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## Minutes of the Ordinary Meeting of Bayside City Council

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 23 May 2017

The Meeting commenced at 7.00pm

**PRESENT:**

Cr Alex del Porto (Mayor)  
Cr Laurence Evans  
Cr James Long BM JP  
Cr Michael Heffernan  
Cr Clarke Martin  
Cr Rob Grinter  
Cr Sonia Castelli

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Mick Cummins	Director Corporate Services
Shiran Wickramasinghe	Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure
Paulina Xerri	Executive Manager Communications, Customer and Cultural Services
Leanne Ansell-McBride	Executive Manager Strategy and Performance
Matt Kelleher	Manager Urban Strategy
Giacomina Pradolin	Arts and Culture Program Coordinator
Karen Brown	Governance Coordinator
Mandy Bartlett	Governance Officer

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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 requested staff and members of the public gallery to stand for one minute of silence to pay respect to the victims of the Manchester bombing that occurred on 22 May 2017.

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 Evans 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**

It is recorded that Cr Rob Grinter declared an Indirect Interest in Item 10.1 Exploration of opportunities for additional Christmas decorations, Part A only.

## 5. Adoption and Confirmation of the minutes of previous meeting

- 5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 27 April 2017.

**Moved: Cr Long**

**Seconded: Cr Grinter**

That the minutes of the Ordinary meeting of Bayside City Council held on 27 April 2017, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 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 Diana Carlile**

With Brighton Beach with the number of tourists arriving each day- mainly on buses operated by Chinese companies is a great concern. The buses park across the parking bays for over an hour- and there can be up to 4-5 buses a time. I believe they do not pay for parking. The numbers of tourists on the beach, have driven the locals to go elsewhere, further down the coast, to have a pleasant day at the beach and not be stepped on or feel you are sitting in a mass meeting of people. The tourists start, before 8.00am and continue till sunset.

Bayside Council promote the area as a family area, to relax and enjoy the benefits of being at the beach, but this seems impossible. The numbers of people coming to the beach, are using the area as a toilet stop and many people have been seen urinating behind the bathing boxes. The majority of residents do not mind a limited amount of tourists coming, but the numbers have to be reduced for all to enjoy this beautiful beach.

### **Response:**

There is no question in this submission from Ms Carlile, however the following has been prepared in response to the statement made:

Bayside City Council is proud of Dendy Street Beach both as a national tourist destination and a place for locals to enjoy. A project to revitalise the facilities at Dendy Street Beach is underway, which includes the improvement of buildings and facilities. There currently is temporary 10 minute bus parking restrictions in place at Dendy Street Beach to allow buses to unload passengers. Bus parking is provided at Green Point where buses can wait until their passengers are to be picked up. Under the Victorian Road Rules, it is permitted for buses to park across parking bays provided they occupy the minimum number of spaces.

**2. Mr Derek Screen**

In a letter from Council dated May 17 2017 to residents of Pennydale who complained about communications and participation issues regarding the proposed 378-382 Bay Road development, we were told that as "objecting parties have raised concerns this week that they did want to be included further in the appeals process, Council is contacting VCAT and the Applicant to put forward this new information." Has Council approached VCAT and the Applicant yet as advised and if so has there been any response and what was that response?

**Response:**

Council contacted the applicant Keen Planning and VCAT Senior Legal Member Code on 17 May to advise the Member of the concerns raise by residents regarding their involvement in the VCAT process and that some parties did want to be heard by VCAT.

Senior Member Code has not responded directly to that correspondence to date. However, VCAT issued an Order to Council on 18 May 2017 directing that Council's refusal of the original 2016 proposal had been overturned and that a permit be issued.

**3. Mr Robert Saunders**

Given that Council has acknowledged consultation with affected Pennydale residents has been inadequate in the past (for example in relation to the Housing Strategy in 2012 and Proposed Amendment C125 in 2014), what consideration was given to the 2000 word submission in relation to 378-382 Bay Rd signed by 91 Pennydale residents (including 90% of the residents of Munro Ave) served on Bayside City Council as the Responsible Authority in December 2016?

**Response:**

The relevant considerations that led to the consent to a permit having regard to Section 60 of the Planning and Environment Act 1987, included the balanced application of the strategies and policies of the Bayside Planning Scheme and the concerns of all the objectors to the proposal.

