Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 24 March 2020 at 7pm

Agenda
Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli
            Cr Alex del Porto
            Cr Laurence Evans OAM
            Cr Rob Grinter (Deputy Mayor)
            Cr Michael Heffernan
            Cr James Long BM JP

Members of the Gallery

Your attention is drawn to Section 92 of Council’s Governance Local Law No 1.

Section 92 The Chair’s Duties and Discretions

In addition to other duties and discretions provided in this Local Law, the Chair –

(a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

(b) may demand retraction of any inappropriate statement or unsubstantiated allegation;

(c) must ensure silence is preserved in the public gallery during any meeting;

(d) must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and

(e) must call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairman, remove from a meeting any Councillor or other person who has committed such an offence.

Your cooperation is appreciated

Chairperson of Council
Important Notice

Recently, the State Government has advised that its Pandemic Plan for the Victorian Health Sector has been upgraded to Stage 2. **Until further notice, Council and Committee meetings will proceed without members of the public present.**

**Alternative arrangements are in place** for members of the community to **make a submission** in relation to items listed on the agenda, or to **submit a public question**, via the following links:

**Requests to be heard**

**Ask a question at an Ordinary Meeting of Council**

For further queries, please contact the Governance office on 9599 4444.

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**Order of Business**

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
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1. **Prayer**

   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**

   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**

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

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 18 February 2020.

6. **Public Question Time**

7. **Petitions to Council**
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/68996

Executive summary

Purpose and background
To formally report to Council on the Assembly of Councillors records in accordance with the Local Government Act 1989.

Key issues
This report fulfils the requirements of reporting an Assembly of Councillors to the next practical Ordinary Meeting of Council in accordance with the Local Government Act 1989.

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

- 25 February 2020 Strategic Issues Discussion
- 26 February 2020 Strategic Issues Discussion
- 3 March 2020 CEO and Councillor only Briefing
- 3 March 2020 Councillor Briefing
- 4 March 2020 Budget Briefing
- 11 March 2020 Budget Briefing.

Support Attachments
1. Record of Assembly of Councillors - 25 February 2020 Strategic Issues Discussion
2. Record of Assembly of Councillors - 26 February 2020 Strategic Issues Discussion
3. Record of Assembly of Councillors - 3 March 2020 CEO and Councillor only meeting
4. Record of Assembly of Councillors - 3 March 2020 Councillor Briefing
5. Record of Assembly of Councillors - 4 March 2020 Budget Briefing
6. Record of Assembly of Councillors - 11 March 2020 Budget Briefing
### Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

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- Undergrounding of Powerlines - Costs and Benefits
- Petition to install a pedestrian crossing on Well Street, between St Andrews and Carpenter Streets Brighton
- Marine Education, Science and Community Centre (MESAC) Feasibility Study - Project Update
- Response To Notice Of Motion - 288 - Foreshore Lighting
- Update on Expression of interest for future leasing of Billilla Homestead
- Proposal to redevelop and enter into a 21 year lease at Ricketts Point Tea House, Beaumaris
- Sandringham Golf Course Lease
- Removal of Committee of Management for Higinbotham Hall
- Planning Scheme Amendment C174 - Heritage Overlay at 38 Grosvenor Street, Brighton
- CSIRO Highett Site - Future Community Facility Options
- Sandringham Streetscape Masterplan - Response to community engagement

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Item 8.1 – Minutes of Advisory Committees
8.2 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 17 FEBRUARY 2020

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/69015

The minutes of the Audit & Risk Management Committee meeting held on 17 February 2020 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

Should Councillors wish to discuss the content of the minutes it would be appropriate that Council resolves to consider the matter in-camera.

Executive summary

Purpose and background
To advise Council of the business transacted at the Audit & Risk Management Committee held on 17 February 2020.

The Audit & Risk Management Committee is an independent Advisory Committee to Council appointed by Council pursuant to Section 139 of the Local Government Act 1989.

The primary objective of the Audit & Risk Management Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for accounting and financial reporting practices, management of risk, maintaining a reliable system of internal controls, operation of good governance and facilitation sound organisational ethics.

The Audit & Risk Management Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibilities. The Committee does not have any management function and is therefore independent of management.

As part of Council’s governance obligations to its community, the Committee was established to provide the Council with guidance on:

- Internal and external financial reporting;
- Management of financial and other risks;
- Effectiveness of the internal and external audit functions;
- Provision of an effective means of communication between the external auditor, internal auditor, management and Council; and
- Advice and recommendations on various matters within the charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

The internal, external auditors and other assurance providers support the Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 17 February 2020 include:

Chief Executive Officer’s Update

Summary of Parliamentary Reports
A self-assessment against VAGO Parliamentary Report concerning “Council Libraries”, Results of the 2018/19 Audits Local Government, and an IBAC Parliamentary Report concerning corruption risks associated with procurement in local government was included in the agenda.

Dendy Street Beach Masterplan Implementation Update
The CEO provided the Audit and Risk Management Committee with a status of the Dendy Street Beach Masterplan project and the risks associated with the project progressing.

VAGO Audit Strategy for the Financial Year Ending 30 June 2020
The External Auditor tabled the Audit Strategy for the financial year ending 30 June 2020.

Strategic Risks Half Yearly review
The Director Corporate Services presented the Half Year Strategic Risk review for the Committee’s consideration. The Committee indicated that the Risk Report were very good and simple to read and comprehend. It was suggested that an additional column could be included for a target rating.

A summary of the strategic risks are indicated below:

<table>
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<th>Risk No</th>
<th>Name</th>
<th>Inherent Risk Rating</th>
<th>Residual Risk Rating</th>
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<tr>
<td>001</td>
<td>Failure to plan for changing community needs for services</td>
<td>Medium</td>
<td>Medium</td>
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<tr>
<td>002</td>
<td>Failure to align asset requirements with changing community needs for services</td>
<td>Medium</td>
<td>Medium</td>
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<tr>
<td>003</td>
<td>Inadequate integrity, dependability and security of IT infrastructure</td>
<td>High</td>
<td>High</td>
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<tr>
<td>004</td>
<td>Failure to properly align people, capability and workforce with current and future needs.</td>
<td>Low</td>
<td>Low</td>
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<td>005</td>
<td>Failure to advocate for, or respond to, legislative and or regulatory change which impacts Council</td>
<td>Medium</td>
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<td>006</td>
<td>Failure to manage contracts for service delivery</td>
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<td>007</td>
<td>Failure to provide a safe environment for staff, contractors and community</td>
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<td>008</td>
<td>Failure to effectively detect and prevent fraud and corruption</td>
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<td>009</td>
<td>Failure to understand and respond to the impact of a changing climate and extreme weather events</td>
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<td>0010</td>
<td>Inability to adapt and respond to the impact of recycling and waste services challenges</td>
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<td>0011</td>
<td>Failure to effectively deliver major project portfolio</td>
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For the purposes of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations, the Audit and Risk Management Committee noted the review of the 11 strategic risks and recommended to Council that the review of the Strategic Risks be noted.

**New Risk Management Framework and Risk Assessment Criteria**

The Manager Commercial Services tabled the revised Risk Management Framework and Risk Assessment Criteria. The Committee discussed in detail the documents and suggested some minor enhancements.

**Crisis and Business Continuity Testing**

The Director Corporate Services presented the testing report on Crisis and Business Continuity Plan.

**December 2019 Quarter Financial Report**


**Local Government Performance Reporting Framework (LGPRF) Performance Measures**

The Manager governance presented the six month review of the LGPRF measures report to the Audit and Risk Management Committee.

**Local Government Bill – Proposed impacts on the Audit and Risk Committee**

The Committee considered a report on the proposed impacts of the Local Government Bill as they relate to the Audit & Risk Committee.

**Audit & Risk Management Committee – Annual Self-Assessment**

The Manager Governance presented the results of the Annual Self-assessment of the Audit & Risk Management Committee.
Recommendation
That the Audit and Risk Management Committee recommends to Council that:

1. Council notes the minutes of the Audit & Risk Management Committee meeting held on 17 February 2020.

2. Adopts the following recommendations of the Audit & Risk Management Committee:

   Item 9.1.1. – Strategic Risk Half Year Review Feb 2020

   1. That the Audit and Risk Management Committee notes the six monthly review of the Strategic Risks and the associated actions; and

   2. For the purposes of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations, the Audit and Risk Management Committee noted the review of the 11 Strategic Risks as outlined below, and recommends to Council that the review of the Strategic Risks be noted.

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<td>High</td>
<td>High</td>
</tr>
<tr>
<td>004</td>
<td>Failure to properly align people, capability and workforce with current and future needs.</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>005</td>
<td>Failure to advocate for, or respond to, legislative and or regulatory change which impacts Council</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>006</td>
<td>Failure to manage contracts for service delivery</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>007</td>
<td>Failure to provide a safe environment for staff, contractors and community</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>008</td>
<td>Failure to effectively detect and prevent fraud and corruption</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>009</td>
<td>Failure to understand and respond to the impact of a changing climate and extreme weather events</td>
<td>Medium</td>
<td>Medium</td>
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<tr>
<td>0010</td>
<td>Inability to adapt and respond to the impact of recycling and waste services challenges</td>
<td>Medium</td>
<td>Medium</td>
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<tr>
<td>0011</td>
<td>Failure to effectively deliver major project portfolio</td>
<td>Medium</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Support Attachments
1. 17 February 2020 Audit and Risk Management Committee Minutes (separately enclosed) (confidential)
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 12 FEBRUARY 2020

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/48866

Executive summary

Purpose and background
To present the minutes of the Bayside Arts Board meeting held on 12 February 2020 to Council for noting.

In accordance with Section 86 of the Local Government Act 1989, Council at its meeting in July 2016, established a Special Committee of Council known as the Bayside Arts Board.

Council, through an instrument of delegation, also delegated some powers and function to the gallery which are listed below:

The following functions, powers, and discretions are delegated to the Bayside Arts Board:

1. To recommend a four year Strategic Plan for The Gallery@BACC, to be presented to Council for adoption, including adjustments and alterations as determined by Council. The Strategic Plan will be in accordance with the Council-adopted purpose that has been established for The Gallery@BACC.
2. Approve acquisitions, de-accessions, and the ongoing management of Council’s art & heritage collection on recommendation from the Council executive team member with management responsibility for the Arts & Culture programs in accordance with Council’s Art & Heritage Collection Policy, the approved Four Year Strategic Plan and Council’s annual budget.
3. Approve The Gallery@BACC exhibition and public program schedule with regard to the Four Year Strategic Plan.
4. Monitor performance against the Four Year Strategic Plan and provide strategic advice to Council as necessary.
5. Support staff in building of relationships and partnerships with artists, arts sector organisations, business and government agencies.
6. Approve marketing and promotion strategies as outlined in the Strategic Plan, The Gallery@BACC’s exhibition program, public programs, and its positive artistic, social, and economic impacts.
7. Provide advice and guidance on the pursuit of sponsorship, fundraising, and philanthropic opportunities, and investigation of the feasibility of establishing a Gallery@BACC Foundation to facilitate the receipt of donations, bequests, and proceeds of fundraising activities.

The Gallery Board membership comprises three Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 12 February 2020 to consider the following matters:

- Business Brought Forward summary from the previous meeting
- Sir Alan Walsh Memorial – Proposed location
- Quarterly Report from October to December 2019
- Art Board’s involvements in commissioning of murals and public art projects
- Letter of Appreciation – Mr Roger Boyce
- Gallery air-conditioning replacement

A copy of the 12 February 2020 minutes of the Bayside Arts Board meeting is attached for Council’s information.

Recommendation
That Council:
1. Notes the minutes of the Bayside Arts Board meeting held on 12 February 2020.
2. Adopts the following recommendations of the Bayside Arts Board meeting of 12 February 2020:

6.1 Summary of Business Brought Forward
That the Bayside Arts Board recommends to Council that based on the advice received from Department of Environment, Land, Water and Planning, Council writes to Michael Cartwright and gratefully declines the proposed donation of ‘Reclining Bird’ for Black Rock foreshore.

6.4 Sir Alan Walsh Memorial Proposed Location
That the Bayside Arts Board recommends to Council to support the memorial of Sir Alan Walsh proposal and offers support to assist the Working Group to obtain funding opportunities for the memorial to progress and the location of the memorial to be determined once funding of the project has been obtained.

Support Attachments
1. Board Minutes 12 February 2020
Considerations and implications of recommendation

Liveable community

Social
The Bayside Arts Board provides a social impact by providing community members with an opportunity to be engaged and provide advice on Council policies and strategies, and to consider issues and opportunities relating to the various forms of art including Bayside’s art collection.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
There are no customer service or community engagement implications associated with this report.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal or statutory requirements associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Bayside Arts Board has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.
Minutes of the
The Bayside Arts Board (Section 86 Committee) Meeting

held in the Mayor’s Room Council Chambers, Civic Centre,
Boxhall Street Brighton
on Wednesday 12 February 2020

1. Welcome and opening of the meeting

The Chairman Cr Long declared the meeting opened at 6.15pm and welcomed members of the Board to the meeting.

2. Present

Councillors: Cr James Long (Chairman)
Cr Sonia Castelli
Cr Alex del Porto

External Members
Ms Tiziana Borghese
Ms Angelina Beninati
Mr Avind Vasan
Mr Brian Hewitt
Ms Bo Rutlecki
Ms Sarah Morris

Officers in attendance
Bryce Craggs – Director Community & customer Experience
Terry Callant – Manager Governance
Giacomina Pradolini – Arts and Culture Program Coordinator
Joanna Bosse – Curator Bayside Gallery

3. Apologies

The Manager Governance advised the meeting that no apologies have been submitted to the meeting, however Board Member Roger Boyce has tendered his resignation.

The Manager Governance indicated that Roger Boyce would be provided with a letter of appreciation and acknowledgement of his service to the Board.

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.
5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 13 November 2019.

Moved: Ms Beninati  Seconded: Cr Castelli
That the minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 13 November 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Reports

6.1 SUMMARY OF BUSINESS
Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/116 – Doc No: DOC/20/18990

Moved: Mr Vasan  Seconded: Ms Borghese
That the Bayside Art Board recommends to Council that based on the advice received from Department of Environment, Land, Water and Planning, Council writes to Michael Cartwright and gratefully declines the proposed donation of 'Reclining Bird' for Black Rock foreshore.

CARRIED

6.2 QUARTERLY REPORT OCTOBER - DECEMBER 2019
Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/116 – Doc No: DOC/20/19534

Moved: Ms Borghese  Seconded: Ms Morris
That the Board:

1. notes this quarterly report and the success of the 2019 programs, events and educational programs.

2. Requests an additional gallery (directional) sign at the corner of Church Street and St Andrews Brighton.

CARRIED
6.3 TO ENSURE THE INVOLVEMENT OF BOARD MEMBERS FOR BOTH PUBLIC ART AND MURALS ON PUBLIC AND/OR PRIVATE LAND.

Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/116 – Doc No: DOC/20/19877

The Arts Boards discussed its representation on future Council commissioned murals and public art processes. Two Board representatives were asked to nominate for the Elsternwick Park South Public Art Panel which would meet on Friday 21 February 2020. The Chairman sought nominations to the Elsternwick Park south Public Art project and the other projects during 2020.

Moved: Cr del Porto Seconded: Ms Beninati

That the Board’s involvement in the selection process for future murals is as follows:

- Two (2) Boards members Sarah Morris and Brian Hewitt be appointed as the Board’s representatives on the Elsternwick Park South public art project.
- Two (2) Board members Bo Rutecki and Arvind Vasan be appointed as the Board’s representatives on any selection panel established by Council for public art and/or mural projects that occur during the calendar year 2020.

CARRIED

6.4 SIR ALAN WALSH MEMORIAL PROPOSED LOCATION

Community and Customer Experience - Customer & Cultural Services
File No: FOL/20/281 – Doc No: DOC/20/17036

Moved: Mr Hewitt Seconded: Ms Morris

That the Bayside Arts Board

1. Notes the report on the proposed Sir Alan Walsh Memorial.
2. Recommends to Council to support the memorial of Sir Alan Walsh proposal and offers support to assist the Working Group to obtain funding opportunities for the memorial to progress and the location of the memorial to be determined once funding of the project has been obtained.

CARRIED
7. General Business

7.1 Letter of Appreciation – Mr Roger Boyce

Moved Ms Borghese                          Seconded Ms Beninati
That a letter of appreciation be forwarded to Mr Roger Boyce acknowledging his service and contribution to the Bayside Arts Board given his recent resignation.

CARRIED

7.2 Replacement Board Member

Moved Cr del Porto                          Seconded Ms Beninati
That the Board seek a suitable replacement member as a result of the recent resignation of Board Member Roger Boyce based on the balance remaining term of Roger Boyce. The recruitment process for the new Arts Board members be undertaken in accordance the Bayside Arts Board Charter.

CARRIED

7.3 Gallery Air-conditioning replacement

The Curator advised the Board that the Gallery air-conditioning requires a major update including the installation of humidity control. It should be noted that significant items in the collection were not in any immediate threat of damage. However, the lack of effective climate and humidity control means that the collection will deteriorate over time and the Gallery does not meet the standards for borrowing artworks from public galleries across the country.

While a replacement of the Brighton Town Hall air-conditioning is scheduled in Council’s maintenance program, the scope of these works and budget allocation will not allow for the level of climate and humidity control identified by the Curator. The Director Community and Customer Experience indicated that the installation of appropriate humidity control in a heritage listed building, such as the Gallery will be a complex and costly project far in access of the works currently proposed for the Town Hall.

The Director advised that project group will be established, in line with Council’s new Project Management Framework, to scope the necessary works, seek expert advice and prepare a concept proposal so that the works can be prioritised for inclusion in Bayside’s Capital Works Program. The Manager Customer and Cultural Services will regularly brief the Board on progress.
8. **Confirmation of date of future meetings**

The next meetings of the Bayside Arts Board will be held on:

- Wednesday 15 April 2020
- Wednesday 15 July 2020
- Wednesday 14 October 2020

_The Chairperson declared the meeting closed at 7.41pm._
9.2 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 25 FEBRUARY 2020 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED DISCONTINUANCE AND SALE OF ROAD AT REAR OF 38-40 MURPHY STREET AND 51-53 BRICKWOOD STREET, BRIGHTON

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/69044

Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton.

Council, at its meeting on 17 December 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 25 February 2020. It is proposed that Council considers the submissions received in conjunction with the report to be submitted to the March 2020 Ordinary Meeting of Council.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 25 February 2020 to hear submissions in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton.

Support Attachments

1. 25 February 2020 Special Committee of Council Minutes ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for this proposal and relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Special Committee of Council

To hear submissions in relation to the:

Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton

Council Chambers, Civic Centre, Boxshall Street Brighton

Tuesday 25 February 2020
at 7:30pm
PRESENT:

Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli
Cr Laurence Evans OAM
Cr Rob Grinter (Deputy Mayor)
Cr Michael Heffernan
Cr James Long BM JP

Officers: Jason Stubbs Manager Commercial Services
Nick Beck Property Coordinator
Robert Lamb Governance Officer
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5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Mrs Annie O'Donoghue (via proxy, Mr John O'Donoghue)
1. Welcome and opening of the meeting

The Mayor declared the meeting open at 7:30pm and welcomed Councillors, Council Officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton.

2. Apologies

An apology from Cr del Porto was submitted to the meeting.

Moved: Cr Grinter  
Seconded: Cr Evans

That the apology from Cr del Porto be received and noted.

CARRIED

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received two (2) written submissions in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton.

One (1) submitter requested to be heard in support of their written submission:

1. Mrs Annie O'Donoghue (via proxy, Mr John O'Donoghue).

The Mayor reminded the speaker that Section 223 (b)(i) of the Local Government Act 1989 indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council's Governance Local Law No: 1 (2013) submissions in relation to section 223 of the Local Government Act be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 SUBMISSION - MS HELEN LOOSSCHILDER

Corporate Services - Commercial Services
File No: PSF/19/5468 – Doc No: DOC/20/39011

It is recorded that a submission from Ms Helen Loosschilder was received, and Ms Loosschilder did not request to be heard in support of her submission.

4.2 SUBMISSION - MRS ANNIE O’DONOGHUE

Corporate Services - Commercial Services
File No: PSF/19/5468 – Doc No: DOC/20/38947

It is recorded that Mrs Annie O’Donoghue (via proxy, Mr John O’Donoghue) spoke for two minutes and six seconds in support of this submission.

Moved: Cr Long
Seconded: Cr Grinter (Deputy Mayor)

That the submissions received in relation to the Proposed discontinuance and sale of road at rear of 38-40 Murphy Street and 51-53 Brickwood Street, Brighton be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 24 March 2020.

CARRIED

Following consideration all Submissions the Chairperson declared the meeting closed at 7:36pm.
Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris).

Council, at its meeting on 19 November 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris) in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 26 February 2020. It is proposed that Council considers the submissions received in conjunction with the report to be submitted to the March 2020 Ordinary Meeting of Council.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 26 February 2020 to hear submissions in relation to the Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris).

Support Attachments

1. 26 February 2020 Special Committee of Council Minutes ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for this proposal and relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Special Committee of Council

To hear submissions in relation to the:

Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris)

Council Chambers, Civic Centre, Boxshall Street Brighton

Wednesday 26 February 2020 at 7:30pm

Minutes
Chairperson:  Cr Clarke Martin (Mayor)

Councillors:   Cr Sonia Castelli
               Cr Alex del Porto
               Cr Laurence Evans OAM
               Cr Rob Grinter (Deputy Mayor)
               Cr Michael Heffernan
               Cr James Long BM JP

Officers:  Jason Stubbs  Manager Commercial Services
           Robert Lamb  Governance Officer
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   4.2 Submission - Mr George Reynolds (on behalf of Bayside Ratepayers’ Group - Ratepayers Victoria Inc.) ........................................ 5
5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Ms Jill Whyte (on behalf of Friends of Ricketts Point and RP Landside)
   2. Mr George Reynolds (on behalf of Bayside Ratepayers’ Group - Ratepayers Victoria Inc.)
1. Welcome and opening of the meeting

The Mayor declared the meeting open at 7:30pm and welcomed Councillors, Council officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris).

2. Apologies

There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received two (2) written submissions in relation to the Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris).

Two (2) submitters requested to be heard in support of their written submissions:

1. Ms Jill Whyte (on behalf of Friends of Ricketts Point and RP Landside)
2. Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.)

The Mayor noted that Section 223 (b)(i) of the Local Government Act 1989 indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No: 1 (2013) submissions in relation to section 223 of the Local Government Act be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 SUBMISSION - MS JILL WHYTE (ON BEHALF OF FRIENDS OF RICKETTS POINT AND RP LANDSIDE)

It is recorded that a submission from Ms Jill Whyte (on behalf of Friends of Ricketts Point and RP Landside) was received. Ms Wyhte requested to be heard however was not present at the meeting.

4.2 SUBMISSION - MR GEORGE REYNOLDS (ON BEHALF OF BAYSIDE RATEPAYERS' GROUP - RATEPAYERS VICTORIA INC.)

It is recorded that a submission from Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.) was received. Mr Reynolds requested to be heard however was not present at the meeting.

Moved: Cr Long  
Seconded: Cr Castelli

That the submissions received in relation to the Proposal to enter into a lease of the Ricketts Point Teahouse (407C Beach Road, Beaumaris) be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 24 March 2020.

CARRIED

Following consideration all submissions, the Chairperson declared the meeting closed at 7:33pm
Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham).

Council, at its meeting on 17 December 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham) in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 4 March 2020. It is proposed that Council considers the submissions received in conjunction with the report to be submitted to the March 2020 Ordinary Meeting of Council.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 4 March 2020 to hear submissions in relation to the Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham).

Support Attachments

1. 4 March 2020 Special Committee of Council Minutes ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for this proposal and relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Special Committee of Council

To hear submissions in relation to the:

Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham)

Council Chambers, Civic Centre, Boxshall Street Brighton

Wednesday 4 March 2020 at 6:30pm
PRESENT:

Chairperson:  
Cr Clarke Martin (Mayor)

Councillors:  
Cr Sonia Castelli  
Cr Alex del Porto  
Cr Laurence Evans OAM  
Cr Rob Grinter (Deputy Mayor)  
Cr Michael Heffernan  
Cr James Long BM JP

Officers:  
Jill Colson  
Director Corporate Services  
Newton Gatoff  
Project Property Officer  
Robert Lamb  
Governance Officer
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   4.2 Submission - Mr George Reynolds (Bayside Ratepayers' Group - Ratepayers Victoria Inc.)
5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Ms Jill Whyte
   2. Mr George Reynolds (Bayside Ratepayers' Group - Ratepayers Victoria Inc.)
1. **Welcome and opening of the meeting**

The Mayor declared the meeting open at 6:30pm and welcomed Councillors, Council officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham).

2. **Apologies**

There were no apologies submitted to the meeting.

3. **Declarations of any Conflict of Interest**

There were no conflicts of interest submitted to the meeting.

4. **Submissions**

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received two (2) written submissions in relation to the Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham).

Two (2) submitters requested to be heard in support of their written submissions:

1. Ms Jill Whyte

2. Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.)

The Mayor noted that Section 223 (b)(i) of the *Local Government Act 1989* indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council's Governance Local Law No: 1 (2013) submissions in relation to section 223 of the *Local Government Act* be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 SUBMISSION - MS JILL WHYTE

Corporate Services - Commercial Services
File No: PSF/20/7 – Doc No: DOC/20/45860

_It is recorded that Ms Jill Whyte spoke for nine minutes and two seconds in support of her submission._

4.2 SUBMISSION - MR GEORGE REYNOLDS (BAYSIDERATEPAYERS' GROUP - RATEPAYERS VICTORIA INC.)

Corporate Services - Commercial Services
File No: PSF/20/7 – Doc No: DOC/20/47146

_It is recorded that Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.) registered to speak in support of his submission; however, Mr Reynolds was not present at the meeting._

Moved: Cr Long
Seconded: Cr del Porto

That the submissions received in relation to the Proposal to lease part of Sandringham Family Leisure Centre (150 Tulip Street, Cheltenham) be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 24 March 2020.

CARRIED

Following consideration all submissions, the Chairperson declared the meeting closed at 6.42pm.
10. **Reports by the Organisation**

10.1 **BUSINESS CONTINUITY PLANNING FOR COUNCIL AND COMMITTEE MEETINGS**

Corporate Services - Governance  
File No: PSF/20/12 – Doc No: DOC/20/69825

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**Executive summary**

**Purpose and background**

To advise Council of proposed changes to the meeting procedures for Council and Committee meetings given the Department of Health Pandemic Plan has declared Stage 2 targeted action.

Given the introduction of the State Government’s Pandemic Plan for the Victorian Health Sector in relation to COVID – 19 (Coronavirus), it is important that Council consider a business continuity plan associated with the conduct of Council and Committee meetings. The recent declaration of Stage 2 targeted action specifically relates to social distancing measures.

During this period of targeted action it is important the Council maintains its decision making process, subject to the attendance of a minimum of 4 councillors present at a meeting.

**Key issues**

The existing Meeting Procedures provides the opportunity for members of the public to attend Council and Committee meetings and to present to the meeting where possible. Given the Pandemic Plan is now at Stage 2, it will be important to provide some form of social distancing whilst maintaining some form of public participation at meetings and maintain good governance process. It is therefore proposed that no member of the public attend Council or Committee meeting until such time as a downgrade of the Pandemic Plan Stage or further advice from the Department of Health.

The following table outlines the existing and proposed changes (in italics) to be implemented should the Pandemic Plan be upgraded.

**Ordinary Meetings of Council**

- All meetings to be live streamed and captioning provided.

**Section 64 - Public Question Time**

<table>
<thead>
<tr>
<th>Existing Procedure</th>
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| Questions must be received by 11am on the day prior to the meeting.  
Up to 15 minutes will be set aside for Public Question Time at the meeting.  
Only questions read out where the questioner is present in the Chamber. | Questions must be received by 11am on the day prior to the meeting.  
Up to 15 minutes will be set aside for Public Question Time at the meeting.  
All questions received and responses will be read out at the meeting within the allotted 15 minutes. |
Only questions and responses will be recorded in the minutes where a questioner is present at the meeting. All questions and responses will be recorded in the minutes.

Section 65 - Petitions

No changes to the existing process.

Section 66 - Individual Presentations

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<td>A person addressing a Council / committee meeting cannot speak for more than 3 minutes and no further extension of time can be granted.</td>
<td>All submissions will be listed according to the items on the agenda.</td>
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<td></td>
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### Planning and Amenity Committee Meetings

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### Section 66 - Individual Presentations

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To assist members of the community with this process of lodging a submission a specific Web Page will be provided to accommodation all requirements and enable a pdf or word doc of the submission to be attached.

Section 94 of the Governance Local Law enables Council to determine any procedure not provided for in the local Law by resolution.
Recommendation

That given recent advice concerning the State Government’s Pandemic Plan for the Victorian Health Sector has been upgraded to Stage 2, Council implements the following changes to the meeting procedures to continue public participation at meetings whilst maintaining public health and social distancing during a period of pandemic:

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Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
This report proposes to protect the public health and safety of members of the community by eliminating opportunities of a mass gathering of people whilst maintaining good governance and public participation at meetings.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
Creation of a user friendly web page will be developed to assist members of the public to submit a submission.

Human Rights
The proposed changes to the meeting procedures to maintaining public participation at the decision making process for Council.

Legal
Should Council wish to amend the Meeting Procedures as part of the State Government’s Pandemic Plan, Council is required to make a resolution of the matters outlined in the report.

Finance
There are financial impacts associated with this report.

Links to Council policy and strategy
This report has a direct link to Goal 8 of the Council Plan providing good governance and transparency of the Council’s decision making processes.
10.2 ELSTERNWICK PARK NATURE RESERVE MASTERPLAN

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/340086

Executive summary

Purpose and background
The purpose of this report is to present the draft Elsternwick Park Nature Reserve (EPNR) Masterplan (Attachment 1) for adoption and detail how the Masterplan achieves the four Reserve Priorities of water quality, environment, amenity and flood protection.

The draft EPNR Masterplan (the Masterplan) will guide the development of the former golf course site into an environmentally themed area of passive open space. The Masterplan site is bordered by New Street on the east, Bent Avenue on the south, St Kilda Street and Elsternwick Ovals 1 and 2 on the west and Glen Huntley Road on the north. The Masterplan does not consider areas outside of this boundary.

A section of the Elster Creek runs through the site from east to west. The creek feeds a small wetland within the confines of the Reserve. The wetland provides important habitat for a wide variety of aquatic and terrestrial species and is also utilised by Council and the City of Port Phillip for water harvesting purposes.

Work with the Community Reference Panel
Since the 24 July 2018 Ordinary Meeting of Council where the four key priorities of water quality, environment, amenity and flood protection were adopted, Council staff have convened and met with the Community Reference Panel (the Panel). The Panel was established to provide an opportunity for community stakeholders to consider information and make recommendations to Council regarding the future development and management of EPNR.

The Panel includes representatives of:

- Bayside City Council;
- City of Port Phillip;
- Elsternwick Park Association (EPA);
- Friends of Native Wildlife (FoNW);
- Port Phillip Eco Centre; and
- Elwood Flood Action Group (EFLAG).

The Panel consulted other stakeholder groups such as the Bayside Dog Alliance (BDA) and local indigenous groups, and has also received presentations from Melbourne Water and Wildlife Victoria.

The Panel has met almost monthly for the past 18 months. Panel members have provided input into the scope of the Masterplan, design brief and the subsequent design process. The Panel has also provided advice on how the Reserve should achieve its purpose of creating an environmentally themed area of passive open space. The Panel has also been able to provide direct feedback to the Masterplan design consultants regarding the design process and preferred outcomes.

At the most recent meeting of the Panel, the Masterplan design consultants presented a draft version of the Masterplan. The Masterplan was well received by the Panel with nearly all design elements strongly supported. Some Panel members raised a concern that the proposed main path network may contribute to the Reserve becoming a transport thoroughfare, particularly for cyclists.
Council officers believe design integrity of the project can be retained by continuing the Panel’s involvement during future detailed design phases.

**Key Reserve Priorities**

**Water Quality**

The design goal regarding water quality was to maximise wetland footprint while considering other Reserve priorities. Water that flows down Elster Creek enters Port Phillip Bay. Wetlands allow for this water to be treated before it enters the Bay. Wetland size directly correlates with treatment time, therefore the larger the wetland, the more treatment that can occur.

The proposed wetland footprint is approximately 5.5 hectares and will contribute towards water quality improvements by reducing the Nitrogen content in water that is released into the Bay by 1600kgs per year. This is approximately 3% of the total Nitrogen that enters the wetland from a catchment that covers around 40 square kilometres of land across the four municipalities (Bayside, Port Phillip, Glen Eira and Kingston).

**Environment**

In order to provide habitat for a diverse array of flora and fauna, a variety of habitat types are required. Therefore, in order to establish the site as a nature reserve, seven habitat zones will be created within the Reserve, these are:

- Open Water (permanent open water);
- Tall Marsh (more or less permanent water);
- Shallow ephemeral wetlands (areas that can function when both wet and dry);
- Swamp Scrub (ephemeral);
- Damp Sands Herb-rich Woodland (tolerates damp sediments and drying);
- Grassy Woodland (primarily dryland); and
- Grassland and lawn (native grasses where possible).

Some of these zones will also be used to contribute towards the other Reserve Priorities, for example the open water habitat zone also contributes towards improvements in water quality.

**Amenity**

The Masterplan has been designed to encourage visitors to remain in areas of lower environmental value, while areas with higher environmental value will be primarily accessed by Council maintenance staff and registered volunteer groups.

