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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 24 May 2016

The Meeting commenced at 7:02pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Mick Cummins	Acting Chief Executive Officer
Tony Ljaskevic	Acting Director Corporate Services
Shiran Wickramasinghe	Director City Planning & Amenity
Steven White	Director Environment & Infrastructure
Joan Andrews	Acting Director Community Services
Mark Patterson	Manager Family, Youth & Cultural Services
Juliana Aya	Acting Manager Urban Strategy
Ken Bott	Manager Infrastructure Assets
Damien Van Trier	Acting Manager Recreation, Events & Community Partnerships
Terry Callant	Governance Manager
Janice Pouw	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 invited Cr Stewart to read the prayer.

## **1. Prayer**

Cr Stewart 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

An apology from Cr Heffernan was submitted for the 21 June 2016 Council meeting.

**Moved: Cr Frederico**

**Seconded: del Porto**

That Council:

1. grants leave of absence to Cr Michael Heffernan for the period 16 June 2016 to 7 July 2016 inclusive and
2. notes the request from Cr Michael Heffernan to suspend his Councillor allowance during this period of absence.

**CARRIED**

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

- Cr del Porto declared an indirect conflict of interest where his residential amenity may be altered in item 10.1 – Hurlingham Park – Oval Perimeter Drain given he lives in close proximity to Hurlingham Park.

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

- 5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 26 April 2016.

**Moved: Cr Evans**

**Seconded: Cr Lowe**

That the minutes of the Ordinary meeting of Bayside City Council held on 26 April 2016, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 6. Public Question Time

In accordance with Section 64 of Council's Governance Local Law No 1, 8 public questions were submitted to the Meeting. In accordance with Section 64 part 15 where a questioner is not present in the Chamber at the time of Public Question Time, the question and response will not be read out at the meeting or recorded in the minutes.

### 1. Mr Tony Shepherd

Mr Shepherd's question relates to the Willis Street Traffic Management proposal, and he asks:

Could council please confirm that their recommended alignment modified option E is as detailed in the Salt Traffic Engineers plan titled;

15232 SK007-A  
WILLIS STREET PRECINCT CONCEPT LAYOUT  
OPTION 07-A 1  
C.J 08.12.2015

### Response

Council's adopted traffic alignment concept is the option referred to as 'modified option E', which is consistent with the SALT Traffic Engineering Plan SK007-A.

The final detailed design of the road widening will be determined having regard to the plans lodged in relation to the VicTrack development.

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### 2. Miss Kendra Reid

Miss Reid's question relates to the proposal removal of Street Tree at 14 Gladstone Street Sandringham, and asks:

- 1) We would like to ask Council to reconsider the unjustified removal of the significant, healthy and mature street tree opposite 14 Gladstone Street, Sandringham, on public land, on the grounds that the 'medical advice' upon which Council made their judgement does not address the subject tree or any dangers related to it.
- 2) How can Council justify this decision?

### Response

- a) Council has considered this matter on two occasions, firstly at a Planning and Amenity Committee meeting, where it was resolved to remove the tree. Council again considered this matter at a Council meeting following the petition requesting Council to reverse its decision from the Planning and Amenity Committee meeting. At the Council meeting, Council resolved to confirm the decision made at the Planning and Amenity Committee meeting. As a result, the nature strip tree outside 14 Gladstone Street, Sandringham will be removed.
  - b) At its meeting on 26 April 2016, Council recorded that the removal of this tree is for reasons relating to the health, convenience and care requirements of a resident at 14 Gladstone Street, Sandringham.
- 



### 3. Mr Chris Sutton

Mr Sutton's question relates to the regeneration and replanting of vegetation consistent with the VPO3 objectives and he asks:

Can council provide the amount of permanent Full Time Equivalent (FTE) resources specifically allocated to verifying compliance with tree permit and landscape plan conditions?

#### Response

Council employs two full time arborists who undertake a range of duties, including auditing for compliance with landscape plans. In 2016/17, it is intended to audit approximately 50% of permits issued within the VPO area for compliance with landscape requirements and 20% of permits for development sites.