Council acknowledges that VCAT procedures are confusing, and sympathise with objectors who have provided feedback that they were unaware that their choice not to attend a VCAT hearing meant that they would have no further correspondence on the proposal from either Council or VCAT, and that there would not be a Planning & Amenity Committee discussion on the proposal.

The new 2017 plans are on Council's website in the Planning and Building – Major Cases section.

#### **4. Mr Ian Bliss**

Pennydale residents who objected to the proposed 3 storey apartment development at 378-382 Bay Rd have been informed that amended plans have been assessed by Council as meeting “all the objectives of ResCode and the Bayside Planning Scheme”.

How can this be when the original and amended plans show parts of the building outside the ResCode envelope; and the design objectives of the relevant Design Development Overlay (DDO2) include:

- To preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, and
- To maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.
- To maintain a strong landscape character with buildings set within vegetated surrounds...and the Preferred Future Neighbourhood Character has similar provisions.

#### **Response:**

In making this decision, the senior Council Officer considered it appropriate to consent to a permit having regard to the balanced application of the strategies and policies of the Bayside Planning Scheme and the concerns of all the objectors to the proposal.

The permit to be issued is for a significantly improved development over the scheme the community first saw. Improvements included the proposal meeting all the objectives of ResCode in the Bayside Planning Scheme and 100% of car parking being provided on site.

Like many other areas in Bayside, the character of the Pennydale and Highett areas are changing with the new residential zones to provide new homes for the future in places with good amenities and public transport accessibility. Council is working with the community and state government to put in place a Structure Plan for the area to seek to provide more certainty for residents in the future.

#### **5. Mr Andrew Rumbelow**

Why is Pennydale seen by Bayside Council as 'Southland Activity Centre' when that MAC is shown as entirely within Kingston in the Plan Melbourne (2017-2050) Implementation Plan (Map 7, p. 50), and the Residential Zones Standing Advisory Committee C125 Report states that “Southland is fundamentally a freestanding shopping centre with little integration of commercial and mixed use activity into surrounding areas” (Stage 2 Report, p. 35).

#### **Response:**

Plan Melbourne 2017-2050 identifies the Cheltenham – Southland area as a Major Activity Centre (MAC). The plan identifies Major Activity Centres across Melbourne through the use of a small purple dot, centred on the core of an activity centre. Where a Major Activity Centre features a train station, the purple dot is often centred on that location, however is only indicative and not representative of a Major Activity Centre's full extent or adopted boundaries.

In the case of the Cheltenham – Southland MAC, the dot is centred on the Nepean Highway and Bay Road intersection as the core of the centre, close to the Kingston – Bayside municipal boundary. This is due to the train station having not yet been constructed and the Southland Shopping Centre being a major retail centre and transport hub that forms the core of the Major Activity Centre.

Council is currently preparing a Southland Structure Plan for its part of the Cheltenham – Southland MAC to ensure a plan is in place to manage future growth. Council will establish an activity centre boundary for the Bayside part of this MAC, which is guided by the State Government Practice Note PPN58 'Structure Planning for Activity Centres' (June 2015). The Practice Note provides a range of up to 20 criteria to be considered in establishing an activity centre boundary, including provision of sufficient areas for growth, environmental constraints, proximity to transport infrastructure and the walkability of the catchment of between 400 – 800 metres from the core of the activity centre.

#### **6. Mrs Fiona Oliver-Taylor**

Why is Bayside City Council still using the 2012 Housing Strategy as a basis for its strategic planning when successive independent planning panels (C125, C140) have described it as flawed and inequitable, and have recommended that it be reviewed?

#### **Response:**

The Bayside Housing Strategy (2012) is one of Council's key land use planning strategies and is a Reference Document within the Bayside Planning Scheme. The Housing Strategy was prepared to address successive State metropolitan strategies and is aligned with the current Plan Melbourne 2017-2050 metropolitan strategy.

The draft Council Plan has scheduled a review of the Housing Strategy in years 2 and 3 of the plan (2018/19 to 2019/20) to address the latest census data and population and housing growth projections. This review will also include consideration of Council's neighbourhood character policies, residential development provisions and opportunities to improve affordable and social housing.

