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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 18 December 2018

The Meeting commenced at 7:00pm

**PRESENT:**

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

**OFFICERS IN ATTENDANCE:**

Mick Cummins	Chief Executive Officer
Jill Colson	Director Corporate Services
Hamish Reid	Director City Planning and Community Services
Steven White	Director Environment, Recreation and Infrastructure
Bryce Craggs	Director Community and Customer Experience
Terry Callant	Governance Manager
Karen Brown	Governance Coordinator
Robert Lamb	Governance Officer

## Table of Contents

1.	Prayer	
2.	Acknowledgement of Original Inhabitants	
3.	Apologies	
4.	Disclosure of any Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
8.	Minutes of Advisory Committees	
8.1	Minutes of the Audit & Risk Management Committee meeting held on 28 November 2018.....	8
9.	Reports by Special Committees	
9.1	Minutes of the Bayside Arts Board meeting held on 26 September 2018 .....	9
10.	Reports by the Organisation	
10.1	Response to Petition: Hydrotherapy Pool.....	12
10.2	Elsternwick Park Golf Course Decommissioning Plan - Progress Update.....	14
10.3	Response to Notice of Motion 276 - Tree Retention, Landscape Implementation and Vegetation Protection.....	15
10.4	Graffiti Management Plan 2019.....	17
10.5	Public Toilet Strategy 2019-2023 .....	18
10.6	Tulip Street Basketball Courts Extension - Project and Funding Update.....	19
10.7	Response to Notice of Motion 274 - Installation of Water Fountains .....	20
10.8	Community Engagement Plan for Wilson Reserve and Brighton Recreational Centre Masterplan.....	21
10.9	Environmental Sustainability Strategic Service Review.....	22
10.10	CONTRACT CON 111207A - Extension of Hard Waste Collection Contract - Selkrig Enterprises Pty Ltd .....	23
10.11	CONTRACT CON 111207B - Extension of Green Waste Collection Contract - JJ Richards .....	24

10.12	CONTRACT CON/18/105 - Open Space Granitic Pathway Renewal Program.....	25
10.13	CONTRACT CON/18/120 - Elsternwick Park Oval 2 Pavilion Demolition and New Building Construction Works .....	26
10.14	CONTRACT CON/18/128 - Hampton Community Infrastructure Feasibility Assessment and Masterplan .....	27
10.15	Lease to Telstra for 20 years for part Banksia Reserve 68 Oak Street Beaumaris.....	28
10.16	Lease to Vodafone for 20 years on foreshore reserve opposite corner of Beach Road and McGregor Avenue, Black Rock.....	29
10.17	Proposed Transfer of Land at Downes Avenue and Elwood Lane Brighton from Department of Finance to Council.....	30
10.18	Proposed Discontinuance and Sale of Land adjoining 173 Bluff Road Black Rock.....	31
10.19	October 2018 Financial Report.....	32
10.20	Council Action Awaiting Report .....	33
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
14.	Confidential Business	

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 Grinter to read the prayer.

## **1. Prayer**

Cr Grinter 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 del Porto 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**

*It is recorded that no apologies were submitted to the meeting.*

**Moved Cr del Porto**

**Seconded Cr Evans**

That Council grant Cr del Porto leave of absence for the period 29 January 2019 to 5 February 2019 (inclusive) and his Councillor allowance be suspended during this period.

**CARRIED**

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

*It is recorded that no conflicts of interest were 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 Bayside City Council held on 20 November 2018.

**Moved: Cr Grinter**

**Seconded: Cr Long**

That the minutes of the Ordinary meeting of Bayside City Council held on 20 November 2018, 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, 4 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 George Reynolds (present in the chamber)

At the 20th Nov. Ordinary Meeting of Council the CEO, in responding to a question on an unbudgeted provision which was spent on state election advocacy, and stated that the \$90,000 budget provision "... was approved by the CEO in accordance with his financial delegation..."

- (a) Will the CEO now recognise there was no approved budget provision, for this expenditure and that
- (b) the \$90,000 was spent for a purpose which was not included in an approved budget and was a prohibited activity in accordance with Clause 6.1.11 of the Procurement Policy adopted by Council in June 2018?

