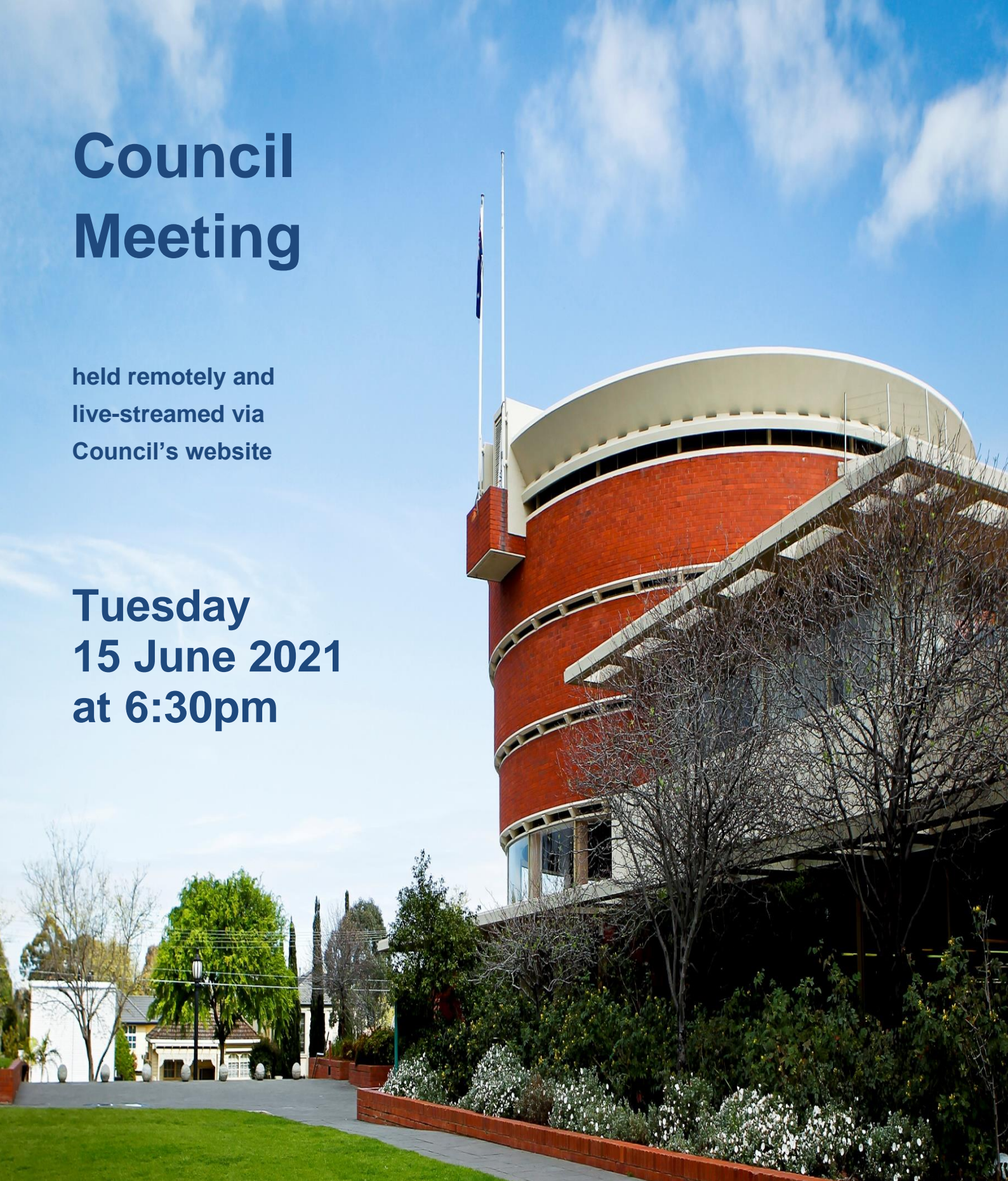


Council Meeting

held remotely and
live-streamed via
Council's website

**Tuesday
15 June 2021
at 6:30pm**



Minutes

PRESENT:

Chair: Cr Laurence Evans OAM (Mayor)

Councillors: Cr Sonia Castelli (Deputy Mayor)
Cr Alex del Porto
Cr Hanna El Mouallem
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stitfold

Officers: Mick Cummins – Chief Executive Officer
Jill Colson – Director Corporate Services
Bryce Craggs – Director Community and Customer Experience
Adam McSwain – Director Environment, Recreation and Infrastructure
Hamish Reid – Director City Planning and Amenity
Juliana Aya – Acting Manager Transport and Sustainability
Terry Callant – Manager Governance and Corporate Reporting
John Coates – Manager Amenity Protection
Matthew Cripps – Acting Manager Urban Strategy
Jason Stubbs – Manager Commercial Services
Damien Van Trier – Manager Open Space, Recreation and Wellbeing
Robert Lamb – Governance Officer

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The Mayor declared the Council Meeting open at 6:30pm and advised that the meeting is being recorded and streamed live on the internet.

1. Prayer

Cr del Porto read the prayer at the commencement of the meeting.