The Masterplan has allowed for 3 major entrances and 6 secondary entries to the Reserve. Other infrastructure will be sensitively located throughout the Reserve. Infrastructure will be grouped together to ensure areas of high usage do not encroach onto areas of higher environmental value.

The design has been influenced in a way that ensures the Reserve does not become a high speed cycling commuter route. There are dedicated bike paths outside the Reserve’s perimeter. The pace of movement within the Reserve will be sedate.

**Flood Mitigation**

It has been acknowledged by Melbourne Water, Council and the Panel that flood mitigation is a catchment wide issue and while the Reserve may be able to make a significant contribution, it cannot be expected to provide 100% of the local flooding solution in Elwood.
The Masterplan design goal is to maximise the amount of local flood mitigation while showing consideration to other Reserve objectives. Following a meeting to determine the scope and a presentation by Melbourne Water, the target identified by the Panel during the consultation process was to remove between 50,000m$^3$ and 65,000m$^3$ of soil from site for flood mitigation. The Masterplan has been able to provide a design whereby 50,000m$^3$ of soil can be removed from the site.

Melbourne Water have confirmed that removing 50,000m$^3$ of soil would provide a material benefit with regards to flood mitigation. Melbourne Water are also exploring another option that focuses on increasing the capacity of below ground drainage. This option could result in the removal of the flood mitigation elements of the design and subsequently reduced excavation within the Reserve.

Both options require complex modelling and detailed business cases to be drafted and reviewed by senior Melbourne Water staff. It is anticipated that by June 2020 Melbourne Water will be able to confirm which option will be progressed further. Achieving significant flood mitigation in the area will take approximately 2 - 3 years to realise. The Masterplan has been designed to incorporate the removal of 50,000m$^3$ of soil from site should Melbourne Water confirm these works are viable.

However, the uncertainty regarding Melbourne Water flood mitigation has no impact on Council’s ability to deliver the initial stages of the Masterplan.

If Melbourne Water does not pursue utilising the Reserve for flood mitigation, this soil removal will be easily ‘designed out’. A revised design would be prepared simply raising the levels of the wetland areas that no longer require additional depth for flood mitigation purposes.

Other Key Considerations

Pathways

The Draft Masterplan includes all ability paths that run from north to south (from the Gateway to Elsternwick Park South) that will allow visitors to move around the Reserve and interact with areas of low conservation value, picnic areas and infrastructure such as seating and toilets. Areas of higher conservation value will only be accessible via informal paths, or not accessible to the public at all.

Consistent feedback from the Panel was that these paths may create highly used thoroughfares that detract from the desired passive experience of the Reserve.

The paths are a design response to an aspect of the brief that requested areas of high access and low access. For the Reserve to be a success it should be accessible to all abilities and ages and therefore an all accessible path network is required.

Visitors to the Reserve will be able to navigate the entire perimeter of the Reserve by using the all ability path or the discovery paths independently.

During discussions between the Panel and the design consultant a number of elements were identified that could be built into the path network during the detailed design stage that will ensure the paths do not become thoroughfares. These elements include gentle curves, areas that swell and narrow, areas that provide seating and other respite facilities and changes in levels when appropriate.
Fencing and lighting

The Masterplan proposes fencing the Reserve in order to meet the requirements of the brief. The Reserve will be accessible during the day via turnstile gates, but gates will close at sunset each day. Visitors will be able to use the turnstile gates to exit the Reserve at all times. The existing fence that encloses the site will be utilised, with turnstile gates added where appropriate. Council officers envisage that the existing fence will be upgraded over time as the Reserve itself develops.

There will be no need for lighting at night in the Reserve and expert advice details that any lighting would be detrimental to wildlife. The Reserve’s perimeter is currently lit via street lighting. The existing fence will remain in situ and be updated when and where appropriate during the Reserve’s long term development.

Gateway

The Reserve is located at the northern most point of Bayside. The Masterplan includes a structure that will provide a gateway to the Reserve and Bayside from a heavily urbanised landscape that will also offer vistas across the Reserve itself. The Gateway will quickly transition visitors from a predominantly concrete environment to a natural space that provides peace and tranquillity.

The Community Edge

The Masterplan has identified the east boundary (New Street) as a social and community focused space for the Reserve. This area will provide a space that is accessible for all while not negatively impacting the high conservation value areas that are further within the Reserve itself. The area will provide a space for low key activities and infrastructure such as BBQs, seating and shade. There will be a vegetated buffer between this area and New Street. On the other side of this area will be grasslands that provide space for groups to break out and explore informal paths that weave through to the centre of the Reserve.

Gathering Spaces

Following consultation with local indigenous groups, the Masterplan proposes a number of gathering spaces within the landscape. There are currently no dedicated indigenous gathering spaces within Bayside. A gathering space is place where people are able to congregate, share stories and socialise. These spaces will be linked together via a network of paths and will provide space for indigenous and other events, such as 'bush classrooms' within the Reserve.

The design also incorporates spaces that are located on the edge of water bodies that will provide tranquil environments for groups to picnic, or individuals to read and relax.

Naming of the Reserve and Reserve Features

A number of features that have been identified within the Masterplan have been assigned interim names. These names may change during the long term development of the Reserve.

Consultation

At various stages during the Masterplan design process the Panel has provided feedback from the local community it represents. This feedback, technical expert advice and the four key priorities identified by Council have guided the Masterplan design consultant to produce a plan that achieves the endorsed design brief.
While recommending Council endorse the high level Masterplan set out in Attachment 1 and approve works to design and construct the chain of ponds, officers intend to invite the community to provide comment and feedback on the other elements of the Masterplan. As with previous broader community consultation, feedback not in keeping with the four Reserve Priorities of water quality, environment, amenity and flood protection will not be considered.

The outcomes of this consultation will be considered during the detailed design phase of future elements of the Reserve.

**Funding Partners**

The City of Port Phillip has resolved to make a financial contribution to the development of the Reserve. A funding agreement has so far yet to be developed.

Melbourne Water are currently reviewing the flood mitigation solutions suggested as part of the Masterplan. Melbourne Water are also looking at another solution that would see the capacity of its existing below ground assets increased in order to reduce overland flooding.

Melbourne Water have advised Council that it will explore both options in more detail to understand if the costs of the proposed works would provide a suitable level of flood mitigation. This work is likely to take 18 months due to the complexities of the design process and their internal business case development process.

Due to the potential associated costs, Melbourne Water have outlined they will require approval from their board and the Department of Treasury and Finance to proceed with either option.

**Costs of Masterplan implementation**

As expected when planning the environmental renewal and upgrade of a 14 hectare site the scale of the Masterplan is considerable. Some aspects of the Masterplan are costly, however works will be required to be staged over a number of years to enable new landscape areas to establish prior to moving onto the next stage of landscape works. This staging will enable Council to explore external funding opportunities with stakeholders including Melbourne Water.

It is likely that full implementation of the Masterplan could take ten or more years. For example the chain of ponds need to be constructed and then fully established prior to relocating various flora and fauna from the existing wetland which will then enable construction of the expanded wetland to commence. This ongoing implementation process will enable Council to consider funding the project over numerous budget years.

It is proposed that Council advocates and applies for relevant government funding and utilises funds held in Council’s Open Space Reserve to fund future Masterplan implementation stages.

**Proposed Stage 1 works**

If the Masterplan is adopted by Council, work will immediately commence to deliver Stage 1 including the chain of ponds. The ponds have been deliberately designed in an area that is not required for flood mitigation enabling construction to be undertaken while Melbourne Water make its decision regarding any flood mitigation at the site.

The chain of ponds is also required to be undertaken first as when completed the ponds will provide a new home for flora and fauna while future stage works are undertaken to expand the wetlands.

Preliminary costings demonstrate the chain of ponds can be completed within Council’s initial $3 million project budget.

A Project Plan that details work completed to date and proposed future works can be seen in Attachment 2.
Recommendation

That Council:

1. Adopts the Elsternwick Park Nature Reserve Masterplan 2020 as shown in Attachment 1.

2. Authorises the Chief Executive Officer to commence negotiations with the City of Port Phillip to finalise a funding agreement between the two parties.

3. Receives a report at a future Ordinary Meeting of Council regarding the progress of the funding agreement with the City of Port Phillip.

4. Approves the commencement of works associated with the design and construction of the chain of ponds as detailed in the Elsternwick Park Nature Reserve Masterplan 2020 as shown in Attachment 1.

5. Continues to engage with the Community Reference Panel during the detailed design stage of the chain of ponds.


7. Writes to members of the Community Reference Panel to thank them for their contribution towards the development of the Elsternwick Park Nature Reserve Masterplan.

Support Attachments


2. Attachment 2 - Elsternwick Park Project Plan 2020
Considerations and implications of recommendation

Liveable community

Social
The Masterplan achieves a wide variety of community and environmental benefits including flood mitigation, increased biodiversity, improved quality of waters entering the Bay and numerous health and wellbeing benefits.

Natural Environment
The Reserve will be an environmentally themed area of passive open space. The Masterplan will contribute towards an environmental refuge for plants and animals in an otherwise urban environment as well as an area that will contribute towards localised flood mitigation.

Built Environment
The Masterplan recommends a new building be developed that showcases environmental and sustainable principles and achieves a zero carbon footprint. The Masterplan scope recommended by the Community Reference Panel includes the demolition of the old 'pro-shop' building which has been endorsed by Council and will commence soon.

Customer Service and Community Engagement
The community engagement approach for the Masterplan was developed in line with Council’s Community and Stakeholder Engagement Policy 2017 and adopted by Council at its 19 February 2019 Ordinary Meeting.

Following adoption of the high level Masterplan community consultation will be conducted inviting the community to provide feedback on elements of the Masterplan, other than the Stage 1 chain of ponds. As with previous broader community consultation, feedback not in keeping with the four Reserve Priorities of water quality, environment, amenity and flood protection will not be considered.

The outcomes of this consultation will be considered during the detailed design phase of future elements of the Reserve.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
Council is currently investigating the ownership situation regarding Elsternwick Park Nature Reserve. The most recent legal advice provided to Council is that the land is not Crown Land and is in-fact owned solely by Council. Council’s external legal representatives have approached DELWP and other stakeholders to confirm the lands ownership status.

The outcome of investigations into ownership of the Reserve will not impact the implementation of the Masterplan.

Council will commence work with the City of Port Phillip to finalise a funding agreement between both parties.

Council will likely be required to enter into a funding agreement with Melbourne Water to deliver any flood mitigation aspect of the Masterplan once Melbourne Water have completed their own internal investigations into the feasibility of flood mitigation works.
Finance

Council’s four-year capital works program includes an allocation of $3 million in future years for the implementation of the Masterplan. It is anticipated that the proposed Stage 1 works to construct and establish the chain of ponds can be completed within Council’s $3 million budget.

The City of Port Phillip have allocated budget towards the cost of redeveloping the site. The City of Port Phillip advocated for the same four Reserve principles and have indicated a desire to utilise significant amounts of harvested water for irrigation purposes. This funding agreement has not yet been formalised and Council staff remain unsure of any conditions that may be attached to this funding.

Council will not be contributing towards the cost of flood mitigation. This cost will be covered by Melbourne Water pending their internal business case approval process. Due to the cost of future works, it is anticipated that a number of contracts will require approval of Council prior to being awarded. Council Officers will advise Council of these works via future Council Meetings.

Links to Council policy and strategy

Returning the land to public open space has allowed Council to achieve the principles outlined in Bayside Open Space Strategy 2012, including the provision of more open space to Bayside residents and visitors and increasing biodiversity within the municipality. The works outlined in this report will also contribute towards Goal 2 of the Wellbeing for All Ages and Abilities Strategy (WAAA) 2017 -2021. Goal 2 is designed to ‘achieve a healthy and active community’ by ‘improving physical activity opportunities’.

The works will contribute towards Goal 9 of the Bayside Biodiversity Action Plan (2018-2027) by creating an area of environmentally themed passive open space on the site of the former golf course.
Executive summary

Purpose

To report the costs and benefits and potential approach to undergrounding overhead electricity powerlines throughout the municipality.

Key issues

As outlined in the report presented to the 19 November 2019 Ordinary Meeting of Council, there are significant benefits to undergrounding of powerlines, including:

- aesthetically pleasing & improved street appearance;
- increased tree coverage;
- reduction in costs in maintain tree clearances from powerlines;
- removing potential traffic hazards;
- reducing the amount of power poles;
- less chance of trees falling on overhead wires during bad weather events; and
- improved security and reliability of the power supply.

The largest imposition to such a project is the costs associated with undergrounding of these assets. This report outlines the likely costs to implement the undergrounding of powerlines and potential funding model (not including Council’s own capital expenditure).

Costs associated with undergrounding powerlines in Residential Streets

There are a number of residential streets throughout the municipality which provide a significant tree canopy contribution to the community and municipality. It is these natural assets that Council must protect and enhance in order to contribute to the Urban Forest theme.

The indicative costs provided by United Energy to underground the powerlines in a small residential street (consisting approximately 26 properties) are as follows:

- $200K to underground existing United Energy Low Voltage overhead electrical assets for the entire street.
- The costs include all associated design, drafting, negotiations and project management of the project by United Energy.
- Undergrounding customer’s mains from the pit to their main switchboard is separate to the project and would cost an addition $7K per property and would be carried out by a registered electrical contractor.

Therefore, the total approximate costs provided by United Energy to underground the powerlines within a small residential street would be approximately $382K.

Costs associated with undergrounding powerlines in Activity Centres

Some activity centres throughout the municipality are currently experiencing the construction of new apartment buildings and mixed use multi-level buildings. Streets are changing and creating new vibrancy and improving the economic viability of centres. Street trees in this centre are often small given the presence of these overhead lines. In addition, the powerlines
are in close proximity to apartment balconies creating safety concerns for future residents. It is for these very reasons, that overhead powerlines should be underground in activity centres. The indicative costs provided by United Energy to underground the powerlines in a commercial street (consisting approximately 12 properties) are as follows:

- $165K to underground existing United Energy Low Voltage overhead electrical assets.
- The costs include all associated design, drafting, negotiations and project management of the project by United Energy.
- Undergrounding customer’s mains from the pit to their main switchboard is separate to the project and would cost an addition $7K per property and would be carried out by a registered electrical contractor.

Therefore, the total approximate costs provided by United Energy to underground the powerlines within a small activity centre are approximately $249K.

Contributions by property owners – Special Rate and Charge schemes

The Local Government Act 1989 (the Act) allows Victorian Councils to impose a special rate, a special charge, or a combination of both, for works or services on ratepayers who receive “special benefit” from these works or services. The undergrounding of powerlines would fit within this category of special benefit given the works are specific to properties and an area.

If a special charge is proposed, Council must resolve its intention to declare such a scheme. Sections 163-166 of the Act outlines the process for proposing special rates and charges, the receiving of submissions and objections, and the funding and receipting. Property owners can appeal any decision to the Victorian Civil and Administrative Tribunal (VCAT). There is also a relevant Ministerial Guideline which was gazetted on 23 September 2004.

The level of interest from willing property owners would determine if the special charge should go ahead. Surveys and the like could be conducted to prioritise projects, in conjunction with the requirements under the Act. The special charge could require varied options of contribution to the project, including Council contribution. The options would also consider whether it is levied by flat charge, valuation, a charge per metre of frontage, or a combination. Generally, this would likely be aligned with the charges incurred, and could include the administrative costs incurred by Council in administering the scheme.

Based on the costs provided above, if the project was fully funded by ratepayers, each property would be levied an amount, paid over a specified period of time, usually 5, 10 or 15 year period. The costs based on the above two projects would be:

- Small Residential Street = $15K per property
- Small Commercial Activity Centre = $21K per property, but could be significantly less if it is distributed per apartment (if they exist in the centre).

Given the potential longer term payment of the works, Council could impose interest or a CPI increase on the contribution required, as outlined under Section 163(1)(b) of the Act. It should be noted that while costs will be recouped, Council would be required to fund the project initially.

The proposal to levy this as a special rate or charge has been adopted in Council’s Rating Strategy. This was adopted in 2016, and states:

That Council considers the use of special rates and charges as an alternative funding source in instances that fit circumstances such as funding of specifically defined projects (e.g. streetscape works, stormwater drainage, upgrading of footpaths with non-standard materials and undergrounding of power lines) where special benefit can be shown to exist to, or a special request is received from, a grouping of property owners, or for raising funds for a dedicated purpose.
Prioritising Works

In order to determine whether such a special charge scheme should progress, it is proposed that the following steps be undertaken:

1. A community Expression of Interest/Nomination process be advertised.
   This would allow members of the community to nominate a location for the works to be undertaken.

2. A survey to determine the level of support for the undergrounding of power lines and a special charge scheme.
   Based on the nomination of a street, a survey would be undertaken to determine the level of interest within the street for the project outlining the potential costs. The consideration would not continue without support from a minimum of 75% of those affected.

3. The formal Special Charge Scheme.
   The Special Charge Scheme process must be undertaken in accordance with the statutory process as defined by the Local Government Act 1989.

Recommendation

That Council

1. Note the indicative costs for residential and activity centre powerline undergrounding outlined in this report.

2. Seek Expressions of Interest/Nominations from the Community for locations to underground powerlines.

3. Based on Expressions of Interest/Nominations process, commence at least two underground powerline projects in 2020 where 75% of the residents in that street support the Special Rate and Charge scheme.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The undergrounding of powerlines are intended to result in a safer, more attractive and environmentally friendly streetscape thereby making the public spaces more enjoyable for everyone.

Natural Environment
Improvements to the public realm provide positive outcomes to the natural environment. Well-designed streets and public spaces can deliver environmental and economic benefits through increased tree coverage, reduction in costs to maintain tree clearances and less chance of trees falling on overhead wires during bad weather events.

Built Environment
Improvements to the public realm provide positive outcomes to the built environment. Undergrounding of powerlines can remove potential traffic hazards and reduce the amount of power poles, which delivers an improved built environment through an improved power pole appearance and improved lighting.

Customer Service and Community Engagement
Opportunities for comment from the community will be available when seeking interest from willing property owners to underground the powerlines. Further opportunities for comments will be available when proposing a potential underground relocation plan, including connections to properties.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The future community engagement will allow for freedom of expression and for the community to take part in process and decision.

Legal
There are no legal implications envisaged with this report; however, legal advice may be required to resolve specific land matters raised during consultation. Improvements to the public assets reduces risks for the community by providing new and improved infrastructure.

Finance
There is no budget allocated to fund the undergrounding of powerlines throughout the municipality. This report does not envisage any future costs for Council, except for officer time to facilitate future projects through a special rate or charge scheme. If funds are required, a capital bid will be made to a future capital process.

Links to Council policy and strategy
The proposal to levy this as a special rate or charge has been adopted in Council’s Rating Strategy. This was adopted in 2016, and states:

That Council considers the use of special rates and charges as an alternative funding source in instances that fit circumstances such as funding of specifically defined projects (e.g. streetscape works, stormwater drainage, upgrading of footpaths with non-standard
materials and undergrounding of power lines) where special benefit can be shown to exist to, or a special request is received from, a grouping of property owners, or for raising funds for a dedicated purpose.
Executive summary

Purpose and background
To present Council with an update on the status of the Neighbourhood Character Review project, in the context of Council’s decision at its 15 October 2019 Ordinary Meeting, where it was resolved that Council:

‘receives a neighbourhood character study at the March 2020 Ordinary Meeting in order to pursue mandatory height controls in the Hampton East Activity Centre’.

Key issues
Council appointed Glossop Town Planning to review the neighbourhood character provisions within the Bayside Planning Scheme. The objectives of the review are to:

- Review the existing neighbourhood character controls and provisions and determine their effectiveness;
- Develop updated character statements for the residential areas within Bayside’s Major Activity Centres and land in the Neighbourhood Residential Zone; and
- Develop improved planning controls to implement the preferred neighbourhood character outcomes across Bayside’s residential areas.

Stages 1 and 2 of the project have included the following steps which have been completed:

- Project planning and familiarisation;
- An audit of Council’s existing policy and strategy framework for neighbourhood character and identification of strengths, opportunities, gaps and issues in the current tools;
- A review of past neighbourhood character work undertaken by Bayside City Council;
- Review of relevant Victorian Civil and Administrative Tribunal (VCAT) case law and Planning Panel reports;
- Visual inspections of each existing neighbourhood character precinct, with particular attention given to precinct edges and boundaries of activity centres;
- Research and review of ‘best practice’ approaches to neighbourhood character protection; and
- Evaluation of the effectiveness of the existing neighbourhood character provisions.

Stage 3 of the project is currently underway and includes:

- Workshops with Council staff including statutory and strategic planners and Council’s Arborists; and
- Engagement with Councillors; and
Preparation of a report on the consultation.

Using the information gathered in Stages 2 and 3 of the review, the consultants will prepare a detailed report which will evaluate the effectiveness of the neighbourhood character provisions, having regard to metropolitan strategy, state policy, VCAT case law, existing developments and preferred directions for character.

Given this is a municipal wide review and in consideration of the number of neighbourhood character precincts, the report is expected to be completed by April 2020.

It is important to ensure that consideration of the residential precincts within the Hampton East Activity Centre are considered in an integrated manner with other activity centres within Bayside to ensure a consistent and justified position is achieved in relation to neighbourhood character provisions.

Officers will continue to liaise with the consultant team to ensure that the review thoroughly considers the character related matters that are of high interest to the community to ensure that the draft reports align with community aspirations.

Following this, draft revised neighbourhood character statements will be prepared and tested with Councillors and the community through an extensive consultation process.

It is envisaged that Council will be presented with the findings of the review and the draft neighbourhood character statements by the 16 June 2020 Ordinary Meeting of Council

**Recommendation**

That Council notes the status report of the Neighbourhood Character Review project.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The Hampton East (Moorabbin) Structure Plan 2016 seeks to create a more vibrant Hampton East Major Activity Centre (‘MAC’) by guiding future land use, built form, access and movement and landscaping. The planning controls in place seek to provide a mixture of housing types to increase housing choice and diversity in an area that is well serviced by shops and transport. In addition, the clustering of medical and health uses along Nepean Highway will provide accessible, convenient medical services for the ageing population of Bayside.

Natural Environment
The neighbourhood character review project will consider the effectiveness of policy in retaining the vegetation elements of character.

Built Environment
Amendment C151 introduced new planning controls for the Hampton East Activity Centre in August 2019. The neighbourhood character review project will consider relevant controls within the Bayside Planning Scheme to ensure preferred character outcomes are delivered.

Customer Service and Community Engagement
Council has developed a community engagement plan for the neighbourhood character review project, with consultation expected to commence in the middle of 2020.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal implications arising from this report.

Finance
There are no financial implications arising from this report.

Links to Council policy and strategy

Hampton East (Moorabbin) Structure Plan 2016
Amendment C151 implemented the vision of the Hampton East (Moorabbin) Structure Plan 2016 by translating the objectives relating to Land Use, Built Form, Access and Movement, and Landscaping into a series of planning provisions that guide future land use and development in the Hampton East (Moorabbin) MAC. Opportunities to ensure that the neighbourhood character related provisions within the ACZ1 are operating effectively will be considered through the current review.
10.5 SANDRINGHAM STREETSCAPE MASTERPLAN - RESPONSE TO COMMUNITY ENGAGEMENT

City Planning & Amenity - Urban Strategy
File No: PSF/20/17 – Doc No: DOC/20/69314

Executive summary

Purpose

To present Council with the outcomes of the community engagement for the Sandringham Village Streetscape Master Plan; and present options for the implementation of upgrades in the Sandringham Village in response to submissions.

Background

The Sandringham Village Streetscape Masterplan was developed with considerable community input during 2015/16. It was endorsed by Council at its 24 May 2016 Ordinary Meeting. Subsequently, there has been extensive research and design in producing detailed drawings for implementation and construction. Such research and design included matters in relation to stormwater inundation, feasibility of bus routes and budget.

As a consequence, the proposed area for implementation and construction has changed and the Masterplan has been divided into 5 stages. Stage 1 has been the focus of the latest engagement process, which is where the major and most expensive streetscape works where proposed.

The engagement process provided an update to the community and traders on the scope of the project and tested trade-offs between streetscape amenity and parking.

Key issues

Council officers engaged with the community between 14 November and 15 December 2019 to present the draft concept design for the area (stage 1). The design presented to the community for comment included:

- A Village Square immediately in front of the Sandringham Train Station
- Wider footpaths on Station St and Waltham St to provide room for additional trees and seating areas
- Enhanced streetscapes with more trees and vegetation, improved signage and street furniture
- Footpath upgrades to allow safer and easier pedestrian movement for all abilities.

A variety of engagement methods were used to collect feedback from the community and create awareness of the proposed changes, including:

- Have your Say project page on Council’s website
- Online and hard copy surveys
- 3 Drop in sessions (1 targeted to traders and residents of the Village)
- Paid advertisement in the Bayside Leader, major news channels and social media
- Letterboxing delivering 5,000 flyers to households in Sandringham
- On site signage displayed throughout the Village

As a result, 284 survey responses were received, over 1,000 people accessed the project website and over 100 traders and residents of the Village and broader community attended the drop in sessions.
Questions asked where specific for officers to ascertain the level of support on the proposed changes. A summary of the survey results and general comments received is outlined below:

- 50% of respondents strongly and somewhat oppose the proposal of a Village Square with the loss of car parking, safety and congestion issues as a result of traffic movement changes, unnecessary investment, proposal directly benefiting only a few traders and future amenity and safety issues from the creation of a space with the potential to attract crime and disorderly behaviour being the most common answers.

- 47% of respondents strongly oppose and somewhat oppose the proposal to widen the footpaths with loss of car parking and traffic safety being the main concern. However, there was strong support for the inclusion of trees and additional greenery and creating a high quality pedestrian environment for all abilities.

- 43% of respondents did not support the upgrades for Sandringham as a result of the loss of parking in the precinct.

Asphalt was seen as undesirable in the area with a large number of respondents referencing the works at Beaumaris Concourse as reasoning to not continue installing asphalt, despite the fact that large sections of Station St, Bay Rd, Abbot St, Melrose St and Beach Rd have existing asphalt.

**Options for consideration**

Three (3) options have been considered in response to community feedback and are outlined in detail below. The Village square is removed from all options.

**Option 1**

Retains scope for stage 1 as presented to the community with the exception of the plaza. Proposed upgrades as part of this option are outlined below:

- Provision of a high quality streetscape at the focal point located on Station St opposite to the train station including:
  - Exposed aggregate, improvements to existing garden beds, retention of palm trees, additional trees, a water fountain and street furniture upgrades.

- Provision of additional high quality streetscape focal points at the corner of Bay Rd and Station St, corner of Melrose St and Station St and corner of Chalmers Ave and Waltham St including:
  - Exposed aggregate, improvements to and additional garden beds, additional trees, a water fountain at the corner of Bay Rd and Station St and street furniture upgrades.

- Car parking loss is reduced from 10 to 3 spaces.

- Footpath upgrades outside focal point areas are to be provided in asphalt.

**Implications and risks**

- Footpath widening requires road reconstruction and compromises compliance with road standards, which could result in safety issues and unintended consequences of compromising the ability of the road network to adapt for future needs.
• Detailed cost estimate for delivery is $4,240,000. Additional funds will be required for kerb and channel reconstruction and there is uncertainty around road reconstruction elements that are likely to result in additional costs.

• Costs relating to traffic management will be significant given works will provide disruption to bus movements and impact to traffic flow along Bay Road.

• The anticipated construction time is 80 weeks, resulting in significant disruption to traders, residents and visitors to the area.

**Option 2**

Reverts to the original Sandringham Village Streetscape Masterplan scope by providing upgrades to all commercial frontages within the Village. Proposed upgrades as part of this option are outlined below:

• Provision of a high quality streetscape at the focal point located on Station St opposite to the train station including:
  o Exposed aggregate, improvements to existing garden beds, retention of palm trees, additional trees, a water fountain and street furniture upgrades;

• Provision of additional high quality streetscape focal points at the corner of Bay Rd and Station St, corner of Melrose St and Station St and corner of Chalmers Ave and Waltham St including:
  o Exposed aggregate, improvements to and additional garden beds, additional trees, a water fountain at the corner of Bay Rd and Station St and street furniture upgrades.

• Car parking loss is reduced from 10 to between zero and 2 spaces, as a result of some existing carparks dimensions requiring widening to comply with the relevant standards.

• Footpath upgrades outside focal point areas are to be provided in asphalt.

• Kerb and channel upgrades are costed and included in the scope of works for this option.

**Implications and risks**

• Detailed cost estimate for delivery is $3,500,000, including footpath and kerb and channel renewal.

• The anticipated construction time is 46 weeks, whilst the project will be delivered in stages it is unavoidable that the whole project delivery will result in lengthy disruption to traders, residents and visitors to the area.

• Footpath, kerb and channel renewal to be delivered through renewal budget.

• Delivering upgrades and renewal works in one go results in procurement and delivery efficiencies whilst ensuring the need of future disruptions to the centre are minimised.

**Option 3**

Delivers Option 2 as outlined above and amends the scope to design and where possible deliver additional focus areas within identified timeframes. Additional focus areas for investigation include:

• Masonic Hall- integration with broader activity centre.

• Corner Melrose St and Beach Rd – enhance connection between train station and foreshore
• PTV carpark Corner Abbott St and Harston St – improve legibility and enhance integration with activity centre.

Implications and risks

• Design and implementation of any additional focus areas has not been costed.
• Efficiencies in delivering this additional minor works will be available for delivery if considered within overall project scope.
• Additional works may extend construction time over the 46 weeks already identified.
• No car parking loss is identified.

Recommendation

That Council:

1. Endorse Option 2 as articulated within the report as the preferred design outcome for the Sandringham Village.
2. Inform the traders and the broader community of the outcomes of the community engagement.
3. Progress the detailed design and documentation of Option 2 in the 2021/22 financial year.
4. Continues to engage with traders and the community as part of the detailed design and documentation process.
5. Refer the funding for the construction of the project to the 2022/23 Council budget.
6. Develops a communications and staging plan in collaboration with the Sandringham Traders Association in preparation for construction.
7. Continues to work with the Sandringham Traders Association to explore opportunities for place activation through place making initiatives.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The Sandringham Village Streetscape Masterplan Design and Documentation will provide detail to implement streetscape upgrades in the area. The upgrades are intended to result in a safer, more attractive and comfortable streetscape thereby improving the opportunities for social interaction and local economic growth.

Natural Environment

All options presented for consideration provide improvements to the public realm, through the provision of additional vegetation. Enhancements to the public realm seek to enhance the experience for pedestrians to encourage less reliability on cars for short trips.

Built Environment
Improvements to the public realm provide positive outcomes to the built environment. Well-designed streets, public spaces and buildings can deliver economic, social and environmental benefits. The options presented in this report seek to make Sandringham Village safe and easy for people of all abilities to move around and make our public spaces and buildings more accessible and enjoyable for everyone. People walking around and sitting in attractive and safe areas contribute to vibrancy and attract more people.

Customer Service and Community Engagement
Another opportunity for comment from traders and residents of Sandringham Village and the broader community will be available, as the final option for implementation in response to community feedback is shared before construction commences.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The chosen community engagement approach allows for freedom of expression and for the community to take part in public life.

Legal
There are no legal implications envisaged with this report; however, legal advice may be required to resolve specific land matters raised during consultation. Improvements to the public assets reduces risks for the community such as trip hazards.

Finance
The budget allocated for the Sandringham Village Streetscape Masterplan implementation is $2.9M. Total indicative costs to complete the entire project is $2.505M. A capital bid will be made into the 2019/20 capital process to fund the construction of Stage 1 and future stages for this entire streetscape works project.

Links to Council policy and strategy
Bayside Housing Strategy 2019
The Bayside Housing Strategy 2019 identifies Sandringham Village as a Major Activity Centre.
The Master Plan was informed by the Sandringham Village – Final Structure Plan (November 2006) and the Bayside Planning Scheme. Numerous strategies including the Place Design Manual and the Council and Community Plans, have also played a key part in the development of the Draft Masterplan.
Executive summary

Purpose and background

To present Council with the submissions received in relation to Planning Scheme Amendment C174bays to the Bayside Planning Scheme (C174bays), which seeks to apply the Heritage Overlay on a permanent basis to 38 Grosvenor Street, Brighton.

Key issues

Amendment C174bays was publicly exhibited between Thursday 21 November and Monday 23 December 2019 and was then re-exhibited between 30 January and 1 March 2020 due to a mapping error in the exhibited documents and the concerns that this may prejudice the assessment of the amendment.

Owners and occupiers of adjoining and surrounding properties were directly notified of the exhibition and re-exhibition process. A total of 65 submissions were received. 27 were in support of the Amendment and 38 opposed. Of the 38 objections, 27 were pro-forma styled objections. Of the 27 in support, 4 of these were additional submissions received by previous submitters.

The submissions in support of the amendment raised the following matters:

- The house is unique in its Tudor Revival design and adds character to Grosvenor Street and the surrounding area, and should be protected from future development;
- The house is historically significant in that it has been designed by a woman, Esme Johnston, in the 1930s. Its appearance in the Home Beautiful magazine at this time cements its history and significance;
- The house has been recognised in previous heritage studies and assessed by heritage experts which has proven the house to be of local significance;
- The house is of aesthetic significance; noting the pitched roof and features on the façade of the dwelling that are aesthetically pleasing and in good condition.

