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## Minutes of the Ordinary Meeting of Bayside City Council

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Tuesday 15 December 2015

The Meeting commenced at 7.00pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Shiran Wickramasinghe	Director City Planning and Amenity
Mick Cummins	Director Corporate Services
Steven White	Director Environment and Infrastructure
Kaylene Conrick	Director Community Services
Mark Stockton	Manager Recreation, Events & Social Development
Matt Kelleher	Manager Urban Strategy
Tom Vercoe	Senior Strategic Planner
Terry Callant	Manager Governance
Janice Pouw	Governance Officer

The Chairperson declared the meeting open at 7.00pm 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 Chairperson 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 Chairperson 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**

There were no disclosures of interest submitted to the meeting.

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

**5.1 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 24 November 2015**

**Moved: Cr Stewart**

**Seconded: Cr Evans**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 24 November 2015 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, 19 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.

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### 1. Mr George Reynolds

The answer given to question 3 of 27th October 2015 was that AASB 116 - 48 stated that depreciation had to be recognised in the Comprehensive Income Account. My question to the Mayor and councillors is:

- (a) Given that AASB 116 - 48 actually states that "depreciation for the period must be recognised in profit and loss unless it is recognised in the carrying value of another asset" will councillors (who are solely responsible for giving the certificate of audit) confirm that Note 24 to the 2015 accounts recognises depreciation, in the carrying amount of its assets, at fair value, and
- (b) Will councillors confirm that recognising a depreciation expense of \$14.27 million in the 2015 Comprehensive Income Account forms a double deduction and is a material misstatement in such account.

#### Response

Council's assets have been correctly depreciated in accordance with Australian Accounting Standards and are not materially misstated

- (a) Note 24 confirms that the value of Council's assets have been reduced by \$14.27 million during 2015/16. This is represented by a depreciation charge in the comprehensive income statement.
  - (b) The depreciation charge of \$14.27 million is not a double deduction and the accounts are correct.
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### 2. Mr George Reynolds

The certificate of audit given by VAGO on 24th September 2015, in relation to the 2015 accounts, effectively certifies (ONLY THAT) suitable systems principles and practices are available to allow Council to prepare a set of accounts which is fair and free from fault. My question to Councillors, is:

- (a) Do Councillors recognise that VAGO has delegated sole responsibility for the certification that the accounts are true and fair and free from material misstatement, to Councillors, and
- (b) Do Councillors remain willing to accept this delegation and to continue to certify that the 2015 accounts are true and fair and free from material misstatement, error or fraud.

#### Response

- a) The Principal Accounting Officer, the Chief Executive Officer, members of the Audit Committee and Councillors are aware of their obligations.
  - b) The two Councillors who have signed the Financial Statements have done so based on reconciliation by the Principal Accounting Officer, the Chief Executive Officer, members of the Audit Committee.
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**3. Mr Barry Blight**

How high will the fence along New Street be if the golf driving range proceeds?

**Response**

Whilst the proposed driving range will be fully fenced, the actual fencing height is subject to further design development work. Council would seek a design response that minimises the height of the fence, but ensures that risks to the public and surrounding properties from errant golf balls are effectively managed. Preliminary investigations indicate that the fencing, or part thereof, may need to be at a height of 30m.

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**4. Mr Miles Warmuth**

Has council considered their "2012 Household survey on recreation activities" top 3 showing a need for unfenced free enjoyment:

75% bush or coastal tracks

82% Foreshore parks

83% walking paths; shared cycling paths

and formally adopted in their "Active by the bay recreation strategy" on 18/08/2013 published in councils website, in light of proposed driving range at Elsternwick Park which obviously will not cater for these?

**Response**

Both the proposed driving range and no golf options for the Elsternwick Park Master Plan provide significant opportunities for community recreation activities such as walking, cycling and sport. Specifically the driving range option provides community access to the 8 hectares of park land that is planned to be improved with 2.725 kilometres of additional walking paths. Approximately 2 hectares of the existing 10 hectares golf course site is proposed to be used for the driving range.

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**5. Mr Miles Warmuth**

Can council confirm or deny that LMS was offered in their lease of the golf course at Elsternwick Park in 2007 the ability to construct and run a "Golf Driving Range" and that no community consultation or formal vote by councillors was held in this regard?

**Response**

In 2007, Council carried out a public expression of interest (EOI) campaign, which asked for expressions of interest from parties to lease, operate, manage and potentially redevelop and / or upgrade the Brighton Golf Course and the Elsternwick Golf Course.

In 2008, Council received a report in relation to the EOI which identified the Leisure Management Services (LMS) proposal including a driving range option at Elsternwick Park. Council subsequently awarded a contract to LMS.

There is a special condition in the lease that requires the leasee to submit a proposal for the development of a golf driving range. The special condition also makes it clear that the driving range cannot proceed without approval of Council and the Minister and the approval process may be subject to public consultation.

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**6. Mr Albrecht Scholer**

Operating Result – Annually Ongoing.

Master Plan options **compared to status quo** ; (compared to current cost) (\$) = cost

Why does council include \$103,000.00 for "Loss of additional payments" under "Option 2 – Without Golf" as an **"additional cost" when its comparison is to be to "current cost" resulting** into a cost of \$ 475,500.00 **instead of \$372,500.00 ?**

**Response**

An error has been made with the calculations of the operating result for the Without Golf option. With the exclusion of the additional lease payment of \$103,000, the net operating result for the Without Golf option is calculated at \$372,500. Therefore the difference in net operating result between the golf driving range option and without golf option is \$256,500.