O God
Bless this City, Bayside,
Give us courage, strength and wisdom,
So that our deliberations,
May be for the good of all,
Amen

2. Acknowledgement of Original Inhabitants

Cr Castelli to read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the original inhabitants of this land that we call Bayside were the Boon Wurrung people of the Kulin nation.
- ◆ They loved this land, they cared for it and considered themselves to be part of it.
- ◆ We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. Apologies

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

Cr El Mouallem declared a general conflict of interest in Item 10.15 (Investigation of the need for the installation of a pedestrian crossing on Well Street between St Andrews Street and Carpenter Street, Brighton) as Cr El Mouallem owns a property on Well Street between St Andrew Street and Carpenter Street, Brighton.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Wednesday 16 June 2021 at 6:30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

CARRIED

5. Adoption and Confirmation of the minutes of previous meeting

- 5.1 Confirmation of the Minutes of the meeting of Bayside City Council held on 18 May 2021.

Moved: Cr Martin

Seconded: Cr Stitfold

That the minutes of the meeting of Bayside City Council held on 18 May 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Chapter 2, Section 57 of Council's Governance Rules, 8 public questions were submitted to the Meeting. In accordance with the resolution at the March 2020 Ordinary Meeting of Council, temporary meeting procedures with regard to public question time are in place:

- All questions received and responses are read out at the meeting within the allotted 15 minute timeframe for public question time.
- All questions and responses read out will be recorded in the minutes.
- A written response will be provided to all questions received.

1. Mr Chris Morfis

Mr Chris Morfis submitted a question regarding a planning permit issued by the Department of Environment Land Water and Planning, and Mr Morfis asked:

Question

A recent planning decision by the Department of Environment Land Water & Planning on APPLICATION FOR PLANNING PERMIT PA2001050 120-124 SOUTH ROAD, BRIGHTON EAST has granted a permit for the development of site which already causes major disruptions of traffic in the Castlefield precinct.

- a) How is Council able to provide support to local residents and ensure that their needs are met and recognised. The school has already started cutting down native gums which are home to native bird populations.
- b) How can you help us save our residential streets, save flora & fauna by getting Hailbury to push traffic onto South Rd not residential streets.

Response from the CEO

The State Government Planning Scheme Amendment VC180 provides specific provisions for non-government schools, resulting in the Minister for Planning being the responsible authority for the Haileybury School application.

- a) *Council will review any referrals from the Minister for Planning and will continue to make representation consistent with the needs of local residents and Councils planning policies.*
- b) *Any traffic related concerns raised directly with Council's traffic engineering team will be investigated and appropriate traffic management requirements implemented.*

2. Mr Jeff Naylor

Mr Jeff Naylor submitted a question regarding budgeted funding for Disability Access and Inclusion, and Mr Naylor asked:

Question

I am not against any sport, however, Bayside City Council has 'once again' budgeted an exorbitant amount of our ratepayer money on sporting pavillions, venues and mostly non inclusive facilities.

This disproportionate spend has been going on for years leaving our most vulnerable on the sidelines. We are two decades behind the more progressive Councils in Disability Access and Inclusion and they already have good momentum.

The golden sandbelt of Bayside should be an exemplar in Disability Access & Inclusion.

When will Council commit REAL budgeted funds (\$5M/yr minimum) in a separate budget line dedicated purely to Disability Access and Inclusion initiatives so meaningful work can begin and we can start our climb to the top quartile of Victorian Councils?

Response from the CEO

Council provides a range of infrastructure and programs to support access and inclusion in Bayside. Council will invest \$37.5 million in sporting pavilions in the draft 2021–22 budget which has a focus on court-based sports including netball and basketball. The hard playing surface and non-contact nature makes these sports the most accessible and inclusive of all sports in Bayside. Furthermore all sporting facilities built by Council are Disability Discrimination Act compliant and include parking and pedestrian paths to ensure accessibility reaches beyond the entrance of any building.

Council has also undertaken improvements at its kindergartens to improve accessibility and support children with additional needs, and funds the Bayside Toy Library to support children with development delay and physical disabilities.

Council is also improving accessibility of its website and provides an assessment officer to support eligible residents transitioning to NDIS as well as provide ongoing support for those who are not eligible. Council also provides training of its aged and disability services staff to support the needs of older people with dementia and their carers and a range of other disabilities experienced by older people such as vision and hearing impairment.

Council acknowledges that we can do better to support greater levels of access and inclusion for people living in and visiting Bayside. The recent formation of the Disability Access and Inclusion Advisory Committee is recognition of this and provides Council with a platform to obtain feedback and advice from a group of people with lived experience of disability.

3. Mrs Janice Cook

Mr Janice Cook submitted a question regarding parking availability in Hampton, and Ms Cook asked:

Question

With so much activity at the Hampton Hub, how can Council be so confident there will be sufficient car parking spaces covering a two hour visit by motorists.?

Response from the CEO

The development of the Hampton Community Infrastructure Masterplan has taken into consideration transport and movement trends to forecast future needs. This approach will enable Council to plan for expected increases in short-term parking supply.

As particular land uses change in the area, Council will consider the impact on car parking in parallel with the concept design stage and how Council can best respond to ensure that visitor parking is not compromised through the proposed works.

4. Dr Zena Burgess

Dr Zena Burgess submitted a question regarding Council's Mid-Century Modern Heritage Study and Dr Burgess asked:

Question

Re item 10.3 Mid Century Modern Heritage Study

Given several owner occupiers have lived in their homes for over 50 years as they built them as family homes, how are the wishes of these elderly and frail residents going to be ascertained and taken into consideration by the consultant /Bayside council?