The submissions in objection of the amendment raised the following matters:

- The dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside;
- The dwelling is not an aesthetically significant building and does not warrant recognition or retention under a Heritage Overlay;
- The dwelling is not important to the course of pattern of cultural or historical significance for Bayside;
- The dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed;
- Unawareness to the significance of Esme Johnston and her contribution to the local area;
- There is no merit in seeking heritage protection of a dwelling which is not a true representation of the heritage values that Bayside residents seek to be maintained;

- That Council should not be seeking to include the land in the Heritage Overlay because of a misconceived perception that the land has heritage value, advocated by select residents in the immediate surrounds;

- That the dwelling should be demolished as proposed by the land owner;

- That previous studies and recommendations in regard to 38 Grosvenor Street, Brighton and the Grosvenor Estate Precinct have been extensive and rule out the need for this Amendment; and

- That the dwelling is poorly laid out internally and would require alterations, especially to cater for the elderly. The application of the Heritage Overlay would incur a cost to allow for these alterations.

In response to the submissions opposing the Amendment, Council is not proposing to make any changes to the amendment. Council’s expert advice indicates that the property is of local heritage significance and no additional technical advice has been provided by submitters to support a different view. Proceeding with the planning scheme amendment process will ensure that Council fulfils its obligations under the Planning and Environment Act 1987 relating to the protection of properties identified as being of heritage significance.

**Heritage Council Registration Hearing**

The Heritage Council held a public hearing on 4 March 2020 to determine whether 38 Grosvenor Street should be included on the Victorian Heritage Register for its potential State significance.

Whilst Heritage Victoria has recommended that the dwelling not be included, there are a number of parties who have submitted that the building meets the criteria for State significance and expert evidence was called on both sides of the argument. The recommendation of the Heritage Council is expected to be made available within 90 days of the hearing.

**VCAT Hearing**

Following Council’s failure to grant a permit within the prescribed timeline, the permit applicant lodged an appeal to the Tribunal (VCAT) pursuant to Section 79 of the Planning and Environment Act 1987. Council presented the planning permit, subject to the appeal, at its Planning and Amenity Committee meeting on 12 November 2019, where it was resolved to refuse to grant a permit.

The VCAT Hearing in relation to that matter is currently scheduled to be heard on 1 June 2020.

**Next steps**

All submissions made to the amendment will be presented to Council where Council may:

- Change the amendment in the manner requested; or

- Refer the submissions to a planning panel; or

- Abandon the amendment or part of the amendment.

As the submissions received are currently divided in support and objection, it is considered appropriate that Council requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received to Amendment C174bays.
The Planning Panel will consider the submissions and provide recommendations to Council on any changes to be made to the Amendment in response to submissions.

Council will then have a further opportunity to consider whether it agrees with the Panel’s recommendations before making a final decision on the amendment.

**Recommendation**

That Council:

1. Accepts any late submissions.

2. Requests the Minister for Planning to appoint an independent Planning Panel to consider submissions to Amendment C174bays.

3. Writes to all submitters to advise them of Council’s decision.

**Support Attachments**

1. Attachment 1 - Amendment C174bays Response to Submissions ↓
Considerations and implications of recommendation

Liveable community

Social
The property has been identified for its local heritage significance. Amendment C174bays will enable Council to protect Bayside’s liveability, character and community cohesion by applying the permanent heritage overlay to the site. This is consistent with the Bayside community’s desire to see neighbourhoods and amenity protected.

Natural Environment
There are unlikely to be any impacts on the natural environment as a result of the application of heritage controls to the aforementioned property, beyond quite general character and amenity matters.

Built Environment
The house has remained largely intact and is a unique and individual property within Bayside’s suburban setting. This amendment is consistent with the need for Council to implement the objective of section 4(1)(d) of the Planning and Environment Act 1987 to ‘conserve and enhance buildings, areas and other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value’.

Customer Service and Community Engagement
Public exhibition of Amendment C174bays commenced on Thursday 21 November and was finalised on Monday 23 September 2019. The process was in accordance with that prescribed under the Planning and Environment Act 1987. During this process, 45 submissions were received.

The amendment was re-exhibited between 30 January and 1 March 2020 where 20 further submissions were received from people who had already made submissions.

The submissions received, which have been summarised in Attachment 1, are divided in support and objection.

Human Rights
The implications of this report have been assessed and are not likely to breach or infringe upon the human rights contained in the Victorian Charter for Human Rights and Responsibilities Act 2006.

Legal
Council has a responsibility for heritage preservation, consistent with the objective at Section 4(1)(d) of the Planning and Environment Act 1987 to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value’. This Planning Scheme Amendment process fulfils Council’s legal responsibilities.

Finance
Costs relating to the potential heritage protection of this site can be accommodated within the 2020/21 strategic planning operational budget.
Links to Council policy and strategy
This Amendment helps achieve the aims of the *Heritage Action Plan 2017* to:

- Ensure the identification, management and protection of Bayside’s assets reflects Bayside’s history and pattern of development;
- Increase community knowledge, appreciation and awareness of Bayside’s history, historic buildings, places and objects;
- Support the community, including community groups, to conserve and promote Bayside’s history, heritage places and heritage objects; and
- Increase community awareness and adoption of best practice heritage conservation techniques.
### Options considered

#### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Request that the Minister for Planning appoint an independent Planning Panel to consider the submissions received for Amendment C174bays as presented.</th>
</tr>
</thead>
</table>
| Benefits| Will provide the opportunity for all submitters to have their issues and concerns considered by an independent Planning Panel.  
Will allow the merits of the amendment to be considered and Council will have the benefit of understanding the recommendations of the Planning Panel.  
Will allow for changes to Amendment C174bays to be debated and considered as part of the Planning Panel process. |
| Issues  | There are no issues associated with this approach. |

#### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C174bays.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
</tbody>
</table>
| Issues  | Council has undertaken an assessment of the property which has found the house to be of local heritage significance.  
If Amendment C174bays were to be abandoned, Council would be failing to implement the objectives of section 4(1)(d) of the Planning and Environment Act 1987 to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value’.  
No controls will exist to protect the site from demolition if the site is not deemed as being of State heritage significance.  
Does not allow for the merits of the matter to be considered by an independent Panel. |
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of submissions</th>
<th>Officer response to issues raised in submission</th>
</tr>
</thead>
</table>
| 1          | Support Amendment C174bays  
Submitter has an appreciation of the house and its importance to the community. The submitter describes many features of the house (the façade and front door) as significant, and an incredible piece of history. The submitter describes the 1929 home to Esme Johnston as a Tudor Revival dwelling with a very unusual steeply pitched roof which is unique in its locality, being surrounded by Edwardian houses. The submitter also notes the historical significance, being one of only a few homes being designed by a woman in the 1930s. Its appearance in the *Home Beautiful* magazine at this time cements its history and significance. | Support for the Amendment is noted. |
| 2          | Support Amendment C174bays  
Resident is in support of the Amendment for a number of reasons. The submitter acknowledges that the property has been evaluated for Heritage Protection via many studies and architectural historians and heritage experts. The submitter goes on to discuss the importance of the house; it was designed by Esme Johnston and she also sourced the building materials to build her Tudor Revival Style home. Submitter provides information on Esme Johnston and her life as a Journalist, Radio Personality, Playwright and colleague and friend of the famous Landscape Architect - Edna Walling. The submitter states that they believe Esme’s inspiration came from the 500 year old Anne Hathaway’s Cottage. The submitter then refers to the previous identification of the property in the *City of Brighton, Urban Character and Conservation Study 1986* and the subsequent Panel hearing for Amendments C37 and C38 which proposed to apply the Heritage Overlay to individual places and precincts. The submitter notes the support of the National Trust and the Brighton Historical Society. The submitter states in their concluding remarks that the house is a fine example of an interwar building and is | Support for the Amendment is noted. |
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission</th>
<th>Support Amendment C174bays</th>
<th>Support for the Amendment is noted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The submitter states that the house is a very unique house which should be protected from any future development. The house adds character to Grosvenor Street and the surrounding area. The pitched roof is an amazing feature of dwelling and the remaining Tudor style features on the facade of the dwelling are aesthetically pleasing and in good condition.</td>
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<td>4</td>
<td>The submitter states that as a resident of Grosvenor Street Brighton they would like to state their absolute support of the Amendment C174bays that applies the Heritage Overlay to 38 Grosvenor Street, Brighton. This site is of historical and aesthetic significance as stated in the notice and more should be done for the protection of our community's heritage.</td>
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<tr>
<td>5</td>
<td>The submitter focuses on the significance of the houses unusual Tudor Revival design, and the historical wider picture; that Esme Johnston designed and helped to build it, and the interwar period in which it was built - and especially because Esme was so tenacious and therefore an inspirational woman, which is fascinating when put in the timeframe of the 1920s. Her house can only be seen as a historical landmark that needs to be preserved.</td>
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</tbody>
</table>
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
<th>Support for the Amendment is noted.</th>
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<td>6</td>
<td>Support for Amendment C174bays</td>
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<td></td>
<td>The submitter states that the home designed and built by the late Ms Esme Johnston in the late 1920’s is uniquely outstanding representing a style of architecture very rarely seen anywhere else in Victoria. The strong Tudor influence in its construction lends itself to the well-known Arts and Crafts movement popular at that time and which is sought after today by those who have a strong following for that special era. For these reasons, the submitter believes the property must be protected from demolition. The submitter also states that so many important noteworthy properties in the Brighton area have been demolished, and is concerned that there will be nothing for future generations to enjoy in its wake.</td>
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<td>7</td>
<td>Support for Amendment C174bays</td>
<td>Support for the Amendment is noted.</td>
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<td></td>
<td>The submitter states that it is important to retain unique buildings in the urban streetscape. This house compliments the arts and crafts period design of the Brighton Grammar house.</td>
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<tr>
<td>8</td>
<td>Support for Amendment C174bays</td>
<td>Support for the Amendment is noted.</td>
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<td></td>
<td>The submitter commends Council on the Heritage Protection placed on Esme’s home in Grosvenor Street, describing it as a rare home that deserves protection.</td>
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<tr>
<td>9</td>
<td>Support for Amendment C174bays</td>
<td>Support for the Amendment is noted.</td>
</tr>
<tr>
<td></td>
<td>The submitter states that the property should be granted a permanent Heritage Overlay.</td>
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<tr>
<td>10</td>
<td>Oppose Amendment C174bays</td>
<td>Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor. The property’s significance was identified using the HERCON criteria, which takes into consideration the</td>
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</table>
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission 11</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be</td>
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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

Item 10.6 – Reports by the Organisation

seeking to include land in the Heritage Overlay because of a misconception that the land has heritage value, and the property should be demolished as proposed by the land owner. The submitter is also concerned that Council is wasting its resources and rate-payer funds on processing this planning scheme amendment.

Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

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The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer. Esme Johnston designed the dwelling at 38 Grosvenor Street in 1929. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and...
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission 12</th>
<th>Support for Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support for Amendment C174bays</strong></td>
<td>The submitter writes in support of the amendment, and makes example of the extensive research and analysis that has been undertaken by three heritage experts which all suggest that 38 Grosvenor St, Brighton is of local significance. The submitter refers to the support for the conservation of the house from Ms Helen Lardner, Director of the heritage architecture consultancy, HLCD Pty Ltd, and Mr Rohan Storey (Heritage consultant). The submitter also refers to the assessment from David Helms Heritage Planning, who was appointed by Council and identifies the house for its local significance. The submitter makes mention of the support of the historic house by the National Trust and the Brighton Historical Society. The submitter describes the significance of the house; being a unique example of the Interwar Old English style with a steep gabled front, half-timbering and prominent chimney. The submitter then discusses the historical significance of the house; being one of the very few places in Victoria to be designed by a female before the post-war era. They describe Esme Johnston as a supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).</td>
</tr>
<tr>
<td><strong>In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.</strong></td>
<td>Council does not propose to make any changes to Amendment C174bays in response to this submission.</td>
</tr>
<tr>
<td><strong>Support for the Amendment is noted.</strong></td>
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</tbody>
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*Note: The text above is a natural representation of the content on the page.*
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 13</th>
<th>Support for Amendment C174bays</th>
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<tbody>
<tr>
<td></td>
<td>The submitter supports the amendment and makes example of the extensive research and analysis that has been undertaken by three heritage experts which all suggest that 38 Grosvenor St, Brighton is of local significance. The submitter refers to Ms Helen Lardner, Mr Rohan Story and Mr David Helms, and their accreditations and expertise in heritage matters. The submitter also raises other instances where the house has been identified, including the 1986 Andrew Ward City of Bayside Conservation Study and the 1999 Allom Lovell City of Bayside Heritage Review, as well as Mr Bryce Raworth’s expert opinion on the house in 2004. The submitter makes mention of the support of the historic house by the National Trust and the Brighton Historical Society. The submitter describes the significance of the house; being a unique example of the Interwar Old English style with a steep gabled front, half-timbering and prominent chimney. The submitter then discusses the historical significance of the house; being one of the very few places in Victoria to be designed by a female before the post-war era. They describe Esme Johnston as a very well-known journalist and refer to her article on the design and construction of the house which was featured on the cover of <em>Home Beautiful</em> in February 1931. The submitter recognises the research and assessment and advocacy that has occurred, and describes the house as a much loved and recognised local home in good condition since being built in 1930.</td>
</tr>
<tr>
<td>Submission 14</td>
<td>Oppose Amendment C174bays</td>
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<td></td>
<td>The submittor opposes the amendment. As a resident of Brighton who walks past the house every day, the submittor disagrees with the Amendment to include the house in a heritage overlay. The submittor describes the house as an eyesore, a blight on the built environment of Brighton with a very weak link to history. The submittor believes the house should be relocated to Switzerland or any other Alpine region where it would be more suited. The submittor does not see the point in permanently blighting the site and the street with the house. The submittor states that greater density in urban areas such as Brighton, especially opposite a school and close to transport links and shopping area, is required. The site could more practically help to meet these needs through a sensible redevelopment. Finally, the submittor suggest that the place should be teared down as soon as possible.</td>
</tr>
</tbody>
</table>
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitters concern that the house does not make a positive contribution to the heritage values of Bayside is a personal opinion. Council has received professional opinion that the house is of local significance and is considered important to Bayside’s contribution of residential places of heritage significance.

The properties significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance. As per the recommendations of Council’s heritage advisor, it was found that the property did meet Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance). As stated in the assessment; "The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms heritage assessment. Further, Council has not received any professional evidence which advises of the state of disrepair of the house.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitter’s unawareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life is explored in David Helms assessment;

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

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The submitter’s lack of awareness of Esme Johnston is
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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

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<th>Item</th>
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<td>Council does not propose to make any changes to Amendment C174bays in response to this submission.</td>
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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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## Amendment C174Bays – Response to Submissions

<table>
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<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
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<th>1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).</th>
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<tr>
<td>19</td>
<td>Support for Amendment C174bays Submitter states: We support the Council's proposed amendment.</td>
<td>Support for the Amendment is noted.</td>
<td>In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning. Council does not propose to make any changes to Amendment C174bays in response to this submission.</td>
</tr>
<tr>
<td>20</td>
<td>Support for Amendment C174bays The submitter provides recognition to the assessment of 38 Grosvenor Street, Brighton as undertaken by David Helms Heritage Planning.Submitter also gives recognition to the previous studies by Andrew Ward in 1986, and the Ailom Lovell &amp; Associates study in 2003 and the identification of the house as a contributory building within the Grosvenor Estate Precinct. The submitter goes on to discuss the life of Esme Johnston, and how she designed and sourced materials for the home at 38 Grosvenor Street. The submitter states that the house is a &quot;stunning tribute&quot; to Esme and that the house has a resemblance to Anne Hathaway’s Cottage which has stood in England for over 400 years. The submitter states that Esme sourced may of the building materials of the house and the timbers used on the façade on each</td>
<td>Support for the Amendment is noted.</td>
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## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>10.6</td>
<td>Reports by the Organisation</td>
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</tbody>
</table>

### Submission 21
**Support for Amendment C174bays**
Submitter is in support of the Amendment which seeks to implement heritage protection on the property at 38 Grosvenor Street, Brighton. The submitter describes the home as a much loved home by local residents and has gained attention from some overseas visitors. The submitter notes that the house will require some restoration, as do most homes after time.

Submitter also states that former tenants have said they would love to buy the house. The submitter describes the house as significant and is historical, and should be preserved for future generations.

Support for the Amendment is noted.

### Submission 22
**Support for Amendment C174bays**
The submitter notes that the house at 38 Grosvenor Street, Brighton has been identified and assessed as being a place of individual historic and aesthetic significance. Numerous heritage studies over the years have identified the house as meeting the threshold of heritage significance.

The submitter notes that only now has the house been rigorously researched by several heritage experts who all conclude that the place is of heritage and aesthetic significance warranting permanent protection in the Bayside Planning Scheme.

Support for the Amendment is noted.
Submission 23

Oppose Amendment C174bays

PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.
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<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not</td>
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`Actress, writer and radio announcer. Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).`

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
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Bayside. The house has been assessed and determined to be of local significance by Council's heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, "The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark."

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Heims Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 25</th>
<th>Oppose Amendment C174bays</th>
<th>Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston's life has been considered in David Helms Heritage Planning’s assessment;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside.</td>
<td>‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’</td>
</tr>
<tr>
<td></td>
<td>Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council's heritage advisor.</td>
<td>In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.</td>
</tr>
<tr>
<td></td>
<td>The property's significance was identified using the HERCON criteria, which takes into consideration the</td>
<td>Council does not propose to make any changes to Amendment C174bays in response to this submission.</td>
</tr>
</tbody>
</table>
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment: “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission 26</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be</td>
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‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The* Esme
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Item 10.6 – Reports by the Organisation</th>
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</thead>
<tbody>
<tr>
<td>seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
<td>Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”</td>
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<td>With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.</td>
</tr>
<tr>
<td></td>
<td>The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;</td>
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<td></td>
<td><em>Actress, writer and radio announcer. Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and</em></td>
</tr>
</tbody>
</table>
**Support for Amendment C174bays**

The submitter supports the amendment. The submitter describes 38 Grosvenor Street as a beautiful home that is unique with an interesting history attached. The submitter considers that houses like this will probably never be built again. The submitter is also concerned by the loss of gardens as modern dwellings tend to cover the whole block. Many houses on Grosvenor Street don’t fit in with the characteristics of the street and the submitter is concerned that more needs to be put into approving designs that are complementary to the existing character. The submitter makes example of 30 Grosvenor Street, Brighton as an attractive and high quality modern unit block that does fit well into the street. As a final note, the submitter writes in concern of the vacancy of 38 Grosvenor Street, and is worried that it will start to quickly deteriorate if it is left without someone to take care of it. The submitter believes the owner should be allowed to repair or redecorate to preserve the house or to sell to someone who will look after it into the future.

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**Supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).**

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
<table>
<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
<th>Support for the Amendment is noted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>The submitter supports the amendment for the following reasons: The character of the street changes with the destruction of each one of the older mansions. All remaining properties in the street decrease in value as the street loses its individual charm and character. The submitter is also concerned by increased traffic in the street. The submitter states that, ‘as each one of these old mansions (normally holding 1 or 2 people) are replaced by multiple houses more people arrive with their cars which further clog up this narrow street further decreasing current residents access.’ As a final note by the submitter, they describe the property as unique, and unlikely to be reproduced.</td>
<td></td>
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<tr>
<td>29</td>
<td>The submitter supports the amendment and the individual heritage assessment undertaken by David Helms Heritage Planning. The submitter supports Mr Helms assessment that the house is historically significant and aesthetically significant in accordance with the HERCON Criteria. The submitter goes on to acknowledge the amendment is consistent with objective 4(1)(d) of the Planning and Environment Act 1987, the Local Planning Policy Framework, and Municipal Strategic Statement, specifically Clause 21.06 and 22.05 which seeks to protect and enhance Bayside’s building, trees and structures of cultural significance for present and future generations. The submitter notes that the Amendment is also consistent with the National Trust’s vision that ‘our diverse heritage is protected and respected, contributing to strong, vibrant and prosperous communities.’</td>
<td>Support for the Amendment is noted.</td>
</tr>
<tr>
<td>30</td>
<td>Submitter is in support of the Amendment. The submitter notes their personal interest in the protection of Bayside heritage and that the</td>
<td>Support for the Amendment is noted.</td>
</tr>
</tbody>
</table>
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
<th>Oppose for Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>The submitter is in support of the Amendment and is in agreeance with David Helms assessment of the house which identified the house is of local historic and aesthetic significance to the City of Bayside. The submitter states the importance of the house as an example of a house designed by its owner. This is particularly significant as an example of a house designed and publicised by a woman in a period when women are rarely recognised for their contribution to the design and architecture fields. The submitter again notes the aesthetic significance of the house as a substantially intact example of Tudor Revival Style and as a local landmark.</td>
<td>Objection to the Amendment is noted. The submitter’s reference to a previous owners self-ruling of the state of the house cannot be considered as a professional opinion. Council has not received any professional evidence which advises that the state of the house compromises its potential heritage significance.</td>
</tr>
</tbody>
</table>
| 32          | The submitter acts on behalf of the land owners of 38 Grosvenor, and objects to the Amendment. The submitter provides historic background to the property, and refers to a submission made by the previous land owner, in objection to the house being considered for inclusion within the Heritage Overlay as part of Amendments C37 and C38. The land owner at the time stated that the dwelling had 'been altered, is poorly designed in its detailing and standards of...
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

The submitter then states that the Panel individually considered the land and concluded in the Panel Report 'we also do not consider that No.38, in spite of its aberrant curiosity factor, contributes to the precinct’s defined core values.' The submitter goes on to note that their client purchased the land on the basis of the Panel Report for Amendments C37 & C38, and that the house did not warrant inclusion in a Heritage Overlay. The submitter notes that the Panel did not make recommendations that additional assessment be carried out to consider the land. The submitter refers to David Helms Heritage Planning individual assessment of the house and objects on the following reasons;

- The dwelling does not meet Criterion A (historical significance) of the HERCON Criteria as the dwelling is not important to the course or pattern of our cultural or natural history as it was designed by an amateur who is not recognised for any contribution to architecture.
- That Esme Johnston was a minor personality and not recognised as being locally significant to Bayside.
- The dwelling is not a landmark. The dwelling is tucked away in a residential street and not prominently located on the site. The submitter does not believe that David Helms Heritage Planning’s assessment suggests the dwelling is widely recognised by the community or contributes to the community’s identity.
- The dwelling does not meet Criterion D as it is a poor example of a 'Tudor Revival' style with fake half timbering and cement render cladding.
- Esme Johnston is an amateur and not an architect, and this has contributed to some of the inherited construction defects including timber members and timber shingles which have

The submitter’s statement that the Panel (for Amendments C37 & C38) ‘individually considered’ the land contradicts the statement made, and referred to by the submitter that the Panel “…do not consider that No.38, in spite of its aberrant curiosity factor, contributes to the precinct’s defined core values.” This statement does not individually consider the property outside of the precincts defined core values. The following discussion was written part of David Helms Heritage Planning’s heritage assessment of the house.

‘The comments of the Amendment C37 & C38 Panel report are inconclusive in relation to the potential individual significance of the house and are focused instead on its level of contribution to the precinct. It is clear that the reason for its removal was the low contribution historically of interwar dwellings to the precinct significance, and also that its ‘individualistic’ design meant it did not contribute to the ‘visual cohesiveness’ created by the Victorian and Edwardian dwellings. Added to this, the interwar dwelling to immediate east had been altered.’

Whilst the Panel Report did not make reference to additional assessment of the land, this does not rule out potentially significant heritage places from being identified in the future. With regard to the submitter’s analysis of David Helms Heritage Planning’s individual assessment of the house, Council notes the submitter’s statement that the house does meet Criterion A and Criterion D of the HERCON Criteria.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 33</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitter is in objection of the Amendment, and was a previous owner of the subject house (38 Grosvenor Street, Brighton) until it was sold to its current owners in 2011. The submitter refers to his previous submission made to the Panel and Bayside City Council in 2004 when the house was considered for inclusion within the Grosvenor Street Heritage Precinct (Amendment C37 &amp; C38), which he objected to. The submitter states that his opinion remains unchanged today. The submitter states the unique position he is within - being attached to the house, yet also understanding (as a qualified architect) that the house is not well built, and has had every</td>
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</table>

In response to the replacement of original materials and the poor condition of the house, Council has not received any professional evidence which advises that the state of the house compromises its potential heritage significance. The submitter’s claim that the half-timbering is fake is unknown to Council.

Council is of the understanding that the changes (those that have been identified within David Helms Heritage Planning’s heritage assessment) do not significantly affect the integrity and intactness of the house. As written within David Helms Heritage Planning’s heritage assessment, the place is considered to be reasonably intact. Furthermore, Mr Helms states that, ‘[The] integrity – notwithstanding the physical changes, is high and the cultural heritage values of the place can be straightforwardly read in the extant fabric. The building continues to be used as a residential dwelling and this use is readily understood.’

Council does not propose to make any changes to Amendment C174bays in response to this submission.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

room altered. The submitter does not believe the house is of State significance nor of local significance and draws on the reasons why. The submitter believes Grosvenor Street has lost much of its heritage value due to a number of houses upon the street being demolished and replaced with larger double storey buildings and units.

Further, the submitter states that the house is not an example of a house built in Brighton in the 1930s. It has neither a slate roof of the 19th Century Heritage houses nor ornate cast iron decorated verandas or a porch. The front door is located on the side of the house and has no protection from the rain. The door has not been sealed properly. The submitter goes on to discuss the materials within the house - claiming that the half timbering is fake, and the main structure is standard timber stud construction over expanded metal and cement render applied to form the outside cladding. This leaks whenever there is a rain front from the south west. Changes have also been made to the walls, with installed windows by the submitter and his father facing onto the driveway and on the second storey facing north. Internally, the second storey was originally one big room which has since been modified by adding 4 bedrooms and a bathroom and numerous inbuilt cupboards which do not match the Tudor style. The window sills were painted blue, which is not the original colouring. The submitter also states that the original wooden shingles upon the roof had rotted away and were replaced with terracotta tiles in the 1950s which is too crumbling and breaking off. Alongside this, the submitter states that the stairs are unsteady and the garden is not in keeping with the original 1930s style of the garden, and that the driveway is too narrow and impractical. The submitter believes that the house was not built with the intention for it to have such a long lifespan.

assessment, the place is considered to be reasonably intact. Furthermore, Mr Helms states that, 'The integrity – notwithstanding the physical changes, is high and the cultural heritage values of the place can be straightforwardly read in the extant fabric. The building continues to be used as a residential dwelling and this use is readily understood.'

Council’s heritage assessor did not undertake an internal assessment of the house, however the replacement of roof shingles with modern tiles, alterations to the bathroom, kitchen and laundry, and to the first floor stair landing to create the additional bedroom and bathroom are all noted within Mr Helms Report. It is Council’s role to continually review, identify and assess places of significance aligns with the objectives of Planning, particularly section 4 (1)d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value. This is further addressed in the Planning Policy Framework which recognises the importance of conserving places of heritage significance, as outlined in Clause 15.03-1S (Heritage conservation). The strategies of this clause include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

- Provide for the protection of natural heritage sites and man-made resources.
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

The submitter puts forward his primary points for objection being that he is of the view that all properties upon Grosvenor Street worthy of heritage listing were captured in the Panel Report for Amendments C37 & C38, and that he worked closely with Grosvenor Street residents to ensure these homes were included within the Grosvenor Street Heritage Precinct. Further, the submitter states his favour of preserving heritage houses, but stresses that this house is not one worthy of preserving, and questions *who decides what is good design and what is worth saving?* Further on, the submitter states that the previous assessment (in 2004) already found the house was inconsistent with the other buildings upon the street, and that the Panel Report from 2008 (commissioned to identify interwar houses) did not include the property on an individual basis. Final reasons by the submitter’s opposition include; the dwelling does not make a positive contribution to the heritage values sought in Bayside;

- That the dwelling is not an aesthetically significant building;
- The dwelling is not important to the course or pattern of cultural or historical significance for Bayside;
- That the dwelling was in a state of disrepair and has continued to deteriorate; that the dwelling is not an accurate representation of when the house was originally constructed;
- That the submitter is unaware of Esme Johnston’s contribution to Bayside/Brighton;
- That Council should not be seeking to include the land in the Heritage Overlay because of a misconceived and unwarranted obsession with the house.
- On the submitter’s final note, it is his personal opinion that the dwelling is well past its “used by date” and should be demolished as proposed by the land owner.

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

In response to the submitter’s question, ‘who decides what is good design and what is worth saving?’ Council notes that the house has been professionally assessed and identified for its significance, and whilst architectural merit is considered as part of the assessment (HERCON Criteria), the significance of a place is also credited on the following;

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and development cultural traditions (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

The house has been found to be of local significance by Council's heritage advisor and is considered important to Bayside’s contribution of residential places of heritage significance.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property did meet Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, "The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with троуэель render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the building height) contribute to the picturesque qualities of the house and make it a local landmark.”
With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms heritage assessment. Further, Council has not received any professional evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
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<tbody>
<tr>
<td>34</td>
<td>The submitter writes in support of the amendment. The submitter believes the house makes a positive contribution to the streetscape of Grosvenor Street in particular, with its 'majestic, high gabled roof and as a unique, landmark building to the area in general.' Being an inter-war building, the submitter believes it should have never been taken out of the precinct as a contributory house. It complements the former Headmaster's house for Brighton Grammar School at 27 Grosvenor Street, Brighton, as well as 24 Grosvenor Street, both of which are contributory houses within the precinct.</td>
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| Support for the Amendment is noted. |

<table>
<thead>
<tr>
<th>Submission</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Submitter objects to the Amendment for various reasons. The submitter lives in Grosvenor Street nearby 38 Grosvenor Street, Brighton. The submitter has witnessed the modifications that have been carried out to the house, including a new kitchen, laundry and ground floor bathroom, new bedrooms and a bathroom on the second storey, a large skylight on the second storey, French doors from the dining room to the garden and other internal modifications within the house. The submitter describes the house as having a strange layout of rooms and lack of cohesive planning in general. One example being the front door located on the east of the house, unprotected by porch, verandah or awning, whilst the front gate and path is located to the west of the property. The submitter describes the house of being in a state of disrepair - the roof tiles are disintegrating and parts of the chimney appears to be coming away from the house, the submitter states that this was previously addressed in the submission to Planning Scheme Amendments C37</td>
</tr>
</tbody>
</table>

| Objection to the Amendment is noted. |

Council's heritage assessor did not undertake an internal assessment of the house, however the replacement of roof shingles with modern tiles, alterations to the bathroom, kitchen and laundry, and to the first floor stair landing to create the additional bedroom and bathroom are all noted within Mr Helms Report.

As written within the Report, the place is considered to be reasonably intact. Mr Helms states that, '[The] integrity – notwithstanding the physical changes, is high and the cultural heritage values of the place can be straightforwardly read in the extant fabric. The building continues to be used as a residential dwelling and this use is readily understood' (page 7). However, Mr Helms and
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

& C38 by the then owner of 38 Grosvenor Street. The submitter notes that the Panel agreed that the house did not contribute to the precincts defined core values and recommended the exclusion from the Grosvenor Street precinct. The submitter then refers to a number of primary reasons for objection to the Amendment:

- The dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside.
- The dwelling is not an aesthetically significant building, and does not warrant recognition or retention under a Heritage Overlay.
- The dwelling is not important to the course of pattern of cultural or historical significance for Bayside.
- The dwelling is not important to the course of pattern of cultural or historical significance for Bayside.
- The dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed.
- The submitter is not aware of any significance of Esme Johnston or her contribution to the local area.
- The submitter does not believe Council should be seeking to include the land in the Heritage Overlay because of a misconceived perception that the land has heritage value, advocated by select residents in the immediate surrounds; and
- That the dwelling should be demolished as proposed by the land owners. The submitter poses the question: ‘How much longer, in any event, is it possible for such a poorly planned and constructed house in a state of chronic disrepair to remain standing?’ The submitter has met with the owners of the house and finds that the imposition of a Heritage Overlay is not worthy of the thought, and would burden the future plans of the land owners and their family.

Council were unknown to the changes made internally to the second storey.

With regard to the house being in a ‘state of disrepair,’ Council has not received any professional evidence which advises that this statement is correct. The submitter makes mention of the strange layout of the house, having a lack of cohesive planning, being poorly planned house and in a poor state. The submitter states that this was previously addressed by the previous owner of the house during the course of Amendments C37 & C38, stating that this was agreed upon by the Panel. Council notes that the Panel Report does not make mention to the ‘poor planning’ of the house, the lack of cohesive planning of the house, nor the ‘poor state’ of the house.

In response to the submitter’s primary reasons for objection, Council provides the following:

The submitter’s view that the house does not make a positive contribution to the heritage values of Bayside is subject to opinion. The house has been found to be of local significance by Council’s heritage advisor and is considered important to Bayside’s contribution of residential places of heritage significance.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property did meet Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

significance). As stated in the assessment, "The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark."

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms heritage assessment. Further, Council has not received any professional evidence which advises that the house is in a state of disrepair.

The submitter’s unawareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life is explored in David Helms assessment;

‘Actress, writer and radio announcer. Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 36</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not consider the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter's opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
<td></td>
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**supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).**

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by Council’s heritage assessor.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

Objection to the Amendment is noted. The submitter’s view that the house does not make a positive contribution to the heritage values of Bayside is subject to opinion. The house has been found to be of local significance by Council’s heritage advisor and is considered important to Bayside’s contribution of residential places of heritage significance.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance. As per the recommendations of Council’s heritage advisor, it was found that the property did meet Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all...”
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms heritage assessment. Further, Council has not received any professional evidence which advises that the house is in a state of disrepair.