### Response by the CEO

- (a) *The \$90,000 advocacy initiative was approved after the adoption of the 2018/19 budget.*
- (b) *Clause 6.1.11 of the Procurement Policy requires a source of funds to be identified for unbudgeted expenditure. This project has been funded using the 2018/19 forecast surplus.*

### 2. Mr George Reynolds (present in the chamber)

In the Comprehensive Income Statement for the year ending 30th June 2018 an amount of \$17.827M, for Depreciation and Amortisation, together with an amount of \$26.002M, listed as Surplus for the year, was treated as an expense, totalling \$43.823M.

- (a) Would the CEO, who certified the accounts, confirm that this sum of \$43.823M did not constitute a payment for an approved budget activity, and was required to be returned to the contributor (the payers of the General Rate) in accordance with s141(c) of the Local Government Act 1989, and
- (b) The proportion of the General Rate and Charges properly spent on meeting expenses shown in an approved budget, and providing a benefit to the contributors, was only 50.9% of the General Rates and charges levied?

**Response by the CEO**

- (a) *Council budgets for an operating surplus before depreciation in order to fund its capital program and debt repayment commitments. The operating, capital, and debt repayment budgets were included in the 2017/18 adopted budget. Where Council makes a surplus above budget these funds are transferred to the Infrastructure Reserve to fund replacement infrastructure, unavoidable projects, or additional debt repayment.*
- (b) *The statement of cash flows in the annual financial statements shows that 98% of rates and charges was spent on either operating, capital, or financing activities which resulted in a \$1.8M increase in cash reserves for the year.*

**3. Mr Kevin Spencer (present in the chamber)**

In recent years Council has engaged in expensive disputes with regard to tree removals on private properties. Costs involved reports from both Councils arborists and applicant's, in addition to the amount of costly time spent by council staff and applicant, bearing in mind the recent VCAT case (P780/2018 of which overturned Councils refusal of tree removal.

- (a) In light of this case, will council now review applications policy for tree removal with view to reducing unnecessary costs by both Council & residents.
- (b) Where tree removal is granted by Council, condition be made on permit that it be subject to replacement of one or two trees on property, that will not present a danger to property and public risk during life of tree.

**Response by the CEO**

- (a) *The VCAT order issued on 2 October 2018 allowed the removal of a gum tree based on a consent agreement developed in collaboration with the responsible authority.*

*While the tree could have been retained it was considered that the removal and replacement with two (2) new trees would achieve a greater benefit to the site and the larger urban forest.*

*It is considered that the current planning policy, overlays, and processes are working effectively and no changes to these documents are currently proposed.*

- (b) *Council is focussed on protecting and enhancing our urban forest. As such, where a tree is permitted to be removed, replacement planting is sought where appropriate.*

*Species are generally assessed to ensure that they will complement the existing and preferred character of the area and the space available on the site.*

**4. Mr Kevin Spencer (present in the chamber)**

A few years ago I was informed that a full list of Bayside City Councils Art and Heritage Collection would be placed on Councils web site for community interest, to date the list has not appeared.

- (a) As all works in the collection are public property why has council not published the listing as would be required for regular audit?
- (b) Meantime how many works of art are currently in the collection, missing, on loan or sold?

**Response by the Mayor**

- (a) *The Bayside Arts Board receives quarterly reports regarding the care and maintenance of the Bayside Art and Heritage Collection. The most recent inventory of the collection was completed in February 2017 and a regulatory audit for insurance purposes was completed in March 2018. Comprehensive information on 74 of the most significant items from the collection are now available online at the Victorian Collections website. I will include the weblink in your correspondence.*
- (b) *As previously stated, the most recent inventory of the collection was completed in February 2017 which lists 1,925 objects in the database. During the 2017/18 year, no artwork went missing or was sold and four works were loaned to the following public art museums: Ballarat Fine Art Gallery, Heide Museum of Modern Art, Yarra Ranges Regional Museum and the Jam Factory, Adelaide.*

## 7. Petitions to Council

*It is recorded that no petitions were submitted to the meeting.*

## 8. Minutes of Advisory Committees

### 8.1 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 28 NOVEMBER 2018

Corporate Services - Governance  
File No: PSF/18/103 – Doc No: DOC/18/299977

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**Moved: Cr Castelli**

**Seconded: Cr Grinter**

That Council notes the minutes of the Audit & Risk Management Committee held on 28 November 2018.