Response from the CEO

As part of the Mid-Century Modern Heritage Study, Council's Community Engagement Plan will ensure all property owners of affected property owners are afforded an opportunity to share their views. Opportunities will also be provided to owners to meet Council officers to discuss any questions or concerns about a potential Heritage Overlay.

5. Mr George Reynolds

Mr George Reynolds submitted a question regarding Council's proposed Neighbourhood Amenity Local Law, and Mr Reynolds asked:

Question

In Council's making of its "New Local Law", debate has moved into a second Ordinary Meeting to allow further investigation. Has this investigation now demonstrated that:

- 1) While Council currently has authority to make Local Laws under s111 of the Local Government Act 1989, such authority is extinguished when the relevant section of The Act is repealed on 1st July 2021, and
- 2) The Neighbourhood Amenity Local Law 2021, if to be validly declared to commence on 1st July 2021, must now be prepared in the manner set out in Part 3, Div 3, s71-86 of the Local Government Act 2020?

Response from the CEO

Local Laws made from 1 July 2021 will follow the requirements of the Local Government Act 2020.

The statutory processes required to make Neighbourhood Amenity Local Law 2021 will be completed by 30 June 2021 in accordance with statutory requirements of the Local Government Act 1989. As such, it will be validly made and can commence to operate from 1 July 2021.

6. Mr George Reynolds

Mr George Reynolds submitted a further question regarding Council's proposed Neighbourhood Amenity Local Law, and Mr Reynolds asked:

Question

In the revised agenda item 10.2, Neighbourhood Amenity Local Law, key documents appear to have been withheld.

- 1) Is it intended that the Legal Certificate required to be tabled under s74 (1)-(3) of the Local Government Act 2020, is not to be obtained, and
- 2) Is the "New Local Law" adopting or abandoning the requirements of s72(g) of The Act?

Response from the CEO

The proposed Local law is expected to be adopted before 30 June 2021; therefore, the current statutory process is set out in the Local Government Act 1989 and not the Local Government Act 2020. As such, a Legal Certificate is not required and section 72(g) is not relevant.

7. Mr Kevin Howard

Mr Kevin Howard submitted a question regarding item 10.9 on the agenda – Wilson Recreation Reserve – Brighton Grammar Update, and Mr Howard asked:

Question

In the 16 February 2021 Ordinary Meeting it was agreed that Council officers would consult with the community and present a report “no later than June 2021”.

- 1) Why has the community consultation and report regarding this matter been delayed?
- 2) Given that Council have not been able to conduct community consultation as required, why have Council officers already engaged in discussions with Brighton Cricket Club?

Response from the CEO

- 1) *Community consultation has been delayed due to a number of factors including staff resourcing issues brought about by unexpected circumstances and the impacts of Covid lockdowns.*
- 2) *As a known stakeholder with a club-appointed Council Liaison, Council has regular contact with the Brighton Cricket Club on a variety of operational and strategic issues that may impact the Club. It was during one of these contacts that the Club has been initially consulted with regarding the Wilson Recreation Reserve proposal.*

8. Mr Kevin Howard

Mr Kevin Howard submitted a question regarding Council’s proposed Neighbourhood Amenity Local Law, and Mr Howard asked:

Question

My question relates to BAYSIDE CITY COUNCIL - NEIGHBOURHOOD AMENITY LOCAL LAW 2021, section 66, sub-section 12, which is:

66. A person must not, without a permit, while present on any municipal reserve:
(12) enter or remain within or upon the playing area of a municipal reserve during the progress of a sports match or sports gathering unless such person is a player, competitor or official;

- 1) What is the definition of a “sports gathering”?
- 2) When the consultation takes place regarding Wilson Recreation Reserve and Brighton Grammar’s proposal for a nine year licence, will the briefing to the community draw their attention to local law section 66, sub-section 12?

Response from the CEO

- 1) *A ‘sports gathering’ will continue to be interpreted as per the current Local Law, being an organised sporting event with a Council permit, such as organised by a school or formal sporting club. It does not include informal groups, such as a family.*
- 2) *The community will be provided with relevant information as part of informing the consultation process for the Wilson Recreation Reserve proposal.*

7. Petitions to Council

7.1 JOINT LETTER - REMOVAL OF SPACELETS IN MELROSE STREET SANDRINGHAM

City Planning and Amenity - Development Services
File No: PSF/21/23 – Doc No: DOC/21/168548

A Joint Letter has been received from 9 shop owners from the Sandringham Village shopping Centre requesting spacelets in Melrose to be removed.

“We, the undersigned wish to make it unequivocally clear that we do not wish for the parking spaces currently used by only a few traders in Melrose Street to continue”.

Moved: Cr Stitfold

Seconded: Cr del Porto

That the joint letter be received and a report be presented to Council by the August 2021 Council meeting for consideration.

CARRIED

**7.2 PETITION TO RETAIN PERMANENTLY THE EXTENDED FOOTPATH
TRADING AREAS AND SPACELETS IN MELROSE STREET AND
CLOSE OFF THE EAST END OF MELROSE STREET, SANDRINGHAM**

City Planning and Amenity - Development Services
File No: PSF/21/23 – Doc No: DOC/21/171339

A petition has been received from 91 individuals requesting to retain permanently the extended footpath areas and the existing spacelets in Melrose Street Sandringham and close off the east end of Melrose Street, Sandringham.