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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission 37</th>
<th>Oppose Amendment C174bays</th>
</tr>
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<tbody>
<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
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<td>Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor. The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”</td>
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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by Council’s heritage assessor. Council does not propose to make any changes to Amendment C174bays in response to this submission.
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In response to the submitters concern that there is a misconception perception of the heritage value of the house, Council is of the opinion that the house is of local
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<thead>
<tr>
<th>Submission 38</th>
<th>Oppose Amendment C174bays</th>
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<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 39</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitter objects to the inclusion of 38 Grosvenor Street within a Heritage Overlay under the Bayside Planning Scheme. The submitter considers that the design at 38 Grosvenor Street for two dwellings will also be a positive addition to the built fabric of Brighton. The submitter is shocked that Council is now considering a retrospective overlay which would destroy the dreams of the land owner and devalue the site significantly. The submitter states that by applying retrospective overlays, private rate payers will carry the financial burden of restoring and protecting buildings without having any prior knowledge of this agreement, which the submitter believes undermines the entire system. The submitter admits they are not a heritage expert, but believes that the house is in a state of disrepair and significant changes have been made throughout the residence which compromises the original ‘design intent’ making the architects vision effectively lost. The submitter does not think the house makes a positive contribution to the streetscape and should not be included in a Heritage Overlay.</td>
<td></td>
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</tbody>
</table>

| Objection to the Amendment is noted. |
| The conservation and protection of the house, if permanently listed within the Heritage Overlay, is an obligation of the property owner. Whilst this may be considered a financial burden, it is Council’s responsibility to ensure the protection of places that have been identified for their significance. The amendment aligns with the objectives of Planning, particularly section 4 (1)d; To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value. |
| Further, Council’s responsibility to conserve places of heritage significance is addressed in the Planning Policy Framework Clause 15.03-1S (Heritage conservation). The strategies of this clause include: |
| - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme. |
| - Provide for the protection of natural heritage sites and man-made resources. |
| - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance. |
| With regard to the state of the house, Council has not received any professional evidence which advises that the house is in a state of disrepair. |
**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion</td>
</tr>
</tbody>
</table>

Council advises that property values are not considered under planning scheme amendment processes. There is also no evidence to suggest that the application of the Heritage Overlay can decrease the value of a property, as prices are continually fluctuating.

With regard to the significant changes made to the house, Council is of the understanding that this does not significantly affect the integrity and intactness of the house. As written within David Helms heritage assessment, the place is considered to be reasonably intact. Furthermore, Mr Helms states that, *[The] integrity – notwithsanding the physical changes, is high and the cultural heritage values of the place can be straightforwardly read in the extant fabric. The building continues to be used as a residential dwelling and this use is readily understood.*

The submitter’s view that the house does not make a positive contribution to the streetscape is subject to opinion. The house has been found to be of local significance by Council’s heritage advisor for its historical and aesthetic merit. Council is of the opinion that the house’s aesthetic significance will contribute to the residential streetscape, and overall, it will contribute to the amount of residential places of heritage significance in Bayside.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not
of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the Heritage Overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 41</th>
<th>Support for Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The submitter supports the Amendment. The submitter lives on Grosvenor Street. The submitter refers to the infamous nickname of 38 Grosvenor Street, Brighton as &quot;The Lollipop house,&quot; indicating that the home is something even children identify with, and as did the submitter when attending Brighton Grammar Junior School (adjacent to the house) as a child in the 1960s. The submitter</td>
</tr>
</tbody>
</table>

area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful, Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 42</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
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Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

describes the house as iconic, unique and part of the neighbourhood’s history, never to be rebuilt. The submitter states that property owners in the street like himself no doubt considered the quality and historical value of all houses in the street when determining to purchase. Any modern home or units would almost certainly be discordant with the Heritage aspect of the street. On the submitter’s final note, the submitter trusts that good sense and a healthy appreciation of history will save the house.
With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>The submitter and the submitter’s family are in support of the Amendment. As long-time residents of Grosvenor Street, the submitter respects the significant building and architectural history of the house. The submitter acknowledges that the house was designed by Esme Johnston, describing her as a woman ahead of her times in terms of employment and attitude. The submitter and family were not aware that the house was not protected by the heritage overlay and were stunned when informed that this was not the case. The submitter describes the house as a standout in both its style and history and should not be allowed to disappear on the whim of new owners as they have freely chosen to be part of a local community which values include respecting houses of historical value, open garden space and rare architecture. On the submitters final note, they state that it is to their understanding that several expert architectural historians have also studied the property and have found that it meets the criteria for permanent heritage protection and that an application for Heritage Overlay be applied to 38 Grosvenor Street, Brighton on a permanent basis.</td>
<td>Objection to the Amendment is noted. Council does not agree with the submitters view that the house does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The property’s significance was identified using the HERCON criteria, which takes into consideration the</td>
</tr>
<tr>
<td>44</td>
<td>Support for the Amendment is noted.</td>
<td></td>
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</table>

Council does not propose to make any changes to Amendment C174bays in response to this submission.
The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

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<table>
<thead>
<tr>
<th>Submission</th>
<th>Support for Amendment C174bays</th>
<th>Council's response to Submission 5 remains the valid. Support is noted however will not be counted as a second submission.</th>
</tr>
</thead>
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<tr>
<td>Submission</td>
<td>Support for Amendment C174bays</td>
<td>Council's response to Submission 9 remains the valid. Support is noted however will not be counted as a second submission.</td>
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<td>Submission</td>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as</td>
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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

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Item 10.6 – Reports by the Organisation

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<table>
<thead>
<tr>
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Johnston’s life has been considered in David Helms Heritage Planning’s assessment:

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

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With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

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| Objection to the Amendment is noted. Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor. The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height)” |
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

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The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, "The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark."

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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

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<tr>
<td>(Previous submitter)</td>
<td>The submitter acknowledges that this is their second submission. The submitter attaches an original copy of the Australian Home Beautiful, February 2, 1931, featuring the Esme Johnston's article and notes there is also an article written by Edna Walling. The submitter believes that the two influential women knew each other at</td>
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Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston's life has been considered in David Helms Heritage Planning's assessment:

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.

Support is noted however will not be counted as a second submission.
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<td>that time. The submitter also makes reference to other later articles written for the Australian Home Beautiful. The submitter notes a petition which started last year on Change.Org which attracted 966 signatures to ‘stop the demolition of this significant home.’ The submitter concludes that they believe the Esme Johnston House at 38 Grosvenor Street, Brighton qualifies for permanent heritage protection via this Amendment process.</td>
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</table>
| Submission 56 | **Support for Amendment C174bays**  
(Previous submitter)  
The submitter acknowledges that this is their second submission. The submitter states that since their first submission, more information has come to light indicating that Esme’s House may be unique and not only significant at the local level but at State level as well. |
| Support is noted however will not be counted as a second submission. |
| Submission 57 | **Oppose Amendment C174bays**  
The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter states that the Panel hearing for Amendment C37 & C38 previously deemed the property had no heritage value. The submitter states that the heritage analysis conducted at that time was extensive and thorough and that even now, Steven Avery, from Heritage Victoria, recommends the house not be included. The submitter states that at the time of Amendment C37 & C38, there was not as large of a community interest in the retention of 38 Grosvenor Street within the Grosvenor Estate Precinct, and that this new interest is questionable. The submitter describes the dwelling as dilapidated, unattractive and as a negative impact on the heritage of the street. The submitter states that they have been a life member |
| Objection to the Amendment is noted.  
Council does not agree with the submitter’s opinion that the Panel hearing for Amendment C37 & C38, and the recommendation from the Executive Director, Steven Avery from Heritage Victoria, deem the house not worthy of heritage protection. The Panel’s recommendation was based on whether or not the property should be included within the Grosvenor Estate Precinct. The recommendation did not consider the individual significance of the property. Similarly, Mr Avery’s recommendation is in regard to the nomination of the house to the Victorian Heritage Register (VHR). Both recommendations do not consider the potential individual significance of the property. |
of the Brighton Historical Society and has never heard of Esme Johnston. She was not an Architect and simply copied an overseas style of building being rectangular with a slanted roof. The submitters asks why people are now trying to fool Council about the houses’ ‘so called’ value to heritage within Brighton and her [Esme Johnston’s] importance with architecture. The submitter states that if Council considers this property to be of heritage value, then Council should purchase the property at a price excluding a Heritage Overlay, then sell the property back to the public with the overlay. The submitter believes that’s that this would be fair and reasonable as the owners purchased the property with no overlay and no idea Council would consider placing an overlay on the house. The submitter states that the dwelling should be demolished as proposed by the land owner.

Council does not agree with the submitter’s view that the house makes a negative impact on the street. The house has been assessed and determined to be of local significance by Council’s heritage advisor. The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment: “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

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**AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS**

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|               | 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV). Council does not propose to make any changes to Amendment C174bays in response to this submission. |

|               | Objection to the Amendment is noted. Council notes the submitter’s reference to the Panel hearing recommendation, which deemed that the property not be included within the Grosvenor Estate Precinct. Council disagrees with the submitter’s view that the house degrades the street, and is of the opinion that the house makes a positive contribution to the street, and to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor. The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment; |

70
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

<table>
<thead>
<tr>
<th>Submission 59</th>
<th><strong>Oppose Amendment C174bays</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRO FORMA SUBMISSION:</strong> The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
<td></td>
</tr>
<tr>
<td><strong>Objection to the Amendment is noted.</strong> Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.</td>
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Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).

Council does not propose to make any changes to Amendment C174bays in response to this submission.
Item 10.6 – Reports by the Organisation

AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

elevated siting to emphasise the buildings height
contribute to the picturesque qualities of the house and
make it a local landmark.”

With regard to the state of the house, it has been
described as reasonably intact with some changes of note.
Council is of the understanding that these changes do not
significantly affect the integrity and intactness of the house
as stated within David Helms Heritage Planning’s
assessment. Further, Council has not received any
evidence which advises that the house is in a state of such
disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is
noted. Whilst Esme Johnston’s contribution to the local
area may be of question, this does not mean that the Esme
Johnston house is insignificant. The property has been
found to be of aesthetic and historic significance. Esme
Johnston’s life has been considered in David Helms
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designed the dwelling at 38 Grosvenor Street in 1929.
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for the works, procuring materials, engaging and
supervising the various builders and tradesmen while
undertaking some of the work herself (Heritage Victoria). In
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Australian Home Beautiful. Johnston remained owner until
1938 when the property was sold to Cecil Nelson (LV).’
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

| Submission 60 | Oppose Amendment C174bays | In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning. Council does not propose to make any changes to Amendment C174bays in response to this submission. |

**PRO FORMA SUBMISSION:** The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment; “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siling to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”
With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer. Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconception of the heritage value of the house, Council is of the opinion that the house is of local
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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<thead>
<tr>
<th>Submission 61</th>
<th>oppose Amendment C174bays</th>
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</thead>
<tbody>
<tr>
<td>12 signatures from additional parties were provided with this submission made by the property owner.</td>
<td></td>
</tr>
<tr>
<td>The submitter and signatories object to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
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Council does not propose to make any changes to Amendment C174bays in response to this submission.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

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In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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<th>Oppose Amendment C174bays</th>
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<tr>
<td>62</td>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.</td>
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Objection to the Amendment is noted. Council does not agree with the signatories’ view that the house does not make a positive contribution to the heritage values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.
### AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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<thead>
<tr>
<th>Submission 63</th>
<th>Oppose Amendment C174bays</th>
</tr>
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<tr>
<td>PRO FORMA SUBMISSION: The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes the dwelling does not</td>
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‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

make a positive contribution to the heritage values sought to be maintained in Bayside. The submitter does not find the dwelling as an aesthetically significant building and is not important to the course of pattern of cultural or historical significance for Bayside. The submitter also writes that they are of the understanding that the dwelling is in a state of disrepair and is not an accurate representation of what it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area. In the submitter’s opinion, Council should not be seeking to include land in the heritage overlay because of a misconceived perception that the land has heritage value, and the property should be demolished as proposed by the land owner.

Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local land mark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

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## AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

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<thead>
<tr>
<th>Submission 64</th>
<th>Oppose Amendment C174bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter believes that the application of the Heritage Overlay to properties at Grosvenor Street and within the Grosvenor Estate Precinct was all dealt with in the mid 2000 to 2010 period. The submitter states that all experts agreed that 38 Grosvenor Street had no significance and would not be included in the Heritage</td>
<td></td>
</tr>
<tr>
<td>Objection to the Amendment is noted.</td>
<td></td>
</tr>
<tr>
<td>Council does not agree with the submitter’s view that heritage matters regarding Grosvenor Street have been ‘dealt with.’</td>
<td></td>
</tr>
<tr>
<td>Council does not agree with the submitter’s view that the house does not make a positive contribution to the heritage</td>
<td></td>
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Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment:

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV).’

In response to the submitters concern that there is a misconceived perception of the heritage value of the house, Council is of the opinion that the house is of local significance, as assessed and identified by David Helms Heritage Planning.

Council does not propose to make any changes to Amendment C174bays in response to this submission.
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

Overlay. The submitter does not find that the dwelling makes a positive contribution to the heritage values of Grosvenor Street or generally, Brighton. The submitter states that the dwelling has no significance and is an unattractive blight on the Street. Further, the dwelling is in a state of disrepair and is not an accurate representation of when it was originally constructed. The submitter is not aware of any significance of Esme Johnston or her contribution to the local area.

values of Bayside. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic significance). As stated in the assessment, “The Esme Johnston House has aesthetic significance as a house with distinctive form, materials and detailing inspired by the Tudor Revival style, which was popular during the interwar period. The authentic use of half-timbering with trowelled render to all the walls, and the very steeply pitched roof and prominent stepped chimney (which combine with the elevated siting to emphasise the buildings height) contribute to the picturesque qualities of the house and make it a local landmark.”

With regard to the state of the house, it has been described as reasonably intact with some changes of note. Council is of the understanding that these changes do not significantly affect the integrity and intactness of the house as stated within David Helms Heritage Planning’s assessment. Further, Council has not received any evidence which advises that the house is in a state of such disrepair that may compromise its significance.

The submitter’s lack of awareness of Esme Johnston is noted. Whilst Esme Johnston’s contribution to the local
| Submission 65 | **Oppose Amendment C174bays**
The submitter objects to the inclusion of 38 Grosvenor Street, Brighton within the Heritage Overlay due to a number of reasons. The submitter states that they are directly affected by Council's decision. The submitter was aware of Amendment 37 & 38 and that the land owner had researched this Amendment prior to their decision to purchase the property. The submitter acknowledges that they have been inside the house at 38 Grosvenor Street, and does not believe that there is significance in its design nor its exterior. The submitter describes the exterior as rotting and that the interior is reminiscent of a 1970s renovation. The submitter also states that the house is poorly laid out and does not cater for the elderly – there are no bedrooms downstairs and the doorways are not wide enough to

|   | area may be of question, this does not mean that the Esme Johnston house is insignificant. The property has been found to be of aesthetic and historic significance. Esme Johnston’s life has been considered in David Helms Heritage Planning’s assessment;

‘Actress, writer and radio announcer, Esme Johnston designed the dwelling at 38 Grosvenor Street in 1928. From its design and approval in 1929 to its completion in 1930, Johnston appears to have acted as project manager for the works, procuring materials, engaging and supervising the various builders and tradesmen while undertaking some of the work herself (Heritage Victoria). In 1931 she described the process in an article written for Australian Home Beautiful. Johnston remained owner until 1938 when the property was sold to Cecil Nelson (LV). Council does not propose to make any changes to Amendment C174bays in response to this submission.

|   | Objection to the Amendment is noted.

Council disagrees with the submitter’s opinion that the house is not significant. The house has been assessed and determined to be of local significance by Council’s heritage advisor.

The property’s significance was identified using the HERCON criteria, which takes into consideration the aesthetic significance of the place. As per the recommendations of Council’s heritage advisor, it was found that the property met Criterion E: Importance in exhibiting particular aesthetic characteristic (aesthetic
AMENDMENT C174BAYS – RESPONSE TO SUBMISSIONS

| allow for wheelchair access. The submitter states that the house is | significance). As stated in the assessment: “The Esme |
| on its last legs and that further deterioration of the house has   | Johnston House has aesthetic significance as a house with |
| occurred to the extent that the house will become completely     | distinctive form, materials and detailing inspired by the |
| unliveable. The submitter exclaims that any cost to remedy these  | Tudor Revival style, which was popular during the interwar |
| issues would be a huge financial imposition which will only be     | period. The authentic use of half-timbering with trowelled |
| borne by the owner – and not to those who are agitating to         | render to all the walls, and the very steeply pitched roof |
| maintain the home. On a final note, the submitter states their    | and prominent stepped chimney (which combine with the    |
| opposition to Council’s decision and believes it must be reversed. | elevated siting to emphasise the buildings height)      |
|                                                                 | contribute to the picturesque qualities of the house and |
|                                                                 | make it a local landmark.”                             |
|                                                                 | Council has not received any evidence which advises that |
|                                                                 | the house is in a state of such disrepair that may     |
|                                                                 | compromise its significance.                           |
|                                                                 | With regard to the layout of the house internally, Council |
|                                                                 | considers that changes can be made, as the potential  |
|                                                                 | inclusion of the property within the Heritage Overlay    |
|                                                                 | does not seek to apply internal controls to the house.  |
|                                                                 | There are many changes that could be made to the house  |
|                                                                 | internally to allow for ageing in place.                |
|                                                                 | Council does not propose to make any changes to         |
|                                                                 | Amendment C174bays in response to this submission.     |
Executive summary

Purpose and background
To present Council with an update on the progress in relation to the development of the draft Affordable Housing Policy for Bayside, following Council’s decision at its 17 December 2019 Ordinary Meeting to:

1. Adopt the Bayside Housing Strategy 2019;
2. Write to all submitters to thank them for their contribution;
3. Receive a report on Council’s Affordable Housing Policy at its 24 March 2020 Ordinary Meeting.

Council, through its Improving Housing Affordability and Social Housing Options in the City of Bayside – Advocacy Action Plan, June 2018, has committed to advocate to:

- Increase the supply of social and affordable housing on State Government Land.
- Encourage and facilitate the private sector to deliver affordable housing stock.

Council has been very active in advocating for increased public housing supply in Bayside, particularly for families, as part of the Victorian Government’s Public Housing Renewal Program, and this advocacy will continue.

Objective 4 of the Bayside Housing Strategy 2019, seeks to facilitate the delivery of social and affordable housing. The intent of the Affordable Housing Policy is to develop a specific approach to facilitate this outcome.

Key issues
In previous discussions with Councillors relating to affordable housing, there has been a strong preference to focus on outcomes for ‘key workers’.

In December 2019, Council Officers were invited to join the Inner South East Affordable Housing Study Project Working Group. The Group is convened by the Inner South East Metropolitan Partnership, who has appointed MGS architects to support the group to develop an approach to facilitate affordable housing outcomes in the Region. Representatives from Boroondara, Glen Eira, Stonnington and Bayside are part of the working group. The University of Melbourne (Affordable Housing Hallmark Initiative) and a number of stakeholders including Swinburne University, various Housing Associations and DHHS have been invited to share their experience with the group.

The group has agreed for ‘Key workers’ to be the focus of this work as it recognises that this cohort does not only provide essential frontline services but is fundamental to the function and vitality of our local and regional economy, which is closely aligned with Council’s intent.

Whilst the Housing Strategy provided the justification and demonstrated need to focus on opportunities to facilitate the increased supply of affordable housing, as well as greater choice and diversity which responds to Council’s obligations under the Victorian Charter of Human Rights and Responsibilities Act 2006, there was little information available specific to ‘Key workers’.
The University of Melbourne, through the Affordable Housing Landmark Initiative, has undertaken a large amount of research specific to ‘Key workers’ to inform the outputs of the Affordable Housing Study project. The findings of this research as they relate to Bayside are summarised below:

- Close to 60% of our local employment qualifies within defined key worker occupations
- 7,011 out of the 17,167 total key workers employed in the municipality live and work in Bayside
- 14,350 are the total of key worker households on very low, low and moderate incomes which constitute a 38% of all households in Bayside.

Council Officers have also been involved in the Inter-Council Forum on Affordable Housing and the Regional Local Government Charter for Homelessness and Social Housing Working Group (facilitated by the City of Monash and comprising 14 Local Councils). The main objective of the working group is to develop a unified, local government response to homelessness and to advocate for major reform to increase the supply of social housing across Victoria.

In progressing this objective, The CEO Forum: Local Government Regional Response to Homelessness reached consensus that adopting a regional charter with three clear leverage points for local government would create the power and pressure for systemic change. This systemic change sought by the coalition of Councils is to influence an increase to the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to seek the move towards housing first as a key foundational principle. This would recognise that a safe home is fundamental for recovery and safety.

The Working Group is currently progressing a principle-based Charter as a response to growing homelessness and social/affordable housing challenges, as well as a joint submission to the Federal Inquiry into Homelessness (facilitated by the City of Frankston). The advocacy position from this work will be presented to Council when available in the coming months.

Based on the information now available to us and to ensure, if possible, alignment with the region to strengthen our advocacy position and approach, an extra time is required to review the Draft Affordable Housing Policy to provide the intended focus on ‘Key workers’. Outcomes of the Regional Charter Working Group and the Affordable Housing Study Project Working Group may result in a review to Council’s Advocacy Action Plan 2018.

Next steps

It is envisaged that a draft Policy will be presented to Council for consideration pending the completion of the review at the 16 June 2020 Ordinary Meeting.

Recommendation

That Council notes the report on the progress in relation to the development of the draft Affordable Housing Policy.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Having safe, secure, appropriate, and affordable housing enables people to engage with and be part of the community. People are better able to work, study, and participate in the community. Social housing remains a scarce resource in Victoria and the Region with the volume of housing applicants exceeding the number of available dwellings.

Based on the findings of the Victoria’s Social Housing Supply requirements to 2036 report, over 30,000 additional dwellings need to be added in the next 20 years if Victoria is to maintain long-term social housing at the current rate of 3.5 percent.

Natural Environment
There are no natural environment issues relevant to this report.

Built Environment
Some interventions for affordable housing could have implications for the built environment. For example, negotiated section 173 agreements could increase affordable housing, through approvals for relatively increased building densities. However, it is recognised that affordable housing outcomes should not have an impact on good design. Council’s future policy will outline the built environment matters relevant to affordable housing.

Customer Service and Community Engagement
There is considerable community interest in the Public Housing Renewal Program and in Affordable Housing more broadly.

This was further echoed through the community consultation undertaken as part of the updated Bayside Housing Strategy 2019.

Human Rights
Access to appropriate housing is considered a basic human right.

Legal
The objectives, role, and functions of a Council under the Victorian Local Government Act 1989 are broad and provide flexibility for Councils to decide the extent to which they respond to the housing needs in their municipality. There are a range of interventions available to Councils to facilitate Affordable Housing.

Finance
There are no financial implications arising from this report.

Links to Council policy and strategy

Community Plan 2025
The identified interventions align with the Bayside Community Plan 2025. In particular with the ‘domains of liveability’ and ‘community aspirations’ relating to:

- Housing and Neighbourhoods
- Community Health and Participation
Council Plan 2017-2021
The options provide an opportunity for Council to meet some of the strategic objectives of the Council Plan 2017-2021. In particular, Goal 3: Housing and neighbourhoods, which includes a strategy to Improve housing affordability (including social housing) and housing needs of various life stages through advocacy.

Bayside Housing Strategy 2019
The Bayside Housing Strategy 2019 recognises the need to advocate for adequate affordable and social housing to meet the needs of the community and provides an objective to ‘facilitate the delivery of social and affordable housing in Bayside.’ The Strategies to achieve this include:

- Continue to implement the Improving Housing Affordability and Social Housing Options in the City of Bayside – Advocacy Action Plan, June 2018; and
- Develop a specific approach to facilitating and delivering more social and affordable housing in Bayside.

Bayside Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA)
The WAAA provides a framework for strategic actions to promote community wellbeing, including through promoting access to accessible and affordable housing that meets community needs across the lifespan.
10.8 RESPONSE TO PETITION - TO INSTALL A PEDESTRIAN CROSSING ON WELL STREET, BETWEEN ST ANDREWS STREET AND CARPENTER STREET BRIGHTON

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: FOL/19/63 – Doc No: DOC/20/62790

Executive summary

Purpose and background

The purpose of this report is to present an assessment into the need for a pedestrian crossing on Well Street, between St Andrews Street and Carpenter Street, Brighton.

At the Ordinary Meeting of Council on 15 October 2019, Council resolved to receive a report on the following petition which includes 143 signatories:

‘We the undersigned hereby petition Bayside City Council to facilitate safe pedestrian and bicycle movements in Well Street, Brighton by installing a pedestrian crossing in the area between St Andrews Street and Carpenter Street.’

This report provides information on the assessment of the need for such works. Notwithstanding the views of some of the pedestrians who use this area, the traffic engineering assessment concludes that the current traffic conditions in Well Street between St Andrews Street and Carpenter Street provide a safe pedestrian environment and ample gaps to enable pedestrians to safely cross Well Street without a formal pedestrian crossing.

Key issues

An investigation into pedestrian safety in Well Street between St Andrews Street and Carpenter Street has been completed. The investigation considered the approval process that the Department of Transport (DoT) applies to pedestrian crossings. Vehicle and pedestrian volumes, posted speed limits and the 5-year crash history were considered as part of the officer investigation.

DoT Approval Process

Pedestrian (zebra) crossings and Pedestrian Operated Signals are classified as ‘Major Traffic Control Items’ and must be approved by DoT prior to installation. In order for DoT to provide approval for such treatments, certain criteria relating to vehicle and pedestrian volumes need to be met.

Are Pedestrian Crossings Warranted?

To determine the existing pedestrian and vehicle volumes, on-site surveys were undertaken between 29 and 31 October 2019. Pedestrian volumes were monitored during 7-9am, 11:30am-1:30pm and 4-6pm within the mid-block section of Well Street where a pedestrian crossing could be installed.

Table 1 lists the minimum DoT criteria required for their approval to install a pedestrian crossing facility.
Table 1: DoT Criteria for Pedestrian Crossing Facilities

<table>
<thead>
<tr>
<th>Type of crossing</th>
<th>Minimum number of vehicles per hour</th>
<th>Minimum number of pedestrians per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Crossing with flashing lights (Zebra crossing)</td>
<td>500</td>
<td>60</td>
</tr>
<tr>
<td>Pedestrian operated signals</td>
<td>500</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 2 indicates the maximum pedestrian and vehicle data recorded in Well Street during the officer investigation.

<table>
<thead>
<tr>
<th>Number of vehicles per hour recorded in the survey</th>
<th>Maximum number of pedestrians per hour recorded in the survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>437</td>
<td>26</td>
</tr>
</tbody>
</table>

The pedestrian volumes were significantly below the DoT criteria to warrant the installation of any form of pedestrian crossing in Well Street between St Andrews Street and Carpenter Street. The summary of the survey results are attached (Attachment 1).

Council officers have written to DoT to test whether DoT would support a pedestrian crossing based on the survey results. DoT’s advice is that a crossing would not be supported and further justification would be needed. The justification would require further surveys to be undertaken, which demonstrate periods of significantly higher vehicle or pedestrian use.

**Safety Assessment**

While the DoT criteria is not met, a safety assessment was also undertaken.

Well Street is classified as a collector road. This section of Well Street has a carriageway width of approximately 13m with dedicated parking lanes provided on either side. The speed limit on Well Street is 50 km/h.

The primary function of collector roads is to provide a linkage between local and arterial road networks. For this reason, collector roads such as Well Street are generally designed to carry up to 10,000 vehicles per day.

Council’s records indicate this section of Well Street carries approximately 5,800 vehicles per day with 85 percent of those vehicles traveling at or below 47.6 km/h. The average speed on Well Street is 39.2 km/h. The volume and speed data is within an acceptable range for a collector road and generally provides gaps for pedestrians to cross Well Street within mid-blocks.

Analysis of the crash history in this section of Well Street between St Andrews Street and Carpenter Street within the last available five year period has identified one pedestrian related crash recorded by the Police / DoT. The location of the crash was not in the vicinity of where the pedestrian crossing was proposed in Well Street and therefore not considered relevant in the assessment process. There are splitter islands located on each approach to the roundabout providing a safe opportunity for pedestrians to cross Well Street in two stages.
Panel Hearing as part of the Car Park Development at 7 Well Street

During the Planning Panel hearing in relation to Council’s proposed planning scheme amendment for 5/7 Well Street, the potential need for a pedestrian crossing in Well Street between St Andrews Street and Carpenter Street was raised in a community submission. Council officers noted that Council would be contacting VicRoads (now DoT) on the matter and the Panel did not consider whether the pedestrian crossing had any merit. As noted earlier in this report, Council officers have contacted DoT and based on the assessment undertaken to date, DoT would not support the installation of the pedestrian crossing.

Conclusion

There is no current basis for installing a pedestrian crossing as:

- The investigation into pedestrian and traffic conditions in Well Street between St Andrews Street and Carpenter Street has revealed relatively low vehicle speeds and ample gaps to enable pedestrians to safely cross Well Street with minimal delay;

- An assessment against the DoT criteria indicates the pedestrian volumes are well below the criteria for both Pedestrian (zebra) crossing and Pedestrian Operated signals (POS); and

- An analysis of the DoT Crash history found no crashes relevant to the proposed location of the pedestrian crossing.

Recommendation

That Council:

1. Does not seek to install a pedestrian crossing on Well Street between St Andrews Street and Carpenter Street at this time.

2. Undertakes further pedestrian and traffic surveys in 12 months to reassess the need for a pedestrian crossing at that location.

Support Attachments

1. Attachment 1 - Survey Data in Well Street Brighton ↓
Considerations and implications of recommendation

Liveable community

Social
There is no direct social impact as a result of this report as the Traffic Engineering assessment indicates Well Street between St Andrews Street and Carpenter Street is currently a safe environment for pedestrians to cross Well Street.

Natural Environment
As no changes are proposed to the existing conditions, there are no impacts on the natural environment to consider.

Built Environment
The provision of pedestrian crossings within mid-block of Well Street between St Andrews Street and Carpenter Street prioritises pedestrian movements over through vehicle traffic, which would have a negative impact upon existing traffic conditions in Well Street.

Customer Service and Community Engagement
This report outlines the result of the investigation into the need for pedestrian crossings in Well Street between St Andrews Street and Carpenter Street based on pedestrian and vehicle movement data. Previous correspondence from community members was reviewed as part of the investigation. As such, no community consultation has been undertaken to inform the outcome of this paper.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
In accordance with the Road Management Act 2004, Council is the responsible road authority for Well Street whilst DoT is the responsible authority for the approval of "Major Traffic Control" items such as pedestrian crossings on any road network.

Finance
Pedestrian (zebra) crossings with flashing lights would likely cost of $100,000, - 120,000 while a set of Pedestrian Operated Signal (POS) has a potential cost range of $260,000 - $300,000. Council would be responsible for installation and on-going maintenance costs.

Links to Council policy and strategy
The Bayside Integrated Transport Strategy (April 2013) and the Bayside Walking Strategy (2015) prioritise walking as a convenient alternative to short vehicle trips in Bayside. The need for any form of pedestrian crossings at this location was not identified in any of the above strategies and/or associated action plans.
**Options considered**

**Option 1 – Recommended**

<table>
<thead>
<tr>
<th>Summary</th>
<th>To maintain the status quo in Well Street between St Andrews Street and Carpenter Street relating to pedestrian crossings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The traffic engineering assessment has found that existing conditions in Well Street between St Andrews Street and Carpenter Street provide a safe pedestrian environment with sufficient crossing opportunities, while minimising traffic delays on this collector road. Within the mid-block section, low vehicle speeds and ample gaps enables pedestrians to cross Well Street with minimal delays.</td>
</tr>
<tr>
<td>Issues</td>
<td>Some members of the community may disagree with this safety assessment given the petition specifically requested a pedestrian crossing.</td>
</tr>
</tbody>
</table>

**Option 2 – Not Recommended**

<table>
<thead>
<tr>
<th>Summary</th>
<th>That Council install Pedestrian Operated Signals (POS) or Pedestrian (Zebra) Crossing with flashing lights in Well Street between St Andrews Street and Carpenter Street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The installation of such devices would provide pedestrian priority over traffic when pedestrians are crossing Well Street.</td>
</tr>
<tr>
<td>Issues</td>
<td>Well Street carries approximately 5,800 vehicles per day. Well Street has a speed limit of 50km/h and the installation of POS would add traffic delays. The number of pedestrians crossing within the midblock section of Well Street is well below the criteria to justify a Pedestrian (zebra) crossing or Pedestrian Operated Signals. Both treatments are unlikely to be supported by DoT. The cost of a single POS is approximately $260,000 - $300,000 while a Pedestrian (Zebra) Crossing has an approximate cost of $100,000 – $120,000. Also subject to detailed design, loss of parking, potential tree removal and achieving sightlines for traffic exiting nearby driveways all must be considered.</td>
</tr>
</tbody>
</table>
Attachment 1 - Survey Data in Well St Brighton

### Date: Tue 29/10/19

**Weather:** Fine

<table>
<thead>
<tr>
<th>Time</th>
<th>Vehicle Movement</th>
<th>Pedestrian Movement</th>
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10.9 RESPONSE TO NOTICE OF MOTION - 288 - FORESHORE LIGHTING

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/20/18 – Doc No: DOC/20/43885

Executive summary

Purpose and background
This report responds to the Notion of Motion raised at the Ordinary Council Meeting on 17 December 2019:

‘That Council receives a report at the March 2020 Ordinary Council Meeting on foreshore lighting that discusses the conditions under which lighting is currently provided, outlines where lighting currently exists and develops an approach to a policy position on the provision, renewal and upgrade of foreshore lights’.

The provision of public lighting, especially on the foreshore can be contentious as it requires a careful balance between the need to provide a sense of safety for people by illuminating areas frequently used at night and protecting built assets, while continuing to ensure that the natural environment is protected.