We apologise for the error.

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**7. Mr Albrecht Scholer**

Capital Funding – Project costs

Capital Contributions

Option 2 without golf

For **transparency** should there not be funding savings associated with the 100 car parking facility, say \$20,000.00 per space being \$2,500,000.00 Funding and Interest Savings @ 4.5% resulting into a cost saving of \$112,500.00 reducing the operating cost to **\$260,000.00** resulting in the **cost for Option 2 without Golf being \$144,000.00 greater than Option1 with Golf ?**

**Response**

The proposed 100 car parking facility is not allocated specifically for the golf driving range patrons and is planned to be used by all park users, including sport club members. The cost estimated for the 100 car park does not include loan financing and is included with the estimated capital construction cost.

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## 8. Mr Arron Wood

The current Elsternwick Park Golf Course operator Leisure Management Systems (LMS) is currently running the course into disrepair. Please see photos posted October 4 on facebook page <https://www.facebook.com/groups/829677490487113/> and other photos brought by me to tonight's meeting showing vast graffiti; leaning fences; holes in fences; unsecured Hazardous Chemical zones; broken chairs, litter everywhere. Why would council entrust LMS by endorsing a long term Golf Driving Range contract when this company has shown nothing but contempt and disrespect for the community to date? And what is being done by Council to enforce basic upkeep guidelines by LMS now whilst they have responsibility for our Crown Land golf course?

### Response

LMS are required to maintain the Golf Course in a clean and tidy condition. Council is responsible for structural repairs and capital infrastructure. Elsternwick Golf Course regularly struggles with graffiti at the Premises, due to the isolated location at night. LMS is working with Council and the Victorian Police to try and deter and reduce the occurrence.

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## 9. Ms Sue Hardiman

In relation to the cost to Council in the financial year 2014/2015 the provisions of refreshments to Council and their spouses or domestic partners would Council provide particulars of:

- a) The amounts spent in respect of each of the following:  
Council Meetings; Planning Committee Meetings; Assembly of Councillors; any other meetings including social functions
- b) In respect of the providers of refreshments the names of the providers and the amounts paid for each function to each provider

### Response by the CEO

Given the detailed information requested a tabulated spreadsheet has been prepared and will be provided to you within the next few days.

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## 10. Ms Sue Hardiman

A serious amount of money has been spent on a substantial number of seats in both Church and Martin Streets and shopkeepers report that many of these seats are rarely, if ever, sat on and then only to take 'selfies' and especially the seats in the centre of Church Street and the seats facing Nepean Highway in Martin Street. As many bus stops in Bayside are without seating – can the Council explain, without spin, why this discrepancy?

### Response by the CEO

Seats in Shopping Centres provide for pedestrians of all ages and abilities so that convenient resting opportunities are available. Bus stops and the bus service is a State responsibility and Council does not routinely install seats at bus stops. Bus shelters are not installed by Council.

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**11. Mr Arron Wood**

Bayside Council has stated that if the Driving Range proceeds the fence adjacent to New St must be 30m high. Leisure Management Systems (LMS) has stated at the drop in sessions that they "cannot afford and will not put a fence higher than 10m" Kingsley Ferguson 29/9/15. Can this be clarified please?

**Response**

Whilst the proposed driving range will be fully fenced, the actual fencing height is subject to further design development work. Council would seek a design response that minimises the height of the fence, but ensures that risks to the public and surrounding properties from errant golf balls are effectively managed. Preliminary investigations indicate that the fencing, or part thereof, may need to be at a height of 30m.

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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 question 11, the 15 minute period for public question time was reached. Questions 12 to 19 were not read out at the Council meeting.

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**12. Ms Amy Auster**

Can you confirm that the cost to Council for Option 2 is \$45,000 more than Option 1 in maintenance costs plus the loss of \$108,500 in lease payments and a forecast \$103,000 forgone in profit share? Does the Council appreciate that this difference of around \$256,000 would represent a fractional 0.2% of Council income to put aside a proposal that 85% of the community has said they do not want?

**Response**

As per my earlier response to Mr Albrecht Scholer an error has occurred with the calculation of the net cost to Council. The net cost to Council with Option 1 (Driving Range) is \$116,000 and Option 2 (Without Golf) \$372,500.

The difference in net cost of \$256,500 is equivalent to a rate increase of 0.35% on all Bayside properties.

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**13. Ms Amy Auster**

What is the cost to Council of terminating the LMS contract under Option 2? Is there an additional financial penalty Council would have to pay if the driving range does not go ahead and how much is this?

**Response**

LMS has a right to occupy the Elsternwick Golf Course until the lease expiry in 2028 and Council has no legal right to terminate the lease. If, however, Council and LMS agree to an early surrender of the lease, such costs are unknown and subject to negotiation between the parties.

Provided Council complies with its obligations under the lease in relation to considering the LMS' request to create a driving range, no financial penalty will apply.

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**14. Mr Anthony Feigl**

The following two questions relate to the Elsternwick Park master plan:

To what extent did consultation with Traditional Owners inform the identification of master plan options? Where is this documented?

**Response**

Targeted engagement with Traditional Owners was not undertaken as part of the preparation of the master plan options. A cultural assessment audit will be completed as part of the detailed design planning for improvements at Elsternwick Park, if required.