**CARRIED**



## 9. Reports by Special Committees

### 9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 26 SEPTEMBER 2018

Corporate Services - Governance  
File No: PSF/18/103 – Doc No: DOC/18/288888

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council:

1. notes the minutes of the Bayside Arts Board meeting held on 28 November 2018;
2. adopts the following recommendations of the Bayside Arts Board meeting of 28 November

#### Item 6.5 – Murals in Bayside

That the Bayside Arts Board:

1. reaffirms that murals are considered as Public Art and will be assessed as part of any public art tender process provided the proposal responds to the identified site for public art;
2. acknowledges that it does not have a role to play in the commissioning of privately funded murals on privately owned property; and
3. recommends to Council that a report be presented to the March 2019 meeting of the Bayside Arts Board to investigate potential opportunities to consider public art on private property facing public land for a suitable mural / art work. The report is also to include specific proposed locations, selection process of appropriate works and the commissioning process.

**CARRIED**

## 10. Reports by the Organisation

### REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 69, the following individuals were granted three minutes each to speak to an item indicated below.

#### **Item 10.1            Response to Petition: Hydrotherapy Pool**

1. Ms Helene Redding
2. Ms Michelle Bentley
3. Mrs Lesley Bawden
4. Ms Pauline Lauder
5. Ms Jill Whyte

#### **Item 10.2            Elsternwick Park Golf Course Decommissioning Plan - Progress Update**

1. Ms Gina Fiske
2. Ku Pather
3. Ms Jo Samuel-King (via proxy Anna Rabinov)
4. Mr Michael Connors
5. Ms Anna Rabinov
6. Mr Geoffrey Love

#### **Item 10.3            Response to Notice of Motion 276 - Tree Retention, Landscape Implementation and Vegetation Protection**

1. Mr Derek Screen
2. Dr Robert Saunders
3. Ms Pauline Reynolds
4. Mrs Alison Murnane
5. Mr Chris Sutton
6. Mr Geoffrey Goode

#### **Item 10.4            Graffiti Management Plan 2019**

1. Ms Sonia Wagner
2. Mr Keiran Cromie
3. Mr Ken Beadle
4. Mr Edward Smith

#### **Item 10.5            Public Toilet Strategy 2019-2023**

1. Mr Jeff Naylor
2. Mr Jack Fryer

**Item 10.6 Tulip Street Basketball Courts Extension - Project and Funding Update**

1. Mr Paul Dear
2. Mr George Reynolds

**Item 10.14 CONTRACT CON/18/128 - Hampton Community Infrastructure Feasibility Assessment and Masterplan**

1. Mr George Reynolds

**Item 10.19 October 2018 Financial Report**

1. Mr George Reynolds

## 10.1 RESPONSE TO PETITION: HYDROTHERAPY POOL

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/18/106 – Doc No: DOC/18/282837

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*It is recorded that Ms Helene Redding, Ms Michelle Bentley, Mrs Lesley Bawden, Ms Pauline Lauder and Ms Jill Whyte each spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council:

1. Undertakes further work to complete a business feasibility study and detailed site analysis for future hydrotherapy and/or warm water facilities in Bayside and considers funding this work when preparing of the 2019/20 Council Budget;
2. Engages with relevant not-for-profit organisations to identify opportunities to work cooperatively on the delivery of hydrotherapy and/or warm water program facilities in Bayside;
3. Explores opportunities for commercial organisations to work cooperatively on the delivery of hydrotherapy and/or warm water program facilities in Bayside; and
4. Investigates the demand for and subsequent implications of other transport options for current and potential users of hydrotherapy and/or warm water facilities at GESAC and the soon to be completed hydrotherapy and/or warm water facilities at Moorabbin Oval.

### **AMENDMENT**

**Moved Cr Martin**

**Seconded Cr Evans**

That Council:

1. Undertakes further work to complete a business feasibility study and detailed site analysis for future hydrotherapy and warm water facilities in Bayside and considers funding this work when preparing of the 2019/20 Council Budget;
2. Engages with relevant not-for-profit organisations to identify opportunities to work cooperatively on the delivery of hydrotherapy and warm water program facilities in Bayside;
3. Explores opportunities for commercial organisations to work cooperatively on the delivery of hydrotherapy and warm water program facilities in Bayside;
4. Investigates the demand for and subsequent implications of other transport options for current and potential users of hydrotherapy and warm water facilities at GESAC and the soon to be completed hydrotherapy and warm water facilities at Moorabbin Oval; and
5. That the future funding of hydrotherapy facilities and the redevelopment of the Sandringham Leisure Centre be referred for consideration to the 2019/20 budget process.



## 10.2 ELSTERNWICK PARK GOLF COURSE DECOMMISSIONING PLAN - PROGRESS UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/18/106 – Doc No: DOC/18/271856

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*It is recorded that Ms Jo Samuel-King (via proxy Anna Rabinov), Mr Michael Connors, Ms Anna Rabinov and Mr Geoffrey Love each spoke for three minutes in relation to this item.*

*It is further recorded that Ms Gina Fiske and Ku Pather were not present at the meeting.*

**Moved: Cr Evans**

**Seconded: Cr Martin**

That Council:

1. Notes the works completed to transform land previously used as a golf course at Elsternwick Park North to an area of passive open space;
2. Notes that land previously used as a golf course at Elsternwick Park North will be operationally managed as passive open space until a masterplan is adopted and implemented;
3. Refers to the land previously used as a golf course at Elsternwick Park North as the Elsternwick Park Nature Reserve until a formal name change can be considered; and
4. Reinforces the dog on leash requirements in Elsternwick Park North by:
  - Providing additional dog control signs highlighting that penalties apply for non-compliance;
  - Maintaining the increased enforcement program as outlined in the report until 31 January 2019 at which time the frequency of enforcement visits will be reassessed; and
  - Issuing Infringement Notices, after one warning, to dog owners who do not abide by the on leash requirements and report to the February 2019 Council meeting on the effectiveness of the enforcement action.

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

**DIVISION:**    **FOR:**        Crs Laurence Evans, James Long, Michael Heffernan (Mayor),  
   Clarke Martin and Rob Grinter (5)  
**AGAINST:** Crs Alex del Porto and Sonia Castelli (2)

**CARRIED**

### 10.3 RESPONSE TO NOTICE OF MOTION 276 - TREE RETENTION, LANDSCAPE IMPLEMENTATION AND VEGETATION PROTECTION

City Planning and Amenity - Urban Strategy  
File No: PSF/18/109 – Doc No: DOC/18/287126

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*It is recorded that Dr Robert Saunders, Ms Pauline Reynolds, Mrs Alison Murnane, Mr Chris Sutton and Mr Geoffrey Goode each spoke for three minutes in relation to this item.*

*It is further recorded that Mr Derek Screen was not present at the meeting.*

*It is recorded that Councillor del Porto left the Meeting at 9:35 pm and re-entered the meeting at 9:41 pm.*

*It is recorded that Councillor Castelli left the Meeting at 9:42 pm and re-entered the meeting at 9:43 pm.*

**Moved: Cr Martin**

**Seconded: Cr Evans**

That Council:

1. Continues to review the current planning provisions in the context of the planning scheme review project that is already underway and provide a report in May 2019 on identified opportunities to strengthen policy provisions relating to tree protection and regeneration;
2. Undertakes further investigation/research into the benefits of undertaking an “Urban Forest Strategy” as outlined in this report and present outcomes at the March 2019 Ordinary Meeting of Council;
3. Continues to undertake a review of the Bayside Housing Strategy;
4. Commences the Neighbourhood Character Study review in the 2019/20 financial year;
5. Undertakes the review of the following policies in the 2019/20 financial year:
  - Tree Reward and Vandalism Policy 2013
  - Significant Trees Management Policy 2013
  - Management of Tree Protection on Private Property Policy 2015;
6. Investigates the option of introducing a bond scheme and or contribution that seeks the retention of trees in the public (and potentially private) realm;
7. Considers the resource allocation for a new position in the GIS team, to build the capability to monitor tree canopy as part of the Project Concept Proposal process, for funding in the 2019/20 financial year;
8. Incorporates community consultation and engagement as part of all strategies and policies mentioned in this resolution; and
9. Identifies opportunities to strengthen the Landscape Guidelines as part of retention of existing canopy trees in good condition in all setbacks amongst others.





#### 10.4 GRAFFITI MANAGEMENT PLAN 2019

City Planning and Amenity - Amenity Protection  
File No: PSF/18/95 – Doc No: DOC/18/294207

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*It is recorded that Ms Sonia Wagner, Mr Keiran Cromie, Mr Ken Beadle and Mr Edward Smith each spoke for three minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Grinter**

That Council:

1. Endorses the proposed Graffiti Management Plan 2019.
2. Refers the proposal costs of \$120,000 for consideration as part of the 2019/2020 Budget process.

**CARRIED**

## 10.5 PUBLIC TOILET STRATEGY 2019-2023

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/18/97 – Doc No: DOC/18/261627

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*It is recorded that Mr Jack Fryer spoke for three minutes in relation to this item.*

*It is further recorded that Mr Jeff Naylor was not present at the meeting.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council adopts the Public Toilet Strategy 2019 – 2023 as shown in Attachment 1.

**CARRIED**

## 10.6 TULIP STREET BASKETBALL COURTS EXTENSION - PROJECT AND FUNDING UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/18/106 – Doc No: DOC/18/225806

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*It is recorded that Mr Paul Dear spoke for three minutes in relation to this item.*

*It is further recorded that Mr George Reynolds was not present at the meeting at the time this item was considered.*

### **PROCEDURAL MOTION**

**Moved Cr Grinter**

**Seconded Cr del Porto**

That the meeting be extended for a period of thirty minutes at this stage of the meeting.

**CARRIED**

*It is recorded that the meeting was extended for thirty minutes at 11pm.*

**Moved: Cr Evans**

**Seconded: Cr Martin**

That Council:

1. Notes the funding model proposed by the Southern Basketball Association of \$1 million upfront contribution and a further \$1 million payable over a 20 year period;
2. Receives a further report at a future meeting detailing State Government grant opportunities and preferred funding model for the Tulip Street Basketball Courts Extension project; and
3. Proceeds to the construction phase of the Tulip Street Basketball Courts Extension project only when external grant funding that meets the project budget requirements has been confirmed.

**CARRIED**

## 10.7 RESPONSE TO NOTICE OF MOTION 274 - INSTALLATION OF WATER FOUNTAINS

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/18/97 – Doc No: DOC/18/282060

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**Moved: Cr Grinter**

**Seconded: Cr del Porto**

That Council:

1. Notes the feasibility assessment for Notice of Motion - No: 274 - Installation of water fountains; and
2. Considers a proposed drinking fountain program over a three year period based on Attachment 1 as part of the 2019/20 Budget preparation process.

**CARRIED**

**10.8 COMMUNITY ENGAGEMENT PLAN FOR WILSON RESERVE AND BRIGHTON RECREATIONAL CENTRE MASTERPLAN**

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/18/106 – Doc No: DOC/18/244723

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council:

1. Endorses the community engagement plan (Attachment 1) for the Brighton Recreational Centre and Wilson Reserve Masterplan; and
2. Receives a report detailing the outcomes of the community engagement and the draft Masterplan by June 2020.

**CARRIED**

**NOTE:** Item 10.8 was **CARRIED** as part of a block motion.

## 10.9 ENVIRONMENTAL SUSTAINABILITY STRATEGIC SERVICE REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport  
File No: PSF/18/108 – Doc No: DOC/18/284031

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council note the findings of and adopt the recommendations of the Environmental Sustainability Strategic Service Review.