In considering provision of lighting to provide ‘safe’ and accessible access to the foreshore at night, any foreshore lighting must be provided based on a clear purpose and a balanced decision making process. Consideration must be given to consistency of lighting design, local character and the cost to maintain and replace any lighting. Proposed lighting must be sustainable and energy efficient and mitigate negative impacts on native fauna.

Key issues
The Bayside Coastal Management Plan (BCMP) 2014 provided a broad outline of a Foreshore Lighting Strategy to guide the use and installation of lighting along the Bayside coast. The key elements of this strategy are outlined below:

- Foreshore paths to be lit where they are in popular walking areas and outside ecologically sensitive areas;
- Illuminate car parks and pathways that connect to clubhouses and amenities such as public toilets that are frequently used at night to afford a sense of safety and clear visual passage;
- Provide lighting to Council buildings within the foreshore that are frequently used at night;
- The Bay Trail Shared Path was designated a major pathway that should be lit. This is mostly adequately lit with road lighting; and
- The separated walking and bicycle paths on the foreshore between Head Street and Bay Street Brighton were also recommended for lighting.

These recommendations are considered to be a good general guide for principles of lighting the foreshore at its present level of development and reflects the general extent of lighting that is currently in place.

Current lighting along the foreshore is varied in terms of the type of fittings used, the energy consumed and the light levels achieved.
A number of foreshore masterplans have been completed since the finalisation of the BCMP in 2014, with various recommendations for foreshore lighting. These primarily focus on areas around buildings or high use activity zones.

In particular, the recently endorsed North Road Foreshore Masterplan 2019 identifies that a lighting plan for this precinct is required due to its high use and more formal structure than the southern foreshore precincts. The Masterplan recommends that new energy efficient low level bollard lighting should be installed with older pole lighting infrastructure decommissioned, rationalised and removed where possible to reduce glare and visual clutter.

There are possible budget implications associated with developing a Foreshore Lighting Plan. An indicative lighting budget from the North Road Foreshore Masterplan 2014 was $1.7 million. This estimate included audit, rationalisation, removal and installation of lighting within the foreshore precinct from Head Street to Middle Brighton Baths in Brighton (approximately 1.2 kilometres). Obviously the cost of rationalising all lighting along 17 kilometres of foreshore would be several times this amount.

Another issue is the location and ownership of lighting infrastructure along the foreshore. Some lighting is free standing and owned and maintained by Council; some lighting fixtures are attached to buildings within the foreshore which may or may not have existing leases with Council; and other lighting fixtures may be owned by external utility companies that may or may not have interest in maintaining this infrastructure.

**Recommended next steps**

Development of a strategic lighting plan for the entire Bayside foreshore would be costly and resource intensive. This work would likely result in a foreshore lighting plan costing Council many millions of dollars to implement. It is not recommended to undertake the development of a Foreshore Lighting Plan.

The continued deterioration (over time) of the condition of older foreshore lighting infrastructure and the evolution and improvement of lighting technology and standards makes it necessary to complete a comprehensive audit of all existing foreshore lighting. The outcomes of this work would inform a medium to long term foreshore lighting maintenance and renewal program.

The subsequent foreshore lighting maintenance and renewal program would inform lighting project proposals to be considered as part of Council’s future years annual budget process.

**Recommendation**

That Council consider the allocation of $50,000 as part of the preparation of the 2020/21 Council budget to undertake a complete audit of current Bayside foreshore lighting and develop a foreshore lighting maintenance and renewal program.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The foreshore is under increasing use and pressure and the illumination of areas frequented at night is seen to provide a sense of safety, particularly where amenity or public safety is a significant issue or when the area is used as a significant pedestrian or cycling route.

The provision of lighting the foreshore at night also creates some community concern because there is the perception that the provision of light at night time will attract unwanted uses of the foreshore. Lighting can also create ‘shadows’ and there are various studies detailing the pros and cons of night time lighting in relation to safety.

A foreshore lighting maintenance and renewal program should take Crime Prevention through Environmental Design (CEPTED) principles into account.

Natural Environment
Artificial lighting has been found to impact various nocturnal fauna (particularly microbats) in a range of ways; including roosting and foraging behaviour, habitat use and reproductive success. Lighting can also impact on microbats by altering the composition, distribution and abundance of insect prey. Insects are drawn to lights, disrupting their natural behaviour and increasing their predation risk. This may create favourable foraging conditions for some species but not for others, leading to shifts in microbat community composition.

Generally lighting should not be introduced in conservation areas due to the risk of adverse impact on the diverse ecological communities that inhabit these areas. Similarly, beaches should generally remain unlit, inclusive of informal foreshore tracks to maintain the integrity of the natural environment.

The Bayside Biodiversity Action Plan 2018-2027 does not support lighting in conservation areas, on beaches or unpaved walking trails as it considers lighting these areas inappropriate due to negative environmental impacts.

Built Environment
Lighting is in place within foreshore car parks and around various buildings on the foreshore, such as Life Saving Clubs, kiosks and restaurants and foreshore toilets. Lighting in and around these structures provides clear visual passage and safe access while serving to provide some protection of built assets from damage and break ins. The relevant requirement for lighting built assets should be reassessed as part of development of the foreshore lighting maintenance and renewal program.

Customer Service and Community Engagement
The provision of lighting along the foreshore is likely to raise differing points of view within the community. This has been evident during various consultation processes during the development of individual foreshore Masterplans.
Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal
There are no known legal implications associated with the recommendations in this report.

Finance
It is proposed that Council consider the allocation of $50,000 as part of the preparation of the 2020/21 Council budget to undertake a complete audit of current Bayside foreshore lighting and develop a foreshore lighting maintenance and renewal program.

The subsequent foreshore lighting maintenance and renewal program would inform lighting project proposals to be considered as part of Council’s future years annual budget process.

Links to Council policy and strategy
The development of a foreshore lighting maintenance and renewal program is consistent with the Bayside Council Plan 2017-2021 which seeks to protect, enhance and increase quality open space to meet the needs of our community, particularly Goal 1 Infrastructure:

> Council will work together with Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

Development of a foreshore lighting maintenance and renewal program is also consistent with the recommendations of the Bayside Coastal Management Plan 2014.
Executive summary

Purpose and background

The purpose of this report is to detail the funding issues and recommend possible next steps concerning the proposed Marine Education, Science and Community Centre (MESAC) Feasibility Study.

In March 2019, Council entered into a Funding Agreement with the State Government Department of Jobs, Precincts and Regions (DJPR) to co-fund a Feasibility Study of the MESAC proposal. The Feasibility Study will build on the Investment Logic Map and scoping study previously developed for MESAC. The DJPR funding of $15,000 comes from the Metropolitan Development Fund and was matched with $15,000 of Council funding.

MESAC is a community driven initiative to establish a marine education, science and community facility at Ricketts Point, Beaumaris.

The MESAC Committee has been operating as an incorporated entity since 2013 and has been conducting regular marine related education and community activities. The Committee includes representation from the Beaumaris Yacht Club (BYC), Marine Care Ricketts Point, Royal Melbourne Institute of Technology University (RMITU), Parks Victoria and the Department of Environment Land Water and Planning (DELWP) and was established for the purpose of progressing the concept of a MESAC at Ricketts Point, Beaumaris.

Council as Committee of Management, is the responsible land manager for the coastal Crown land at Ricketts Point, Beaumaris which includes buildings such as the Beaumaris Yacht Club, Beaumaris Life Saving Club and the Ricketts Point Teahouse.

Council has been providing assistance to the MESAC Committee in the development of this project and advocacy for funding from State and Federal governments. Council has not committed any capital funding for this project.

A letter signed by the Chief Executive Officer (Attachment 1) was sent to DJPR on 26 November 2019 requesting an additional $70,000 in funding to complete the MESAC Feasibility Study.

Key issues

Response to request for additional funding

On 5 February 2020 Council received a letter from Ms Sara Harbridge, Executive Director, Office of Suburban Development (Attachment 2) advising Council that due to a limited funding pool, no additional funding is available for the MESAC Feasibility Study.

The response letter also advised that if Council is not able to deliver the Feasibility Study as per the agreed scope Council would be required to return the $15,000 funding provided through the Metropolitan Partnership Development Fund.
Feasibility Study scope

As previously identified by the MESAC committee, the scope of the proposed future building has spaces for BYC use and for projected MESAC use. This includes state of the art technology, wet labs, meeting places, seminar rooms and lecture theatre, office space and storage, environmental library with fossil records and technical aids, and wet changeroom facilities including change facilities for the Disabled Divers Association.

Future funding for MESAC proposal

Two potential consultants were asked to provide an approximate figure of construction costs of the proposed MESAC facility. One consultant suggested a total project cost of $15 million to $20 million for a facility, while the second consultant suggested ‘well over $10 million depending on coastal hazard response and building fit-out’, while also stating they wouldn’t be surprised if total costs were closer to $20 million.

There is currently no capital funding allocated to the MESAC project from any source.

Risks to Council

There is currently no external or Council funding allocated towards the future construction of the proposed MESAC facility. A primary risk is that Council leading and more particularly funding the Feasibility Study of the proposed MESAC facility will likely lead to a community expectation that Council will play a significant role in funding any future construction project.

A secondary risk is that if a Feasibility Study and concept design were completed on a proposed, perhaps $15 million facility, external funding from State, Federal or other external group would likely require Council to provide significant match funding. Again, being involved in and in this case leading the Feasibility Study and design process could create a community expectation that Council will allocate funding to the future construction of the proposed MESAC facility.

It is important to note that while the State Government (through DJPR) has provided some funding for the Feasibility Study, DPJR is noticeably playing a background role and leaving Council to lead the Feasibility Study and design process. Approximately 18 months ago, State agencies were actively participating in this project but would seem to have been unable to garner political commitment to the project.

Next steps for feasibility study – options

There are two options available to Council regarding the Feasibility Study:

- Council discontinues the Feasibility Study and returns $15,000 in funding received from the Metropolitan Partnership Development Fund, while continuing to advocate for external funding for the MESAC Feasibility Study; or
- Council allocates an additional $70,000 to increase the project budget to $100,000 as suggested by would be submitters to the RFQ process.
Recommendation
That Council:

1. Discontinues the Feasibility Study and returns $15,000 in funding received from the Metropolitan Partnership Development Fund.

2. Continues to advocate to State and Federal governments for external funding for the MESAC Feasibility Study.

3. Writes to the MESAC Committee to advise it of these outcomes.

Support Attachments
1. Attachment 1 - Metropolitan Partnership Development Fund - MESAC Feasibility Study - Council request for additional funding 
2. Attachment 2 - DJPR response letter - MESAC Metropolitan Partnership Development Fund - Bayside request for funds
Considerations and implications of recommendation

Liveable community

Social
The MESAC proposal has the potential to further enhance the existing vibrant social activities and connectedness that occurs at Ricketts Point, Beaumaris through education and community activities, marine research and water based activities. This is a community driven project.

Natural Environment
Council’s Coastal Management Plan and Ricketts Point Management Plan outlines the environmental sensitivities and provides guidance for making decisions for Ricketts Point. The scale of a MESAC facility would need to be sensitive to the area and the proposed scope may not be possible at this location.

Built Environment
The existing built infrastructure at Ricketts Point is aging and has been constructed to meet needs over time without a strategic approach.

Customer Service and Community Engagement
Council undertook initial community engagement regarding MESAC and its proposed location as a joint venture with the Beaumaris Yacht Club in February 2014. During this period, community feedback was provided through Council's Have Your Say web page and a listening post held adjacent to the Beaumaris Yacht Club. A stakeholder workshop was held at Council following the listening post.

Feedback from the engagement identified that there was general community support for the concept, though there were concerns raised about the possible look, feel and scale of built form.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
A current funding agreement is in place between Council and the State Government Department of Jobs, Precincts and Regions. This funding agreement includes $15,000 from DJPR with match funding of $15,000 from Council.

If Council is not able to deliver the Feasibility Study as per the agreed scope Council would be required to return the $15,000 funding provided through the Metropolitan Partnership Development Fund.

Finance
Council has not proposed to be a funding partner for the construction and maintenance of the proposed MESAC facility. However, the lack of any government or other funding may result
in stakeholder and community pressure for Council to fund construction of any design that it has been involved in developing.

**Links to Council policy and strategy**

The provision of state of the art scientific research and education facilities is not the purview of Council and does not align with any major strategies or plans.

Coastal Crown land is managed under the *Coastal Management Act (1995)*, consent will be required under this act to undertake any building works at Ricketts Point.

**Options considered**

**Option 1 (Recommended)**

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Council discontinues the Feasibility Study and returns $15,000 in funding received from the Metropolitan Partnership Development Fund, while continuing to advocate for external funding for the MESAC Feasibility Study.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council is not required to allocate further funding to a project that has no current funding for a likely $10 million to $20 million construction project.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Feasibility study and concept design will discontinue, not meeting stakeholders and DJPR objectives.</td>
</tr>
</tbody>
</table>

**Option 2 (Not Recommended)**

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Council allocates an additional $70,000 to increase the project budget to $100,000.</th>
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</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Feasibility study and concept design will continue meeting stakeholders and DJPR objectives.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Additional funding has not been allocated in Council's 2019/20 budget or in Council's 4-year Capital Works Program.  \ Will likely create an expectation that Council will play a significant role in funding any future construction project.</td>
</tr>
</tbody>
</table>
DOC/19/305195

26 November 2019

Mr Ian Richardson
Acting Director, Precincts and Suburbs
Office for Suburban Development
Department of Jobs, Precincts and Regions

Via E-mail: lan.Richardson@ecodev.vic.gov.au

Dear Mr Richardson

Metropolitan Partnership Development Fund – Marine Education Science and Community Centre

In March this year, Bayside City Council entered into a Funding Agreement with the State Government Department of Jobs, Precincts and Regions (DJPR) to co-fund a Feasibility Study of the Marine Education Science and Community Centre proposal - a community driven initiative to establish a marine education science and community facility at Ricketts Point, Beaumaris. The DJPR funded $15,000 from the Metropolitan Development Fund and was matched with $15,000 of Council funding.

Council officers have been working in conjunction with the MESAC committee to scope the Feasibility Study and develop a Request for Quotation (RFQ). This RFQ sought to engage an architectural design company to carry out the Feasibility Study and concept design works to incorporate MESAC within the Beaumaris Yacht Club (BYC) facility at Ricketts Point in Beaumaris.

In August 2019, feedback received during the development of these documents indicated that the current project budget of $30,000 was insufficient and the scope of works would likely cost up to $100,000.

An expected cost of $100,000 for the Feasibility Study results in a funding shortfall of $70,000. There are no further Council funds available for the Feasibility Study.

As such Council is formally requesting DJPR to provide an additional $70,000 so that the Marine Education Science and Community Centre Feasibility Study can commence.

Council's MESAC project contact Damien Van Trier, Manager Open Space, Recreation and Wellbeing can be contacted by email dvantrier@bayside.vic.gov.au or by telephone on 9599 4699 if you have any queries prior to responding to this funding request.

Yours faithfully

Mick Cummins
Chief Executive Officer

Copy: Damien Van Trier
Dear Mr Cummins,

RE: METROPOLITAN PARTNERSHIP DEVELOPMENT FUND – MARINE EDUCATION SCIENCE AND COMMUNITY CENTRE

Thank you for your letter, dated 26 November 2019.

I understand that Bayside City Council is no longer able to deliver the Metropolitan Partnership Development Fund (MPDF) project with the allocated budget of $30,000 ($15,000 MPDF 2018-2019 and $15,000 of Council funding).

The Office for Suburban Development, based in the Department of Jobs, Precincts and Regions (DJPR), provides secretariat and administrative support to the Metropolitan Partnerships. The Common Funding Agreement between DJPR and Bayside City Council is a function of this administrative support. The funding Bayside City Council has received from the MPDF has been allocated by the Inner South-east Metropolitan Partnership.

The Metropolitan Partnerships are advisory groups established by the Victorian Government. It is the Partnership’s role to work with their communities to determine regional priorities and provide independent advice to the Victorian Government of the top priorities for jobs, services and infrastructure across the region. The Partnerships receive $165,000 per year for the MPDF and determine budget allocations based on what members agree will support and enhance regional priorities.

The MPDF budget for 2018-2019 has been exhausted, therefore, if Bayside City Council cannot complete the project as agreed, you will need to return the funding to the Inner South-east Metropolitan Partnership, via the Office for Suburban Development. The Inner South-east Metropolitan Partnership will determine how this funding will be reallocated.

If you would like to discuss this matter further, please contact Ms Jo Richardson, Manager Partnerships on jo.richardson@ecodev.vic.gov.au or 03 8392 7772.

Yours sincerely

Sara Harbridge
Executive Director
Office of Suburban Development

05/02/2020
10.11 CHELTENHAM FOOTBALL NETBALL CLUB LOAN GUARANTEE

Corporate Services - Finance
File No: PSF/20/11 – Doc No: DOC/20/48043

Executive summary

Purpose and background
For Council to consider a request from the Cheltenham Football Club Inc. to act as guarantor for a loan up to $30,000 for a period of 5 years.

The Cheltenham Football Club requires the funding to complete the upgrade of its existing sportsground lighting from 100 lux halogen to more efficient 150 lux LED globes, an upgrade to the electrical power supply, as well as the installation of an electronic scoreboard at Cheltenham Recreation Reserve.

The electronic scoreboard and upgraded lighting will provide the club with additional income producing opportunities such as hosting twilight football which will be used to promote women’s football as well as hosting fundraising events like movie nights.

Key issues
Assessment of the application against the loan guarantee policy criteria

<table>
<thead>
<tr>
<th>Policy Criteria</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Where it is demonstrated that the project will provide essential services or a clear benefit to the community.</td>
<td>✓ In 2020, The Club headed into its 130th year, competing in the Southern Football Netball League (SFNL), fielding three senior football teams, an under 19 team, and five netball teams.</td>
</tr>
<tr>
<td>ii) The Applicant will provide a minimum of 20% of the capital cost of the project excluding government grants and other external funding.</td>
<td>✓ The total cost of the project is $275,000. The club is contributing 20% of funding for the project with a $55,736 cash contribution, has secured a grant from State Government of $189,264 and is seeking a loan guarantee from Council of $30,000.</td>
</tr>
<tr>
<td>iii) The guarantee term is within the Council agreed benchmark terms (Refer Loan Guarantee Policy).</td>
<td>✓ The loan term is 5 years which is within the maximum allowable term for loans &lt; $50,000</td>
</tr>
<tr>
<td>iv) The Applicant has completed and agreed to all items in the Loan Guarantee Compliance Statement.</td>
<td>✓ Compliance statement has been signed as part of the application</td>
</tr>
<tr>
<td>v) Borrowings are only to be used for the construction and/or acquisition of capital assets on Council owned or controlled land that will be vested in and ultimately controlled by Council.</td>
<td>✓ The lighting infrastructure will be vested in Council.</td>
</tr>
</tbody>
</table>
vi) The Applicant is a “not for profit” organisation and has an incorporated status. ✓ Confirmed

vii) The life of the asset exceeds the life of the loan guarantee ✓

viii) The term of the loan shall not exceed the term of the existing lease agreement. The lease agreement refers to the agreement between Council as landlord and the community organisation. • The Club has a winter 2019 pre-season allocation agreement in place.

ix) The loan must not include a redraw facility • To be a condition of the loan agreement on execution of documents.

Subject to confirming that the final loan agreement conditions exclude a redraw facility and noting that the Club does not hold a long-term lease agreement, the application meets the policy criteria.

All applicable documentation has been received including copies of quotes for works to be completed, the last two year’s financial statements, financial model covering the 5 year loan period, and a signed loan guarantee compliance statement.

**Recommendation**

That Council

1. Act as loan guarantor for the Cheltenham Football Club Inc. for $30,000 for a maximum of 5 years to complete the upgrade of its existing sportground lighting from 100 lux halogen to more efficient 150 lux LED globes, upgrade the electrical power supply and install an electronic scoreboard at Cheltenham Recreation Reserve.

2. Authorises the necessary loan guarantee documentation to be signed and affixed with the Bayside City Council common seal.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The endorsement of this loan guarantee by Council, in support of the Cheltenham Football Netball Club’s installation of an electronic scoreboard and an oval lighting upgrade to LED will have positive benefits for the community by supporting sporting activities and social connectedness. As well as providing increased opportunities for the Club to promote Women’s Football.

Natural Environment
The replacement of globes to LED provides a more environmentally friendly lighting solution and reduced energy consumption than the current outdated globes.

Built Environment
No Implications for this report

Customer Service and Community Engagement
There is no community engagement required for this report.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
The loan guarantee documentation requires Council’s Common Seal. This requires a specific resolution of Council.

Finance
Council’s Loan Guarantee Policy requires Council’s loan guarantee commitments to be in the order of 1.5% of the annual revenue of rates and charges. Loan guarantees are measured on the basis of the outstanding balance of loans guaranteed by Council. The threshold based on the 2019/20 rates and charges budget is $1,468,000. The balance of approved outstanding loan guarantees at 30 June 2019 is $159,149. Council has the capacity to approve additional loan guarantees of $1,308,851 before reaching the threshold. Therefore this request from the Cheltenham Football Netball Club can be accommodated within the Council Policy Limit.

Links to Council policy and strategy
The loan guarantee application has been considered in accordance with Council’s Loan Guarantee Policy and Loan Guarantee Application Procedure.
Executive summary

Purpose and background

The Higinbotham Hall Committee of Management (HHCOM) has been seeking to terminate its role of managing Higinbotham Hall and hand full control of the building back to Council for some time. This report seeks to commence the process for Council to initiate the appropriate formalities.

Higinbotham Hall was utilised as a public library for much of the 20th century up until 1978 by the former City of Brighton. Council owns the land, including Higinbotham Hall, as Trustee of the Brighton Free Library Charitable Trust (Trust).

The HHCOM was delegated the Committee of Management in 1979 and has utilised the building over that time for multiple tenancies, using the income to meet the basic expenses incurred managing the building. The current tenant composition is outlined below:

- The Brighton Dance Studio, which currently occupies the first floor and half of the ground floor;
- The Red Cross, which currently occupies a room on the ground floor, and;
- A meeting room utilised for various community groups and local business who hire the space on an ad-hoc basis.

HHCOM has advised that the Red Cross will vacate their room in August 2020 after their final general meeting, and the Ballet School will continue to occupy both of the floors on the basis of two Memorandum of Agreements, both of which have expired. The total income for the whole building is approximately $17,000 per annum and expenditure is of a similar order.

Key issues

Next Steps

The proposed legal process requires Council to remove The Brighton Free Library charitable trust which currently affects the land at 104 Bay Street, Brighton on which Higinbotham Hall is situated. Council is advised that to achieve this outcome, a three stage process will need to be completed as follows:

Stage 1 – Council’s Chief Executive Officer will be required to send a letter to the Minister for Local Government to begin the process. This would include a certified declaration that the land which was used as a library until about 1978 is no longer required for library purposes. This declaration to be made under section 43(6) of the Libraries Act 1988, Library Purposes Trusts Regulations 2010.

If the Minister is satisfied that the land has been used for library purposes then Council can proceed to the next stage.

Stage 2 – Once the section 43(6) declaration has been obtained, Council’s Lawyers would prepare and submit an application under section 43(8) for authority to transfer land formerly used for library purposes. At that stage Council would disclose the existing leases or licences granted by Council’s Committee of Management to the Red Cross and the Brighton Dance Academy. Within 14 days of submitting the application Council will advertise that it has made
a submission in two newspapers followed by 30 days during which the public can submit objections to the Minister. Following this process if the Minister determines the land is no longer required as a library, it is in the public interest to grant the application and there are no court proceedings pending regarding the use, the land may be transferred to Council.

**Stage 3** – Once the ministerial approval is received, Council’s solicitors will prepare a land transfer and submit it to land registry to discharge Council from the trust and to free the land from all trusts, conditions, restrictions, limitations etc.

**Recommendation**

That Council:

1. Provides the CEO, Mayor and a Councillor with the authority to execute a notice under the Libraries Act 1988 requesting the Minister for Local Government under Section 43(4) and under Section 43(6) to make the required declaration that the use as a library is no longer required.

2. If the Minister is satisfied and the process moves to Stage 2, commences the advertising of Council’s intention to complete Stage 2, whereby interested members of the public have 30 days to submit objections to the Minister.

**Support Attachments**

Nil
Considerations and implications of proposition

Liveable community

Social
This process will release the Council from the restriction of being a trustee and will also extinguish the role of the Higinbotham Hall Committee of Management. This will come as a much needed relief to those remaining members of the committee who desire to be discharged from their duties.

Natural Environment
There are no natural environment implications related to this report.

Built Environment
The building requires on-going maintenance and some certainty regarding the long term future use, to enable appropriate capital and remediation repairs to be undertaken.

Customer Service and Community Engagement
The proposed process includes a thirty day opportunity during which the public may provide comments to the Minister of Local Government.

Human Rights
There are no Human Rights issues associated with the report.

Legal
The proposal to extinguish the HHCOM and Council as Trustee will be managed on Council’s behalf by its Solicitors. The report notes the legal process to unwind the Trust.

Finance
The legal costs will be in the region of $7,000 plus GST. There is cash assets of approximately $46,000 held by the Committee of Management.

Links to Council policy and strategy
The proposal is consistent with the goals of the Property Strategy 2018 to ensure that Council’s property holdings are used to leverage strategic outcomes.
**Options considered**

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Not to proceed with the process (this is not recommended).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No legal costs will be incurred.</td>
</tr>
<tr>
<td>Issues</td>
<td>The building will continue to deteriorate and the HHCOM will struggle to manage the building and tenancies as members of the HHCOM choose to retire from their roles. The HHCOM are seeking to wind up the committee and return management to Council.</td>
</tr>
</tbody>
</table>

**Option 2**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Proceed with the process (recommended).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Enable the Trust and HHCOM to be extinguished, enable Council to assess the future plans for the building clear of all encumbrances. Supports the will of the HHCOM to hand control of the building to Council.</td>
</tr>
<tr>
<td>Issues</td>
<td>The Minister for Local Government may receive objections to the extinguishment of the Trust which may prevent the process from being completed.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

The purpose of this report is to seek a resolution to commence the statutory procedures to enable Council to propose a 30 year ground lease with the existing tenant Sandringham Golf Links Management Pty Ltd, for the entire Sandringham Golf Links facility located in Cheltenham Road, Cheltenham.

A request has been received from Sandringham Golf Links Management (SGLM) for a new 30 year lease due to the investment of over $18M in the course and desire of the State Government to maximise the benefit of its significant investment.

The first nine holes of the course were opened recently, with the upgrade of the second nine currently under construction. It is anticipated that the fully redeveloped course will open in November 2020.

Officers have also been advised that the golf consortium will not sign final contracts for the building construction work until the lease process has been formalised. At this stage no sub-tenancy agreements have been reached as the proposed lease has not been determined. Building construction had been originally scheduled to commence in February 2020.

It should be noted that SGLM is a separate company to Royal Melbourne Golf Club (RMGC) and is required to trade in its own right, noting it benefits significantly from the expertise attributable to the groundskeeper at RMGC.

Council will be the beneficiary of over $18M in improvements at the end of the lease and will not have to maintain any of the tenant’s works for duration of the lease.

Key issues.

Heads of Agreement

A Heads of Agreement, (the terms of which are subject to the approval by Council and the outcome of the proposed S190 and S223 process) has been signed by the tenant with the key terms summarised below:
Commencement Date: Date of Council Resolution to lease the premises
Term: 5 years
Lease Type: Ground Lease
Options for Further terms: 5x5 year terms
Commencing Rent: $504,000 plus GST per annum
Non-Resident Green Fees: $2.50 additional fee for each booking by a non-resident playing golf
Rental Review: Market Review at the commencement of each term and reviewed every other year annually by Consumer Price Index Melbourne All Groups (CPI)
Permitted Use: The conduct of a Public Golf Course; golf-related activities, including (including but not limited to) physio, teaching, training, outdoor fitness programs; administration; café including catering; community garden; retail golf services
Hours of Operation: Golf Course Hours: Sunrise to Sunset, Offices, Function Room Hours: 7:00am – 12:00am (Midnight)
Tenants Works: Completing those works contained within the Planning Permit including but not limited to the construction of a new building to support the permitted use.

Term

The proposed 30 year lease is deemed appropriate given the significant investment into the site which is the result of a State Government commitment into the future of golf and associated activities. At the completion of the capital works, the majority of buildings will have been replaced on the site, dam capacity increased, irrigation replaced and all the holes upgraded.

30 years is a longer term than normally agreed, however, the investment is considerably more than any other tenant project for Council. The benefit to Council of this arrangement is that it maintains a good head tenant in SGLM who will maintain its improvements for an additional 15 years beyond the current lease. This reduces future maintenance obligations on Council.

Rental

The proposed commencing rent is recommended as being the current market rent. A Market Rental Valuation was completed on 7 February 2020, and set the rental at $504,000 plus GST per annum. The proposed lease is also subject to an additional consideration of the non-resident fees of approx. $90-$100,000, once the course is operating at its optimum.

This approach is consistent with the existing lease. It would allow for a review of the profitability of the course (income and expenditure) to be considered in setting the rental amount at each 5 year option.

With the decline in golf participation, the current market valuation for the golf course has reduced from previous years. It should be noted the recent rent review considers the potential of the upgraded facility.

Based on the current rent review total income due to the lease would be in the order of $600,000pa.
Tenure

The tenant is seeking a total of 30 years, with the initial term being 5 years plus a further 5x5 year options. This is supported on the basis that all tenant improvements will be maintained by the tenant for a further 15 years saving significant future cost to Council. This is a beneficial outcome for Council whilst also providing security of tenure for the investment made into the course by the tenant and proposed subtenant.

Lease Purpose

The lease purpose will be amended to include the new uses of high performance golf, training, rehabilitation, golf administration, retail golf services and driving range. This is required to allow the modified usage as part of the course upgrades.

Operating Hours

New facilities include office and meeting spaces. The operating model requires these to be operable until 12am (midnight). The course is currently open 7:00am to dusk. This is a change from the current opening hours however, there are no nearby residences to the administration and high performance areas which would be potentially in use after dusk.

The existing planning permits allow for the hours to coincide with the opening of the course however may be amended with the written consent of the Responsible Authority. The liquor licence runs 10:00am to 11:00pm.

This is supported to allow the administration areas to function in accordance with the revised use under the planning permit.

Subtenancy

The lease also provides for sub-tenancy agreements with Landlord consent and the tenant has advised that it is their intention to enter into a sublease with Golf Victoria/PGA who will occupy offices and the redeveloped facilities.

Lease Plan

The proposed lease plan formalises the return of land associated with the Sandringham Family Leisure Centre to accommodate future expansion of Basketball. It also excises land associated with a telecommunications facility.
Recommendation

That Council:

1. Commences statutory procedures under Sections 190 and 223 of the Local Government Act 1989 to lease the whole of the Sandringham Golf Links facility located in Cheltenham Road, Cheltenham, to the current tenant on the below terms:
   - Commencement Date: Date of Council Resolution to lease the premises
   - Term: 5 years
   - Lease Type: Ground Lease
   - Options for Further terms: 5x5 year terms
   - Commencing Rent: $504,000 plus GST per annum
   - Non-Resident Green Fees: $2.50 additional fee for each non-resident
   - Rental Review: Market Review at the commencement of each term and reviewed Every other year annually by Consumer Price Index Melbourne All Groups (CPI)
   - Permitted Use: The conduct of a Public Golf Course
     - Golf-related activities, including (including but not limited to) physio, teaching, training, outdoor fitness programs
     - Administration Café including catering Community Garden Pro Shop retailing
   - Hours of Operation: Golf Course - Sunrise to Sunset, Offices, Function Room - 7:00am – 12:00am (Midnight).

2. Directs that under Section 190 and 223 of the Local Government Act 1989, public notices of the proposals to lease the Sandringham Golf Links facility located in Cheltenham Road, will be given.

3. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the lease proposal.

4. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 6 May 2020 at 6:30pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.

5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.

Support Attachments

1. Lease Plan for Sandringham Golf Links
Considerations and implications of proposition

Liveable community

Social
The upgrade currently underway will provide improved facilities, on-course infrastructure and improved golf benefits. Land is also returned to support future expansion of the Sandringham Family Leisure Centre.

Natural Environment
The proposal does not offer any additional benefits in terms of the natural environment.

Built Environment
The current proposal does not offer significant benefits in terms of the built environment as the tenant was proposing construction under the existing lease terms. Additional tenure will mean the tenant’s improvements are the tenant’s obligation to manage for a longer term, reducing Council future costs.

Land is formally returned associated with future development of the Sandringham Family Leisure Centre.

Customer Service and Community Engagement
This report proposes to undertake the statutory processes under section 190 and 223 of the Local Government Act 1989, which will result in the opportunity for the public to provide feedback to the proposed lease.

Human Rights
There are no Human Rights issues associated with the report.

Legal
Council must undertake statutory consultation processes associated with the proposal to lease and consider any submissions prior to making a decision. If Council ultimately resolves to issue a new lease, Council will be required to draft a new Head Lease which will incorporate a surrender of the existing lease. The lease sets the legal parameters for the setting of rent at the start of a new options.

Finance
A Market Rent Review was recently completed which set the rental at $504,000pa plus the additional income from non-resident fees of approximately $100,000pa when the course is fully operational. This followed a valuation conference and took into account comparison to other premium public golf courses. The rent proposed for the new lease is also $504,000pa plus GST and the lease will include a provision for the tenant to continue collecting a $2.50 fee from every non-resident playing on the golf course.

