/15/8758 – Doc No: DOC/16/269112

Moved: Cr del Porto

Seconded: Cr Grinter

Motion

That Council refers a proposal to be considered as part of the 2017/18 Capital Works budget for the redesign and reconstruction of the kerb outstands in Cochrane Street Brighton (at the intersection of Cowper Street/ St James Park Drive and Rooding Street) so that they are more visually attractive and effective.

CARRIED

Moved Cr Grinter

Seconded Cr Evans

That the Mayor take the Chair for the remainder of the meeting.

CARRIED

As there was no confidential business for consideration the Chairman declared the meeting closed at 7.14pm.

CONFIRMED THIS INSERT 31 DAY OF JANUARY 2017

CHAIRPERSON:

