

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
28 June 2022
at 6:30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Deputy Mayor)

Councillors: Cr Sonia Castelli
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stitfold

Officers: Mick Cummins – Chief Executive Officer
Jill Colson – Director Corporate Services
Matthew Cripps – Director City Planning and Amenity
Adam McSwain – Director Environment, Recreation and Infrastructure
Juliana Aya – Manager Urban Strategy
Fiona Farrand – Manager Development Services
Paul Gibbs – A/Manager Open Space, Recreation and Wellbeing
Giacomina Pradolin – A/Manager Libraries, Arts and Cultural Services
James Roscoe – Manager Climate, Waste and Integrated Transport
Bill Shanahan – Manager Finance
Jason Stubbs – Manager Commercial Services
Robert Lamb – Governance Officer

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The Chief Executive Officer, in the absence of the Mayor Cr del Porto, declared the Council Meeting open at 6:30pm.

The Chief Executive Officer called for a motion for the position of Acting Chairperson.

Moved: Cr Martin

Seconded: Cr Evans

That the Deputy Mayor, Cr El Mouallem take the Chair for the remainder of the meeting.

CARRIED

Deputy Mayor, Cr El Mouallem took the chair and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Chairperson invited Cr Castelli to read the prayer.

1. Prayer

Cr Castelli 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 Country

Cr Martin read the acknowledgement of the original inhabitants of this land.

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ◆ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ◆ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

3. Apologies

An apology was received from the Mayor, Cr del Porto.

Moved: Cr Castelli

Seconded: Cr Evans

That the apology of the Mayor, Cr del Porto be received and noted and leave of absence granted for the 28 June 2022 Council Meeting.

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

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 Ordinary meeting of Bayside City Council held on 17 May 2022.

Moved: Cr Martin

Seconded: Cr Castelli

That the minutes of the Ordinary meeting of Bayside City Council held on 17 May 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

- 5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 7 June 2022.

Moved: Cr Evans OAM

Seconded: Cr Martin

That the minutes of the Special meeting of Bayside City Council held on 7 June 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

- 5.3 Confirmation of the Minutes of the Delegated Committee of Council Meeting held on 15 and 16 June 2022.

Moved: Cr Evans OAM

Seconded: Cr Martin

That the minutes of the Delegated Committee of Council Meeting held on 15 and 16 June 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with the resolution at the June 2021 Council Meeting, temporary meeting procedures with regard to public question time remain 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. Mrs Elizabeth Gray

Mrs Elizabeth Gray submitted a question regarding political signage and Mrs Gray asked:

Question

- a) When will the amount of money spent on the recent losing "political signage" Supreme Court case be revealed?
- b) The Age May 9 investigation clearly showed the extent of outside interference on Bayside Council. What steps, if any, have been taken to prevent a recurrence of political interference in Council processes, which made Council the "fall guy", not the complainant.

Response

The actual costs associated with the matter (Council's legal costs and any cost to be awarded against Council) have not yet been finalised. Once this has been confirmed Council will ensure this information is made available to the public.

Council's approach to this issue was not influenced by outside influence. Given the various opinions on this matter, Council obtained independent legal advice on the application of the Bayside Planning Scheme in relation to political signage to inform its position on the matter.

2. Mr James Page

Mr James Page submitted a question regarding electric vehicles in Bayside and Mr Page asked:

Question

The FY23 draft budget has no specific provisions for electric vehicle chargers.

What steps are council taking to address the demand for those who currently need to queue for the single charger in bayside, or will have to travel to other municipalities to keep their vehicles charged?

Response

Council is currently working to deliver two fast chargers to be located at 47 – 53 Willansby Avenue, Brighton. It is expected that these facilities will be operational by the end of 2022.

In the 2022–23 financial year, Council is intending to deliver additional EV chargers at 1 Mills Street, Hampton via a leasing model with a suitable private service provider.

Additionally, Council is reviewing opportunities for kerbside charging in residential streets with this matter being considered via the Parking Strategy which is currently being developed.

Council is also considering initiatives to improve efficiency of the current chargers located at Council's corporate centre to increase availability for the community.

3. Mrs Mary Larsen

Mrs Mary Larsen submitted a question regarding Council's recent Delegated Committee of Council Meeting in relation to the draft Post-War Modern Residential Heritage Study and Mrs Larsen asked:

Question

Please advise

- (a) reason residents whose homes are not on the postwar modern heritage study were given an opportunity to speak on the evening prearranged for homeowners only
- (b) does council acknowledge that this has compromised the process

Response

In preparation for the Delegated Committee of Council Meeting, Council provided correspondence to property owners and interested parties informing them of the intent to host the Delegated Meeting over two separate nights, with one night allocated to property owners and one night for other individuals speaking more generally to heritage matters.

Council's 'Request to be Heard' webform provided instructions for speakers to register at the meeting that was relevant to them. Whilst it is noted that a small number of individuals may have chosen not to disclose their particular interest when selecting which night to speak, all persons who registered to speak were provided an opportunity to make a submission to the Committee. It is the view of Council that the process has not been compromised.

4. Mrs Mary Larsen

Mrs Mary Larsen submitted a question regarding Council's draft Post-War Modern Residential Heritage Study and Mrs Larsen asked:

Question

In the interest of transparency please advise

- (a) names of ten supporters of the postwar modern heritage study as these names were provided in the 2008 heritage study 2008
- (b) names of the key stakeholders who were consulted in the selection of homes listed in the study, as these names were provided in 2008.