Links to Council policy and strategy
The upgrade is consistent with the goals of the Property Strategy 2018 with increased patronage. The Leasing Policy 2018 is the key policy related to this proposal.
## Options considered

### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Not commence statutory process and retain the existing lease.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council retains the existing lease and tenancy and no further negotiations are required. By retaining the current lease Council retain the option of going back to market in 15 years however there is no guarantee a higher market rental being achieved or maintained following a new EOI process.</td>
</tr>
<tr>
<td>Issues</td>
<td>Significant disruption likely to the operation of the golf course and potentially the viability of the golf course itself. May impact construction of the buildings associated with the redevelopment. Those multiple parties involved in the process including Golf Victoria and PGA may withdraw support as State Government may cease to make further investment in the premises, including renewing clubrooms. Golf is in decline, so a facility which has poor clubrooms may not achieve ongoing sustained patronage.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

This report seeks to authorise the Chief Executive Officer to execute a new 20 year lease to Bruce Green Mini Golf Pty Ltd for the mini-golf premises located at 20 Wangara Road, Sandringham.

On 30 November 2015, Council provided Landlord Consent to Golf Driving Range (Sandringham) Pty Ltd to sub-let part of what was then the Sandringham Golf Driving Range, 18-20 Wangara Road, Sandringham, to Bruce Green Mini Golf Pty Ltd.

On 30 September 2019, Council took possession of the Sandringham Golf Driving Course including the mini-golf premises. Concurrently, Council stepped-in as the landlord of the lease for the mini-golf course facility, the tenant being Bruce Green Mini Golf Pty Ltd. The current mini-golf lease is due to expire on 31 December 2023. The existing lease agreement provides the tenant with a rent free period until 1 August 2021. The removal of the driving range business from the site requires the mini-golf tenant to significantly alter its business model which will be further disrupted during the construction of the netball centre.

On 20 September 2019, the tenant agreed to accept a rent free period, to mitigate the forecast financial losses arising from the disruption to the tenant’s business whilst Council undertakes works associated with the development of the netball centre. The agreement included a new lease to commence on 1 October 2019, all of which is subject to Council approval and a formal statutory process.

Below is an outline of the proposed terms of the new lease:

- **Proposed Use:** For the primary purpose of providing mini golf services and for restaurant/café and other ancillary use
- **Premises:** Area 1 and Area 2 of the lease plan.
- **Commencement Date:** 1 October 2019
- **Term:** 10 years
- **Option for further term:** 5 years + 5 years
- **Expiry Date:** 30 September 2039
- **Proposed Rent:** Market rent as assessed by Council’s Valuer
- **Proposed Rent Free Period:** 1 October 2019 – 1 January 2027
- **Rental Escalation:** CPI to be implemented annually on 1 January after 2027.

At the November Ordinary Meeting of Council held 19 November 2019 Council resolved to commence statutory procedures to propose a lease under Section 190 and 223 of the Local Government Act 1989.
Key issues

Submissions Special Council Meeting – 5 February 2020
Council received one submission in regards to the proposed lease. On 5 February 2020 Council convened a Special Committee of Council to hear from the submitter where concerns were raised regarding the process Council was undertaking.

Officers confirm that the proposed lease was advertised in accordance with S190(3)(b).

Surrender of the current lease and grant of new lease
If Council approves to proceed with the lease, Bruce Green Mini Golf Pty Ltd will be required to surrender their current lease simultaneously at the commencement of the new lease. Council has agreed, wherever possible, to reflect the terms of the current lease in the new lease including the exclusive occupation of the building previously shared with the now ex-head lessee.

The lease will provide exclusive use of Area 1 and Area 2 (see attachment) and incorporate a licence for the tenant to utilise the car park and land between Area 1 and Area 2. A boundary fence will be erected to demarcate the extent of the lease for mini-golf and the future tenancy of the netball facility.

The tenant has agreed, subject to Council’s statutory process and any subsequent decision, to surrender their existing lease and to enter into a new lease with Council to operate a mini-golf facility at the site. Officers consider this option ensures that the site can continue to be activated during the construction of the netball facility. It also provides for the tenant to be supported through the financial disruption to the business during construction by providing a rent free period to December 31st 2026, thus enabling them to re-establish the business and make the necessary improvements before a market rent is payable in 2027.

Recommendation
That Council authorise the Director Corporate Services to execute a new lease to Bruce Green Mini Golf Pty Ltd on the following key terms:

| Proposed Use: | For the primary purpose of providing mini golf services and for restaurant/café and other ancillary use |
| Commencement Date: | 1 October 2019 |
| Term: | 10 years |
| Option for further term: | 5 years + 5 years |
| Expiry Date: | 30 September 2039 |
| Proposed Rent: | Market rent as assessed by Council’s Valuer |
| Proposed Rent Free Period: | 1 October 2019 – 1 January 2027 |
| Rental Escalation: | CPI to be implemented annually on 1 January after 2027. |

Support Attachments
1. Mini Golf Lease Plan ↓
Considerations and implications of proposition

Liveable community

The proposal will not have a detrimental impact on the local environment as the mini-golf facility has operated without any issues in the past; rather it will be beneficial to both the immediate and surrounding community through the opportunity of greater utilisation.

Social

Mini-golf is a leisure activity which can be enjoyed by all members of the family and encourages children, who may otherwise not engage in golf, to do so in a fun and practical way, irrespective of ability.

Natural Environment

Beyond removal of overgrown weeds and grass in Area 2, there will be no significant removal or disturbance of vegetation as a result of the lease and any future plans, other than the re-instatement of mini-golf in Lease Area 2.

Built Environment

The building is in good condition. The tenant has indicated that it plans to open up more of the building to accommodate more seats for those utilising the cafe.

The mini-golf elements in Lease Area 1 are in good condition and the tenant has indicated that it plans to re-open Lease Area 2 once it has completed a refurbishment of mini-golf holes which will not commence until the significant netball works have been completed.

Customer Service and Community Engagement

Council has completed the statutory procedures under section 190 and 223 of the Local Government Act 1989 whereby the community has been given the opportunity to either make a submission in support or objection to the proposed lease.

Human Rights

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal

Council will utilise a template agreement which has been provided by Council's legal representatives, to draft final terms of a lease with the tenant.

Finance

As part of the proposal, the tenant has accepted Council’s proposed leasing terms (subject to Council approval) as outlined earlier in this report. The key terms agreed to are as follows:

1. The tenancy will be rent free until 31 December 2026;

2. Per annum escalation is equal to C.P.I Melbourne All Groups.
The retention of the mini-golf facility on the site provides a future revenue stream to partly offset the loss of rental associated with the golf driving range.

**Links to Council policy and strategy**

The following policies are also associated with the delivery of the strategy:

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
### Options considered

#### Option 1  Enter into a lease for the Sandringham Mini Golf

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council resolves to proceed in accordance with the Officer recommendation. This option provides the Chief Executive Officer to lease the land to the current tenant for 20 years.</th>
</tr>
</thead>
</table>
| Benefits | In agreeing a rent free period, Council is providing suitable compensation to an established tenant as they begin to experience the financial impact which the closure of the Golf Range will have on the mini-golf business and the business interruption arising from the Netball development works.  
Further, having a tenant in-situ in the period leading to and during the development works will provide some surveillance for the remainder of the site. |
| Issues   | Council is forgoing rent until 31 December 2026 during which time the tenant will have the opportunity to re-establish the business offering. |

#### Option 2  Not proceed with a new lease or statutory process

<table>
<thead>
<tr>
<th>Summary</th>
<th>Bruce Green Mini Golf Pty Ltd is now a tenant of Council where Council has stepped in as Landlord. If Council were not to proceed with Option 1, the potential impact on the tenant will be substantial as the business is operating at a minimal level since the driving range has closed and will continue to be impacted during the proposed redevelopment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council will be entitled to rent of $2,000 per month from 1 August 2021 for the duration of the lease on 31 December 2023 noting that the potential impact of such rent may make this a financial impossibility for the tenant, as the business is already challenged since the closure of the golf range.</td>
</tr>
</tbody>
</table>
| Issues   | Council risks litigation if it does not proceed with a new lease.  
Under the existing lease the Head Tenant paid all outgoings so Council would be required to pay utility costs associated with the remainder of the lease period. |
Executive summary

Purpose and background

This report seeks a Council resolution in accordance with Section 189 of the Local Government Act 1989 (Act) with regard to the proposal to sell part of the drainage reserve adjoining the rear of 15 Berwick Street, Brighton, as identified in red in Attachment 2, to the adjoining owner of 15 Berwick Street, Brighton for the amount of $105,000 plus GST.

The Borough of Brighton was the last registered owner of the drainage reserve. Following Council amalgamations in 1994, Bayside City Council is now the successor in law and therefore identified as the registered proprietor of the subject land as shown in Attachment 3.

The owner of 15 Berwick Street has unlawfully occupied approximately 54 square metres of the drainage reserve abutting the rear of the site as identified in Attachment 2, and has been utilising the subject land for over 45 years.

Officers have contacted the owner of 15 Berwick Street, Brighton, who acknowledges the encroachment on Council land, and has consequently agreed to purchase the land.

The land is identified as part of the drainage reserve and part of Tovell Street on LP8278 as shown Attachment 1.

Council, at its 17 December 2019 Ordinary Council Meeting, considered a report regarding this proposal and resolved:

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, for the sale of the subject property being a portion of the drainage reserve to the adjoining owners of 15 Berwick Street, Brighton, highlighted in Attachment 2.

2. Advertise the Public Notice outlining the proposal in accordance with Section 223 of the Local Government Act 1989 including the sale of the land for $105,000 plus GST.

3. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 6:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Public Notice was provided in accordance Section 223 of the Local Government Act 1989 (Act) and no submissions were received.
Key issues

Easements
The subject land contains sewer and drainage easements pertaining to South East Water and Bayside City Council, communication assets pertaining to United Energy, NBN and pipeline assets pertaining to Multinet Gas.

If sold, the current easements will be required to be retained on title in favour of South East Water, United Energy, NBN, Bayside City Council and Multinet Gas.

Upon the sale of the subject land Officers will advise the Purchaser to extinguish the drainage reserve status of the land via an application under Section 24A Subdivision Act 1988.

Objections to Sale
As the subject land adjoins the rear of 15 Berwick Street and has been exclusively occupied for a substantial period of time, it was offered to the owner of 15 Berwick to purchase.

Public Notice has been provided in accordance with Section 223 of the Local Government Act 1989, whereby no objections to the sale of the subject land were received.

Conclusion
Officers consider that the proposal to sell the subject land to the adjoining owner of 15 Berwick Street, Brighton for the amount of $105,000 plus GST, is viable and able to be carried out to the satisfaction of all parties involved.

Recommendation
That Council:

1. In accordance with Section 189 of the Local Government Act 1989, resolve to sell the subject land highlighted in red in Attachment 2, to the adjoining owner of 15 Berwick Street, Brighton, for the amount of $105,000 plus GST.
2. Authorise the Director Corporate Services to undertake the necessary procedural steps to sell the subject land to the adjoining owner of 15 Berwick Street, Brighton by way of private treaty.
3. Retain all easements on title as required, in favour of the appropriate Authorities.

Support Attachments
1. Attachment 1 - Drainage Reserve Plan
2. Attachment 2 - Subject Property
3. Attachment 3 - Title
Considerations and implications of recommendation

Liveable community

Social

The proposal will provide property owners with an opportunity to gain title to the subject land which is no longer required for municipal purposes.

Natural Environment

There are no impacts associated with this report.

Built Environment

The subject land currently contains assets required for communications, gas pipeline, sewerage and drainage purposes, in favour NBN, United Energy, Multinet Gas, Bayside Council and South East Water.

Through easement rights, these assets will be retained if the subject land was to be sold, and the Purchaser will be advised to complete an application under Section 24A Subdivision Act 1988 to remove the drainage reserve status of the land.

Customer Service and Community Engagement

Council advertised its intention to sell the subject land in the local Bayside Leader Newspaper and The Age as well as on its public website throughout the advertising period. Council received no submissions opposing the sale.

Consultation has been undertaken with all relevant Council departments and external service authorities.

No objections have been received from both internal and external service authorities.

Human Rights

There are no Human Rights issues or implications identified in relation to this report.

Legal

Should Council resolve to sell the subject land adjoining 15 Berwick Street, Brighton, this must be done so in accordance with Section 189 of the Local Government Act 1989.

Alternatively Council can authorise to retain the subject land in Council ownership.

Finance

Council’s independent Valuer, Matheson Stephen Valuations (MSV), has valued the subject land at $105,000 (exclusive of GST).

In accordance with Council Policy, the subject land has been allocated to the adjoining property owner as shown in red in Attachment 2. The purchase price for the subject land to be sold is shown in the below table.
Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 Berwick Street, Brighton</td>
<td>54.85m²</td>
<td>$105,000</td>
<td>$10,500</td>
<td>$115,500</td>
</tr>
</tbody>
</table>

The adjoining property owner has signed conditional ‘Cost Agreement’ to purchase the subject land for the combined sum of $115,500 including GST if it can be sold.

**Links to Council policy and strategy**

The sale of roads and right of ways and drainage reserves policy provides for the sale of subject land.

**Council’s Property Strategy Principle One**

Seeks Council to maximise community benefit and public value from the property portfolio.

**Council Plan Goal 7 – Financial Responsibility and Good Governance**

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Land Plan 8278

Subject Property Outlined Approximately in Red

Delivered by LANDATA®. Land Use Victoria timestamp 23/6/2018 14:55
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PLAN OF SUBDIVISION OF
PART OF DENDY’S CROWN SPECIAL SURVEY
PARISH OF MOORABBIN
COUNTY OF BOURKE
VOL.4/144 FOL.550
Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

LP 8278
EDITION 1
PLAN MAY BE LODED
03/05/21
COLOUR CODE
E-T = BROWN
ROADS COLOURED BROWN

Attachment 1 - LP 8278 & Drainage Reserve Plan
Road and Drainage Reserve Plan

Subject Property to be Sold Outlined in Red
Attachment 2 – Subject Property to be Sold

Subject Property to be Sold

Portion of Road and Drainage Reserve Enclosed in Red

External View of Encroachment from Tovell Street
Item 10.15 – Reports by the Organisation

Attachment 3- General Law Title

Re:-

PROPERTY:- Part Dendy’s Crown Special Survey, Parish of Moorabbin.

YOUR REF:-

A search for the Last Registered Owner of the above property resulted with copies of the following:-

1. L.A.S.S.I. For Current Map Base Information.
2. SKETCH OF LAND SEARCHED.
3. CONVEYANCE No: 328, No: 340 to BOROUGH OF BRIGHTON. (Last Registered Owner)
4. PLAN IN APPN: 2432! Showing the land remaining in the above Conveyance.
5. 26P:- NIL, see sheet attached.

14.11.2018

Graeme W. Keenan,
FEIGL & NEWELL
GPO BOX 2343
Melb. 3001
Ph. 9629 3011
Email. info@feigl-newell.com.au

DISCLAIMER:- A search for the last registered owner may not disclose all easements, subsisting interests affecting the above property or guarantee the consistency of the Chain of Title.

Due to changes in procedures at the Lands Titles Office, this search is as accurate as the information contained herein at the date of this search.
Subject Property Outlined Approximately in Red
Executive summary

Purpose and background

This report seeks a Council resolution in accordance with the *Local Government Act 1989* (Act) regarding the proposal to discontinue the right of way (road) at the rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton, as identified in Attachment 1, and to sell the right of way by way of private treaty to the owners of 38 Murphy Street and 40 Murphy Street, Brighton, in equal share as shown in Attachment 2.

The owner of 38 Murphy Street, Brighton has accepted Council’s offer to sell the subject right of way for $62,000 plus GST and the owner of 40 Murphy Street, Brighton has accepted Council’s offer to sell the land for $62,000 plus GST.

The subject right of way is not currently listed on Council’s Register of Public Roads. It is known as a right of way on Title Plan 885796B (as shown in Attachment 1) pertaining to the rear of 38, 40 & 42 Murphy Street as well as 51, 53 & 55 Brickwood Street, Brighton.

It should be noted that the portion of the right of way abutting 42 Murphy Street and 55 Brickwood Street was discontinued and sold in 2018.

Council at its 17 December 2019 Ordinary Council Meeting, considered a report regarding this proposal and resolved as follows:

*That Council:*

1. **Commence the statutory procedures in accordance with the Local Government Act 1989, for the discontinuance and sale of the subject property in equal share to the adjoining owners of 38 Murphy Street, Brighton and 40 Murphy Street, Brighton, highlighted in Attachment 2.**
2. **Advertise the Public Notice outlining the proposal in accordance with Section 223 of the Local Government Act 1989 including the discontinuance and sale of the land for $62,000 plus GST for each portion, totalling $124,000 plus GST.**
3. **In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on 25 February 2020 at 7:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.**
4. **Following the consideration of any submissions, Council will receive a further report at an Ordinary Meeting of Council.**

Public Notice was provided in accordance Section 223 of the *Local Government Act 1989* (Act) and two submissions were received from the owners of 51 and 53 Brickwood Street respectively.

A Section 223 Special Committee of Council Meeting was held on Tuesday 25 February 2020. Councillors heard one objection from the owner of 51 Brickwood Street.
Key issues

Access to Subject Right of Way

The Submitter raised concerns in support of his neighbour Mrs Loosschilder who resides at 53 Brickwood Street and claims to have utilised the subject right of way for in excess of 40 years.

Officers recognise the Submitter’s concern for Mrs Loosschilder’s use of the subject right of way. It is officers’ view that the Submitter’s objection does not articulate how the subject proposal will adversely impact upon himself.

Attachment 3 shows that substantial vegetation is blocking access to and from Mrs Loosschilder’s property, which does not support her advice that she uses the subject right of way.

Objections to the Proposal

The Submitter further objected to the proposal on the basis that he was not aware the proposal would still proceed if objections were received. The Submitter further stated that if he had known that the proposal would proceed upon this basis, his response to the proposal may have been different.

Officers have provided the Submitter with written correspondence on two separate occasions with regard the proposal, clearly stating that “If an adjoining property owner does not wish to purchase the portion of land ‘allocated’, then that portion would normally be ‘allocated’ to any other adjoining neighbour”.

Contact details of the appropriate Property Officer facilitating the proposal had also been provided to the Submitter on both of these occasions.

To date, officers haven’t received an enquiry from the Submitter pertaining to the sale and discontinuance process or the impact of objections upon the proposal.

In total, two objections were received predominately relating to accessing the subject right of way, which are referenced in Attachment 4.

Easements

An NBN communications cable currently pertains to the subject right of way and will continue to be carried forward through easement rights on title if the subject right of way was to be sold and discontinued.

Conclusion

In consideration of the above, it is considered that the subject right of way is not required and therefore officers support the sale and discontinuance of the subject right of way.
Recommendation

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the *Local Government Act 1989* (Act), resolve to discontinue and sell the subject right of way (road) adjoining the rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton, by way of private treaty, to the owners of 38 Murphy Street and 40 Murphy Street, Brighton, in equal share, for the amount of $62,000 plus GST for each parcel, totalling $124,000 plus GST.

2. Authorise the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the subject right of way via private treaty, and retain all easements on title as required in favour of the appropriate Authority.


4. Advise the party who lodged a submission in relation to the proposal of Council’s decision.

Support Attachments

1. Attachment 1 - Road Title Plan
2. Attachment 2 - Road to be Sold
3. Attachment 3 - Vegetation Blocking Access to 53 Brickwood Street
4. Attachment 4 - Summary of Section 223 Submissions
Considerations and implications of recommendation

Liveable community

Social
The proposal will provide property owners with an opportunity to gain title to the subject right of way which is no longer required for municipal purposes.

Natural Environment
There are no impacts associated with this report.

Built Environment
In this instance, an NBN communications cable currently pertains to the subject right of way and will continue to be carried forward through easement rights on title if the subject right of way was to be sold and discontinued.

Customer Service and Community Engagement
Council advertised its intention to sell the subject right of way in the local Bayside Leader Newspaper and The Age as well as on its public website throughout the advertising period. Council received two submissions opposing the sale which have been considered in this report.

Consultation has been undertaken with all relevant Council departments and external service authorities. No objections have been received from either internal or external service authorities.

Human Rights
There are no human rights issues or implications identified in relation to this report.

Legal
Should Council authorise the statutory procedures for the sale and discontinuance of the subject right of way adjoining the rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton, this must be done so in accordance with the Local Government Act 1989.

Alternatively, Council can authorise to retain the subject right of way (road) in Council’s ownership.

Finance
Council’s independent Valuer, Matheson Stephen Valuations, has valued the subject right of way in accordance with Council’s proposal, reflecting a market value of $62,000.00 (excluding GST) for each parcel.

In accordance with Council Policy, the subject right of way has been allocated to the adjoining property owners as reflected in red in Attachment 2. The purchase price for each parcel is shown in the below table.
Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>38 Murphy St, Brighton</td>
<td>39m²</td>
<td>$62,000</td>
<td>$6,200</td>
<td>$68,200</td>
</tr>
<tr>
<td>2</td>
<td>40 Murphy St, Brighton</td>
<td>39m²</td>
<td>$62,000</td>
<td>$6,200</td>
<td>$68,200</td>
</tr>
</tbody>
</table>

Both adjoining property owners have signed conditional ‘Cost Agreements’ to purchase the subject right of way for the combined sum of $136,400.00 (including GST) if the subject right of way can be sold and discontinued.

Links to Council policy and strategy

Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of subject right of way.

Council’s Property Strategy Principle One

Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
### TABLE OF PARCEL IDENTIFIERS

<table>
<thead>
<tr>
<th>TABLE OF PARCEL IDENTIFIERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separatory disposable parcels under Section 5A of the Sale of Land Act 1962.</td>
</tr>
<tr>
<td>PARCEL 1 = CA 1 (PT)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lengths are in Metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.30 m x 0.08 m</td>
</tr>
</tbody>
</table>

---

**Description of Land / Easement Information**

ALL THAT piece of land delineated and coloured red on the map being part of Crown Allotment One Section 26 at — — Elstermwick Parish of Prahran County of Bourke Together with a right of — — carriage way over the roads coloured brown on the said map — — — — — — — — — —

**COLOUR CODE**

- RED
- BR=BROWN

---

**Location of Land**

- Parish: AT ELSTERMIVICK PARISH OF PRAHRAN
- Township:
- Section: 26
- Crown Allotment: 1 (PT)
- Crown Portion: 

**Last Plan Reference:**

- Derived From: VOL 3545 FOL 893
- Depth Limitation: NIL

---

**NOTATIONS**

Any reference to map in the text means the diagram shown on this title plan.

---

**EDITION 1**

TP 554260T
Attachment 2 – Road to be Discontinued and Sold

Land to be sold to owner of 40 Murphy St

Land to be sold to owner of 38 Murphy St
Site visit picture record 20 November 2019 showing 53 Brickwood Road’s rear fence gate.

**VIEW LOOKING OVER REAR GATE INTO 53 BRICKWOOD STREET**

** SUBJECT ROAD **

**VIEW LOOKING AT FENCE (GATE) AT REAR OF 53 BRICKWOOD STREET**

**VIEW LOOKING THROUGH FENCE (GATE) AT REAR OF 53 BRICKWOOD STREET**
Summary of Section 223 Submissions for Proposed Discontinuance and Sale of the Right of Way Adjoining the Rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton

Note: The original submissions were presented to Councillors at a Special Committee of Council Meeting held 25 February 2020

Introduction

Overall 2 Submissions were received with regard to the proposed discontinuance and sale of the right of way adjoining the rear of 38 & 40 Murphy Street and 51 & 53 Brickwood Street, Brighton. A summary of the matters raised along with Officer’s responses is outlined below.

<table>
<thead>
<tr>
<th>Right of Way Access</th>
<th>Officers acknowledge the gate located at the rear of 53 Brickwood Street which is substantially blocked by vegetation and therefore does not support its need to provide access to the subject right of way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objections to the Proposal</td>
<td>Officers have provided correspondence to all adjoining owners of the right of way which clearly stipulates that “if an adjoining owner does not wish to purchase the portion of land allocated, the portion would normally be allocated to an adjoining owner”. Officers had not received any enquiry from Submitters with regard to allocation of land, or how objections would influence the sale and allocation of land, and have therefore proceeded in accordance with the Submitters correspondence, which states that they do not wish to purchase a portion of the subject right of way</td>
</tr>
</tbody>
</table>

---
Executive summary

Purpose and background
This report seeks to authorise the Chief Executive Officer to execute a new 21 year lease to Beachside Café Pty Ltd for the Ricketts Point Teahouse.

At the Ordinary Council meeting on 19 November 2019 Council resolved to commence the statutory procedure to offer the current tenant of Ricketts Point Teahouse at 407C Beach Road, Beaumaris, a 21 year lease and to complete an environmental impact and safety study to ensure that there is no increase in the level of external lighting on and immediately adjacent to the Ricketts point teahouse.

Proposed Lease
The following is a summary of the key terms of the proposed lease.

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Restaurant / Cafe and Kiosk</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>Date upon which construction commences</td>
</tr>
<tr>
<td>Term</td>
<td>21 years</td>
</tr>
<tr>
<td>Base Rent</td>
<td>To be determined by Council's Property Valuer</td>
</tr>
<tr>
<td>Turnover Rent</td>
<td>7.5% of gross turnover that exceeds 12.5 times the base rent.</td>
</tr>
<tr>
<td>Rental Escalation</td>
<td>Consumer Price Index Melbourne All Groups (CPI)</td>
</tr>
<tr>
<td>Rent Free Period</td>
<td>1 year</td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>7:00am – 11:30pm</td>
</tr>
<tr>
<td>Liquor Licence</td>
<td>11:00am - 11:30pm.</td>
</tr>
</tbody>
</table>

If Council resolves to issue a lease to the existing tenant upon the above terms, the tenant will be required to seek approval via a planning application for the additional hours which are sought by the tenant to ensure the proposal is financially viable.

Key issues

Submissions Special Council Meeting – 26 February 2020
Council received four submissions from Ms Jill Whyte. Three of these reflect the content previously provided as part of the Have Your Say process conducted in July and August 2019. Council also received a submission from Mr George Reynolds.

The submitters referenced concerns in relation to the impact on the environment resulting from the existence of a restaurant, concerns about alcohol sales and noise, amenity and the legal process which Council has/is following in issuing a lease.

Officers are satisfied that all matters relating to the changes in the sale of alcohol will be addressed through a planning process and, that as there is no change to the footprint of the
lease, there should be no new impacts on the environment. Council has also undertaken a review of the lighting in relation to potential impacts on fauna and maintaining a safe environment for people accessing the site.

Outcomes of the environmental and safety impact study
All of the recommendations in the report and peer review attached relate to lighting outside of the leased area and Council will incorporate these proposals in future improvements to the open spaces adjoining Ricketts Point. These include ensuring lighting is no higher than 4.5 metres, shielded and not directed into trees.

The report recommends directing foot traffic along the main concrete access path (between the beach and Tea House) or along the path at Beach Road to minimise any need to increase lighting. This accords with what has been proposed in relation to the lease (that is not lighting the granitic path through the tea trees to access the car park at night).

The most significant light currently near the Tea House is a large street-lamp located along the footpath between the beach and the restaurant. This light is extremely bright and is focussed onto the beach. The report notes a need to undertake a further review with all Tea House lights in operation as testing was done when only the existing external lights were on.

The report also recommends considering bat roosting boxes to partially mitigate roosting issues for some bats recorded in the study area. Future lighting and any proposed changes to any future lighting installed at Ricketts Point will be in accordance with the consultant’s report as a matter of best environmental practice.

Recommendation:
That Council authorise the Director Corporate Services to execute a new lease to Beachside Café Pty Ltd on the following key terms:

- **Purpose:** Restaurant / Cafe and Kiosk
- **Commencement Date:** Date upon which construction commences
- **Term:** 21 years
- **Base Rent:** To be determined by Council’s Property Valuer
- **Turnover Rent:** 7.5% of gross turnover that exceeds 12.5 times the base rent.
- **Rental Escalation:** Consumer Price Index Melbourne All Groups (CPI)
- **Rent Free Period:** 1 year
- **Hours of Operation:** 7:00am – 11:30pm
- **Liquor Licence:** 11:00am - 11:30pm.

Support Attachments
1. Webb Report Lighting Ricketts Point Tea House
2. Peer Review Ricketts Point Lighting Assessment
**Considerations and implications of proposition**

**Liveable community**

The proposal will not have a detrimental impact on the local community; rather it will be beneficial to the area including security of tenure for tenants which is directly linked to an increase in base rent, turnover rent and minimisation of capital expenditure that Council may have been required to invest in the site.

**Social**

The café is well attended and popular. Based on this information, the social contribution this tenancy makes to the local and greater Beaumaris community is positive and should continue.

**Natural Environment**

The footprint of the facility will not increase. There will be no removal or disturbance of vegetation as a result of the lease and any future plans.

Future reduction in surrounding lighting, particularly the significant light focussed on the foreshore as part of a lighting review will minimise the impact of light spill on fauna.

**Built Environment**

The proposal is sympathetic to the built environment and will have little external aesthetic changes. The current kitchen area is no longer fit for purpose and requires extensive refurbishment.

**Customer Service and Community Engagement**

This report proposes to finalise the processes associated with the lease proposal having undertaken the statutory processes under section 190 and 223 of the *Local Government Act 1989*. Two submissions were received as part of the statutory process.

The initial community consultation report identified over 500 people engaged in the consultation and supported the proposal to refurbish and extend trading at the Tea House.

**Human Rights**

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Legal**

Council has undertaken the statutory procedures under Sections 190 and 223 of the *Local Government Act 1989* to lease.

**Finance**

As part of the proposal the tenant has accepted officers’ terms in regard to rent and turnover rent. It is anticipated that in the event that Council decide to offer a lease to the tenant, the total rent collected would exceed the current $129,516 per annum rental.

**Links to Council policy and strategy**

The following policies are also associated with the delivery of the strategy;

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
### Options considered

#### Option 1

| Summary | Council does not approve the proposal.  
|         | An alternative option to negotiating with the incumbent tenant is to conduct an expression of interest campaign with the new lease commencing when the old lease expires in 2020. |
| Benefits | Council would able to conduct an open and transparent expression of interest campaign, letting the market determine the base rent.  
|         | No requirement to consider the request to increase the liquor licence provisions or opening hours at this time. |
| Issues | To make a sound commercial return, the tenant is seeking the capacity to extend its operational hours. Not supporting a refurbishment proposal will likely generate further requests from the tenant to change the operational hours and liquor licence timeframes. |
|         | Going to market at the end of the lease carries risk in terms of tenant vacancy, poor performance and more concerning high expense to refurbish the cafe passed onto Council. |
|         | The proposal achieves market rental as assessed by a sworn valuation and includes a provision for turnover rental which may not be achieved by market testing. |
RICKETTS POINT TEAHOUSE SURROUNDS
ENVIRONMENTAL IMPACT AND SAFETY STUDY

REPORT ON
EXISTING LIGHTING CONDITIONS AND
RECOMMENDATIONS

PREPARED BY:
WEBB AUSTRALIA GROUP (VIC) PTY LTD
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CONSULTING ENGINEERS
ELECTRICAL LIGHTING MECHANICAL SECURITY COMMUNICATIONS AUDIO VISUAL
BRISBANE CANBERRA DOHA GOLD COAST MELBOURNE NEWCASTLE SUNSHINE COAST SYDNEY

Item 10.17 – Reports by the Organisation
### Document Status

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<tr>
<th>Rev No.</th>
<th>Date</th>
<th>Status</th>
<th>Author</th>
<th>Reviewer</th>
<th>Approved By</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>18 Dec 2019</td>
<td>First Issue</td>
<td>Robert Hamilton</td>
<td>Garry Lowe</td>
<td>Garry Lowe</td>
</tr>
</tbody>
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1 INTRODUCTION

The existing Ricketts Point Teahouse is located at 243 Beach Road adjacent to the sea in Beaumaris.

The Bayside City Council is presently considering a proposal to upgrade the Cafe to enable the facility to operate at night.

As part of a recent Council resolution, it was recommended that an environmental impact and safety study be undertaken to assess the existing lighting.

Webb Australia Group has been engaged to undertake the assessment of the existing lighting along the pathways in the tread section adjacent to the Teahouse and the nearby carpark.

This report has been prepared to describe the existing lighting conditions and to provide assessment of the lighting with respect to safety and environmental impacts. The key principles associated with the lighting assessment include:

- Review of the existing lighting illumination levels to assess compliance with Australian Standards AS1158 Series for paths and carparks. This compliance with this Standard would provide the quantitative benchmark for assessing the Safety requirements.

- Review of the qualitative characteristics of the existing installation, including location of luminaires, aiming of fixtures, optical distribution of the diffuser and level of spill lighting. This would enable a comment to be made on the potential environmental impacts associated with the existing installation.

The report also includes conceptual recommendations on how to improve the existing lighting installations to achieve the required compliance. This will include:

- Suggestions on the quality and control of any new lighting to minimise environmental effects while providing safe access.

- Information on the latest research into the light and the physiological effects on fauna and flora and recommendations to minimise this.
2 EXISTING LIGHTING CONDITIONS INVESTIGATION

A night site visit was undertaken on the 11th December 2019 and illumination levels were measured to assess the existing lighting conditions.

2.1 PATHS ADJACENT TO RICKETTS POINT TEAHOUSE

2.1.1 Description

A number of paths are located near the Teahouse, which are used to access the teahouse and the seating in the adjacent picnic area.

The drawing at Appendix A identifies the pathways that were assessed as part of this review.

The paths to the south of the Teahouse building are primarily illuminated by two pole mounted streetlights that are owned and maintained by United Energy. Spill light from the streetlighting on Beach Road also contribute to the pathway lighting in some areas.