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**15. Mr Anthony Feigl**

To what extent did an assessment of potential carbon emissions, even if only an initial qualitative assessment, inform the identification of master plan options? Where is this documented?

**Response**

The assessment of carbon emissions was not considered necessary with the preparation of the master plan options. Further design development and implementation of works will be undertaken in accordance with the direction of the Bayside Climate Change Strategy.

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**16. Mr John Balmer**

With reference to Council's resolution at the 25 August 2015 meeting to (inter alia) investigate further options for traffic management and communicate and consult with all stakeholders. We assume that Council has received a report from its appointed facilitator Gerard Coutts and Associates following the second stakeholder workshop held 25 November 2015:

What were his recommendations and was the report circulated to all stakeholders involved in the consultation program?

**Response**

Gerard Coutts and Associates were commissioned to facilitate the engagement process and provide an evaluation report. An initial report was provided to Council following the first stakeholder workshop, and this report was circulated to workshop participants on 19 November 2015. The conclusions of this report largely related to undertaking a traffic engineering assessment of the options that were identified during Workshop #1 to prepare for the second workshop.

Following the second stakeholder workshop a draft evaluation report was provided to Council with a final report expected 15 December 2015. The report provides an overview of the engagement process and the outcomes of the workshops. This final report will be circulated to workshop participants and the contents are canvassed in the Council report.

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**17. Mr Kevin Spencer**

It would appear that Bayside Council is throwing away Ratepayers exorbitant rate charges as though it had no useful purpose to spend it on. (Our roads are potholed and breaking up at an alarming rate) as reported in the review of Council's Art and Culture Service with an expenditure Budget approaching some one million dollars including overheads.

- A. What has been the cost of producing the recently printed so called "Kids Activity Book" in an attempt to bring into prominence the wasteful Hampton Street Sculpture Trail.
- B. What is the projected cost of renovations currently being undertaken at The Gallery @ Bayside Arts & Cultural Centre in the Brighton Town Hall.

**Response**

- A. The cost of producing the Children's Activity Book for the Hampton Street Sculpture Trail was \$3,898.
  - B. The projected cost of renovations currently being undertaken at The Gallery @ Bayside Arts & Cultural Centre is \$40,000.
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**18. Mr Kevin Spencer**

It is noted that in the Assembly of Councillors report, the Matters Discussed are increasing as to are the large number of staff and at times Guests. If Council is Fair Dinkum with its statement in the Annual Report "That Council understands the importance of engaging with our community and commits to being open and transparent".

- A. In the light of the aforementioned and without intruding into hypocrisy, will Council now sincerely consider opening these Assembly of Councillor meetings to community attendance and the betterment of engaging with residents.
- B. Rename these meetings as Council Forums open to community members apart for the occasional genuine Confidential Item that could be heard in -camera towards the conclusion of the meeting.

**Response**

- A. Assemblies of Councillors are held in accordance with Section 76AA of the Local Government Act 1989. It is not intended to make these Assemblies of Councillors open to the public given the subject matter is listed on the report of Assemblies of Councillors presented to Council and these forums are not decision making forums.
- B. Assemblies of Councillors are a specific type of meeting as defined by the Local Government Act. The title of the subject matter discussed at these Assemblies are presented to Council for transparency.

Council and Committee meetings are all formal meetings where decision of a Committee or Council are made. These meetings are open to the public, and member of the community have the opportunity to participate in these meetings.

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**19. Mr Gio Fitzpatrick**

My question is in regards to the environmental impacts of both options 1 and 2 proposed by council. A booklet was recently produced by Bayside City Council containing possible questions from the community and answers from council regarding the Elsternwick Park Masterplan. One such question was "Has an environmental impact study or traffic plan been undertaken?" The answer provided included the following sentence. "If we were to proceed we would be looking to try and address some of the environmental impacts of the driving range through the design process and negotiation with the lessee". To paraphrase this response - we would be thinking about (but not actually doing) trying (but not necessarily succeeding) to address some (an unspecified fraction) of the environmental impacts of the driving range.

Do the Bayside City Councilors agree that this response does not afford due respect and attention to potential environmental issues associated with the two major proposals?

**Response**

To determine the viability of both master plan options preliminary investigations of environmental matters has involved surveying and recording of trees species and consideration of impacts to the Elster creek and the existing wetland.

Given that further detailed environmental assessments will precede future planning with the implementation of either master plan option, the level of investigation undertaken is considered appropriate.



Procedural Motion**Moved: Cr Stewart****Seconded: Cr Evans**

That item 13.1 Notice of Motion 241 – Letter of Congratulations – 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's own) Sea Scouts be brought forward and dealt with at this stage of the meeting.

**CARRIED****13. Notices of Motion**

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**13.1 Notice of Motion 241 – Letter of Congratulations – 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's own) Sea Scouts**Corporate Services – Governance  
File No: COR1234

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**Moved: Cr Evans****Seconded: Cr del Porto**

That a letter of congratulations under the seal of Council be presented to the 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's Own) Sea Scouts in recognition of achieving the title of the largest Scouting Group in Australia with a youth membership of 230 individuals and the largest volunteer Scout Leader base in Australia.

**CARRIED**Procedural Motion**Moved: Cr del Porto****Seconded: Cr Lowe**

That Standing Orders be suspended to enable a presentation to the 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's own) Sea Scouts to take place.