Neither the C125 Advisory Committee nor the C140 Panel described the Bayside Housing Strategy as flawed or inequitable. The C140 Panel considered parts of that Amendment to be flawed and not supported by the Housing Strategy. Further, the C125 Advisory Committee identified the need for localised strategic planning in the Highett, Cheltenham and Hampton East areas to address future growth and appropriate application of planning zones. Council has completed a structure plan for Hampton East, has commenced a structure plan review for Highett and is preparing a new structure plan for the Cheltenham – Southland Major Activity Centre, also known locally as Pennydale.



**7. Mr Kevin Spencer**

In its report the Arts & Culture Advisory Committee responsible for the care & security of the City of Bayside collection of Works of Art, listed 46 Works that could not be located or were destroyed.

- a) Would council give a detailed explanation as to how these works were lost or destroyed?
- b) Was the loss of these works through bad management or lack of proper security?

**Response:**

- a) Council undertook a comprehensive Inventory project of its Art & Heritage Collection over 2016-2017. The main aim of the project was to update information on the physical location of all objects but it also identified missing items and provided recommendations for future collections management work.

In line with Council's Art & Heritage Collection Policy, Item 6.5.1 Criteria for de-accessioning an item or art work, An item may be considered for de-accessioning if any of the following applies:

Is irreparably damaged or destroyed, or is missing or stolen without hope of return;

The works identified that have been lost or destroyed were either mosaics located on footpaths or decorations on Council infrastructure such as painted telegraph poles. The refurbishment and re-design of activity centres and the urban renewal of street infrastructure where these items were located would have necessitated their destruction.

- b) The loss of these works was not due to bad management or lack of security. Locating these items on footpaths and poles meant they would have a limited life span. It would have been more appropriate for these works to have been viewed as valuable community art projects rather than items that should be catalogued and entered into Council's Art & Heritage Collection.

To note it is now the Gallery@BACC Board who is the body responsible for the management of the Arts and Heritage Collection and not the Arts & Culture Advisory Committee anymore.

**8. Mr Kevin Spencer**

- a) Would the mayor explain why he has not replied to several emails of mine to him, "apart from the one he had staff to answer" calling for his investigation into competition cricket being played in the small reserve Whyte Street Brighton and of a consequence damage to a passing vehicle and the potentially deadly threat to the neighbourhood community, especially the children playing in the reserve playground., bearing in mind Councils Duty of Care and its Risk Management Policy.
- b) Please explain that Instead of removing the said cricket pitch in question, who approved the removal of the concrete pitch only to replace the pitch with a more substantial concrete pitch.

**Response:**

- a) Mr Spencer a response to your email sent 9 May 2017 was forwarded to you yesterday.
  
- b) The cricket pitch was replaced as part of Council's maintenance program as its condition had deteriorated. The pitch was replaced in its previous location to current cricket pitch standards. Council's staff organised this routine work.

**9. Ms Amanda Levi**

Council please advise when and how the Bayside Dog Alliance (BDA) will receive a formal response to the Petition submitted and accepted by Council at the meeting on the 28th of March 2017, regarding the removal of the oval gates at Donald MacDonald Reserve in Beaumaris.

**Response:**

The lead petitioner and Chairperson of the Bayside Dog Alliance was emailed a response by the CEO on 13 April 2017.

**10. Dr Kate Dempsey**

Can Council please advise how many fully fenced off-leash parks will be created in Bayside, in what locations and in what time frame in order to compensate Bayside dog owners for the loss of this amenity throughout the municipality.

**Response:**

Council has no current plans to create new dedicated fully fenced dog off-leash areas.

## 7. Petitions to Council

### 7.1 PETITION: BEAUMARIS CONCOURSE GREEN

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/97613

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Petition from residents requesting Bayside City Council to not make any changes to the Beaumaris Concourse Green. (861 signatories).

*“We the undersigned hereby petition Bayside City Council not to make any changes to the Concourse Green. The Green represents an iconic, natural, and uncluttered patch of Beaumaris that should remain uncompromised. We welcome council investment, but only where necessary and for the right use. In this instance (except for maintenance or upgrade of furniture and bins) it would be destructive.”*

#### Petition Requirements

The submitted petition containing 861 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

**Moved: Cr Evans**

**Seconded: Cr Martin**

That the petition be dealt with in conjunction with Item 10.4 on this agenda.