The pole mounted lighting includes:

- A 250W HPS streetlight facing away from the pathway towards the bay combined with a 125W Watchman’s floodlight on the same pole aimed towards the picnic area (Refer Figure 1). The Watchman floodlight that was not operational at the time of the night inspection.

- A 150W HPS streetlight located on the north west corner of the carpark facing towards the car parking bay for people with disabilities (Refer Figure 2). The streetlight also provides some spill light into the pathway.

![Figure 1: Picnic Area Streetlight and Watchman's light](image-url)
2.1.2 Lighting Technical Requirements

The Teahouse access path lighting should be illuminated to the recommendations of AS/NZS 1158.3.1 "Lighting for Roads and Public Spaces - Pedestrian Area (Category P) Lighting - Performance and Design Requirements". The paths are pedestrian paths that are considered to have a medium level of pedestrian traffic with a low risk of crime.

The applicable lighting recommended for all of the paths is category P3 which equates to an average horizontal illuminance level of 1.75 lux with a minimum level of 0.5 lux and a vertical level along the path of 0.3 lux.

2.1.3 Findings

A lighting assessment of the paths located within the park area between the main road and the foreshore path was undertaken. The paths are described and referenced within the drawing located at Appendix A.

- The Northern Path was not provided with any direct illumination and was in complete darkness. The horizontal illuminance levels measured were less than 0.1 lux.

- The horizontal lighting levels for the Link Path was generally measured to be range from 0.1 lux to 4.5 lux. The low levels were consequence of shadowing caused by the extensive foliage. In addition to the low horizontal illumination levels, the vertical illuminance along the path is also generally less than the prescribed 0.3 lux. It is noted that the Watchman’s floodlight was not operational on the night of the review. The lighting levels would increase if this was operational.
The Road Crossing Access Path is illuminated by resultant spill light from the adjacent road lighting. The lighting level was measured to be an average 14 lux this is compliant with the recommended requirements.

The Side Path is partially illuminated from the two nearby streetlights, however, there are sections of heavy shadowing along the path. Both horizontal and vertical illumination levels were recorded at less than 0.1 lux.

The Drop Off Zone at the front of the Teahouse is illuminated from the streetlight located on the opposite side of the street. The illumination level is approximately 4 lux (average), which is considered acceptable. The short path from the drop off zone to the Teahouse is considered to be a part of the Teahouse’s responsibility and could be illuminated by the lighting from the Teahouse. The existing illumination from the Teahouse could not be quantified as it was non-operational during the night of the review.

Figure 4: Entrance to Link Path from carpark

Figure 5: View of section of Link Path and picnic space.
2.2 CARPARK LIGHTING

2.2.1 Description

The carpark is illuminated by 150W HPS streetlights mounted on 7.5m poles which are owned and maintained by United Energy. Spill light from the Beach Road streetlighting also contributes to the overall lighting levels.

2.2.2 Lighting Technical Requirements

Australian Standard AS1158.3.1 provides recommendation for the appropriate level of lighting for Car parks. The applicable lighting category that a carpark should be illuminated to is determined from the selection criteria in Table 1.5 of the Standard, summarised as follows:

<table>
<thead>
<tr>
<th>Type of area</th>
<th>Night time vehicle or pedestrian movements</th>
<th>Night time occupancy rates (NTOH)</th>
<th>Risk of crime</th>
<th>Applicable lighting subcategory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking spaces, aisles and circulation roadways</td>
<td>High</td>
<td>&gt;75%</td>
<td>High</td>
<td>P11a</td>
</tr>
<tr>
<td></td>
<td>Medium</td>
<td>≥25%, ≤75%</td>
<td>Medium</td>
<td>P11b</td>
</tr>
<tr>
<td></td>
<td>Low</td>
<td>&lt;25%</td>
<td>Low</td>
<td>P11c</td>
</tr>
<tr>
<td>Designated parking spaces specifically intended for people with disabilities</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>P12</td>
</tr>
</tbody>
</table>

The current use of the carpark is assessed to have low night-time vehicle movements and low occupancy rates. According to Table 1.5 Category P11c would be the most suitable Category.

It is expected that the proposed operation of the Teahouse at night will impact on the occupancy of the carpark and result in an increase in pedestrian movements, vehicle movement and night time occupancy rate. It is likely that the applicable Lighting Category would increase from P11c to P11b.

Category P11c requires and average horizontal illuminance of 3.5 lux with a minimum illuminance of 0.7 lux. Category P11b requires 7 lux with a minimum of 1.5 lux.

The applicable category for the carparking bay for people with disabilities is P12. This requires the bay to be illuminated to a minimum of 14 lux.

2.2.3 Findings

The level of lighting measured within the carpark averaged 4.5 lux. This equates to compliance with Category P11c to AS/NZS 1158.3.1.

The bay for people with disabilities is illuminated to 12.5 lux, which is marginally below the recommended level of 14 lux prescribed by AS/NZS 1158.3.1. This may be due to depreciation of the luminaire and replacement of the lamp and cleaning of the lens may increase the average to a compliant level of light.

With some maintenance to the existing lighting (cleaning and re-lamping), the illumination levels within the carpark are likely to be compliant to Australian Standards based on current usage and activity. With the proposal to operate the Teahouse at night, a higher level of lighting to Category P11b would be recommended. This could be achieved through the use of higher wattage luminaires and/or additional lighting poles.
3 LIGHTING ENVIRONMENTAL IMPACT STUDY

This section of the report provides an environmental impact assessment of the existing lighting.

Recommendations are provided with respect to the quality and control of any new lighting to minimise environmental effects whilst ensuring safe access.

3.1 LIGHT POLLUTION

Historically, the impacts of light pollution on coastal ecosystems has been overlooked. For many years, there has been a surge of research into the long term impacts of artificial lighting on land-based animals and plants, however, there has been far less study done on the effects on coastal animals resulting from lighting around harbours, marinas, piers and promenades. Understanding the impacts of spill light from built form marine environments is important for managing the ecosystems and improving biodiversity.

Recent studies have shown that night-time lighting in coastal cities can impact biodiversity. The Commonwealth’s Department of the Environment and Energy has developed draft light pollution guidelines to address this issue. The draft document “National Light Pollution Guidelines for Wildlife”. The findings of this draft document have been utilised in preparing this report.

3.1.1 Best Practice Lighting Design

Best practice lighting design incorporates the following design principles to minimise the environmental impacts of lighting:

- Only add light for specific purposes.
- Use adaptive light controls to manage light timing, intensity and colour.
- Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill.
- Use the lowest intensity lighting appropriate for the task.
- Use lights with reduced or filtered blue, violet and ultra-violet wavelengths.

The advantage of the existing high-pressure sodium lighting used in the Teahouse and Carpark is that it produces very little blue, violet and ultra violet light, however, the lighting is poorly controlled. The poor control is evident with the pole located near the picnic ground, where the light fitting is aimed towards the bay. Measurements of 50 lux and higher where recorded on the vegetation adjacent to the path, which defies best practices.

Recommendations to meet best practice lighting design are provided in Section 4.

Figure 6: Image shows effect of streetlight adjacent to teahouse that is facing the foreshore.
4 RECOMMENDATIONS

4.1 PATHWAYS AND CARPARK ILLUMINATION

The existing lighting along the pathways in the vicinity of the Teahouse is largely non-compliant with Australian Standards and considered unsafe for night time use. Many sections of the pathways are inadequately illuminated.

It is recommended that the existing lighting design be replaced with more suitable lighting that is designed to meet the minimum requirements of category P3 to AS1198.3.1.

With cleaning and re-lamping, the existing carpark lighting will likely meet Category P11c to AS/NZS 1158.3.1. This is acceptable for the current usage, however, if it is expected that the operation of the Teahouse at night will significantly increase usage and movement. It is recommended that the lighting within the carpark be increased to meet Category P11b of Australian Standard to meet the increased occupancy.

It is noted that the pathway adjacent to the bay in the vicinity of the Teahouse and Carpark is illuminated, however, beyond this section, the pathway is not illuminated. It is recommended that a policy be developed to establish whether or not this pathway should be illuminated.

4.2 ENVIRONMENTAL IMPACT

The Teahouse is close to the marine sanctuary. The use of poorly directed light will cause negative effects to the fauna and faunae on shore and within the bay.

It is recommended that new lighting system be designed and installed to include the following:

1. Illuminate only the paths and spaces that people utilise.
2. Ensure the light produced is directed to where it is required and does not add to light pollution. In particular, the pole facing onto the shore adjacent to the Teahouse should be removed or replaced and redirected.
3. The paths should be illuminated by controlled lighting on poles of no more than 4.5m height.
4. The existing streetlight near the picnic zone facing into the sea should be modified/removed in any new design.
5. The carpark lighting should be modified with the use of shields to minimise light spill into the marine environment.
6. Luminaires facing into the marine environment should be rotated, removed or replaced, and include lights with shields, or the like, to minimise spill onto the beachfront. All lighting should be aeroscreen type (ie no upward light spill into the sky).
7. All new lighting of the paths should include controls to allow dimming or switching off during non-operational hours of the Teahouse.
8. The lighting chosen should produce low levels of blue, violet and ultraviolet light. This may be achieved by the choice of light source and by the use of filters. There are now options where the lighting remains on but is switched into a mode that produces a lower level of light in wavelengths that will cause less disturbance to the environment.

The existing lighting is owned, supplied and maintained by United Energy. It is recommended that the new lighting scheme for the paths be supplied from a metered supply from the Teahouse so non-utility standard poles and luminaires can be utilised.
APPENDIX A

EXISTING LIGHTING CONDITIONS DRAWING
9 February 2020

Re: Ricketts Point Teahouse Lighting Assessment – Peer Review and Recommendations

Dear Amy,


In summary, the key issues identified in this report include:

- Webb Australia’s conclusion that existing lighting is inadequate, given that not all lighting was operational at the time of assessment. This could result in unnecessary additional lighting adding to light pollution;
- The absence of any background fauna database review;
- The absence of a habitat assessment; and
- The inadequacies of the environmental impact assessment that does not address any specific fauna species considered likely to be present or the potential impacts to fauna.

This report provides information to address the gaps in the assessment process identified above. In addition, we have evaluated the recommendations for best practice lighting provided by Webb Australia. While, Ecology Australia are generally in agreement, we have made recommendations to further mitigate impacts on fauna, including:

1. Recommendations to reassess the existing lighting conditions when all lighting is operational;
2. Consider restricting foot traffic along the main path and/or the front entrance only, therefore reducing the need to increase lighting through the stand of Banksia;
3. All habitats and not just marine environs should be protected from excessive light pollution;
4. Avoid directing light toward trees identified as potential roost sites;
5. Potential loss of roost sites due to lighting may be partly mitigated by installing bat nesting boxes in vegetation that is not affected by light spill;
6. Use lights with reduced or filtered blue, violet and ultra-violet wavelengths (e.g. Low Pressure Sodium lights reduce impacts on wildlife compared to High Pressure Sodium lights); and
7. Dimming or turning off lights outside of the café operating hours is strongly recommended.

Thank you,

Yours Sincerely,

[Signature]

Ruth Marr
Ecologist
INTRODUCTION

The operator of the Ricketts Point Beachside Cafe would like to extend business hours (to 10:30 pm) to provide a dinner service. Lighting upgrades have been proposed to accommodate the extended business hours. Webb Australia undertook an investigation of the lighting conditions within the carpark and immediate paths around the Ricketts Point Beachside Cafe on 11 December 2019. Their findings are summarised in ‘Ricketts Point Teahouse Surrounds Environmental Impact and Safety Study – Report on Existing Lighting Conditions and Recommendations’ including:

- Current lighting conditions;
- A lighting environmental impact study;
- An outline of the best-practice lighting design; and
- Recommendations for pathway and carpark lighting associated with the proposed redevelopment.

Ecology Australia was engaged by Bayside City Council to undertake a peer review of the Webb Australia (2019) report. The key objectives of this study were to:

- Assess whether the report adequately addressed potential impacts from lighting upgrades on local fauna, especially microbats; and
- Provide additional recommendations to minimise the impacts of lighting on local fauna.

Light pollution has been found to influence microbats in a range of ways, including roosting and emergence (Boldogh et al. 2007), foraging behaviour (Scanlon and Petit 2008, Linley 2017), habitat use (Russo et al. 2017, Linley 2017) and reproductive success (Boldogh et al. 2007, Stone et al. 2015a, Moretto and Francis 2017). Often, these effects have been found to be species-specific, which has potential implications for microbat community composition and species richness.

Lighting can also impact on microbats by altering the composition, distribution and abundance of insect prey. Insects are well known to be drawn to lights, disrupting their natural behaviour and increasing their predation risk. This may create favourable foraging conditions for some species but not for others and potentially lead to shifts in microbat community composition, with light-intolerant species at a competitive disadvantage to light-tolerant species (Longcore and Rich 2004, Stone et al. 2015b, Linley 2017).

In recent years, efforts have been made to increase understanding of potential impacts of light pollution on microbats and to minimise these impacts where possible. Artificial lighting can be modified to reduce light spill, by installing hoods or reflectors or altering the beam angle to avoid microbat habitat (Stone et al. 2015b). Alternatively, the duration of illumination can be reduced to minimise the exposure of microbats to light pollution, or lighting can be reduced or avoided at sensitive times, e.g. when females are caring for dependent young (Boldogh et al. 2007).
STUDY AREA

Ricketts Point Beachside Café is located along Beach Rd, Beaumaris within the Ricketts Point Reserve, adjacent to the Ricketts Point Marine Sanctuary (Figure 1). The marine sanctuary is managed by Parks Victoria and is known for its aboriginal cultural significance and variety of flora and fauna species that rely on its marine, intertidal and foreshore habitats. The terrestrial environments within the reserve are managed by Bayside City Council.

The site supports Coast Banksia Woodland Ecological Vegetation Class (Vulnerable in the Gippsland Plain Bioregion) (as mapped by Ecology Australia 2018) and is a mixture of planted and remnant native vegetation. The stand of Coast Banksia *Banksia integrifolia* present on-site represents the largest patch of this habitat remaining so close to the city (Amy Weir, Bayside City Council, pers. comm.). The site is zoned as Public Park and Recreation Zone (PPRZ) and covered by the following environmental overlays: Environmental Significance Overlay Schedule 1 (ESO1) and Vegetation Protection Overlay Schedule 1 (VPO1).

Webb Australia (2019) report that the existing lighting surrounding the Ricketts Point Beachside Café includes:

- Two pole mounted streetlights on the paths south of the café consisting:
  - A 250W High Pressure Sodium (HPS) streetlight facing towards the bay away from the pathway. A 125W Watchman’s floodlight is located on the same pole aiming towards the picnic area but was not operating during the assessment.
  - In the north-west corner of the carpark facing towards the disabled car parking bay, a 150W HPS streetlight is present and provides some spill light onto the pathway.
- One 150W HPS streetlight mounted on 7.5 m pole in the carpark.

Both the pathways and the carpark receive some spill light from the street lighting on Beach Road.

METHODS

In addition to reviewing the Webb Australia (2019) report, the following data sources were consulted to inform the study:

- Records of fauna within 5 km of the study area held in the Victorian Biodiversity Atlas (VBA) online database, including species listed as threatened under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), Victorian Flora and Fauna Guarantee Act 1988 (FFG Act) and classified as threatened under the Victorian Government Advisory Lists (DEE 2013).
- Records of fauna species listed under EPBC Act within a 5-km radius of the study area using the EPBC Protected Matters Search Tool (DAWF 2020);
- Relevant Victorian and National guidelines and policy;
- Analysis of aerial imagery; and
- Other relevant reports, fauna species lists etc., either publicly available or provided by Bayside City Council for the study area and surrounds, including those prepared by Ecology Australia.

Local environment groups were also contacted but no terrestrial fauna records have been collected by these groups on-site (e.g. Friends of Native Wildlife and Friends of Ricketts Point Landside).
Figure 1: Ricketts Point Beachside Café and surrounding terrestrial habitat. Waypoints show the general vicinity of roosting sites for microbats. Individual hollow-bearing trees are not marked.
Site visit

A site visit to the Ricketts Point Teahouse was undertaken by an Ecologist and Bayside City Council staff member on 23 January 2020. A rapid habitat assessment was undertaken using a GPS to mark the general vicinity of hollow-bearing trees (Figure 1). Photographs were taken across the site to document the various habitat components (e.g. vegetation structure and presence of hollow-bearing trees etc.). A complete flora or fauna species list was not compiled during the site visit.

PEER REVIEW

The key findings of Ecology Australia’s review of the Webb Australia (2019) report include:

- Webb Australia reports that the lighting is inadequate at a number of sites around the café. However, the report states that both the ‘Watchman’s Floodlight’ on the main access path facing the picnic table and the lights from the café were not in operation at the time of assessment. As such, existing levels of illumination at the site would likely increase if all lighting was operational. All lights should be fully operational during the lighting assessment to assess their compliance with the recommended guidelines and ensure that no unnecessary increases in illumination levels are recommended which would result in additional light pollution on-site.

- The absence of any background database review or site assessment to determine habitat values:
  - A desktop fauna assessment was not undertaken; and
  - A habitat assessment was not undertaken. The report limits the description of habitat to stating that it supports a ‘treeed’ environment.

- The inadequacy of the environmental impact assessment. The report does not include:
  - Consideration of fauna present in the study area and their likelihood of occurrence; and
  - A discussion of the potential impacts from proposed lighting upgrades to fauna. Webb Australia briefly mentions impacts to the marine habitat from lighting directed toward the Bay but does not state what marine values are likely to be impacted. The report does not address potential impacts to fauna in terrestrial habitats.

- Lighting recommendations. Ecology Australia is generally in agreement with Webb Australia’s best practice lighting recommendations that align with the draft National Lighting Pollution Guidelines for Wildlife (Commonwealth of Australia 2019). Further recommendations by Ecology Australia have only been provided below where relevant to the specific habitat values on-site and consideration of the fauna species, particularly microbats present within the study area.

Additional information has been provided below where gaps in the assessment process were identified as above.

FAUNA DATABASE REVIEW

Appendix 1 outlines the key nocturnal fauna species identified in the 5 km database review. Comments are provided for each species where applicable, including brief notes on their distribution and/or habitat requirements and likelihood of occurrence in the study area. Of the 11 species of microbats identified in the data review area, two are listed as threatened under the FFG Act (e.g. Eastern Bent-wing Bat Miopterus schreibersii oceanensis and Yellow-bellied Sheathtail Bat Saccolaimus flaviventris) and one is classified as near threatened in Victoria (Southern Myotis Myotis macropus).

There are no VBA records of any microbats from the Ricketts Point study area and surveys for microbats have not been undertaken within the reserve by local ‘friends of’ groups (Sue Raverty, Friends of Ricketts
Point Landside, pers. comm.). However, it appears that surveys for microbats have been undertaken in close proximity to the Ricketts Point Beachside Café by Linley (2017).

Eight microbat species are considered likely to have a moderate or higher likelihood of regular occurrence in the study area (see Appendix 1). The ratings are based on previous records within the surrounding area, knowledge of their ecology and presence of suitable habitat within the study area. Other relevant nocturnal species identified in the database review include three large forest owls (including FFG-listed Powerful Owl *Ninox strenua*) and two possums. The EPBC-listed Grey-headed Flying Fox *Pteropus poliocephalus* was identified on the Protected Matters Search Tool (DAWE 2020) but was not recorded within the 5 km radius search on the VBA.

Discussion is provided below on the habitat values present within Ricketts Point and the potential impacts from lighting upgrades on microbats and other fauna species.

**HABITAT AT RICKETTS POINT**

The terrestrial habitat at Ricketts Point is limited to a narrow strip (between 30 and 60 m) of vegetation along the coast between the foreshore environment and Beach Road. Despite high recreational use, remnant and planted vegetation occurs more or less throughout the study area, interspersed with modified areas of open lawn and paths (see Plate 2). A small strip of native vegetation is also present on the opposite side of Beach Road.


Many of the mature live Coast Banksia and stags support a variety of small hollows, cracks, fissures and exfoliating bark that would be suitable for roosting bats. The waypoints shown on Figure 1 identify the general vicinity of suitable roosting sites for microbats. Individual trees with roost sites were not recorded. Species such as the White-striped Freetail Bat *Tadarida australis*, Gould’s Wattled Bat *Chalinolobus gouldii*, Chocolate Wattled Bat *C. maria*, Lesser Long-eared Bat *Nyctophilus geoffroyi* and Forest bats *Vespipedes* spp. are considered likely to use these sites for roosting. There are no hollows suitable for large forest owls but some hollows may support sheltering and breeding sites for possums.

The open structure of the vegetation interspersed with lawn provides foraging habitat for species that fly fast and capture their prey aerially above the canopy, such as the White-striped Freetail Bat, or in open areas between the canopy and understorey, such as Gould’s Wattled Bat or Chocolate Wattled Bat.

The areas with dense understorey shrubs (e.g. Coast Tea-tree, Coast Wattle, Common Boobialla) provide habitat for highly manoeuvrable microbats, capable of flying close to vegetation or gleaniing prey from leaves or the ground, e.g. forests bats, Lesser Long-eared Bat. Species that fly above the canopy may also forage over these habitats.

European Honeybee *Apis mellifera* hives were recorded in two hollow-bearing trees (Figure 1, Waypoints 114 and 118) (see Plate 1). Threats to native flora and fauna arising from the use by the feral honeybee of nesting hollows and floral resources is listed as a threatening process under the FFG Act. Bees exclude microbats and other hollow-dependent species from utilising these sites for roosting, shelter or breeding. It is recommended that Council engage a suitably qualified contractor to remove the hive.

Photographs are provided in Appendix 2.
POTENTIAL IMPACTS OF LIGHTING UPGRADE

Webb Australia (2019) have indicated that the lighting levels at a number of sites around the café (e.g. main path to north, link/side paths and carpark) are inadequate to accommodate an increase in visitor numbers during the proposed extended hours of café and have recommended lighting upgrades.

Ecology Australia (2018b) has previously provided Bayside City Council with an analysis of potential impacts of artificial lighting on microbats in Cheltenham Park. In summary, international and Australian studies indicate that lighting can impact on microbats through a variety of mechanisms including roosting (Scanlon and Petit 2008), hibernation/torpor (Stone et al. 2015a), breeding and in particular foraging (Linley 2017, Scanlon and Petit 2008).

Impacts of lighting on microbat foraging behaviour are often species-specific and may depend on the species’ foraging strategy. Preferences for lit areas are often associated with the higher concentrations of insects under lights (Scanlon and Petit 2008). Insects can be attracted to different types of lights (e.g. mercury vapor lights attract more insects than low pressure sodium lights) and thus influence bat species present in an area (Rydell 1992, Stone et al. 2012). Due to this differential response, it is possible that lighting can lead to competitive exclusion of light-intolerant species.

One study in Adelaide suggested that Lesser Long-eared Bats and Chocolate Wattled Bats avoided lit sites while Gould’s Wattled Bat and Freetail bats Mormopterus sp. preferred lit areas (Scanlon and Petit 2008). A more recent assessment by Linley (2017) in coastal areas of Melbourne (including surveys in close proximity to the Ricketts Point study area) indicate that bat activity and species richness in unlit sites (no artificial lighting, lux levels of less than 0.5) were significantly higher compared to lit sites (mercury vapour street lights with a lux levels of 3–4). Linley (2017) found a total of five species in lit areas compared to 11 species in unlit areas. In particular, Linley (2017) found no significant differences in usage of unlit or lit areas for Gould’s Wattled Bat, Chocolate Wattled Bat, Little Forest Bat Vespadelus valtrurus, White-striped Freetail Bat or Eastern Bent-wing Bat. However, activity of Freetail bats, Southern Myotis, Long-eared Bats, Large Forest Bat Vespadelus darlingtoni and Southern Forest Bat V. regulus was significantly lower in lit areas compared to lit areas (Linley 2017). While the findings for some species between these two studies were consistent, the studies have identified contradictory results for others (e.g. Chocolate Wattled Bat and Freetail bats). These differences could be due to a multitude of factors including bat community composition, habitat type, time of year, temperature etc.

Lighting directed at roost sites has also been shown to delay emergence resulting in bats missing the peak period in insect abundance (Downs et al. 2003). This could potentially reduce fitness of individuals and populations. Ricketts Point has an abundance of potential roost sites for bats but given the lack of survey data on-site it is unknown if these sites are being utilised. Applying the precautionary principle, lighting should be directed away from potential roost sites.

There is no information on the specific threshold for lux levels below which lighting will have little or no impact. Low lux levels (i.e. between 3 and 4 lux) identified by Linley (2017) have been found to exclude or disturb some bat species (Stone et al. 2012, Linley 2017). Given the existing lux levels within the Ricketts Point study area (see Webb Australia 2019) are within this range, it is likely that the current level of lighting of the site (i.e. the main path south of the café, the car park, road crossing and some sections of the link paths) is already having an influence on bat species diversity and activity. Further increases in lighting should thus be minimised.

The nocturnal fauna, other than bats, considered likely to occur within the terrestrial habitats at Ricketts Point, such as the Common Brush-tail Possum Trichosurus vulpecula and Common Ringtail Possum Pseudocheirus peregrinus, are unlikely to experience long-term impacts to individual survivorship and...
fitness or populations, as long as spill into the vegetated areas in minimised. These species are generalists, with broad habitat tolerances. Both species are well established in urban parks and gardens with varied levels of artificial lighting and other forms of anthropogenic disturbance.

RECOMMENDATIONS

Section 3 of the Webb Australia report summarises the best practice recommendations for lighting to reduce the impacts on fauna around the café. Ecology Australia is in agreement with these recommendations as they align with those recommended under the draft ‘National Light Pollution Guidelines for Wildlife’ (Commonwealth of Australia 2019). Ecology Australia has provided additional comments that should be considered in addition to Webb Australia’s recommendations:

1. Reassess the existing lighting conditions on-site ensuring that all lighting is operational during the assessment;
2. Consider directing foot traffic along the main concrete access path and/or the front entrance off the road only, therefore reducing the need to increase lighting along link/side pathways through the stand of Banksia and thus minimising potential impacts;
3. Both the terrestrial woodland habitats and foreshore environments should be protected from excessive light pollution. Lighting fixtures installed should also cut light spill into all areas of fauna habitat / native vegetation as far as possible, and be fully shielded. Efforts could be made to avoid directing light toward trees identified as potential roost sites
4. Potential loss of roost sites due to lighting may be partly mitigated by installing bat nesting boxes in vegetation around the study area that is not affected by light spill. While many of the species recorded in the data review area appear to prefer trees as roost sites, some species such as Gould’s Wattle Bat, White-striped Free-tailed Bat and Large Forest Bat have been found to use nest boxes;
5. The type of light sources used has been shown to have differing impacts on bat behaviour. As recommended by Webb Australia (2019), use lights with reduced or filtered blue, violet and ultra-violet wavelengths. For example, High Pressure Sodium lights will attract moths because of the presence of ultra-violet wavelengths but Low Pressure Sodium lights of the same intensity but not producing ultra-violet light will not (Rydell 1992); and
6. Dimming or turning off lights outside of the café operating hours is strongly recommended.

REFERENCES


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January 2020]

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Unpublished report prepared for Bayside City Council.


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Press, South Melbourne, Victoria).

Lumsden LF, Bennett AF (1995b) Gould's Wattled Bat Chalinolobus gouldii (Gray, 1841). In 'Mammals of
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Lumsden LF, Bennett AF (1995c) Chocolate Wattled Bat Chalinolobus morio (Gray, 1841). In 'Mammals of
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Lumsden LF, Bennett AF (1995d) Lesser Long-eared Bat Nyctophilus geoffroyi (Leach, 1821). In 'Mammals of
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Lumsden LF, Bennett AF (1995e) Southern Forest Bat Vespodelus regulus (Thomas, 1906). In 'Mammals of
Press, South Melbourne, Victoria).

Lumsden LF, Bennett AF (1995f) Large Forest Bat Vespodelus darlingtoni (Allen, 1933). In 'Mammals of
Press, South Melbourne, Victoria).


Appendix 1: Relevant nocturnal fauna species recorded from the City of Bayside in the data review area and the likelihood of occurrence within the study area.

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common Name</th>
<th>Conservation Status</th>
<th>Data Source</th>
<th>Likelihood of regular occurrence</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Australonanus australis</em></td>
<td>White-striped Freetail Bat</td>
<td>A, C, D, E</td>
<td>High</td>
<td>Widespread and common. Found in a range of habitats. Well adapted well to urban landscapes (Lumsden and Bennett 1995a). Typically roost in tree hollows, but may occasionally be found roosting in buildings or nest boxes. Not highly manoeuvrable in flight. They generally forage in open areas, flying fast and high above the canopy, but can fly between trees or along edges of remnants, in open woodland (Churchill 2008).</td>
<td></td>
</tr>
<tr>
<td><em>Chalinolobus gouldii</em></td>
<td>Gould’s Wattled Bat</td>
<td>A, B, C, D, E</td>
<td>High</td>
<td>Broad distribution and common in Melbourne. Highly adaptable in urban landscapes (Lumsden and Bennett 1995b, Menkhorst and Loy 2011). Commonly roost in tree hollows – although they have also been recorded roosting amongst leaves or in buildings and bat boxes (Dixon and Lumsden 2008). They fly just below or within the lower level of the canopy.</td>
<td></td>
</tr>
<tr>
<td><em>Chalinolobus norma</em></td>
<td>Chocolate Wattled Bat</td>
<td>B, C, D</td>
<td>High</td>
<td>Widespread and common except in Victoria’s north-west. Occupies a broad range of habitat types (Lumsden and Bennett 1995c). Most individuals of this species roost in trees. The Chocolate Wattled Bat typically flies with rapid wing beats and considerable agility, in the open zone between the canopy and...</td>
<td></td>
</tr>
<tr>
<td>Scientific name</td>
<td>Common Name</td>
<td>Conservation Status</td>
<td>Data Source</td>
<td>Likelihood of regular occurrence</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>---------------------</td>
<td>-------------</td>
<td>----------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Miniopterus schreibersii oceanaensis</td>
<td>Eastern Bent-wing Bat</td>
<td>L</td>
<td>vu</td>
<td>B, C</td>
<td>Low-moderate</td>
</tr>
<tr>
<td>Mormopterus sp.</td>
<td>Freetail bat sp.</td>
<td></td>
<td></td>
<td>B, C</td>
<td>Moderate</td>
</tr>
<tr>
<td>Myotis macropus</td>
<td>Southern Myotis</td>
<td>nt</td>
<td></td>
<td>B</td>
<td>Low-moderate</td>
</tr>
<tr>
<td>Nyctophilus geoffroyi</td>
<td>Lesser Long-eared Bat</td>
<td>A, C, E</td>
<td></td>
<td>High</td>
<td></td>
</tr>
<tr>
<td>Saccolaimus flaviventris</td>
<td>Yellow-bellied Sheathtail Bat</td>
<td>L</td>
<td>dd</td>
<td>A, B, C, E</td>
<td>Low</td>
</tr>
</tbody>
</table>

This species extends into central Victoria from its range along the east coast to northern Queensland. Roost in caves but may also use man-made structures (Churchill 2008). Flies fast and high above the canopy.

Occur within a range of habitats. Some studies have found them relatively common in urban areas (Reside and Lumsden 2011). Typically roost in trees but occasionally man-made structures are used. Low frequency echolocation and forage typically in open habitats above the canopy or on the edge of remnant vegetation (Churchill 2008).

Dependent on permanent, and usually slow-flowing, waterways for foraging. Recorded primarily in the ranges north-east and east of Melbourne (Menkhorst 1995). Commonly roost in caves but will also use tree hollows and man-made structures such as under bridges, mines and stormwater drains (Churchill 2008).

Widespread and common in Victoria in a range of habitats (Lumsden and Bennett 1995d). Well adapted to modified environments; it is one of the most common species encountered in Melbourne (Lumsden and Bennett 1995d). Wide range of roost sites used, including artificial structures, but most commonly use trees.

Forage aerially and glean prey from vegetation and from the ground. They fly slowly, but are highly manoeuvrable. (Lumsden and Turbill 2008).