**CARRIED**

*It is recorded that the Mayor presented the 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's own) Sea Scouts with a Letter of Congratulations under the seal of Council in recognition of achieving the title of the largest Scouting Group in Australia with a youth membership of 230 individuals and the largest volunteer Scout Leader base in Australia.*

*The Scout Leader, Mr Russell Burton suitably responded to the presentation.*

Procedural Motion**Moved: Cr Lowe****Seconded: Cr del Porto**

That Standing Orders be resumed.

**CARRIED**

## **7. Petitions to Council**

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### **7.1 Petition: Hanby Street Reserve and Playground**

Corporate Services - Governance  
File No: FOL/14/1097

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Petition requesting Council to install fencing at the Hanby Street Reserve (12 signatures)

*"We the undersigned hereby petition Bayside City Council to erect a fence across the Hanby Street Reserve or erect a fence around the perimeter of the playground to provide a safe environment for children utilising the very popular playground whilst traffic is speeding along Hanby Street Brighton.  
Please help keep our children safe and erect a fence around the playground together with street signage indicating a "children's playground drive slowly".*

*It is recorded that Cr del Porto vacated the Chamber at 7.31pm*

**Moved: Cr Frederico**

**Seconded: Cr Lowe**

That the petition be received and a report be submitted to the March 2016 meeting cycle for consideration.

**CARRIED**

**Moved: Cr Stewart****Seconded: Cr Frederico**

That items 8.1, 8.2 and 8.3 be dealt with as a block motion and the recommendations be adopted.

**CARRIED****8. Reports by Advisory Committees****8.1 *Assembly of Councillors Record***

Corporate Services - Governance  
File No: FOL/14/1097

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

Date	Name
1 December 2015	CEO and Councillor Only session
1 December 2015	Councillor Briefing Session

**NOTE** – Item 8.1 was **CARRIED** as part of a block motion.

**8.2 *Minutes of the Chief Executive Officer Employment Matters Committee held on 18 November 2015***

Corporate Services - Governance  
File No: FOL/1234

That the minutes of the Chief Executive Officer's Employment Matters Committee held on 18 November 2015 be considered in-camera, given the matters raised in the minutes relate to a personnel and contractual matter in accordance with section 89(2)(a) and (d) of the Local Government Act 1989.

**NOTE** – Item 8.2 was **CARRIED** as part of a block motion.

**8.3 *Minutes of the Arts and Culture Advisory Committee meeting held on 30 November 2015***

Corporate Services - Governance  
File No: FOL/1234

That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 30 November 2015.

**NOTE** – Item 8.3 was **CARRIED** as part of a block motion.



## **9. Reports by Special Committees**

There were no reports by special committees submitted to the meeting.

## **10. Reports by the organisation**

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**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 Elsternwick Park Master Plan**

- |     |                      |     |                      |
|-----|----------------------|-----|----------------------|
| 1.  | Mr Barry Blight      | 14. | Mr Arron Wood        |
| 2.  | Mr Greg Dee          | 15. | Mrs Adelheid Scholer |
| 3.  | Mr Miles Warmuth     | 16. | Mr David Douglas     |
| 4.  | Mr David Rothfield   | 17. | Miss Jann Townsend   |
| 5.  | Mr Albrecht Scholer  | 18. | Ms Mary Dyer         |
| 6.  | Mr Mike Auster       | 19. | Mr Kevin Spencer     |
| 7.  | Ms Amy Auster        | 20. | Mr Michael Sholly    |
| 8.  | Ms Meni Christofakis | 21. | Mr Geoffrey Love     |
| 9.  | Mr George Reynolds   | 22. | Mr Michael Convery   |
| 10. | Mr John Dunnachie    | 23. | Mr Clive Fredman     |
| 11. | Mr Michael Connors   | 24. | Ms Helen Halliday    |
| 12. | Mr Jamie Allpress    | 25. | Mr Martin May        |
| 13. | Mr Bill Lock         | 26. | Mr Michael Nugent    |

**Item 10.2 Dendy Park Tennis Club Development Proposal**

1. Mr Michael Nugent

**Item 10.3 Hampton Willis Street Precinct – Traffic Management Options**

- |    |                  |    |                   |
|----|------------------|----|-------------------|
| 1. | Mr Rob Grinter   | 5. | Mr David Osborn   |
| 2. | Mrs Janice Cook  | 6. | Mr Michael Nugent |
| 3. | Mr Greg Stephens | 7. | Dr Michael Daly   |
| 4. | Mr Tony Shepherd | 8. | Mr Mike Stasiuk   |

**Item 10.4 Future 6A Willis Street**

1. Mr David Osborn
2. Mr Greg Stephens
3. Mr Michael Nugent

**Item 10.5 Surrender of Leases for Scout Sites at Willis Street and Thomas Street**

1. Mr Michael Nugent

**Item 10.6 Volunteering Action Plan**

1. Mr Cooper Ferries
2. Mr Michael Nugent

**Item 10.7 Bayside Acquisitive Art Prize**

1. Mr Michael Nugent

**Item 10.8 Potential Future Public Art Sites**

1. Mr Michael Nugent





**Item 10.9 Bayside Planning Scheme Review 2015 – Implementation Plan & Implementation of Bayside Integrated Transport Plan**