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### 4. Mr Chris Sutton

Mr Sutton's second questions relates to the funding allocated to the implementation of the Beaumaris Reserve masterplan, and he asks:

Can Council provide an update on the indigenous planting undertaken and due for completion during 2015/16 and where and when can residents expect to see installation of the interpretative signage?

#### Response

The planting of indigenous specimen trees and installation of associated interpretive signs at Beaumaris Reserve will be completed by 30 June 2016.

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### 5. Mr George Reynolds

Mr Reynolds's question relates to the previous question raised at the April meeting concerning permits applied for to remove native trees at the Beaumaris Concourse and surrounds, and he asks:

- (a) Would Council advise the clause of the planning scheme that is relied upon to avoid the need to apply for a permit, and
- (b) If such clause does not exist, what steps are being taken to deal with the blatant use of mistruths in answering questions to Council?

#### Response

- a) The trees were removed in accordance with Clause 42.02-3 of the Bayside Planning Scheme. Removal of tree roots was necessary to address damage to an adjacent property. The structural tree roots were assessed as the cause of the property damage. Following removal of the roots, the tree was assessed as being structurally unsound with a risk of falling onto the road or footpath. The tree was subsequently removed as it was deemed to be unsafe.
- b) Removal without a planning permit was appropriate under the Bayside Planning Scheme.



## 6. Mr George Reynolds

Mr Reynold's second question is:

The live streaming video recording the proceedings of the April meeting of Council is different between that recorded live and that archived. The speaker microphone recording is unintelligible on the archived document. would Council advise

- (a) why it was necessary to edit the document, and
- (b) when the original version will be restored to the public domain?

### Response

- a) The video recording on Council's website pertaining to your presentation has been edited to remove the defamatory material. Your submission was clearly defamatory, discourteous and disrespectful.
  - b) The live version will not be restored given the defamatory comments made by you at the meeting.
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## 7. Mr K.S. Spencer

At the Ordinary Meeting of Council in March this year, a petition was presented to council in regard to the War Memorial site at Green Point Brighton, of which is held in posterity the community's gratitude and respect to those whose lives were cut short defending our democracy and freedom from aggression.

- A. Whereas the recommendation was that the Petition be received and a report be submitted to the May Meeting cycle (Tonights) for consideration, why is this matter not being addressed as an Agenda Item tonight.
- B. When now will this matter be addressed by council?

### Response

- a) Due to competing workload pressures this report has been delayed. The Acting Chief Executive Officer apologised to Mr Spencer for the delay.
  - b) A report on this matter will be presented to the June Council Meeting
- 





## 8. Mr K.S. Spencer

At the last meeting of Council in response to my question on the unsafe public footpath in Male Street Brighton alongside the commercial business of 380-386 Bay Street. Council confirmed that there sections of the footpath that had changes in the Gradient of the footpath.

- (A) Has Council given these footpath gradient changes the same Risk Assessment as done with the potential dangerous concrete perimeter drains constructed around the oval perimeter fence at Hurlingham Park.
- (B) Has Council insurers approved the potential Risk Factors inherent in these changes to the gradient sections of the Male Street Footpath adjoining 380-386 Bay Street.

## Response

The footpath in question is compliant with the relevant Australian Standards. Council's standard drawings have been independently assessed to be compliant with the Discrimination Disability Act. Compliance with these standards is considered a satisfactory defence against insurance claims.



## 7. Petitions to Council

### 7.1 PETITION: SANDRINGHAM VILLAGE STREETScape MASTER PLAN

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/60313

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Petition from residents strongly opposing the Draft Sandringham Village Streetscape Master Plan. (14 signatures).

*“We the undersigned strongly oppose the Bayside Council’s Draft Sandringham Village Streetscape Master Plan primarily because it requires a dramatic large scale increase of buses on residential streets, the narrowing of roads and a further reduction of already scarce parking places in badly congested streets.”*

#### Officer Comment

It should be noted that a further 126 signatures were submitted in relation to this petition but were not in the required format of a petition.

**Moved: Cr Evans**

**Seconded: Cr Stewart**

That the petition be received and considered in conjunction with the Sandringham Village Streetscape Master Plan report to be considered later in the meeting.