(91 valid signatories – 81 residents of suburbs within or partly within Bayside; and 10 residents of suburbs outside of Bayside)

“We the undersigned hereby petition Bayside City Council to retain permanently the extended footpath trading areas and the existing spacelets in Melrose Street Sandringham, and to close the east end of Melrose Street incorporating the existing spacelets out the front of Ammos Greek Tavern, Village Import, Sidebar and Ulysses Book Store to traffic thereby creating public open space.”

Moved: Cr Stitfold

Seconded: Cr Castelli (Deputy Mayor)

That the petition be received and a report be presented to Council by the August 2021 Council meeting for consideration.

CARRIED

7.3 PETITION TO INSTALL A ROUNDABOUT WITH A PEDESTRIAN CROSSING AT THE INTERSECTION OF HEAD AND BRICKWOOD STREETS, BRIGHTON

City Planning and Amenity - Urban Strategy
File No: PSF/21/23 – Doc No: DOC/21/180115

An online petition has been received from 71 individuals requesting that Council install a roundabout with a pedestrian crossing at the intersection of Head and Brickwood Streets, Brighton.

(71 valid signatories – 24 residents of suburbs within or partly within Bayside; and 47 residents of suburbs outside of Bayside)

‘We the undersigned hereby petition Bayside City Council to install a roundabout at the intersection of Head Street and Brickwood Streets in Brighton, with a pedestrian crossing.’

Moved: Cr El Mouallem

Seconded: Cr del Porto

That the petition be referred to the Chief Executive Officer for consideration and response in accordance with the:

- Local Area Management Policy
- Safe routes to school program
- Integrated Transport Strategy
- Climate Emergency Action Plan
- Bayside 2050 Community Vision
- Bayside Walking Strategy.

CARRIED

8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/146669

Moved: Cr del Porto

Seconded: Cr Martin

That Council notes the Assembly of Councillors record/s submitted as required by the *Local Government Act 1989*:

- 4 May 2021 Councillor Briefing
- 25 May 2021 Strategic Issues Discussion
- 1 June 2021 Councillor Briefing.

CARRIED

8.2 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 12 MAY 2021

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/179595

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 12 May 2021
2. adopts the following recommendations of the Bayside Arts and Gallery Advisory Committee meeting of 12 May 2021:

6.3 Acquisition Proposal for Bayside Arts and Heritage Collection

That the Bayside Arts and Gallery Advisory Committee:

1. *recommends Council gratefully accepts the proposed donation made by Dr Andrew Firestone of Port Phillip Bay Evening by Arthur Boyd for the Bayside Arts and Heritage Collection*
2. *acknowledges the donation as per Council approved process for donated works.*
3. presents a letter under the seal of Council to Ms Angelina Beninati and Ms Tiziana Borghese for their contribution to the Bayside Arts and Gallery Advisory Committee.

CARRIED

9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

The Mayor noted that temporary changes to the Council meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Committee meeting, members of the public may submit a written statement (maximum of four (4) A4 single pages) which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to an Ordinary Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

The following individuals submitted written statements to the meeting:

Item 10.1 Governance Rules 2020 (2021 Review)

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc).
2. Ms Pauline Reynolds

Item 10.3 Mid-Century Modern Heritage Study - Update

1. Dr Zena Burgess
2. Mrs Fiona Marshall
3. Mr Matt Marshall
4. Mrs Mary Larsen
5. Mr Peter Corfield

Item 10.5 Hampton Community Infrastructure Feasibility and Masterplan

1. Dr Peter Betts
2. Mr Tony Batt (on behalf of Hampton Neighbourhood Association)

Item 10.6 Sandringham & Black Rock Streetscape Upgrades

1. Mr Graeme Holmes

10.1 GOVERNANCE RULES 2020 (2021 REVIEW)

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/168389

It is recorded that Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc), and Ms Pauline Reynolds each submitted a written statement in relation to this item.

Moved: Cr del Porto**Seconded: Cr Martin**

That Council:

1. adopts the revised Governance Rules 2020 referenced as Attachment 3 to this report, noting the amendments (in full) as provided in Attachment 2
2. places a copy of the revised Governance Rules 2020 on Council's website and a copy provided to each Councillor
3. acknowledges the current COVID-19 directions and continues to follow the temporary Council and Committee meeting procedures enacted at the March 2020 Ordinary Meeting of Council (and later adapted) concerning public participation (with the exception that public questions must be sent electronically or delivered to Council's Corporate Centre by 9:00 am on the day immediately preceding the day of the Council Meeting) until such time as public health directions allow
4. reintroduces limited public attendance in the Council Chamber upon relaxation of Victoria's 'COVIDSafe' settings, based on applicable density guidelines
5. reserves the right, where required, under the *Local Government Act 2020* to conduct Council and Committee meetings remotely via electronic means on the basis that all meetings are live-streamed online.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Sonia Castelli (Deputy Mayor), Fiona Stitfold and Laurence Evans OAM (Mayor) (5)

AGAINST: Crs Hanna El Mouallem and Jo Samuel-King MBBS (2)

CARRIED

10.2 NEIGHBOURHOOD AMENITY LOCAL LAW 2021

City Planning and Amenity - Amenity Protection
File No: FOL/20/1664 – Doc No: DOC/21/174692

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. adopts the Neighbourhood Amenity Local Law 2021 (the New Local Law), in the form of Attachment 2 to the accompanying officer report, subject to the following changes to Attachment 2:

- A) replace clause 35 with the following:

Storage of Trailers, boats and caravans

A **person** must not, without a **permit**:

- (1) keep or store any **heavy vehicle** or **long vehicle** upon any **road** or on any other property (whether **private property** or **Council Land**); or
 - (2) occupy any **road** or **Council Land** by storing on it any boat, trailer or caravan for a continuous period of 28 days or more or for more than 56 days in a period of three consecutive months.