1. Mr Michael Nugent

**Item 10.10 Strategic Service Review – Arts and Culture**

1. Mr Michael Nugent

**Item 10.11 Plan Melbourne Refresh – Discussion Paper Submission**

1. Mr Michael Nugent

**Item 10.12 Loan Guarantee Application – Hurlingham Park Tennis Club Inc**

1. Mr Michael Nugent

**Item 10.13 Naming of roadway – Beach Road to Half Moon Bay**

1. Mr Graeme Disney
2. Mr Michael Nugent

**Item 10.14 Historic Place Investigation Submission – Sandringham Masonic Centre**

1. Dr Olivia Abbay
2. Mr Graeme Disney
3. Mr Michael Nugent

**Item 10.15 2016 General Election Voting System**

1. Mr Michael Nugent

**Item 10.16 Review of the Local Government Act 1989**

1. Mr Michael Nugent

**Item 10.17 Financial Report four (4) months to 31 October 2015**

1. Mr Michael Nugent

**Item 10.18 VCAT Decisions**

1. Mr Michael Nugent

**Item 10.19 Council Action Awaiting Report**

1. Mr Michael Nugent

**Item 14.2 Confidential Contractual Attachments: Dendy Park Tennis Club Development Proposal; Elsternwick Park Masterplan Legal Advice**

1. Mr Michael Nugent

**Item 14.3 Minutes of the Chief Executive Officer Employment Matters Committee held on 18 November 2015**

1. Mr Michael Nugent

**Item 14.4 Re-appointment of the Chief Executive Officer**

1. Mr George Reynolds
2. Mr Michael Nugent



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**10.2 Dendy Park Tennis Club Development Proposal**

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Community Services – Youth, Recreation & Events  
File No: PSF/15/1126

*It is recorded Mr Michael Nugent spoke in relation to this matter.*

**Moved: Cr Frederico****Seconded: Cr Stewart**

That Council:

1. resolves not to support the development proposal presented by Tennis Australia, Dendy Park Tennis Club and a commercial health club provider to develop a commercial health club at Dendy Park;
2. advises Dendy Park Tennis Club and Tennis Australia of Council's decision not to support the proposal to develop a commercial health club at Dendy Park; and
3. notes that a potential redevelopment of the Dendy Park Tennis Club will be considered as part of the preparation of a Bayside Tennis Strategy in 2016/17. The Bayside Tennis Strategy will be developed in consultation with Tennis Victoria and Bayside tennis clubs, and will seek to undertake the following:
  - Assess the current state of supply and community demand for tennis in Bayside;
  - Determine what is a sustainable distribution, hierarchy and utilisation of tennis facilities that aim to meet community demand and the sport's current and future needs;
  - Explore appropriate management and sustainable funding models for tennis facilities;
  - Define what is the extent and nature of Council's role in the provision of tennis in Bayside;
  - Determine the long term financial implications for Council's support of tennis; and
  - Develop a prioritised and costed plan for the implementation of the Bayside Tennis Strategy.

**CARRIED**

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**10.3 Hampton Willis Street Precinct – Traffic Management Options**

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City Planning & Amenity – Urban Strategy  
File No: PSF/14/340

*It is recorded Mr Rob Grinter, Mrs Janice Cook, Mr Greg Stephens, Mr Tony Shepherd, Mr David Osborn, Mr Michael Nugent and Mr Mike Stasiuk spoke in relation to this matter.*

*It is further recorded that Dr Michael Daly was not present in the Chamber.*

**Moved: Cr Frederico****Seconded: Cr Lowe**

That Council:

1. adopts the modified Option E as its preferred traffic outcome in the form of Attachment 7;
2. ceases action to implement Option C, by:
  - a) Not proceeding with the detailed design of Option C;
  - b) Not proclaiming a road over the realigned road outlined in Option C; and
  - c) Not receiving a further report regarding management of amenity impacts for affected residents;
3. writes to all participants of the engagement process and thanks them for their participation.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Stewart, Frederico and Lowe (3)  
                  **AGAINST:**   Crs Evans, Heffernan, del Porto and Long (4)

**LOST****Moved: Cr del Porto****Seconded: Cr Evans**

That this matter be deferred to enable 2 further stakeholder consultation meetings to be held in early 2016 to further explore all possible options and the findings be reported to the April Council Meeting.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Evans, Heffernan, del Porto and Long (4)  
                  **AGAINST:**   Crs Stewart, Frederico and Lowe (3)

**CARRIED**

**Moved: Cr del Porto****Seconded: Cr Stewart**

That the Ordinary Meeting of Council be extended for a period of 30 minutes.

**CARRIED**

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**10.4 Future 6A Willis Street**Corporate Services – Commercial Services  
File No: PSF/12/3448*It is recorded Cr Lowe vacated the Chamber at 11.08pm and re-entered at 11.10pm.**It is recorded that Mr David Osborn and Mr Greg Stephens spoke in relation to this matter.***Moved: Cr Frederico****Seconded: Cr Lowe**

That Council:

1. gives public notice of the intention to sell the land described by Certificate of Title Volume 9459 Folio 099 being the Plan of Consolidation 153363 at 6A Willis Street, Hampton, by public auction under Section 189 and 223 of the *Local Government Act* 1989;
2. establishes a Special Committee of Council in accordance with Section 223 of the *Local Government Act* 1989 consisting of all Councillors to consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a meeting to be held on 4 February 2016 at 6.30pm in the Council Chambers, Boxshall Street, Brighton in relation to the proposed sale of land at 6A Willis Street;
3. in the event that no submissions are received under Section 223 of the *Local Government Act* 1989 to the proposed sale of land, delegates authority to the Director Corporate Services to undertake all processes to sell by public auction the land at 6A Willis Street with a reserve price at the sworn valuation not more than 6 months old at the time of sale;
4. in the event that the reserve price is not achieved, authorises the Director Corporate Services to negotiate the sale privately with the highest bidder in the first instance, at a sale price no lower than 5% below the reserve price;
5. in the event of negotiations being unsuccessful, authorises the Director Corporate Services to negotiate privately at a price no lower than 5% below the reserve price;
6. authorises the Director Corporate Services to execute all documentation associated with the proposed sale and transfer of the land on behalf of Council in accordance with points 4,5 or 6 above; and
7. directs net proceeds from the sale of 6A Willis Street, Hampton to the development of community infrastructure in the Hampton area.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Frederico, Heffernan and Lowe (3)  
**AGAINST:**   Crs Stewart, Evans, del Porto and Long (4)