**CARRIED**

## 8. Minutes of Advisory Committees

### 8.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE HELD ON 2 MAY 2016.

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/80448

**Moved: Cr Frederico**

**Seconded: Cr Heffernan**

That the minutes of the Chief Executive Officer's Employment Matters Committee held on 2 May 2016 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.

**CARRIED**

### 8.2 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance  
File No: PSF/15/8758 – Doc No: DOC/16/81021

**Moved: Cr Evans**

**Seconded: Cr del Porto**

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

Date	Name
3 May 2016	Councillor Briefing
3 May 2016	CEO and Councillor Only Briefing

**CARRIED**

### 8.3 MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 20 APRIL 2016

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/81393

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**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council:

1. notes the minutes of the Arts and Culture meeting held on 20 April 2016 and endorses the actions of the Arts and Culture Committee; and
2. adopts the following recommendations of the Arts and Culture Committee of 20 April 2016:

8. - Victoria Cross Special Commemorative Paver

That:

1. the commemorative paver be installed at the Robert Grieve Reserve in Burrows Street, Brighton in July 2016:
2. signage providing information about Robert Grieve VC be installed to accompany the paver.

9. – Sculpture Concept

That the Arts & Culture Advisory Committee does not consider this is a suitable approach for a municipal context.

10.1 - Seating under Boxshall Street Oak Tree

That a competition take place to design a seat at the base of the Boxshall Street cork tree.

3. refers item 6 – Further evaluation of suitability of the Peterson Reserve site for Public Art to be dealt with conjunction with Item 10.11 on this agenda.

**AMENDMENT****Moved: Cr Frederico**

That Council:

1. notes the minutes of the Arts and Culture meeting held on 20 April 2016 and endorses the actions of the Arts and Culture Committee; and
2. adopts the following recommendations of the Arts and Culture Committee of 20 April 2016:

8. - Victoria Cross Special Commemorative Paver

That:

3. the commemorative paver be installed at the Robert Grieve Reserve in Burrows Street, Brighton in July 2016:
4. signage providing information about Robert Grieve VC be installed to accompany the paver.

9. – Sculpture Concept

Requests that a further report be undertaken and be considered by Council in relation to item 9 Sculpture Concept.

10.1 - Seating under Boxshall Street Oak Tree

That a competition take place to design a seat at the base of the Boxshall Street cork tree.

3. refers item 6 – Further evaluation of suitability of the Peterson Reserve site for Public Art to be dealt with conjunction with Item 10.11 on this agenda.

The Motion **LAPSED** for want of a seconder.

The Original Motion moved by Cr del Porto and seconded by Cr Evans became the Motion before the Chair.

**CARRIED**

## 9. Reports by Special Committees

Nil

## 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 Hurlingham Park – Oval Perimeter Drain

1. Mr Ian Jensen-Muir
2. Mr K.S. Spencer
3. Mr Russell Purvis

#### Item 10.2 Sandringham Village Streetscape Masterplan

1. Mr Matthew Paynter
2. Mr Henry Scott
3. Mr Bryan Dalton

#### Item 10.4 Council Grants Policy

1. Mr George Reynolds

#### Item 10.5 Footpath Treatments within the Road Reserve Policy

1. Mr Norman Iddles
2. Mr Geoff Leigh
3. Mr Dudley Chamberlain
4. Mr K.S. Spencer
5. Mr Barry Brooker

#### Item 10.8 Ricketts Point Tea House Lease Extension

1. Mr George Reynolds

#### Item 10.9 Procurement Policy Review 2016

1. Mr George Reynolds

#### Item 10.10 Proposed Art Acquisition

1. Mr K.S. Spencer

#### Item 10.12 Feasibility Study into a Syringe Collection and Disposal Centre

1. Mr K.S. Spencer

#### Item 10.16 Exhibition of Planning Scheme Amendment C153 – Special Building Overlay

1. Mr Barry Brooker

#### Item 10.18 Metro Rail Project and South Yarra Station

1. Mr George Reynolds

#### Item 10.19 Elsterwick Park No. 1 Oval Precinct Redevelopment – Design Contract

1. Mr George Reynolds

*It is recorded Cr del Porto declared an Indirect Conflict of Interest where his residential amenity may be altered in item 10.1 – Hurlingham Park – Oval Perimeter Drain given he lives in close proximity to Hurlingham Park.*

*Cr del Porto was not present in the Chamber when this item was considered and vacated the Chamber at 7.34pm.*

## **10.1 HURLINGHAM PARK - OVAL PERIMETER DRAIN**

Environment and Infrastructure - Environment & Infrastructure  
File No: PSF/15/8763 – Doc No: DOC/16/79884

*It is recorded that Mr Ian Jensen-Muir, Mr K.S. Spencer and Mr Russell Purvis spoke in relation to this matter.*

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

That Council:

1. notes concerns raised by the tenant sporting clubs at Hurlingham Park about the new oval perimeter drain;
2. reconstructs the oval perimeter drain at Hurlingham Park Oval 1 so that the drain and fence arrangement is similar to that used at Trevor Barker Beach Oval;
3. authorises contract CON/15/158 Hurlingham Park, Brighton East, Masterplan Implementation Stage 2 to be varied by an amount to facilitate the work to reconstruct the Hurlingham Park Oval 1 perimeter drain; and
4. notes that the timing of this work is weather dependent so as to minimise damage to the oval playing surface.

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

**DIVISION:**   **FOR:**       Crs Lowe, Evans, Long, Stewart, Heffernan and Frederico (6)  
                  **AGAINST:** Nil (0)

**CARRIED**

*It is recorded Cr del Porto vacated the Chamber prior to item 10.1 and was not present in the Chamber when this item was considered.*

*It is recorded Cr del Porto returned to the Meeting at 8.05 PM following the consideration of the above item.*

## 10.2 SANDRINGHAM VILLAGE STREETScape MASTERPLAN

Environment and Infrastructure - Infrastructure Assets  
File No: PSF/15/8756 – Doc No: DOC/16/69626

*It is recorded that Mr Matthew Paynter did not pursue his right to speak.*

*It is further recorded that Mr Henry Scott and Mr Bryan Dalton spoke in relation to this matter.*

**Moved: Cr Evans**

**Seconded: Cr Stewart**

That Council:

1. adopts the Sandringham Village Streetscape Master Plan 2016 (Attachment 1);
2. advocates to the State Government to change the current bus u-turn arrangement in front of the Sandringham Station to an alternate route along Bay Road, Beach Road, Melrose Street and Station Street south of the Railway Station to allow for the creation of the Village Square feature recommended in the Master Plan.
3. opposes any proposal to re-route buses currently using the u-turn arrangement in front of the Sandringham Station into the following residential streets: Trentham Street, the railway end of Sandringham Road, Harston Street, Abbott Street or Station Street north of the Sandringham Railway Station.
4. in the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.
5. investigates actions listed in this report to address public perceptions of a lack of parking and to increase the utilisation and availability of car parks in the Village;
6. thanks all community stakeholders for their high level of engagement and contribution to the development of this Master Plan; and
7. maintains ongoing engagement with the community until works commence in the fourth quarter of the 2016/17 financial year (currently scheduled for May 2017) through signage, web presence, social media and conventional media releases.
8. advocates to the Public Transport Victoria to improve utilisation of car parking on State Government owned land.
9. substitutes the proposed roundabout palm tree with a suitable indigenous tree

**CARRIED**



### 10.3 BLACK ROCK FORESHORE MASTERPLAN

Environment and Infrastructure - Environmental Sustainability & Open Space  
File No: PSF/15/8761 – Doc No: DOC/16/73786

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*Councillor del Porto left the Meeting at 8:31 PM*

*Councillor del Porto returned to the Meeting at 8:32 PM*

**Moved: Cr Stewart**

**Seconded: Cr Evans**

That Council:

1. notes the Black Rock Foreshore Masterplan Community Consultation Report;
2. adopts the Black Rock Foreshore Masterplan, noting the retention and maintenance of the Gordon Crescent beach access stairs and maintenance of the Coastal Path as a compacted gravel/sand walking path up to 2.0 metres in width (site specific), inclusive of pruning to either side;
3. amends the Bayside Public Toilet Strategy 2012 to remove the references to a new public toilet on the foreshore in the area near Quiet Corner; and
4. install appropriate signage to indicate Quiet Corner.

**CARRIED**

*Councillor Stewart left the Meeting at 8:38 PM*

*Councillor Stewart returned to the Meeting at 8:40 PM*

### 10.4 COUNCIL GRANTS POLICY

Corporate Services - Recreation, Events & Community Partnerships  
File No: PSF/15/8751 – Doc No: DOC/16/53163

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

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council:

1. adopts the Bayside Council Grants Policy contained in Attachment 1;
2. provides information on the Hardship Contingency Grant to relevant organisation such as BayCISS, Family Life, Sporting Clubs etc;
3. develops guidelines for the Hardship Contingency Grants; and
4. provides increased support to Seniors Groups during the Annual Community Grants period.

**CARRIED**

## 10.5 FOOTPATH TREATMENTS WITHIN THE ROAD RESERVE POLICY

Environment and Infrastructure - Infrastructure Assets  
File No: PSF/15/8756 – Doc No: DOC/16/81240

*It is recorded that Mr Norman Iddles, Mr Geoff Leigh, Mr Dudley Chamberlain, Mr K.S. Spencer and Mr Barry Brooker spoke in relation to this matter.*

**Moved: Cr Stewart**

**Seconded: Cr Evans**

That Council:

1. adopts the Footpath Treatments Within the Road Reserve Policy as shown in Attachment 1 with the following amendments:
  - a. All streets south of Bay Road that do not have footpaths to remain the same on the basis of neighbourhood character, unless there is a demonstrated need for a person to have access to a paved footpath because of some form of disability, in which case the respective street(s) will be assessed in accordance with the priority criteria set out in the Policy;
  - b. Any new footpaths in streets south of Bay Road to be constructed with exposed aggregate concrete; and
  - c. Reserve Road, Cheltenham Road and Weatherall Roads be excluded from being considered for additional footpaths unless constructed from gravel or granitic sand.
  - d. If residents representing greater than 50% of properties within a street south of Bay Road approach Council seeking a paved footpath, the street will be assessed in accordance with the policy criteria set out in the Policy.
2. authorises the Director Environment and Infrastructure to make the necessary editorial changes to the Footpath Treatments Within the Road Reserve Policy;
3. notes the Footpath Treatments with the Road Reserve Procedure as shown in Attachment 2;
4. notifies the lead petitioner from Welton Street of the outcome of this report; and
5. thanks all members of the Bayside community who contributed their time and feedback during the community engagement activities associated with the development of this Policy.

**CARRIED**

**10.6 ENVIRONMENTAL SUSTAINABILITY FRAMEWORK 2016 - 2025**

Environment and Infrastructure - Environmental Sustainability & Open Space  
File No: PSF/15/8761 – Doc No: DOC/16/78065

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**Moved: Cr Stewart**

**Seconded: Cr Lowe**

That Council:

1. adopts the Environmental Sustainability Framework 2016-2025;
2. receives a report annually on the progress and updates to the Environmental Sustainability Framework Action Plan;
3. amends the Environmental Sustainability Framework Action Plan to include:
  - a. Date for development of the Integrated Water Management Plan is 2016
  - b. Target for the number of plants produced by the Bayside Community Nursery is 125,000 and that the target is altered to include both number and species diversity of plants sold;
  - c. Timing for research into rare plants to be shown as ongoing; and
4. authorises the Director Environment and Infrastructure to make editorial changes to the document.

**CARRIED**

## 10.7 CHILDRENS' SENSORY GARDEN INVESTIGATION

Environment and Infrastructure - Environmental Sustainability & Open Space  
File No: PSF/15/8761 – Doc No: DOC/16/77827

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**Moved: Cr Lowe**

**Seconded: Cr Evans**

That Council:

1. notes the typical elements of a suburban sensory garden;
2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;
3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and
4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.

### AMENDMENT

**Moved: Cr Heffernan**

**Seconded: Cr del Porto**

That Council:

1. notes the typical elements of a suburban sensory garden;
2. in the absence of a more suitable site emerging, Council proposes the CSIRO site as a preferred location for the establishment of a sensory garden in Bayside;
3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and
4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.

The Amendment was PUT and **LOST**.

The Original Motion moved by Cr Lowe and seconded by Cr Evans became the Motion before the Chair.

**CARRIED**

**10.8 RICKETTS POINT TEA HOUSE LEASE EXTENSION**

Corporate Services - Commercial Services  
File No: FOL/15/2927 – Doc No: DOC/16/67912

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

**Moved: Cr Stewart**

**Seconded: Cr Lowe**

That subject to Ministerial approval, Council:

1. commences the statutory procedures to lease to Beachside Café the Ricketts Point Tea House for a further term of 2 years commencing on 1 January 2018 at a current rental of \$126,676.55 (plus GST) with annual increases in accordance with the lease agreement;
2. establishes a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 consisting of all councillors with a quorum of four (4) Councillors to consider any submissions received pursuant to section 223 of the Local Government Act 1989 at a meeting to be held at 6.30pm on Thursday 30 June in the Council Chambers, Boxshall Street Brighton in relation to the proposed lease to Beachside Café Pty Ltd; and
3. In the event that no section 223 submissions are received, authorises the Director Corporate Services to execute the lease of Ricketts Point Tea House with Beachside Café Pty Ltd.

With the consent of the meeting the mover and seconder withdrew from this motion.

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That this item be deferred to a Councillor Briefing with a view to discuss funding proposals, leasing arrangements and timing of the design process.

**CARRIED**



**10.11 FURTHER EVALUATION OF PETERSON RESERVE SITE FOR PUBLIC ART**

Community Services - Family & Cultural Services  
File No: PSF/15/8760 – Doc No: DOC/16/77905

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

That Council:

1. endorses the Peterson Street Reserve site as suitable for public art, and
2. endorses the Arts & Culture Advisory Committee's recommendation that opportunities for new public art works be considered during planning and consultation for the forthcoming playground upgrade.

**CARRIED****10.12 FEASIBILITY STUDY INTO A SYRINGE COLLECTION AND DISPOSAL CENTRE.**

City Planning and Amenity - Amenity Protection  
File No: PSF/15/8764 – Doc No: DOC/16/66418

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

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

That Council:

1. continues to provide a free sharps/syringe container collection and disposal service at the Bayside Corporate Centre; and
2. installs a new collection receptacle on the exterior of the Brighton Chamber building for the disposal of used sharps syringe containers.

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

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

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

That the meeting be extended for a further period of 30 minutes to finish at 11.30pm.

**CARRIED**

**10.13 PROPOSED GOVERNANCE ARRANGEMENTS FOR GALLERY@BACC  
(SECTION 86) COMMITTEE**

Community Services - Family & Cultural Services  
File No: PSF/15/8760 – Doc No: DOC/16/75664

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

That Council:

1. endorses the draft Charter for the Gallery@BACC Committee as attached to this report;
2. commences advertising and recruitment of ordinary members of the Committee;
3. receives a further report in August 2016 to appoint members to the Gallery@BACC Committee, and enact an Instrument of Delegation pursuant to Section 86 of the Local Government Act 1989;
4. reviews its delegation to the Gallery@BACC Committee in October 2017, pursuant to Section 86 (6) of the Local Government Act 1989.

**CARRIED****10.14 HISTORIC PLACE INVESTIGATION - ALDERLEY, 91 WERE STREET,  
BRIGHTON**

City Planning and Amenity - Urban Strategy  
File No: PSF/15/8752 – Doc No: DOC/16/75938

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

That Council defer this item to attempt to establish the identity of the person nominating the subject property.

**CARRIED**



## 10.15 RETAIL, COMMERCIAL AND EMPLOYMENT STRATEGY

City Planning and Amenity - Urban Strategy  
File No: PSF/15/8752 – Doc No: DOC/16/75930

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**Moved: Cr Stewart**

**Seconded: Cr del Porto**

That Council:

1. notes the Stage 1 Community Engagement Report;
2. adopts the draft Retail, Commercial and Employment Strategy for the purposes of community consultation;
3. authorises the Director City Planning and Amenity to make any editorial changes.

**CARRIED**

## 10.16 EXHIBITION OF PLANNING SCHEME AMENDMENT C153 - SPECIAL BUILDING OVERLAY

City Planning and Amenity - Urban Strategy  
File No: PSF/15/8752 – Doc No: DOC/16/75936

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*It is recorded that Mr Barry Brooker spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

That Council notes the proposed approach to community consultation for Amendment C153.

*Councillor Heffernan left the Meeting at 11:01 PM*

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

**DIVISION:**   **FOR:**       Crs del Porto, Lowe, Evans, Long, Stewart and Frederico (6)  
                  **AGAINST:** Nil (0)

**CARRIED**

**10.17 ADVOCACY FOR EMERGENCY MANAGEMENT FUNDING**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/77326

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

That Council:

1. authorises the Chief Executive Officer to write to the City of Yarra in support of the Municipal Emergency Resourcing Program being expanded to metropolitan Councils in the Metropolitan Fire Brigade district to support their role in Emergency Management; and
2. authorises the Mayor to write to the Minister for Emergency Services, Minister for Local Government and the Victorian Treasurer in support of extending the funding under the Municipal Emergency Resourcing Program to metropolitan Councils in the Metropolitan Fire Brigade district.

**CARRIED**

*Councillor Heffernan returned to the Meeting at 11:02 PM*

**10.18 METRO RAIL PROJECT AND SOUTH YARRA STATION**

Environment and Infrastructure - Infrastructure Assets  
File No: PSF/15/8756 – Doc No: DOC/16/77391

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*It is recorded that Mr George Reynolds did not pursue his right to speak.*

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

That Council advocates to the State Government for the provision of an interchange station at South Yarra Station as part of the Melbourne Metro project.

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

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

**CARRIED**

**10.19 ELSTERNWICK PARK NO. 1 OVAL PRECINCT REDEVELOPMENT -  
DESIGN CONTRACT**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/76371

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

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council authorises the Chief Executive Officer to award the tender for Contract CON/16/73 for the design of the Elsternwick Park No. 1 Oval Precinct Redevelopment project subject to the restrictions outlined in Confidential Attachment 1.

**CARRIED**

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That items 10.20, 10.21, 10.22, 10.23, 10.24, 10.25 and 10.26 be dealt with as a block motion and the recommendations be adopted.

**CARRIED**

**10.20 CON/16/48 ASPHALT FOOTPATH RECONSTRUCTION PROGRAM  
(RESIDENTIAL) FOR 2016/17 – 2017/18**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/61618

**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council:

1. awards contract CON/16/48 Asphalt Footpath Reconstruction Program (Residential) for 2016/17 – 2017/18 commencing 1 July 2016 to Asphaltech (Vic) Pty Ltd (ABN:105883154) for the specified schedule of rates in Confidential Attachment 2;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/48 Asphalt Footpath Reconstruction Program (Residential) for 2016/17 – 2017/18; and
3. advises the unsuccessful tenderers accordingly.

**CARRIED**

**NOTE:** Item 10.20 was **CARRIED** as part of a block motion.

**10.21 CON/16/13 DENDY VILLAGE STREETScape IMPROVEMENTS**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/76044

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

That Council:

1. awards contract CON/16/13 Dendy Village Streetscape Improvements to Evergreen Civil Pty Ltd (ABN:67667088791) for the lump sum price of \$314,220.22 exclusive of GST and \$345,642.35 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/13 Dendy Village Streetscape Improvements; and
3. advises the unsuccessful tenderers accordingly.