- B) insert a new clause 65, headed **Operation of Model Aircraft**, as follows:

- (1) **Council** may **prescribe Council Land** or part of **Council Land** to be **Council Land** or part of **Council Land** on which a **person** must not operate or allow another **person** to operate a **model aircraft** without a **permit**.
 - (2) A **person** must not, without a **permit**, operate or allow another **person** to operate a **model aircraft** while on any **Council Land** or any part of **Council Land** **prescribed** under sub-clause (1).

- C) renumber what appears as clause 65 in Attachment 1 as clause 66, and renumber all subsequent clauses and references to those clauses throughout the New Local Law.

- D) insert in clause 10, between the definitions of “**Manager**” and “**motor bike**” or “**other motorised recreational vehicle**”:

“**model aircraft**” means any airborne device modelled on an aeroplane or aircraft and which is powered, and includes a drone;

- E) amend Schedule 1 to specify 2 penalty units as the infringement penalty for a breach of what becomes clause 65.

- F) make consequential amendments to the Table of Contents to reflect such changes.
2. adopts the Local Law Guidelines under Clause 9(1) of the New Local Law in the form of Attachment 3 to the officer report, subject to the following changes from what currently appears in Attachment 3:

- A) add the following to what currently appears in Guideline 35:

In administering clause 35(2) of the Local Law, an Authorised Officer or a Delegated Officer is entitled to regard a boat, trailer or caravan as having continued to occupy a road or Council Land and to be stored there notwithstanding that the boat, trailer or caravan has been moved a short distance along the same road or Council Land in an attempt to demonstrate that the boat, trailer or caravan has been used and is not being stored.

In determining whether to grant a permit to occupy the road or Council Land under clause 35(2), an Authorised Officer or a Delegated Officer must consider any exceptional circumstances, the duration of time proposed, the impact on amenity, safety and parking in the relevant area, the likely effect on occupiers of adjoining properties and any other matter that the Authorised Officer or a Delegated Officer reasonably believes is relevant to the application.

Note: Council seeks to ensure boats, trailers or caravans are not stored for long periods on roads or Council Land unless in exceptional circumstances.

- B) insert the following as Guideline 65, under the heading “**MODEL AIRCRAFT**”:

In deciding whether to prescribe Council Land or part of Council Land as Council Land or part of Council Land on which a person must not, without a permit, operate or allow another person to operate a model aircraft, Council must take into account:

- (1) the nature of the Council Land (or part of Council Land);
- (2) whether the Council Land (or part of Council Land) is an environmentally sensitive area or habitat for wildlife;
- (3) whether there are any flora or fauna on the Council Land (or part of Council Land); and
- (4) the extent to which the Council Land (or part of Council Land) is frequented by members of the public, and by any animals under the control of members of the public.

In determining whether to grant a permit to allow the operation of model aircraft on Council Land or part of Council Land under clause 65, an Authorised Officer or a Delegated Officer must have regard to:

- (1) the location the model aircraft is to be flown and proximity to other people, environmentally sensitive areas and wildlife habitats;
 - (2) the risk posed to the public, property and the environment; and
 - (3) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.
- C) renumber what appears as Guideline 65 in the Attachment 2 as Guideline 66, and renumber all subsequent Guidelines and references to those Guidelines throughout the Local Law Guidelines.
- D) make consequential amendments to the Table of Contents to reflect such changes.
3. authorises the Chief Executive Officer to:
 - (a) give public notice of the making of the New Local Law, in accordance with section 119(3) of the *Local Government Act 1989* (the Act)
 - (b) forward a copy of the New Local Law to the Minister for Local Government, in accordance with section 119(4) of the Act
 - (c) write to each person who made a submission under section 223 of the Act concerning the New Local Law, advising them of Council's decision to make the New Local Law and reasons for doing so (the reasons are set out in the officer report)
4. amends any reference in any Council document to the Neighbourhood Amenity Local Law 2012 (the Previous Local Law) so that it becomes, from 1 July 2021 onwards, a reference to the New Local Law, and, without limiting the generality of this:
 - (a) in the Management of Tree Protection on Private Property Policy 2015 the reference to Clause 36 of the Previous Local Law be amended from 1 July 2021 onwards so as to be a reference to Clause 21 of the New Local Law
 - (b) in the Footpath Trading Policy 2018 the reference to Part 7 of the Previous Local Law be amended from 1 July 2021 onwards so as to be a reference to Division 1 of Part 4 of the New Local Law
5. prescribes the area coloured red in Attachment 7 to the officer report (being the entire Foreshore Reserve within the municipal district, and a municipal place within the meaning of the New Local Law) as a smoke-free area for the purposes of Clause 60 of the New Local Law
6. prescribes the area coloured red in the attachment to this resolution (being a reduced area of the Red Bluff Cliffs Foreshore) as a municipal reserve in respect of which, and pursuant to Clause 58 of the New Local Law, a person must not, while in or on that municipal reserve:
 - (a) consume any liquor; or

- (b) have in his or her possession or control any liquor other than liquor in a container with an unbroken seal

at any time or on any day



7. authorises any member of Victoria Police to enforce Clause 58 of the New Local Law and authorises the Chief Executive Officer to publish a notice in the Victoria Government Gazette advising that any member of Victoria Police may enforce that Clause.