**CARRIED**

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

**10.10 CONTRACT CON 111207A - EXTENSION OF HARD WASTE  
COLLECTION CONTRACT - SELKRIG ENTERPRISES PTY LTD**

Environment, Recreation & Infrastructure - Sustainability and Transport  
File No: PSF/18/501 – Doc No: DOC/18/290160

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council authorises the Chief Executive Officer or his delegate to extend the current Hard Waste and Bundled Branches Collection Contract No. 111207A for hard waste and bundled branches collections for the period 5 March 2019 to 4 March 2020 and execute this in accordance with the terms and conditions of the current contract.

**CARRIED**

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

**10.11 CONTRACT CON 111207B - EXTENSION OF GREEN WASTE  
COLLECTION CONTRACT - JJ RICHARDS**

Environment, Recreation & Infrastructure - Sustainability and Transport  
File No: PSF/18/108 – Doc No: DOC/18/290268

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council authorises the Chief Executive Officer or his delegate to extend the current Green Waste Collection Contract No. 111207B for green waste collections for the period 1 July 2019 to 30 June 2020 and execute this in accordance with the terms and conditions of the current contract.

**CARRIED**

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



**10.12 CONTRACT CON/18/105 - OPEN SPACE GRANITIC PATHWAY  
RENEWAL PROGRAM**

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/18/97 – Doc No: DOC/18/268186

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council:

1. Awards Contract CON/18/105 Open Space Granitic Pathway Renewal Program to Novacon Group Pty Ltd for the specified schedule of rates in Confidential Attachment 2;
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/105 Open Space Granitic Pathway Renewal Program; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

**10.13 CONTRACT CON/18/120 - ELSTERNWICK PARK OVAL 2 PAVILION  
DEMOLITION AND NEW BUILDING CONSTRUCTION WORKS**

Environment, Recreation & Infrastructure - City Assets & Projects  
File No: PSF/18/97 – Doc No: DOC/18/241409

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council:

1. Awards contract CON/18/120 Elsternwick Park Oval 2 Pavilion Demolition and New Building Construction Works to FIMMA Constructions Pty Ltd (ABN:22 101 232 320) for the lump sum price of \$ 2,096,512.00 ex GST and \$ 2,306,163.20 inc GST;
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/120 Elsternwick Park Oval 2 Pavilion Demolition and New Building Construction Works; and
3. Advises the unsuccessful tenderers accordingly.

**CARRIED**

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

**10.14 CONTRACT CON/18/128 - HAMPTON COMMUNITY INFRASTRUCTURE  
FEASIBILITY ASSESSMENT AND MASTERPLAN**

City Planning and Amenity - Urban Strategy  
File No: PSF/18/109 – Doc No: DOC/18/283088

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*It is recorded that Mr George Reynolds was not present at the meeting at the time this item was considered.*

**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council authorises the Chief Executive Officer to award a contract (CON/18/128) relating to the Hampton Community Infrastructure Feasibility Assessment and Masterplan for goods and services in excess of the delegation attributed to the Chief Executive Officer and the additional funds to be reallocated from the forecast operating surplus for 2018/19, and formalised at the half year budget review.

**CARRIED**

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

**10.15 LEASE TO TELSTRA FOR 20 YEARS FOR PART BANKSIA RESERVE  
68 OAK STREET BEAUMARIS**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/291441

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**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

1. Commence the statutory procedures to lease part of Banksia Reserve, 68 Oak Street, Beaumaris to Telstra on the below terms:

Term:	10 Years
Options:	5 years + 5 years
Rent:	\$27,700
Rent Escalation:	3% per annum;

2. Give Public Notice of the proposed lease of Land in the appropriate newspaper and on Council's website;
3. If no submissions are received following the Public Notice, authorise the Director of Corporate Services to execute the lease on the above terms; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the *Local Government Act 1989* to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 5 March 2019 at 6:30pm.