**CARRIED****NOTE:** Item 10.21 was **CARRIED** as part of a block motion.**10.22 CON/16/47 CONCRETE FOOTPATH RECONSTRUCTION PROGRAM  
(RESIDENTIAL) FOR 2016/17 – 2017/18**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/61583

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

That Council:

1. awards contract CON/16/47 Concrete Footpath Reconstruction Program (Residential) for 2016/17 – 2017/18 commencing 1 July 2016 to Paper Street Pty Ltd trading as Metro Plant and Civil Services (ABN:81152055359) for the specified schedule of rates in Confidential Attachment 2;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/47 Concrete Footpath Reconstruction Program (Residential) for 2016/17 – 2017/18; and
3. advises the unsuccessful tenderers accordingly.

**CARRIED****NOTE:** Item 10.22 was **CARRIED** as part of a block motion.

**10.23 CON/16/49 KERB AND CHANNEL REPLACEMENT PROGRAM FOR  
2016/17 – 2017/18**

Environment and Infrastructure - City Works  
File No: PSF/15/8763 – Doc No: DOC/16/61640

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

That Council:

1. awards contract CON/16/49 Kerb and Channel Replacement Program for 2016/17 – 2017/18 commencing 1 July 2016 to Paper Street Pty Ltd trading as Metro Plant and Civil Services (ABN:81152055359) for the specified schedule of rates in Confidential Attachment 2;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/49 Kerb and Channel Replacement Program for 2016/17 – 2017/18; and
3. advises the unsuccessful tenderers accordingly.

**CARRIED****NOTE:** Item 10.23 was **CARRIED** as part of a block motion.**10.24 QUARTER 3 PERFORMANCE REPORT - JANUARY TO MARCH 2016**

CEO - Better Place Implementation  
File No: PSF/16/331 – Doc No: DOC/16/79530

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

That Council:

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

**CARRIED****NOTE:** Item 10.24 was **CARRIED** as part of a block motion.

## 10.25 VCAT DECISIONS

City Planning and Amenity - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/16/79174

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**Moved: Cr del Porto**

**Seconded: Cr Stewart**

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

**CARRIED**

**NOTE:** Item 10.25 was **CARRIED** as part of a block motion.

## 10.26 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/77665

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**Moved: Cr del Porto**

**Seconded: Cr Stewart**

That Council notes the Council Action Awaiting Report.

**CARRIED**

**NOTE:** Item 10.26 was **CARRIED** as part of a block motion.

## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Frederico

No report submitted

2. **MAV Environment Committee** – Director Environment & Infrastructure

No report submitted

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 MAV State Council meeting held on 13 May 2016 were circulated to Councillors

5. **Inner South Metropolitan Mayors' Forum** – Cr Long

The Mayor Cr Long advised that he had circulated notes to the Councillors from the Inner South Metropolitan Mayors' Forum held on 15 April 2016.

6. **Metro Waste & Resource Recovery Group** – Cr Stewart

No report submitted.

**Moved: Cr Stewart**

**Seconded: Cr del Porto**

That the delegates reports be received and noted.

**CARRIED**

## 12. Urgent Business

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

### 13. Notices of Motion

#### 13.1 NOTICE OF MOTION 247 - RAILWAY AVENUE, BRIGHTON

Corporate Services - Governance & Performance Reporting  
File No: PSF/15/8758 – Doc No: DOC/16/83360

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**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That a report be presented to Council at the July 2016 Ordinary Meeting on the feasibility and costs of planting mature trees and the installation of an acoustic fence in Railway Avenue Brighton, to address residents' concerns about the proximity of the railway line to their properties.

**CARRIED**



**14. Confidential Business**

**Moved: Cr del Porto**

**Seconded: Cr Lowe**

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

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

**CARRIED**

**Table of Contents**

- 14.1 CONFIDENTIAL ATTACHMENTS: CON/16/13; CON/16/47; CON/16/48; CON/16/49; ELSTERNWICK PARK NO. 1 OVAL PRECINCT REDEVELOPMENT - DESIGN CONTRACT**  
*(LGA 1989 Section 89(2)(d) contractual matters.)*
- 14.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 5 MAY 2016**  
*(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)*

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

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 11.17PM.*

**CONFIRMED THIS INSERT 21 DAY OF JUNE 2016**

**CHAIRPERSON: .....**