**LOST**

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council not proceed with the sale of 6A Willis Street at this stage and undertake further consultation with the stakeholder to determine the future use of the site.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Stewart, Evans, del Porto and Long (4)  
                  **AGAINST:**   Crs Frederico, Heffernan and Lowe (3)

**CARRIED**

**Moved: Cr Stewart**

**Seconded Cr Lowe**

That item 10.13 be dealt with at this stage of the meeting.

**CARRIED**

**10.13 Naming of Roadway – Beach Road to Half Moon Bay**Corporate Services - Governance  
File No: 123

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*It is recorded that Mr Graeme Disney spoke in relation to this matter.*

*It is further recorded that Mr Michael Nugent did not speak on this item.*

**Moved: Cr Evans****Seconded: Cr del Porto**

That Council:

1. approves the naming of the roadway from Beach Road through to Half Moon Bay as shown in attachment 1 of the report as Cerberus Way;
2. advises the Registrar of Geographical Names of Council's resolution in this matter;
3. advises all affected stakeholders within the area once advice has been received from the Office of the Registrar of Geographical Names and the name has been formally gazetted; and
4. installs appropriate street signage once advice has been received from the Office of the Registrar of Geographical Names that the roadway has been formally gazetted.

**CARRIED****Moved: Cr del Porto****Seconded: Cr Evans**

That the Ordinary Meeting of Council be adjourned at 11.32pm and be re-convened on Wednesday 16 December at 6.30pm at the Council Chambers Civic Centre, Brighton

**CARRIED**



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

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Wednesday 16 December 2015

The Meeting commenced at 6.30pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Shiran Wickramasinghe	Director City Planning and Amenity
Mick Cummins	Director Corporate Services
Steven White	Director Environment and Infrastructure
Kaylene Conrick	Director Community Services
Matt Kelleher	Manager Urban Strategy
Juliana Aya	Strategic Planning Coordinator
Terry Callant	Manager Governance
Janice Pouw	Governance Officer



**Moved Cr Lowe**

**Seconded Cr Evans**

That the adjourned Ordinary Meeting of Council held on 15 December 2015 be resumed at 6.30pm on 16 December 2015.

**CARRIED**

**Apologies** – An apology was submitted from Cr Heffernan for the reconvened meeting of Council.

**Moved: Cr del Porto**

**Seconded: Cr Frederico**

An apology from Cr Heffernan be received and leave of absence be granted.

**CARRIED**

**Declaration of Interests**

There were no declarations of interest submitted to the reconvened meeting.

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That items 10.6 and 10.14 be brought forward and dealt with at this stage of the meeting.

**CARRIED**

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**10.6 Volunteering Action Plan**Community Service – Youth, Recreation & Events  
File No: FOL/15/2146

*It is recorded that Mr Cooper Ferries spoke in relation to this matter.  
It is further recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr Lowe****Seconded: Cr del Porto**

That Council:

1. adopts the Volunteering Action Plan as set out in Attachment A, and
2. authorises the Director Community Services to finalise minor editorial changes to the Volunteering Action Plan.

**CARRIED**

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**10.14 Historic Place Investigation Submission – Sandringham  
Masonic Centre**Corporate Services - Governance  
File No: 123

*It is recorded that Dr Olivia Abbay and Mr Graeme Disney spoke in relation to this matter.  
It is further recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr Frederico****Seconded: Cr Evans**

That Council:

1. supports the inclusion of the Sandringham Masonic Centre at 23 Abbott Street, Sandringham on the Victorian Heritage Register (VHR) and adopts the submission at Attachment 3 as its position;
2. lodges the submission with the Department of Environment Land Water and Planning (DELWP) and Heritage Victoria;
3. requests that the Minister for Planning pursuant to Section 20(4) of the Planning and Environment Act 1987 apply an interim Heritage Overlay to the property at 23 Abbott Street, Sandringham based on Council's adopted submission at Attachment 3;
4. advises Freemasons Victoria of its position to support the inclusion of the Sandringham Masonic Centre on the Victorian Heritage Register and its request to the Minister for Planning for an interim Heritage Overlay on 23 Abbott Street, Sandringham; and
5. authorises the Director City Planning and Amenity to make any necessary editorial changes to the submission and the request to the Minister for Planning.

**CARRIED**

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**10.5 Surrender of Leases for Scout Sites at Willis Street and  
Thomas Street**

Corporate Services – Commercial Services  
File No: FOL/12/1884

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

1. delegates the Director Corporate Services to undertake all processes and sign necessary documentation in relation of the surrender of the leases for Thomas Street and Willis Street with the Scouts; and
2. enters into an agreement to provide \$125,000 to Scouts to be used to upgrade of Ludstone Street Scout Hall to accommodate the additional Scout group and improve the facility.