**CARRIED**

**10.16 LEASE TO VODAFONE FOR 20 YEARS ON FORESHORE RESERVE  
OPPOSITE CORNER OF BEACH ROAD AND MCGREGOR AVENUE,  
BLACK ROCK**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/291545

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council:

1. Commence the statutory procedures to lease land on the Black Rock Foreshore opposite the corner of Beach Road and McGregor Avenue Black Rock to Vodafone on the below terms:

Term:	10 Years
Options:	10 Years
Rent:	\$7,000
Rent Escalation:	3% per annum;

2. Give Public Notice of the proposed sale of the Land in the appropriate newspaper and on Council's website;
3. If no submissions are received following the Public Notice, authorise the Director of Corporate Services to execute the lease on the above terms; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the *Local Government Act* 1989 to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 12 March 2019 at 6:30pm.

**CARRIED**

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

**10.17 PROPOSED TRANSFER OF LAND AT DOWNES AVENUE AND  
ELWOOD LANE BRIGHTON FROM DEPARTMENT OF FINANCE TO  
COUNCIL**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/290347

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council

- 1 Authorises the Director Corporate Services to execute all necessary procedures and documents related to the transfer of land known as Downes Avenue and Elwood Lane, Brighton from the Department of Finance;
- 2 Advises the residents currently occupying the land at Elwood Lane of the transfer; and
- 3 Undertakes surveying and notification to residents in relation to the proposal to discontinue and sell the land at Elwood Lane in accordance with Council's Discontinuance and Sale of Right of Way, Roads and Reserves Policy 2018.

**CARRIED**

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

**10.18 PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 173  
BLUFF ROAD BLACK ROCK**

Corporate Services - Commercial Services  
File No: PSF/18/98 – Doc No: DOC/18/291563

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act* 1989, for the discontinuance and sale of the road adjoining 173 Bluff Road, Black Rock, highlighted in Attachment 3 via private treaty;
2. Give Public Notice of the Proposal in the appropriate newspapers and on Council's website;
3. If no submissions are received, authorise the Director Corporate Services to complete the formal procedures for the discontinuance of the road and sale of the land to the owners of 173 Bluff Road, Black Rock for \$30,000 plus GST; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the *Local Government Act* 1989 to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 12 February 2018 at 6:30pm.

**CARRIED**

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

## 10.19 OCTOBER 2018 FINANCIAL REPORT

Corporate Services - Finance  
File No: PSF/18/102 – Doc No: DOC/18/290256

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*It is recorded that Mr George Reynolds was not present at the meeting at the time this item was considered.*

**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council notes the operating and capital financial report for four months to 31 October 2018.

**CARRIED**

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



**10.20 COUNCIL ACTION AWAITING REPORT**

Corporate Services - Governance  
File No: PSF/18/103 – Doc No: DOC/18/300009

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**Moved: Cr Grinter**

**Seconded: Cr Castelli**

That Council notes the Council Action Awaiting Report.

**CARRIED**

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

## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Laurence Evans indicated that no quorum was reached at the last meeting therefore the meeting did not progress.
2. **MAV Environment Committee** – The Director Environment, Recreation & Infrastructure indicated a Council Officer attended the Committee meeting. A discussion took place concerning some of the environmental issues affecting the sector.
3. **Metropolitan Transport Forum** – The Director Environment, Recreation & Infrastructure indicated that Council did not have a representative attend the last meeting.
4. **Municipal Association of Victoria** – Cr Alex del Porto indicated that no meeting has been held since the previous meeting.
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr Michael Heffernan indicated that no meeting has been held since the previous meeting.
6. **Metropolitan Local Government Waste Forum** – The Director Environment, Recreation & Infrastructure attended the Forum in the absence of Cr Clarke Martin given his leave of absence.

**Moved Cr Grinter**

**Seconded Cr Castelli**

That the reports by delegates be received and noted.

**CARRIED**

## **12. Urgent Business**

*It is recorded that no items of Urgent Business were submitted to the meeting.*

## **13. Notices of Motion**

*It is recorded that no Notices of Motion were submitted to the meeting.*

## **14. Confidential Business**

*It is recorded that no items of Confidential Business were submitted to the meeting.*

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at insert time 11.21pm.*