**CARRIED**

## 7.2 PETITION: ELSTERNWICK PARK NORTH - ONLY TWO SPORTING OVALS TO BE INCLUDED IN MASTERPLAN

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/99137

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Petition from residents requesting Bayside City Council to protect the environmental resources and the associated social and educational benefits of Elsternwick Park by including only two sporting ovals in the Elsternwick Park North Masterplan. (6 signatories).

*“We the undersigned hereby petition Bayside City Council to optimise such benefits in balance with other community needs by ensuring that two, and only two, sporting ovals are included in the Elsternwick Park North Masterplan.”*

### Petition Requirements

The submitted petition containing 6 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 Grinter**

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

**CARRIED**

### 7.3 LATE PETITION: DENDY STREET/CHURCH STREET PEDESTRIAN REFUGE

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/102273

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Petition from residents requesting Bayside City Council to reconsider the heritage and landscape impact of the proposed Dendy Street/Church Street refuge. (5 signatories).

*“We the undersigned hereby petition Bayside City Council to reconsider the heritage and landscape impact of the proposed Dendy Street/Church Street refuge and any subsequent proposal to install a pedestrian crossing in a dangerous location.”*

#### Petition Requirements

The submitted petition containing 5 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**

**8.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT  
MATTERS COMMITTEE HELD ON 1 MAY 2017 AND CEO  
PERFORMANCE PLAN 2017/18**

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/89816

**Moved: Cr Martin**

**Seconded: Cr Grinter**

That Item 8.1 be considered in-camera as the final item in tonight's agenda.

**CARRIED**

## 9. Reports by Special Committees

### 9.1 MINUTES OF THE GALLERY@BACC BOARD MEETING HELD ON 3 MAY 2017

Corporate Services - Governance  
File No: PSF/17/72 – Doc No: DOC/17/89307

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**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 3 May 2017; and
2. adopts the following recommendations of the Gallery@BACC Board meeting of 3 May March 2017:

Item 6.2 Adoption of the Strategic Plan 2017-2021 (noting that this is the subject of a separate report to Council on this agenda).

**CARRIED**

### CHANGE TO ORDER OF BUSINESS

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**Moved: Cr Long**

**Seconded: Cr Evans**

That the order of business on tonight's agenda be amended to consider Item 13.1 prior to Item 10 on tonight's agenda.

**CARRIED**

### 13. Notices of Motion

#### 13.1 NOTICE OF MOTION 264 - MUNICIPAL AND INDUSTRIAL LANDFILL LEVY

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/99183

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**Moved: Cr Heffernan**

**Seconded: Cr Martin**

#### **Motion**

*That a report be prepared for the June 2017 Ordinary Council meeting to consider an advocacy approach to ensure that funds collected via the Municipal and Industrial Landfill Levy are utilised to provide funding assistance to establish waste management infrastructure, support programs for industry, education programs and the resourcing of the bodies responsible for waste planning and management in Victoria and not to supplement State Government initiatives like funding activities of Parks Victoria.*

**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 Exploration of Opportunities for Additional Christmas Decorations**

1. Mr Malcolm Sawle
2. Mrs Sandra Yeowart
3. Mr Tony Turnbull

#### **Item 10.2 Planning Scheme Amendment C126 – Implementation of the Bayside Small Activity Centre Strategy 2014**

1. Mr Derek Screen
2. Mrs Marian Woolf
3. Mr Richard Slifierz
4. Mr Graham Morrison
5. Mr Luke Jiang

#### **Item 10.4 Beaumaris Concourse Streetscape Master Plan**

1. Ms Jill Whyte
2. Mr Ken Beadle
3. Mr Malcolm Sawle
4. Mr Geoffrey Goode
5. Mr Stephen Edmunds
6. Mr Ken Blackman
7. Mrs Shelley Durance (via proxy Mr Geoffrey Goode)
8. Mr Greg Mier
9. Mr Chris Sutton
10. Mr Scott Timlock
11. Dr Jill Orr-Young