**CARRIED**

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## 10.7 **Bayside Acquisitive Art Prize**

Community Services – Family & Cultural Services  
File No:

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

1. adopts the judging arrangements for the 2016 Bayside Acquisitive Art Prize; and
2. nominates Cr Frederico, Cr Stewart and Cr Long to participate in the final judging of the 2016 Bayside Local Art Prize.

## **AMENDMENT**

**Moved: Cr Frederico**

**Seconded: Cr Stewart**

That Council:

1. adopts the judging arrangements for the 2016 Bayside Acquisitive Art Prize;
2. nominates Cr Frederico, Cr Stewart and Cr Long to participate in the final judging of the 2016 Bayside Local Art Prize; and
3. reviews the criteria for the local art prize, with a report to be presented to Council prior to release of the Terms and Conditions for the 2017 Acquisitive Art Prize.

The AMENDMENT was PUT and **CARRIED**

The Amendment became the Motion before the Chair.

The Motion was PUT and **CARRIED**

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**10.8 Potential Future Public Art Sites**Community Services – Family & Cultural Services  
File No:

*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr del Porto****Seconded: Cr Evans**

That Council:

1. endorses the five sites for future public art works as set out in the Bayside Public Art Sites Identification attachment dated November 2015 namely;
  - Dendy Street and Nepean Highway (Dendy Park);
  - Dacey Street Playground (Dendy Park);
  - Elsternwick Park;
  - Beaumaris Concourse Reserve;
  - Sandown Street, Brighton; and
2. refers the Peterson Street Reserve Highett back to the Arts and Cultural Advisory Committee for further evaluation.

**CARRIED**

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**10.9 Bayside Planning Scheme Review 2015 – Implementation Plan & Implementation of Bayside Integrated Transport Strategy**City Planning & Amenity – Urban Strategy  
File No: FOL/13/33229 and FOL/13/33442

*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr Evans****Seconded: Cr del Porto**

That Council:

1. notes the Bayside Planning Scheme Review 2015 Implementation Plan as contained in Attachment 1;
2. adopts the amendment documentation in the form of Attachment 2 to implement the Integrated Transport Strategy, Walking Strategy and Bicycle Strategy into the Planning Scheme;
3. seeks authorisation from the Minister for Planning to prepare an amendment to the Bayside Planning Scheme in accordance with Section 8A of the *Planning and Environment Act 1987* to implement the Bayside Integrated Transport Strategy, Bayside Walking Strategy and Bayside Bicycle Strategy in the form of Attachment 2.
4. authorises the Director City Planning and Amenity to make any required minor editorial changes to the amendment prior to exhibition.

**CARRIED**

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**10.10 Strategic Service Review – Arts and Culture**Community Services – Policy & Planning  
File No: CON/15/1209

*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr del Porto****Seconded: Cr Evans**

That Council:

1. adopts the Arts and Culture Service Review Report and the recommendations for improvements to the service set out in section 5 of the report;
2. determines to strengthen the focus of the arts and culture service on community development, localism, advocacy and working in partnership with community arts and cultural groups;
3. discontinues the Bayside Film Festival;
4. resolves in principle to form a committee under s86 of the Local Government Act 1989 to oversee the Gallery@BACC and the management of Council's art & heritage collection, and to receive a further report in February 2016 on governance arrangements prior to establishing the committee;
5. continues the current role of the Arts and Cultural Advisory Committee;
6. in consultation with the Friends of Black Rock House develops management and conservation plans for Black Rock House;
7. adopts the assessment criteria and selection process for the ARTrium Exhibition Space and Roaming Studios as set out in Attachment 1 of the service review report;
8. adopts the assessment criteria and selection process for the Resonance Music Series as set out in Attachment 1 of the service review report;
9. adopts the assessment criteria and selection process for the Artist in Residence Program as set out in Attachment 1 of the service review report; and
10. adopts the assessment criteria and selection process for the Bayside Design Market as set out in Attachment 1 of the service review report.

**CARRIED**

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**10.11 Plan Melbourne Refresh – Discussion Paper Submission**City Planning and Amenity  
File No: FOL/1234

*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr Lowe****Seconded: Cr Stewart**

That Council:

1. adopts the draft submission at Attachment 1 as its position in response to the State Government Plan Melbourne Refresh discussion paper;
2. authorises the Director City Planning and Amenity to make any necessary editorial changes to the submission;
3. lodges the submission with the Department of Environment, Land, Water and Planning (DELWP); and
4. advocates to the State Government to provide further opportunities as part of an extensive engagement process, including an opportunity for council's to comment on a complete Plan Melbourne Refresh, along with an Implementation Plan, tools and provisions.

**CARRIED**

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**10.12 Loan Guarantee Application – Hurlingham Park Tennis Club Inc**Corporate Services - Governance  
File No: 001

*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr del Porto****Seconded: Cr Frederico**

That Council:

1. acts as loan guarantor for the Hurlingham Park Tennis Club Inc for \$40,000 for a maximum of 5 years to assist with the funding of the court replacement project; and
2. approves the necessary loan guarantee documentation being signed and affixed with the Bayside City Council common seal.

**CARRIED**

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**10.13 Naming of Roadway – Beach Road to Half Moon Bay**

Corporate Services - Governance  
File No: 123

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This item was dealt with at an earlier stage of the meeting.