CARRIED

10.3 MID-CENTURY MODERN HERITAGE STUDY - UPDATE

City Planning and Amenity -
File No: PSF/21/27 – Doc No: DOC/21/162005

It is recorded that Dr Zena Burgess, Mrs Fiona Marshall, Mr Matt Marshall, Mrs Mary Larsen, and Mr Peter Corfield each submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Castelli (Deputy Mayor)

That Council notes the progress of the Mid-Century Modern Heritage Study.

CARRIED

10.4 FINAL AFFORDABLE HOUSING STRATEGY 2021

City Planning and Amenity -
File No: PSF/21/27 – Doc No: DOC/21/162081

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. adopts the final Affordable Housing Strategy 2021 and Background Report
2. writes to all submitters to thank them for their contribution
3. delegates the Manager Urban Strategy to prepare an amendment to the Bayside Planning Scheme to implement the Affordable Housing Strategy 2021.

CARRIED

10.5 HAMPTON COMMUNITY INFRASTRUCTURE FEASIBILITY AND MASTERPLAN

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/170097

It is recorded that Dr Peter Betts, and Mr Tony Batt (on behalf of Hampton Neighbourhood Association) each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Samuel-King MBBS

That Council:

1. adopts the Hampton Masterplan acknowledging the declaration of a Climate Emergency and need to respond appropriately
2. commences the development of a functional brief with key stakeholders to inform the floorspace requirements of the future Community Hub
3. following the development of the functional brief, begins a concept design process to guide the configuration of buildings and open space in the Willis Street precinct
4. ensures that as part of the Concept Design, it considers:
 - a. creation of a detailed Communications and Engagement Plan that includes the appointment of a community reference group to oversee the design stage of the projects
 - b. opportunities for an architectural design competition, with a particular focus on innovative environmental design
 - c. the footprint, height and siting of the future community hub building with respect to the environment
 - d. the materials to be used in the construction of the building, including pre-fabricated construction options, opportunities for the recycling and reuse of building materials through demolition of existing buildings
 - e. opportunities to maximise green infrastructure and technologies through the building and open space using best practice ESD
 - f. opportunities to maximise greening of the open space and consider appropriate plantings focusing on indigenous and bio diverse plantings and cultural symbols
 - g. reconfiguration to the road network to ensure that sustainable transport is prioritised in the Willis Street Precinct
5. writes to stakeholders to advise them of Council's decision.

CARRIED

10.6 SANDRINGHAM & BLACK ROCK STREETSCAPE UPGRADES

City Planning and Amenity - Development Services
File No: PSF/21/27 – Doc No: DOC/21/173908

It is recorded that Mr Graeme Holmes submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr del Porto

That Council:

1. defers the detailed design and documentation phase associated with the Sandringham and Black Rock streetscape projects to 2025–26 to be reconsidered as part of Capital Works Program at that time
2. considers minor improvements works to the Sandringham Village and Black Rock Village activity centres on a case by case basis and funded from the existing Capital Works or other appropriate budget line items
3. notes that the Economic Development team continue the delivery of the Bayside Local Economic Recovery Plan with a focus on place making opportunities
4. continues to monitor our public assets within the Activity Centres and ensures that they are maintained to a safe and serviceable standard.

CARRIED

**10.7 ESTABLISHING AN ENVIRONMENTALLY SUSTAINABLE
DEVELOPMENT POLICY FOR BAYSIDE**

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/173922

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Samuel-King MBBS

That Council notes the update in relation to developing an Environmentally Sustainable Development Policy.

CARRIED

10.8 WARM WATER POOL INVESTIGATIONS - UPDATE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/169226

Moved: Cr del Porto

Seconded: Cr El Mouallem

That Council:

1. considers the inclusion of an additional stand alone hydrotherapy pool as part of the feasibility study into a warm water pool facility
2. receives a report detailing the findings of discussions with commercial providers regarding a Warm Water Pool and Hydrotherapy Pool within the municipality at the October 2021 Council meeting.

CARRIED

10.9 WILSON RECREATION RESERVE - BRIGHTON GRAMMAR - UPDATE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/169225

Moved: Cr El Mouallem

Seconded: Cr del Porto

That Council receives a report detailing the findings of the community consultation at the 17 August 2021 Council meeting.

CARRIED

10.10 BUILDING REFORM

City Planning and Amenity - City Planning and Amenity
File No: PSF/21/28 – Doc No: DOC/21/177193

Moved: Cr Martin

Seconded: Cr El Mouallem

That Council notes the submission to stage one of the Building Regulatory System review.