#### **Item 10.8 Gallery@BACC Board Strategic Plan 2017-2021**

1. Mrs Angelina Beninati

## 10.1 EXPLORATION OF OPPORTUNITIES FOR ADDITIONAL CHRISTMAS DECORATIONS

City Planning & Community Services - Urban Strategy  
File No: PSF/16/4402 – Doc No: DOC/17/94774

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*It is recorded that Cr Grinter declared an indirect interest in Part A of this item given he owns a business in Hampton Street. It is further recorded that Cr Grinter vacated the meeting at 7:31pm prior to any discussion on Part A of this item.*

*It is recorded that Mr Malcolm Sawle, Mrs Sandra Yeowart, and Mr Tony Turnbull spoke for three minutes each on this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Castelli**

### **Part A:**

That Council approves the installation of bud lighting to 3 street trees at 335, 339 and 440 Hampton Street, subject to securing electricity supply agreement.

**CARRIED**

*It is recorded that Cr Grinter was not present in the Chamber during the discussion on Part A of this item and was not present whilst the vote was taken on Part A of this item. Councillor Grinter returned to the Meeting at 7:46pm.*

**Moved: Cr Heffernan**

**Seconded: Cr Long**

### **Part B:**

That council approves the:

- a) purchase and installation of 2 x 4mt Christmas trees for placement in Martin Street, Brighton and Seaview Village, Beaumaris;
- b) purchase and installation of 6 x 600mm bud lit Christmas wreaths on Council owned light poles in Hawthorn Road, Brighton East;
- c) installation of bud lighting on the Sandringham Village Railway Station subject to approvals; and
- d) funds the \$49,000 capital costs for the decorations through savings in the 2016/17 Capital Budget.

**CARRIED**

## 10.2 PLANNING SCHEME AMENDMENT C126 - IMPLEMENTATION OF THE BAYSIDE SMALL ACTIVITY CENTRE STRATEGY 2014

City Planning & Community Services - Urban Strategy  
File No: PSF/15/8752 – Doc No: DOC/17/88121

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*It is recorded that Mr Derek Screen, Mrs Marian Woolf, Mr Richard Slifierz, Mr Seng G Wong (via proxy Mr Graham Morrison), and Mr Luke Jiang spoke for three minutes each on this item.*

*Councillor Heffernan left the Meeting at 8:02 PM*

**Moved: Cr Grinter**

**Seconded: Cr Evans**

That Cr Martin be granted an extension of one minute to complete his debate.

**CARRIED**

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council:

1. Accepts the late submissions received to Amendment C126 in accordance with Section 22 of the Planning and Environment Act 1987;
2. Defer consideration of the submissions to Amendment C126 until its 19 September 2017 Ordinary Meeting;
3. Undertake a review of the Small Activity Centres Strategy 2014 and Amendment C126 having regard to the issues raised in submissions;
4. Write to all submitters advising of its decision; and
5. Requests an exemption from the requirements of Ministerial Direction 15.

**CARRIED**

### **10.3 ELSTER CREEK CATCHMENT WORKING GROUP - MELBOURNE WATER**

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure  
File No: PSF/17/63 – Doc No: DOC/17/89103

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

**Moved: Cr Long**

**Seconded: Cr Grinter**

That Council:

1. Endorses participation in the Elster Creek Catchment Working Group convened by Melbourne Water; and
2. Authorises the Chief Executive Officer to sign the Elster Creek Catchment Working Group Statement of Intent or Memorandum of Understanding when it is finalised.

**CARRIED**

## 10.4 BEAUMARIS CONCOURSE STREETScape MASTER PLAN

City Planning & Community Services - City Planning & Community Services  
File No: PSF/15/8752 – Doc No: DOC/17/71560

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*It is recorded that Ms Jill Whyte, Mr Ken Beadle, Mr Malcolm Sawle, Mr Geoffrey Goode, Mr Stephen Edmunds, Mr Ken Blackman, Mrs Shelley Durance (via proxy Mr Geoffrey Goode), Mr Greg Mier, Mr Chris Sutton, Mr Scott Timlock, and Dr Jill Orr-Young spoke for three minutes each on this item.*

**Moved: Cr Evans**

**Seconded: Cr Grinter**

That the Deputy Mayor, Cr Long temporarily replace the Mayor, Cr del Porto as the chair.