This species is a summer vagrant into Victoria, being found in a wide variety of habitats. This species flies high and fast catching...
<table>
<thead>
<tr>
<th>Species</th>
<th>Conservation Status</th>
<th>Data Source</th>
<th>Likelihood of regular occurrence</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Vespadelus darlingi</em></td>
<td></td>
<td>B</td>
<td>Moderate</td>
<td>Insects above the canopy (Churchill 2008). Roost in tree hollows.</td>
</tr>
<tr>
<td><em>Vespadelus regulus</em></td>
<td></td>
<td>B</td>
<td>Moderate</td>
<td>Occurs throughout Victoria in a wide range of habitats (Lumsden and Bennett 1995e). Roost in large colonies, most often in tree hollows (Churchill 2008). This species also forages aethereally, typically at less than half of the canopy height. Individuals often fly close to vegetation and enter gaps in the understory as low as 1 m, displaying great agility (Churchill 2008).</td>
</tr>
<tr>
<td><em>Vespadelus vulturnus</em></td>
<td></td>
<td>B, C, D</td>
<td>Moderate</td>
<td>Found throughout Victoria, in a wide range of habitats. Typically roost in small colonies, of the same sex, in tree hollows or roof cavities. They take only flying prey and forage below the canopy in the upper levels of the understory, or in spaces between trees and often close to foliage, displaying great agility.</td>
</tr>
<tr>
<td><em>Trichosurus vulpecula</em></td>
<td><em>Common Brush-tailed Possum</em></td>
<td>A</td>
<td>High</td>
<td>Generalist with broad habitat and dietary tolerances. Well adapted to urban parks and gardens.</td>
</tr>
<tr>
<td><em>Pseudocheirus peregrinus</em></td>
<td><em>Eastern Ring-tailed Possum</em></td>
<td>A</td>
<td>High</td>
<td>Well adapted to urban parks and gardens. Feeds predominantly on leaves from eucalypts and shrubs (e.g. Tea-tree).</td>
</tr>
<tr>
<td><em>Pteropus poliocephalus</em></td>
<td><em>Grey-headed Flying Fox</em></td>
<td>L, vu, V</td>
<td>Low-Moderate</td>
<td>Coast Banksia is considered a significant food plant for the Grey-headed Flying Fox (Eby &amp; Law 2008), however the banksia woodland at the site is unlikely to represent important habitat for the species, given the small area of habitat and the likelihood of alternative feeding resources in the surrounding</td>
</tr>
</tbody>
</table>
### Bayside City Council

**Ordinary Council Meeting** - 24 March 2020

**Attachment 2**

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<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common Name</th>
<th>Conservation Status</th>
<th>Data Source</th>
<th>Likelihood of regular occurrence</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Ninox boobook</em></td>
<td>Southern Boobook</td>
<td>A</td>
<td>Moderate</td>
<td>Found in a variety of habitats feeding upon small mammals, insects and other small animals. Requires large tree hollow for nesting.</td>
<td></td>
</tr>
<tr>
<td><em>Tyto alba</em></td>
<td>Barn Owl</td>
<td>A</td>
<td>Low-moderate</td>
<td>Found often in open country, farmland, grassland, woodland and urban parks (Menkhorst et al. 2019). Eats mostly small mammals and insects. Roosts in tree hollows, caves and dense foliage.</td>
<td></td>
</tr>
<tr>
<td><em>Ninox strenua</em></td>
<td>Powerful Owl</td>
<td>L, vu</td>
<td>A</td>
<td>Low</td>
<td>Generally inhabits forested and woodland environments but also known from urban areas with good possum populations (e.g. Botanic Gardens, Warrandyte, Blackburn). Roosts in shady tree with dense foliage, Requires a large tree hollow for nesting (Menkhorst et al. 2019).</td>
</tr>
</tbody>
</table>
Appendix 2: Plates.

Plate 1: Small hollows, crevices, defoliating bark are abundant throughout the study area and provide potential roosting sites for microbats. This tree (waypoint 114) had an exotic European Honeybee infestation in the vertical hollow. Removal of the hive is recommended.
Plate 2: The study area supports remnant Coast Banksia with a shrubby understorey. Open areas of paths and lawn are interspersed throughout the site. This provides a range of habitats for bats to forage within.
10.18 PROPOSAL TO ENTER INTO A 5 YEAR LEASE OVER PART OF THE SANDRINGHAM FAMILY LEISURE CENTRE

Corporate Services - Commercial Services
File No: PSF/20/7 – Doc No: DOC/20/59887

Executive summary

Purpose and Background

This report seeks to authorise the Director, Corporate Services to execute four leases to multiple tenancies for a term of 5 years at the Sandringham Family Leisure Centre (SFLC) located at 168-188 Tulip Street, Sandringham.

Following a review of the SFLC Review, the current commercial tenants approached Council seeking an extension to their existing leases that are due to expire in 2021.

In light of the 2018 SFLC facility review officers have conditionally offered the commercial tenants a 5 year lease, subject to tenants’ surrender of their existing leases.

On 17 December 2020, Council resolved to commence the required statutory processes in accordance with the Local Government Act 1989 to propose that Council enter into 5 year leases with the current commercial tenancies over part of SFLC.

Existing Tenants Schedule

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Use</th>
<th>Lease Expiry</th>
<th>Approx $p.a @ ‘19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goodlife – The Trust Company Limited</td>
<td>Gym</td>
<td>30.06.2021</td>
<td>$354k</td>
</tr>
<tr>
<td>Sub - Lease: Nimjem</td>
<td>Creche</td>
<td>31.01.2021</td>
<td>N/A</td>
</tr>
<tr>
<td>Sandringham Family Leisure Centre Café - Kim Ky</td>
<td>Café</td>
<td>30.05.2021</td>
<td>$28k</td>
</tr>
<tr>
<td>Sandringham Sports Physio – De-Nardis Enterprises</td>
<td>Physio</td>
<td>30.05.2021</td>
<td>$70k</td>
</tr>
<tr>
<td>Swimright – Cheslink Pty Ltd</td>
<td>Aquatic</td>
<td>30.05.2021</td>
<td>$60k</td>
</tr>
</tbody>
</table>

It should be noted Southern Basketball Association also occupies the site but under a community lease and is therefore not impacted by the current proposal.

At this time all tenants have expressed an interest in continuing to occupy their individual tenancies beyond 2021.

Below is an outline of the proposed terms for the five new leases:

Proposed Uses: As per current leases
Premises: As per current leases (see attachment 1)
Commencement Date: Date upon which the lease is executed by the parties
Term: 5 year
Outgoings: As per current leases
Option for further term: none
Proposed Commencing Rent: Passing rent plus CPI
Rental Escalation: CPI to be implemented annually
Key issues

Submissions Special Council Meeting – 4 March 2020

On 4 March 2020, following the S190 and S223 process of the Local Government Act 1989, a special committee meeting of Council was held to consider those submissions received and to hear from a submitter who wished to be heard in relation to her submission.

Concerns raised included the maintenance regime for the gym which in the submitter’s opinion should be addressed through any new lease which Council may choose to strike with the gym operator.

Following the Special Council meeting officers have discussed with the tenant the essential maintenance regime for plant at the gym, including air-conditioning. The tenant confirmed that the age of the current plant and the design of the existing spaces result in poor quality of cool air. Furthermore, the condition of much of the internal fixtures of the gym, including bathrooms, means that the only solution for many of the issues is the complete renewal and redesign of heating and cooling infrastructure and all of the bathroom fixtures. Officers will review the current and future maintenance regime for the gym, to try to achieve a better quality customer experience wherever possible, given the constraints of the current building.

Officers have also sought further information from the submitter and will address the issues raised with the tenant once it is clear whether they are a tenant or Council responsibility under the Retail Leases Act.

Existing SLFC management, tenancies and uses

Currently, the centre is uniquely managed by four commercial entities that operate under separate leases with Council and one community tenancy. This management arrangement is unusual for a municipal-owned leisure centre in that there are no operational Council staff on site, although Council does have maintenance responsibilities as a landlord for some plant and the structure of the centre. Each tenant has its own separate point of sale. There is a centralised reception to serve the pool and gym separately, which is located inside the front door of the facility. The basketball association have their own reception and office inside the ball courts.

The four commercial tenancies at SFLC include:

- A café
- A 25m indoor swimming pool, change rooms with spa and sauna enclosed
- A gymnasium and group fitness spaces and a crèche
- A sports physio multi-room tenancy.

Club Café - Kim Ky – Food and beverage operator providing hot and cold snacks.

SwimRight – Swimming pool providing programs including learn to swim, infant aquatics, squad training and holiday programs.

Gym - The Goodlife Health Club currently operates the gym and fitness areas of the Sandringham Family Leisure Centre and sub-lets the crèche.

Sports Physio - Sandringham Sports Physio has been providing physiotherapy and like services for over 30 years including physiotherapy, myotherapy, sports and remedial massage, podiatry and dietetics.
**New leases to be a maximum of 5 years**

The proposal for short-term leases is to provide tenants with sufficient time to run their operations, without the potential threat of early termination. Council may, in the future, decide to redevelop the Tulip Street site which would necessitate the demolition of the building or parts of the building.

**Summary**

Officers consider the provision of new leases to the four current tenancies and their existing uses at the Sandringham Family Leisure Centre, are in the best interest of the community. This outcome will enable Council sufficient time to investigate the future options for the site.

**Recommendation**

1. That Council authorise the Director, Corporate Services to execute four new leases to those Tenants listed below on the following key terms:

   1.1 Tenant: De Nardis Enterprises Pty Ltd.  
      Purpose: Physiotherapy Centre and Sports Medicine  
      Commencement Date: Date upon which the lease is executed by the parties  
      Term: 5 years  
      Rent: $82,729.55  
      Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

   1.2 Tenant: Cheslink Pty Ltd (SwimRight)  
      Purpose: Swimming Pool and associated uses and sale of associated goods  
      Commencement Date: Date upon which the lease is executed by the parties  
      Term: 5 years  
      Rent: $59,544.60  
      Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

   1.3 Tenant: Goodlife Operations Pty Ltd.  
      Purpose: Gymnasium, fitness centre and associated crèche and the sale of associated goods  
      Commencement Date: Date upon which the lease is executed by the parties  
      Term: 5 years  
      Rent: $354,768.94/  
      Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

   1.4 Tenant: Kim Ky  
      Purpose: Cafe  
      Commencement Date: Date upon which the lease is executed by the parties  
      Term: 5 years  
      Rent: $28,851.69  
      Rental Escalation: Consumer Price Index Melbourne All Groups (CPI).

**Support Attachments**

1. Sandringham Family Leisure Centre proposed Lease Plans ↓
Considerations and implications of proposition

Liveable community

The Sandringham Family Leisure Centre is the only Bayside City Council-owned aquatic centre in the municipality. The gym is a complementary use to the swimming pool and both tenancies are serviced by a café and car park. Whilst the sports physio centre is not a traditional leisure centre tenancy, the current tenant is an established commercial business and is not seen as being detrimental to the core business of the leisure centre. Whilst the centre is dated with many issues, the loss of the swim centre tenancy in particular would be felt significantly, even for a short period, as the city has no other indoor aquatic services (noting that Brighton Baths is an outdoor swim centre).

Social

Officers have received anecdotal evidence that the each of the tenancies are well attended and despite the condition of the premises, continue to attract and retain visitation.

Natural Environment

There will be no removal or disturbance of vegetation as a result of the lease.

Built Environment

The current building condition audit shows the building to be in poor condition and Council is currently undertaken condition assessments for the whole building.

Customer Service and Community Engagement

Council has completed the statutory procedures under section 190 and 223 of the Local Government Act 1989 and received submissions. Officers will be addressing issues raised in relation to the maintenance of the gym facility by the tenant.

Human Rights

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal

Officers do not anticipate any legal issues with this proposal assuming that all the statutory requirements are complied with as set out in this report.

Finance

There is no change in rental income of approximately $500,000 per annum proposed beyond an increase by CPI although there is a potential for greater Council expenditure for capital repairs as the facility approaches end-of-serviceable life.

Links to Council policy and strategy

The following policies are also associated with the delivery of the strategy:

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
Option considered

Option 1 Not proceed with new leases

<table>
<thead>
<tr>
<th>Summary</th>
<th>Officers to advise to the tenants that Council does not wish to proceed with new leases at SFLC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council will potentially have a vacant site at the end of the current leases, which it could offer as a whole or part to the open market for lease.</td>
</tr>
<tr>
<td>Issues</td>
<td>This option could have significant negative reputational and financial impact for the tenants and Council if it results in the closure of some or all the tenancies at SFLC beyond 2021.</td>
</tr>
</tbody>
</table>
10.19 2020 AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

Executive summary

Purpose and background
To advise Council of the Australian Local Government Association 2020 National General Assembly of Local Government to be held in Canberra from 14-17 June 2020.

The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. The ALGA’s work includes, but is not limited to, the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local communities.

The Assembly is the major event on the annual local government events calendar and typically attracts more than 700 Mayors, Councillors and senior officers from Councils across Australia.

The Australian Government is increasingly looking at local government to play a role as a partner in tackling the major issues facing the nation and the Assembly is the opportunity to make sure that the views of local governments are represented.

The Annual General Assembly is also a great opportunity for Council to present various motions for consideration by the Assembly that have a national sector impact. Over the last few years Council has submitted motions to the National Assembly. All motions have been accepted and successfully carried by the Assembly.

Key issues
Council has been represented at previous National General Assemblies in Canberra. All Councillors have been advised of the National Assembly and to date The Mayor Cr Martin, Deputy Mayor Cr Grinter, Cr del Porto and Cr Castelli, have expressed a desire to attend. The cost of registration is approximately $989 based on early bird registration per delegate and approximate cost for accommodation in the range of $975 for a total of three nights. Airfares to Canberra during this peak period is approximately $460 return.

Whilst a number of Councillors are present in Canberra, it is a wonderful opportunity to meet with the Federal Minister for Environment to further advocate for the following:

- funding for the Advance Waste Recycling project which Bayside is championing on behalf of 16 local government authorities; and

- funding for the Elsternwick Park Nature Reserve.

It is also a great opportunity to meet the Victorian Senators to engage with them on the funding provided by the federal government for additional car parking on Vic Track land seek their involvement to progress the matter further.
Recommendation

That Council approves the attendance of the Mayor Cr Martin, Deputy Mayor Cr Grinter, Cr del Porto and Cr Castelli at the ALGA National Assembly to be held in Canberra from 14 – 17 June 2020.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

Natural Environment
There are no natural environment implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
There are no customer services or community engagement implications associated with this report.

Human Rights
The implications of this report have been accessed and not considered likely to breach or fringe upon the human rights contains in the Victorian Charter of the Human Rights and Responsibilities Act 2016.

Legal
There are no legal implications associated with this report.

Finance
The cost associated with the attendance of three councillors at the National Assembly is provided within the current 2019/20 budget.

Links to Council policy and strategy
In accordance with Council’s Reimbursement, Support, Resources, Reimbursement and Accountability Policy each Councillor is able to attend one interstate conference per annum. To date during the 2019/20 financial year no councillor has attended an interstate conference. The attendance of councillor presentation at the National Assembly is in accordance with Council’s policy.
Executive summary

Purpose and background

The purpose of this report is to advise Council of the need to reschedule the June 2020 Ordinary Meeting of Council and cancel the 23 June 2020 Planning and Amenity Committee meeting.

Council, at its 7 November 2019 Annual Meeting, adopted a meeting schedule which included two Planning and Amenity Committee meetings during the months of February, April, June and September (2020) and also schedule the Ordinary Meeting of Council on 16 June 2020.

Key issues

The ALGA National General Assembly in Canberra will be held from 14 to 17 June 2020 in Canberra and four Councillors have expressed a desire to attend. It is therefore necessary to reschedule the Ordinary Meeting of Council from 16 June to be held on 23 June 2020.

Given the rescheduling of the Ordinary Meeting of Council it is therefore necessary to cancel the proposed Planning and Amenity Committee meeting scheduled on 23 June 2020. Similarly, it is proposed to cancel the second the Planning and Amenity Committee scheduled in 23 April 2020.

These additional meetings of the Planning and Amenity Committee were included to assist Council to consider planning applications where they may otherwise have been an unexpectedly high volume of applications listed for a single monthly meeting.

On this basis, it is recommended that where two meetings of the Planning and Amenity Committee are scheduled in a month that this be periodically reviewed by officers and a report be submitted to the preceding Ordinary Meeting of Council. Therefore the following Planning and Amenity Committee schedule is recommended:

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7 April 2020</td>
<td></td>
</tr>
<tr>
<td>21 April 2020</td>
<td>Cancelled</td>
</tr>
<tr>
<td>12 May 2020</td>
<td></td>
</tr>
<tr>
<td>9 June 2020</td>
<td></td>
</tr>
<tr>
<td>23 June 2020</td>
<td>Cancelled</td>
</tr>
<tr>
<td>21 July 2020</td>
<td></td>
</tr>
<tr>
<td>11 August 2020</td>
<td></td>
</tr>
<tr>
<td>8 September 2020</td>
<td></td>
</tr>
<tr>
<td>22 September 2020</td>
<td>To be reviewed in August 2020</td>
</tr>
<tr>
<td>13 October 2020</td>
<td></td>
</tr>
</tbody>
</table>
Recommendation
That Council give public notice of the rescheduling of the June Ordinary Meeting of Council from 16 June to 23 June 2020 and the cancellation of the 21 April 2020 and 23 June 2020 Planning and Amenity Committee meetings, with further review to be considered at the August 2020 Ordinary Meeting of Council.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
It is proposed that public notice be given on the cancellation of the 25 February 2020 Planning and Amenity Committee meeting on Council’s website.

Human Rights
The implications of this report have been accessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
There are no links to Council policy or strategy in relation to the content of this report.
Executive summary

Purpose and background
To advise Council of the State Council Meeting of the Municipal Association of Victoria (MAV) and to confirm motions to be put forward to the State Council Meeting which were the subject of previous Council resolutions.

The MAV will be convening its State Council Meeting on Friday 15 May 2020. The State Council is the body consisting of all the representatives of Councils which are financial members of the MAV, and the role of the State Council is to set high-level strategic directions for the MAV.

The State Council enables member councils to put forward motions for consideration; however, motions must have a state-wide significance to local government, and the motion must relate to the MAV Strategic Plan priorities.

Only Council’s appointed representative is able to vote on its behalf at the State Council meeting. Council’s MAV representative is Cr Alex del Porto and substitute representative is Deputy Mayor, Cr Rob Grinter.

Key issues
At this stage it is not proposed to put forward a motion. However, Frankston City Council are seeking Council’s support to a proposed motion relating to Emergency Management Funding, as outlined below.

Emergency Management Funding
That the MAV advocate to the Victorian Government for reconsideration of their recent Municipal Emergency Resourcing Program (MERP) funding announcement and commit to as a matter of urgency:

- Increased funding for each council on a permanent basis that reflects the capability and capacity gaps identified in the Councils and Emergencies Project led by Local Government Victoria (LGV). The increased funding should also reflect the changes in costs since 2011 in light of indexation and increased role scope.

- Funding to support the work of each regional Municipal Emergency Management Enhancement Group (MEMEG) where there is currently no dedicated resource in place (such as Southern Metropolitan Region).
Rationale
The Councils and Emergencies Project saw all councils complete a capability and capacity evaluation in 2019. The evaluation tool utilised a maturity model so that councils’ capability and capacity was assessed against their local emergency risk and relative need. The statewide results demonstrated that a majority of councils were operating below their target maturity. The evaluation report stated that “given the wide range of services councils provide to their communities, the budget they can allocate to emergency management is often constrained. Councils largely rely on funding (including the Municipal Emergency Resourcing Program or MERP) to resource their emergency management planning. In some cases, those that do receive MERP funding report that the level of MERP funding is not enough to fulfil their increasing emergency management responsibilities." The report also further stated “[t]he most common reason councils identified for not achieving their target maturity was that they lack the capacity to undertake the required range of emergency management responsibilities.”

Local Government Victoria has advised that the next phase of the project will include developing strategies to address areas for improvement in councils’ emergency management capability and capacity however it did not advise of any additional resources committed for this.

Further, on 20 December 2019, LGV announced they would be offering a new round of MERP funding agreements to operate between July 2020 to June 2024 with “all existing MERP recipient councils to continue receiving the same amount of funding as is currently allocated”. Frankston Council receives $40,000 per financial year through the MERP arrangements. This amount has remained the same since first provided in 2011 despite the significant increase in demands on councils in emergency management let alone to reflect indexation.

This is creating an untenable position where many councils cannot meet the expected responsibilities in emergency management leaving them and their communities potentially exposed in the event of a major emergency.

Many region’s councils have determined that the best way forward is to develop shared capability through establishing MEMEGs however some of these do not have dedicated resources to enable them to progress their work.

Based on the rationale put forward by Frankston City Council it is recommended that Bayside supports the proposed motion at the State Council meeting.

Recommendation
That Council supports the City of Frankston motion concerning Emergency Management Funding.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

Natural Environment
There are no natural implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
It is intended that the proposed motions will be circulated amongst member Councils prior to the State Council Meeting and Bayside will seek support from neighbouring Councils to support the proposed motions.

Councillors will be advised of the adopted motions following the MAV Meeting.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2016.

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The proposed motions relate to Council’s Goal 7 – Community Participation.
10.22 CONTRACT 19/120 - PERSONAL COMPUTER FLEET REPLACEMENT

Corporate Services - Information Services
File No: PSF/20/14 – Doc No: DOC/20/62333

Executive summary

Purpose and background
The purpose of this report is to award contract number CON/19/120 for the Personal Computer (PC) Fleet replacement for Bayside City Council.

Council requires PCs to enable staff, Councillors, and members of the public to access the internet or use applications and email across all council operated sites (e.g. Corporate Centre, Libraries, Maternal & Child Health buildings, Gallery, Meals on Wheels, Peterson Youth, Nursery and the Black Rock Activity Centre).

Key issues
Bayside City Council’s current lease arrangement is due for renewal which has provided an opportunity to test the market for value for money. The purpose of the new contract is to provide Council with market leading computer services for a further three years.

Market Testing

Council sought quotations for the PC Fleet Replacement through the pre-approved Victorian Government procurement panel, Buying for Victoria.

Submission were received from Dell Technologies, HP Australia and Acer Computer Australia. These suppliers provided a schedule of rates with itemised prices for each component required.

Selection Criteria

The following criteria (Listed in order of importance) were used to evaluate the quotes and develop the evaluation report:

1. Solution Viability
2. Price
3. Method
4. Experience and References.

Market test analysis

The evaluation was carried out by analysing the price and the quality of the solution provided by the suppliers during the market testing process.

During the evaluation process, Dell Technologies was assessed as providing a better overall solution that will greatly improve Council’s current equipment at a competitive market value.
Recommendation

That Council:

1. Award contract number CON/19/120 for Personal Computer Fleet Replacement to Dell Technologies, for the total sum of $1,108,886 Excluding GST, over the 3 year contract term

2. Authorise the Chief Executive Officer to sign all necessary documentation related to contract number CON/19/120.

Support Attachments

1. Signed Evaluation (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

Natural Environment
There are no implications to the natural environment associated with this report.

Built Environment
There are no implications to the built environment associated with this report.

Customer Service and Community Engagement
Having fast and reliable computers will allow Council staff to be more effective and efficient at work and providing information to its customers and the community.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
This contract requires Council’s approval to authorise the Chief Executive Officer to sign all necessary documentation related to contract number CON/19/120 as the contract value exceeds the Chief Executive’s financial delegation.

Awarding this contract via the Buying for Victoria panel of suppliers allows Council to be compliant with section 186 of the Victorian Local Government Act (Restriction on power to enter into contracts).

Finance
There is no additional costs to Council and the amount is within the current 2019/20 operating budget.

Links to Council policy and strategy
Updating the computer fleet allows Council to be consistent with its strategic objective ‘Delivering Contemporary ICT Services’ as identified in Council’s ICT Strategic Plan 2018-2022.
10.23 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/69029

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 24 March 2020.

Key issues
This report contains resolutions of Council that require a further report to Council.

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
## Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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<th>DIVISION</th>
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<tbody>
<tr>
<td>24/05/16</td>
<td>10.2</td>
<td><strong>Sandringham Village Streetscape Masterplan</strong></td>
<td>CPA</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and 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.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.7</td>
<td><strong>Children's Sensory Garden Investigation</strong></td>
<td>ERI</td>
<td>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong></td>
<td>ERI</td>
<td>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
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<tr>
<td>21/8/18</td>
<td>10.7</td>
<td><strong>Early Years Infrastructure Plan</strong>&lt;br&gt;That Council:&lt;br&gt;4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;&lt;br&gt;7. receives a further report following a review of the Infrastructure Plan in year five.</td>
<td>CCE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td><strong>CSIRO - Legal Agreements Update</strong>&lt;br&gt;That Council:&lt;br&gt;Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps.</td>
<td>CORP</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
</tr>
<tr>
<td>23/4/19</td>
<td>10.1</td>
<td><strong>Response to Petition - To Ban Smoking in and around Ricketts Point Marine Sanctuary</strong> &lt;br&gt;2) Receives a progress report on the various stages of developing the Local Law following the completion of the engagement, research and risk assessment process, to determine specific areas proposed to be declared as smoke free.</td>
<td>CPA</td>
<td>Report regarding community consultation results to be presented to April 2020 Council meeting.</td>
</tr>
<tr>
<td>23/4/19</td>
<td>10.4</td>
<td><strong>2019 Bright n Sandy Food and Wine Festival Service Review</strong>&lt;br&gt;4. Provides a report on an event review following the 2020 Bright n Sandy Food and Wine Festival.</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting following the 2020 Bright n Sandy Food and Wine Festival.</td>
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<tr>
<td>21/5/19</td>
<td>10.8</td>
<td><strong>Bayside Planning Scheme Review 2019</strong>&lt;br&gt;• Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year.</td>
<td>CPA</td>
<td>A report will be submitted to a future meeting in the 2019/2020 financial year (at or before June 2020)</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.17</td>
<td><strong>Bayside Tennis Strategy</strong>&lt;br&gt;1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris.</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.20</td>
<td><strong>Parking Technology, Church Street Major Activity Centre - Engagement Findings</strong>&lt;br&gt;3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:&lt;br&gt;• the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and&lt;br&gt;• if the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces.</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
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<tr>
<td>20/8/19</td>
<td>10.3</td>
<td>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update</td>
<td>ERI</td>
<td>A report will be submitted to Council no later than 31 August 2020.</td>
</tr>
<tr>
<td>20/8/19</td>
<td>10.7</td>
<td>Bayside Environmental Sustainability Framework 2016-2025 - Annual Progress Report 2. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td>ERI</td>
<td>A report will be submitted to Council in the first quarter of the 2020/21 financial year.</td>
</tr>
<tr>
<td>17/9/19</td>
<td>10.1</td>
<td>Nursery and Bushland Maintenance - Service Delivery Model 3. Receives a report on the performance of the Civil Infrastructure and Open Space Maintenance Contract in the areas related to the Nursery at its meeting in December 2020.</td>
<td>ERI</td>
<td>A report will be submitted to the December 2020 Ordinary Council Meeting.</td>
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<tr>
<td>15/10/19</td>
<td>7.1</td>
<td><strong>Petition to install a pedestrian crossing on Well Street, in the area between St Andrews and Carpenter Streets, Brighton</strong>&lt;br&gt;That the petition be received and a report be submitted to the March 2020 Ordinary Meeting of Council on this matter.</td>
<td>ERI</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.1</td>
<td><strong>Brighton Recreational Centre and Wilson Reserve Masterplan</strong>&lt;br&gt;4. Receives a report at a future Council meeting detailing the outcomes of the assessment of Brighton Grammar School’s proposal to redevelop Wilson Reserve.</td>
<td>ERI</td>
<td>A report will be submitted to a future Council meeting.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.3</td>
<td><strong>Small Neighbourhood Activity Centres (SNACs) - Building Height Review &amp; Recommendations</strong>&lt;br&gt;That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres.</td>
<td>CPA</td>
<td>A report will be submitted to Council following the approval of Amendment C126.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.4</td>
<td><strong>Mandatory Height Controls in the Hampton East (Moorabbin) Activity Centre</strong>&lt;br&gt;1. Receives a neighbourhood character study at the March 2020 Ordinary Meeting of Council in order to pursue mandatory height controls in the Hampton East Activity Centre.</td>
<td>CPA</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.9</td>
<td><strong>Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2</strong>&lt;br&gt;2. Receives a further report highlighting the health impacts of climate change to the residents of Bayside.</td>
<td>CCE</td>
<td>A further report will be submitted to a future Council Meeting.</td>
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<td>19/11/19</td>
<td>10.1</td>
<td>Proposal to redevelop and enter into a 21 year lease at Ricketts Point Tea House, Beaumaris</td>
<td>CORP</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
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<td>7. Receive a further report after the completion of the above statutory processes, and the environmental impact and safety study, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
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<tr>
<td>19/11/19</td>
<td>10.2</td>
<td>Proposal to enter into a 20 year lease over the Mini Golf facility at 20 Wengara Road Sandringham</td>
<td>CORP</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
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<td>5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
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<tr>
<td>19/11/19</td>
<td>10.4</td>
<td>Mid-Century Modern Heritage Voluntary Nomination Process</td>
<td>CPA</td>
<td>A further report will be submitted to a future Council meeting following the gazettal of heritage controls.</td>
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<td>6. Receives a report reviewing the voluntary nomination process following the gazettal of heritage controls outlined in this report.</td>
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<tr>
<td>19/11/19</td>
<td>10.5</td>
<td>Response to Notice of Motion 286 - Undergrounding of Powerlines</td>
<td>CPA</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
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<tr>
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<td>2. Receives a further report at the March 2020 Ordinary Meeting of Council that further considers the costs and benefits and potential approach to undergrounding overhead electricity powerlines, with a focus on:</td>
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<td>a. within public open space; b. to single street lights; c. in residential streets; and d. in activity centres.</td>
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| 17/12/19        | 10.3 | **Neighbourhood Character Review 2019 - Project Update; and Response to Notice of Motion - 281**  
That Council notes the Neighbourhood Character Review 2019 – Project Update report and receives a further update report prior to the commencement of community engagement.                                                                                      | CPA      | A report will be submitted to a future meeting, prior to commencement of community engagement.                                                                                                                                 |
| 17/12/19        | 10.4 | **Final Bayside Housing Strategy**  
3. Receives a report on Council’s Affordable Housing Policy at its 24 March 2020 Ordinary Meeting.                                                                                                                                                                                                                                         | CPA      | A report is included in the March 2020 Council meeting Agenda.                                                                                                                                                                     |
| 17/12/19        | 10.13| **Proposed Sale of Drainage Reserve Land at rear of 15 Berwick Street, Brighton**  
4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.                                                                                                                                                                                | CORP     | A report is included in the March 2020 Council meeting Agenda.                                                                                                                                                                     |
| 17/12/19        | 10.14| **Proposed Discontinuance and Sale of Land at rear of 38 & 40 Murphy Street, Brighton**  
4. Following the consideration of any submissions, Council will receive a further report at an Ordinary Meeting of Council.                                                                                                                                                                         | CORP     | A report is included in the March 2020 Council meeting Agenda.                                                                                                                                                                     |
| 17/12/19        | 10.15| **Proposal to enter into a 5 year lease over part of the Sandringham Family Leisure Centre**  
5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant those leases described in clause 1 above.                                                                                               | CORP     | A report is included in the March 2020 Council meeting Agenda.                                                                                                                                                                     |
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<tr>
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<tr>
<td>17/12/19</td>
<td>13.1</td>
<td>Notice of Motion - 268 - Foreshore Lighting</td>
<td>ERI</td>
<td>A report is included in the March 2020 Council meeting Agenda.</td>
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<td>That Council receives a report at the March 2020 Ordinary Council Meeting on foreshore lighting that discusses the conditions under which lighting is currently provided, outlines where lighting currently exists and develops an approach to a policy position on the provision, renewal and upgrade of foreshore lights.</td>
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<tr>
<td>18/02/20</td>
<td>10.1</td>
<td>Assessment of the potential heritage significance of the Beaumaris Memorial Community Centre</td>
<td>CPA</td>
<td>A further report will be submitted to a future Council Meeting.</td>
</tr>
<tr>
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<td>6. Receives a further report on the potential heritage listing of the Beaumaris Memorial Community Centre following the completion of the heritage assessment of the Arts Group Building.</td>
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<td>18/02/20</td>
<td>10.13</td>
<td>Proposed Discontinuance and Sale of Land adjoining 2A Maysbury Avenue, Brighton</td>
<td>CORP</td>
<td>A further report will be submitted to a future Council Meeting.</td>
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<td>5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.</td>
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<tr>
<td>18/02/20</td>
<td>10.14</td>
<td>Proposed Discontinuance and Sale of Land adjoining 28 &amp; 30 Boxshall Street, Brighton</td>
<td>CORP</td>
<td>A further report will be submitted to a future Council Meeting.</td>
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<td>5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.</td>
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<td>18/02/20</td>
<td>10.15</td>
<td>Proposal to enter into a lease of Council Depot at 144 Telinga Road, Cheltenham</td>
<td>CORP</td>
<td>A further report will be submitted to a future Council Meeting.</td>
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<td>5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
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<tr>
<td>18/02/20</td>
<td>10.16</td>
<td><strong>Proposed Discontinuance and Sale of Land adjoining 173 Bluff Road, Black Rock (Stage 2)</strong></td>
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<td>5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.</td>
<td>CORP</td>
<td>A further report will be submitted to a future Council Meeting.</td>
</tr>
<tr>
<td>18/02/20</td>
<td>13.1</td>
<td><strong>Notice of Motion - 292 - Trial Graffiti Removal Hampton Street Major Activity Centre</strong></td>
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<td>That Council receives a report at the April 2020 Ordinary Council meeting on an innovative trial of integrated graffiti removal from private property, utility and council assets in the Hampton Street area within the Hampton major activity centre. The trial is to be designed to quantify the costs and benefits of applying an integrated approach more broadly within the municipality. The report is to describe the appropriate length of the trial, the frequency of graffiti removal, the potential role of community groups and traders association, the approach to property categories such as building site hoardings and the role of Local Law enforcement, as well as the expected costs, risks and benefits of the trial.</td>
<td>ERI</td>
<td>A report will be submitted to the April 2020 Ordinary Council Meeting.</td>
</tr>
</tbody>
</table>
11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Director Environment, Recreation & Infrastructure
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Clarke Martin

12. Urgent Business

Potential resolution concerning future Council and Committee meetings.

13. Notices of Motion

13.1 NOTICE OF MOTION - 293 - CHELTENHAM RECREATION RESERVE NETBALL COURT

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/56343

I, Cr Laurence Evans OAM, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 24 March 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That Council receive a report at the May 2020 Ordinary Meeting of Council on the feasibility, costs and strategic justification for the future provision of a netball court at Cheltenham Recreation Reserve.

Cr Laurence Evans OAM

Support Attachments
Nil
14. **Confidential Business**

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.

14.1 **SANDRINGHAM GOLF LINKS MANAGEMENT - LEASING MATTER**

(LGA 1989 Section 89(2)(d) contractual matters.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Chief Executive Officer