CARRIED

10.11 ROAD MANAGEMENT PLAN REVIEW

Environment, Recreation and Infrastructure - City Assets & Projects

File No: PSF/21/21 – Doc No: DOC/21/139476

Moved: Cr El Mouallem

Seconded: Cr Martin

That Council:

1. adopts the Road Management Plan
2. receives a report reviewing the levels of service outlined in the Road Management Plan at the February 2022 Council meeting.

CARRIED

10.12 MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE REFORM PROCESS

Environment, Recreation and Infrastructure - City Assets & Projects
File No: PSF/21/21 – Doc No: DOC/21/151478

Moved: Cr Martin

Seconded: Cr Stitfold

That Council:

1. authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions were repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*
2. authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020)
3. notes that, under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), Council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

CARRIED

10.13 RESPONSE TO NOTICE OF MOTION - 308 - GREY HEADED FLYING FOX PROTECTION MEASURES

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/164181

Moved: Cr Samuel-King MBBS**Seconded: Cr del Porto**

That Council:

1. endorses the Management of Barbed Wire Policy May 2021 as set out in Attachment 1, with the inclusion within the policy that Council does not install any barbed wire in the future, except in rare and exceptional circumstances as outlined in clause 3 to this resolution
2. reallocates \$20,000 from the Biodiversity budget allocation in the 2021–22 budget to commence the removal of barbed wire in the 2021–22 financial year and refers any additional funding required to future budget discussions
3. does not install any barbed wire in the future, except in rare and exceptional circumstances for security purposes and in these cases restricts the use of barbed wire to a single, marked strand
4. notes the list of food tree species set out in Attachment 2 and refers this for consideration and inclusion in the Park Improvement and Habitat Linkage Plan, while prioritising food tree species that do not attract bird pest species
5. authorises the Mayor to advocate to Bayside based authorities, schools and private land holders including golf courses, for the removal of barbed wire on these sites
6. authorises the Mayor to advocate to the Municipal Association of Victoria to encourage other councils to adopt similar policies towards the management of barbed wire to reduce impacts to native wildlife
7. develops and implements a communication strategy aimed at businesses and private homeowners, on the impacts of barbed wire to wildlife and encouraging them to remove any barbed wire on their property.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem, Jo Samuel-King MBBS, Fiona Stitfold and Laurence Evans OAM (Mayor) (7)
 AGAINST: Nil (0)

CARRIED

10.14 COMMITMENT TO PROCUREMENT AUSTRALIA'S RETAIL ENERGY TENDER 2021

Environment, Recreation and Infrastructure - Environment
File No: PSF/21/36 – Doc No: DOC/21/170701

Moved: Cr Samuel-King MBBS

Seconded: Cr Stitfold

That Council:

1. commits to participating in Procurement Australia's Contract 2506/0641 for the procurement of small market electricity and natural gas for a period commencing 1 July 2023 and ending 30 June 2025
2. notes a preference for Procurement Australia to include a local supplier weighting criteria and a preference for a supplier who generates and provides 100% renewable energy in their tender assessment process
3. authorises the Chief Executive Officer to sign the letter (Attachment 1), with an amendment in accordance with point two of this motion, to commit to Procurement Australia's tender stage and the duration of the contract for small market electricity and natural gas services
4. authorises the Chief Executive Officer to sign all necessary agreements with the awarding retailer as determined by Procurement Australia for small market electricity and natural gas services.

CARRIED

10.15 INVESTIGATION OF THE NEED FOR THE INSTALLATION OF A PEDESTRIAN CROSSING ON WELL STREET BETWEEN ST ANDREWS STREET AND CARPENTER STREET, BRIGHTON

City Planning and Amenity - Urban Strategy
File No: PSF/21/36 – Doc No: DOC/21/174148

It is recorded that Cr El Mouallem declared a general conflict of interest in this item given he owns a property on Well Street between St Andrew Street and Carpenter Street, Brighton. Cr El Mouallem left the meeting at 8:55 pm.

Moved: Cr del Porto

Seconded: Cr Castelli (Deputy Mayor)

That Council:

1. notes the outcomes of the additional traffic investigations in response to the Council resolution from 24 March 2020
2. arranges the installation of warning signage to alert motorists of the pedestrian conditions in this location.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem, Fiona Stitfold and Laurence Evans OAM (Mayor) (6)
 AGAINST: Cr Jo Samuel-King MBBS (1)

CARRIED

It is recorded that Cr El Mouallem was not present during consideration of the above item and returned to the meeting at the conclusion of the item at 9:01 pm.

10.16 SOUTH EAST METROPOLITAN COUNCILS - ADVANCED WASTE PROJECT

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/173784

Moved: Cr Martin

Seconded: Cr del Porto

That Council, having considered the detailed Risk Assessment contained in the confidential attachment to this report, resolves to join the Special Purpose Vehicle for the South East Advanced Waste project and underwrites the associated costs up to \$100,000, and authorises the Chief Executive Officer to sign any necessary documentation to progress the Special Purpose Vehicle.

CARRIED

10.17 SANDRINGHAM HOSPITAL STRATEGIC AGREEMENT - UPDATE

Community and Customer Experience - Community Services
File No: PSF/21/32 – Doc No: DOC/21/176683

Moved: Cr Martin

Seconded: Cr del Porto

That Council:

1. continues discussions regarding opportunities to formalise relationships with Alfred Health, Fairway Bayside Aged Care and Family Life
2. provides a report to Council by March 2022 detailing the outcome of these discussions.