**CARRIED**

*Councillor del Porto (Mayor) left the Meeting at 9:35 PM*

*Councillor del Porto (Mayor) returned to the Meeting at 9:40 PM*

**Moved: Cr Evans**

**Seconded: Cr Grinter**

That the Mayor, Cr del Porto resume his seat as the chair.

**CARRIED**

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Cr Martin be granted an extension of one minute to complete his debate.

**CARRIED**

**Moved: Cr Evans**

**Seconded: Cr Grinter**

That Council:

1. Notes the feedback received to the draft Beaumaris Concourse Streetscape Master Plan as the third stage of the engagement;
2. Adopts the Beaumaris Concourse Streetscape Master Plan in the form of Attachment 1 subject to making the following changes to the Concourse Green concept plan:
  - a. Removing the two east-west curvy gravel paths;
  - b. Replacing the boulders in the open gravelled north-east corner with picnic tables and chairs subject to design approval;
  - c. Removing the flagstone pavers at the south of the Green;
  - d. Removing the tree up-lighting in the concourse green
  - e. Removing the shelter
  - f. Removing the design item and/or artwork as shown to the south of the formerly proposed boulders.
3. Subject to adopting the 2017/18 budget, commences Detailed Design and Documentation; and



## 10.5 INDIAN MYNA CONTROL PROGRAM UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/17/65 – Doc No: DOC/17/86590

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

*Councillor Castelli left the Meeting at 10:11 PM*

**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council receives a report detailing the outcomes of the Indian Myna Control program for the period April 2016 to April 2017 at its 27 June 2017 Council meeting.

**CARRIED**

**10.6 QUARTER THREE PERFORMANCE REPORT - JANUARY TO MARCH 2017**

CEO - Strategy and Performance  
File No: PSF/16/331 – Doc No: DOC/17/89781

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

*Councillor Castelli returned to the Meeting at 10:13 PM*

**Moved: Cr Long**

**Seconded: Cr Martin**

That Council:

1. notes the Quarter 3 Performance Report against the Council Plan activities for the period January to March 2017; and
2. adopts the financial report to 31 March 2016.

**CARRIED**



## 10.7 MUNICIPAL EMERGENCIES DIRECTION PAPER

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/17/74 – Doc No: DOC/17/90899

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

**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council notes the attached submission has been made to Local Government Victoria's consultation on the Councils and Emergencies Direction Paper in support of the submission prepared by the Municipal Association of Victoria and other items specific to Bayside as shown in Attachment 1.

**CARRIED**

**10.8 GALLERY@BACC BOARD STRATEGIC PLAN 2017 - 2021**

Communications, Customer & Cultural Services - Cultural services  
File No: FOL/16/1934 – Doc No: DOC/17/91712

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*It is recorded that Mrs Angelina Beninati spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council adopts the Gallery@BACC Board Strategic Plan 2017 - 2021

**CARRIED**

## 10.9 RESILIENT MELBOURNE

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure  
File No: PSF/17/65 – Doc No: DOC/17/93580

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

**Moved: Cr Martin**

**Seconded: Cr Long**

That Council:

1. Participates in the Resilient Melbourne Project with the second and third year contingent on the Resilient Melbourne project demonstrating delivery of the Resilient Melbourne Strategy and its benefits to the City of Bayside; and
2. Agrees to provide \$15,000 for the first of year of the project with subsequent funding to be subject to further consideration of the outcomes achieved through the Resilient Melbourne Strategy and the benefits to the City of Bayside.

**CARRIED**

**10.10 CON/17/5 - DURRANT STREET DRAINAGE, PAVEMENT,  
STREETSCAPE & SAFETY IMPROVEMENTS, BRIGHTON**

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/17/74 – Doc No: DOC/17/39232

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

**Moved: Cr Grinter**

**Seconded: Cr Evans**

That Council:

1. Awards contract CON/17/5 Durrant Street Drainage, Pavement, Streetscape & Safety Improvements, Brighton to VCreate Contractors Pty Ltd (ABN: 40 055 492 683) for the lump sum price of \$524,078.25 exclusive of GST (\$576,486.07 inclusive of GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/5 Durrant Street Drainage, Pavement, Streetscape & Safety Improvements, Brighton; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