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**10.14 Historic Place Investigation Submission – Sandringham  
Masonic Centre**

Corporate Services - Governance  
File No: 123

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This item was dealt with at an earlier stage of the meeting.

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**10.15 2016 General Election Voting System**

Corporate Services - Governance  
File No: 1234

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

**Moved: Cr Frederico**

**Seconded: Cr Stewart**

That Council resolves that the method of voting for the 2016 general elections be conducted by postal voting, noting this is the same method of voting used at each Bayside City Council election.

**CARRIED**



**Moved: Cr Stewart**

**Seconded: Cr Frederico**

That items 10.16, 10.17, 10.18 and 10.19 be dealt with as a block motion and the recommendations be adopted.

**CARRIED**

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**10.16    *Review of the Local Government Act 1989***

Corporate Services - Governance  
File No: 1234

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

That Council gives in-principle support to the attached submission on the Discussion Paper for the Review of the Local Government Act 1989 and authorize the Chief Executive Officer to make any minor editorial changes required.

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

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**10.17    *Financial Report for 4 months to 31 October 2015***

Corporate Services - Finance  
File No: COR1234

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

That Council notes the financial report for operating and capital for the four months ending 31 October 2015.

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

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**10.18 VCAT Decisions**

City Planning and Amenity – Statutory Planning  
File No: COR1234

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

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

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

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**10.19 Council Action Awaiting Report**

Corporate Services – Governance  
File No: COR1234

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*It is recorded that Mr Michael Nugent was not present in the Chamber.*

That Council notes the Council Action Awaiting report.

**NOTE** – Item 10.19 was **CARRIED** as part of a block motion.

## 11. Reports by Delegates

Reports by Delegates from the following organisations:

1. **Association of Bayside Municipalities** – Cr Frederico  
Cr Frederico reported that the ABM Annual Dinner was held on 2 December 2015 with the next Association of Bayside Municipalities meeting to be held in 2016.
2. **MAV Environment Committee** – Director Environment & Infrastructure  
The Director Environment & Infrastructure advised that notes from the MAV Environment Committee meeting held on 26 November 2015 were provided to Councillors
3. **Metropolitan Transport Forum** – Director Environment & Infrastructure  
No report submitted
4. **Municipal Association of Victoria** – Cr Frederico  
Cr Frederico advised that the notes from the Municipal Association of Victoria meeting held on 11 December 2015 will be circulated to Councillors
5. **Inner South Metropolitan Mayors' Forum** – Cr Long  
The Mayor, Cr James Long advised that he attended the recent Inner South Metropolitan Mayors' Forum with the Chief Executive Officer on 11 December 2015.
6. **Metro Waste & Resource Recovery Group** – Cr Stewart  
No report submitted

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That the delegate's reports be received and noted.

**CARRIED**

## 12. Urgent Business

**Moved: Cr Frederico**

**Seconded: Cr Stewart**

That the matter in relation to the Minister for Sports funding offer for Elsternwick Park be considered as an item of urgent business.

**CARRIED**

**Moved: Cr Frederico**

**Seconded: Cr Stewart**

That Council:

1. thanks the Sports Minister for the letter and the offer up to \$3m for the collocation of the Old Melburnians with VAFA at Elsternwick Park with regards to:
  - improved community facilities including female sporting participation;
  - improvements to amenity in the Oval No 1 precinct; and
  - continued tenancy of existing clubs; and
2. receives a report on this matter by the March 2016 Ordinary Meeting of Council.

### **AMENDMENT**

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1. thanks the Sports Minister for the letter and the offer up to \$3m for the collocation of the Old Melburnians with VAFA at Elsternwick Park with regards to:
  - improved community facilities including female sporting participation;
  - improvements to amenity in the Oval No 1 precinct; and
  - continued tenancy of existing clubs
  - umpires facilities
  - VAFA headquarters; and
2. receives a report on this matter by the March 2016 Ordinary Meeting of Council.

The Amendment was PUT and **CARRIED**

The Amendment became the Motion before the Chair.

The Motion was PUT and **CARRIED**

### **13. Notices of Motion**

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#### **13.1 Notice of Motion 241 – Letter of Congratulations – 1<sup>st</sup>/14<sup>th</sup> Brighton (Mayor's own) Sea Scouts**

Corporate Services – Governance  
File No: COR1234

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It is recorded that Notice of Motion 241 was dealt with at an earlier stage of the meeting.



*It is recorded that Mr George Reynolds spoke in relation to confidential item 14.4 – Reappointment of the Chief Executive Officer.*

**14. Confidential Business**

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

*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 **Public Art Commission** (LGA 1989 Section 89(2)(d) Contractual matter.
- 14.2 **Confidential Contractual Attachments: Dendy Park Tennis Club Development Proposal, Elsternwick Park Master Plan Legal Advice** (LGA 1989 Section 89(2)(d) Contractual matter and 89(2)(f) Legal Advice.
- 14.3 **Minutes of the Chief Executive Officer Employment Matters Committee held on 18 November 2015**(LGA 1989 Section 89(2)(a) Personnel matter and 89(2)(d) Contractual matter.
- 14.4 **Re-appointment of the Chief Executive Officer**(LGA 1989 Section 89(2)(a) Personnel matter and 89(2)(d) Contractual matter

*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 8.44pm.*

*The Chairperson declared the meeting closed at 8.44pm.*

**CONFIRMED THIS 27<sup>TH</sup> DAY OF JANUARY 2016**

**CHAIRPERSON:** .....