CARRIED

10.18 ECONOMIC DEVELOPMENT AND TOURISM STRATEGY - UPDATE

City Planning and Amenity - Development Services
File No: PSF/21/27 – Doc No: DOC/21/176956

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council notes the update on the Economic Development and Tourism Strategy and provides a further status update by June 2022.

CARRIED

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

**10.19 PROPOSED LEASE OF ONE TELECOMMUNICATION SITE TO
TELSTRA**

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/173725

Moved: Cr Castelli (Deputy Mayor)**Seconded: Cr del Porto**

That Council:

1. commences the statutory procedures under Sections 190 and 223 of the *Local Government Act 1989*, to enter into a new Lease with Telstra Corporation Ltd in accordance with the Heads of Agreements provided in Attachment 1, for the occupation of one site, being part of Banksia Reserve
2. directs that under Section 190 and 223 of the *Local Government Act 1989*, public notice of the proposal to lease the site described in Clause 1 above 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 proposed
4. establishes a Special Committee of Council and determines the membership of the Committee (with a minimum of three {3} councillors) to hear any submitters that wish to be heard
5. in the event that submission/s are received, convenes a Special Committee of Council meeting on Wednesday 28 July 2021 at 5:30pm, to be held at the Council Chamber, Boxshall Street, Brighton, or held remotely via electronic media, to hear any submitters that wish to be heard
6. receives a further report after the completion of the above statutory processes, in order to consider and make a decision about whether to grant the Lease described in Clause 1.

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

10.20 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/176353

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council notes the Council Action Awaiting Report.

CARRIED

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

10.21 UNDERGROUNDING POWERLINES

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/174129

Moved: Cr Martin

Seconded: Cr del Porto

That Council

1. notes the report
2. receives a further report at the October 2021 Council meeting with an update and recommendation on pursuing a Special Rates or Charges Policy.

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Fiona Stitfold indicated that no meeting had been held since the last Council meeting.
2. **Metropolitan Transport Forum** – Cr Castelli advised that she was unable to attend the recent meeting; however, has received notes from the forum indicating that the Minister for Public Transport, Roads and Safety, Ben Carroll MP gave a presentation to the forum and spoke about his commitment to improving public transport and supporting active transport, and working closely with local government and communities.

The Minister also spoke about the planned shift to zero emissions buses at the start of 2025 and the strong community benefit this shift will provide.

3. **Municipal Association of Victoria** – Cr Alex del Porto advised that he attended the May State Council Meeting where Bayside's motions were successful and received support from the meeting.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Laurence Evans OAM indicated that a meeting of the ISMMF has not been held.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin advised that the CEO of the Waste Recovery Group provided an update to the Forum of the contaminated recycling highlighting that of the 145k tonnes of waste placed in recycling bins, 24% went to landfill. A lot of this is commercial and industrial waste. Audits were conducted and food waste accounted for over a quarter of the waste with only 3% of the waste being recoverable waste – the rest goes to landfill.

The Department of Agriculture Water and Environment also provided an update about industry-specific levies as required under the new 2020 Recycling Act which include levies relating to recycling mobile phones, car tyres, plastic bags, electronics, and oil products.

6. **South East Councils Climate Change Alliance** – Cr Clarke Martin indicated that a positive meeting of the alliance was held and noted its successful motions carried at the recent MAV meeting as outlined by Cr del Porto, and is hopeful the MAV can do some reform and restructure of the alliance. It is proposed that the SECCCA will present a draft policy to the MAV representative to table at the MAV.

Moved: Cr Castelli

Seconded: Cr Samuel-King MBBS

That the Reports by Delegates be received and noted.

CARRIED

12. Urgent Business

There were no items of Urgent Business submitted to the meeting.

13. Notices of Motion

13.1 NOTICE OF MOTION - 311 - RESPONSIBLE DOG OWNERSHIP AND BEHAVIOURS

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/168458

Moved Cr Martin

Seconded Cr Samuel-King MBBS

That Council grants Cr Martin leave to amend his Notice of Motion.

CARRIED

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That Council:

1. acknowledges and congratulates the majority of dog owners in the community for their responsible pet ownership and behaviours, and Council supports the continued action of calling out bad behaviour of a small minority that continue to flout the laws and act in a recalcitrant manner towards other community members which has a detrimental impact on the peace and good harmony of local communities
2. clarifies rules relating to the shared use of public open space and ovals and publicises the importance of responsible pet ownership through various communication channels
3. reviews the controls related to dogs accessing sporting grounds during organised sport and receives a report at the October 2021 Council Meeting as part of the annual Domestic Animal Management Plan Review.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem, Jo Samuel-King MBBS, Fiona Stitfold and Laurence Evans OAM (Mayor) (7)

AGAINST: Nil (0)

CARRIED

The Mayor noted that this was the last Council meeting for Dr Hamish Reid, Director City Planning and Amenity and thanked Dr Reid for his contribution to the organisation and the Bayside Community.

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Martin

That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), 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 3(1) (confidential information) of such Act:

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

CARRIED

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14.1 DENDY BEACH PAVILION PROJECT - UPDATE ON LEGAL PROCEEDINGS

(LGA 2020 Section 3(1)(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.)

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

Following consideration of Confidential Business, the Mayor declared the meeting closed at 10:19pm.