**10.11 CONTRACT FOR SECRETARIAT AND DISCRETIONARY  
CONSULTANCY SERVICES TO THE INNER SOUTHERN  
METROPOLITAN MAYORS FORUM**

Corporate Services - Commercial Services  
File No: CON/17/23 – Doc No: DOC/17/94941

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

**Moved: Cr Grinter**

**Seconded: Cr Evans**

That Council award CON/17/23 for the provision of secretarial and discretionary consultancy services to The Agenda Group Pty Ltd A.C.N. 118 248 892 for an initial term of 1 year with 3 x 1 year options to extend for an initial fixed price of approximately \$330,000 for the secretarial services component of the contract and on the schedule of rates submitted for the discretionary consultancy services component of the contract as attached.

**CARRIED**

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

**10.12 COUNCIL ACTION AWAITING REPORT**

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/89096

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

**Moved: Cr Grinter**

**Seconded: Cr Evans**

That Council notes the Council Action Awaiting Report.

**CARRIED**

**NOTE:** Item 10.12 was **CARRIED** as part of a block motion.

**10.13 NOTICE OF MOTION 259 - PEDESTRIAN CROSSINGS ALONG  
HAMPTON STREET, HAMPTON**

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/17/63 – Doc No: DOC/17/26050

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

**Moved: Cr Grinter**

**Seconded: Cr Martin**

That Council:

1. does not install or pursue VicRoads to install further pedestrian crossings on Hampton Street, between Crisp Street and South Road at this time; and
2. continues to periodically monitor pedestrian and traffic volumes to assess the future need for additional pedestrian crossings on Hampton Street, between Crisp Street and South Road.

**CARRIED**

**10.14 COUNCILLOR TRAVEL - 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

Corporate Services - Governance  
File No: PSF/17/68 – Doc No: DOC/17/99322

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

**Moved: Cr Grinter**

**Seconded: Cr Martin**

That Council approves the Mayor, Cr del Porto, Councillor Castelli and Councillor Long to fly to and from the ALGA National Assembly on the 18-21 June 2017 at an approximate cost of \$550 each.

**CARRIED**



## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that the ABM has not met since the last meeting of Council.
2. **MAV Environment Committee** – Director Environment, Recreation and Infrastructure Services – indicated that the Committee has not yet met.
3. **Metropolitan Transport Forum** – Cr Clarke Martin indicated he attended the Forum in May, which focused on cycling and major bike paths. The Forum also discussed the issue of bus advocacy and bus tracker software.
4. **Municipal Association of Victoria** – The Mayor Cr Alex del Porto indicated that the MAV has not met since the last meeting of Council.
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr del Porto indicated that the Forum is developing a list of objectives for inclusion in its strategic plan.
6. **Metropolitan Local Government Waste Forum** – Cr Michael Heffernan was absent for Reports by Delegates.

## 12. Urgent Business

### 12.1 PROPOSED CHANGES TO THE STATE TAXATION ACTS AMENDMENT BILL 2017

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**Moved: Cr Grinter**

**Seconded: Cr Martin**

That the matter relating to the Proposed Changes to the State Taxation Acts Amendment Bill 2017 be considered as Urgent Business.

**CARRIED**

**Moved: Cr Castelli**

**Seconded: Cr Grinter**

That Council write to:

1. The State Treasurer and Minister for Local Government requesting that consideration of the State Taxation Acts Amendment Bill 2017 be deferred to allow appropriate consultation with the local government sector on the impacts of the proposed change on local communities.
2. Local Members of State Parliament and the State Opposition Leader seeking their support to have the legislation deferred.

**CARRIED**

**14. Confidential Business**

**Moved: Cr Castelli**

**Seconded: Cr Martin**

*That pursuant to Section 89(2)(a) 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 that relates to personnel.*

**CARRIED**

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- 14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 1 MAY 2017 AND CEO PERFORMANCE PLAN 2017/18 (LGA 1989 Section 89(2)(a) personnel matters.)**

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 11:15pm.*

**CONFIRMED THIS INSERT 99 DAY OF MONTH 2099**

**CHAIRPERSON: .....**