Response

Submitters to the consultation on the draft Post-War Modern Residential Heritage Study have made their submission confidentially. Any request to have the submitter names provided will need to be sought through a Freedom of Information Request.

Council's heritage consultant, alongside Council, did not consult with any stakeholders during the preparation of the draft Post-War Modern Residential Heritage Study. The methodology undertaken to prepare and identify places within the Study has been outlined within Volume 1 of the Study.

5. Ms Lea Jaensch

Ms Lea Jaensch submitted a question regarding Council's draft Post-War Modern Residential Heritage Study and Ms Jaensch asked:

Question

Can you explain how Bayside City Council, Heritage Victoria and Bryce Raeworth, who have visited our property, have deemed our home not significant. But GJM, who conducted their research online and have never visited our property, have?

Response

It is understood that Heritage Victoria and Bryce Raworth have assessed the property in question for its potential State heritage significance, where it was determined that the property did not meet the threshold for inclusion on the State Heritage Register.

The purpose of the GJM Study was to identify residential buildings and precincts constructed within the municipality in the Post-war period and to determine whether they satisfy the threshold for local heritage significance and inclusion in the Heritage Overlay of the Bayside Planning Scheme.

The threshold for local heritage significance is lower than that for state significance.

7. Petitions to Council

7.1 PETITION TO PERMANENTLY RETAIN EXTENDED FOOTPATH TRADING AREAS AND SPACELETS IN MELROSE STREET, SANDRINGHAM AND CLOSE EAST END OF MELROSE STREET TO TRAFFIC

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/191344

Moved: Cr Evans OAM

Seconded: Cr Stitfold

That the petition be received and considered in conjunction with the report on item 10.15 to this agenda.

CARRIED

**7.2 PETITION TO CLOSE SECTION OF MELROSE STREET,
SANDRINGHAM TO VEHICULAR TRAFFIC**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/35 – Doc No: DOC/22/191348

!

Moved: Cr Stitfold

Seconded: Cr Castelli

That the petition be received and considered in conjunction with the report on item 10.15 to this agenda.

CARRIED

8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/185543

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the records of meeting/s held under the auspices of Council as required by the *Local Government Act 2020* and Council's Governance Rules:

- 31 May 2022 Strategic Issues Discussion
- 7 June 2022 Councillor Briefing.

CARRIED

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

**8.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON
30 MAY 2022**

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/22/181178

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the minutes of the Audit and Risk Committee meeting held on 30 May 2022.

CARRIED

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

8.3 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE SPECIAL MEETING HELD ON 8 JUNE 2022

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/22/181750

Moved: Cr Castelli**Seconded: Cr Evans OAM**

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Special Committee meeting held on 8 June 2022
2. adopts the recommendation from the Bayside Arts and Gallery Advisory Special Committee in relation to the following item:

Item 6.1 – Review of the Strategic Arts and Cultural Plan 2022–23

That the Bayside Arts and Gallery Advisory Committee notes the review of the Strategic Arts and Cultural Plan 2022–23 and recommends to Council that the Strategic Arts and Cultural Plan be endorsed for the purpose of consultation and community feedback.

CARRIED

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

9. Reports by Special Committees

There were no reports by Special Committees.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

In accordance with Chapter 2, Division 10 of Council's Governance Rules (Individual Presentations), the following individuals were granted two minutes each to speak to an item indicated below.

The following individuals submitted written statements to the meeting:

Item 10.2		For (F) Against (A)
2022–23 Budget and 2022–23 to 2031–32 Financial Plan		
Written Statements		
1.	Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)	(A)
2.	Mr Fraser Gibson (on behalf of Petitioners and supporters of Shared paths Cheltenham, Southland, Hightett)	(A)
Requests to Speak		
1.	Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)	(A)

Item 10.4		For (F) Against (A)
Warm Water Pool and Wellness Centre - Stage 1 Community Engagement Findings		
Written Statements		
1.	Ms Michelle Bentley (on behalf of Bayside Seniors Action Group)	(F)
2.	Mrs Dineke McLean (on behalf of Bayside Seniors Action Group)	(F)
Requests to Speak		
1.	Dr Timothy O'Shannassay	(A)
2.	Mr Dirk Gierlach	(A)

Item 10.7		For (F) Against (A)
Urban Forest Strategy 2022 - Implementation Update		
Written Statements		
1.	Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.)	(F)

Item 10.10		For (F) Against (A)
General Residential Zone, Neighbourhood Character Review Update		
Written Statements		
1.	Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.)	(F)

Item 10.15		For (F) Against (A)
Process for Street Closure and Consideration of Trader Permit Parking		
Written Statements		
1.	Mr Erik Purcell	(F)
2.	Ms Nina Sharpe	(F)
3.	Mr Ray Purcell	(F)

10.1 COUNCIL PLAN 2021–25 YEAR 2 REVIEW AND ANNUAL ACTION PLAN 2022–23

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/22/152736

Moved: Cr Martin

Seconded: Cr Castelli

That Council:

1. adopts the changes as articulated in the Year 2 Review of Council Plan (2021–25) as contained in Attachment 2
2. adopts the Annual Action Plan 2022–23 as contained in Attachment 3
3. receives a quarterly performance reports against the Annual Action Plan.

CARRIED

10.2 2022–23 BUDGET AND 2022–23 TO 2031–32 FINANCIAL PLAN

Corporate Services - Finance

File No: PSF/22/32 – Doc No: DOC/22/178475

It is recorded that Mr George Reynolds (on behalf of Bayside Residents Group – Ratepayers Victoria Inc) and Mr Fraser Gibson (on behalf of Petitioners and supporters of Shared paths Cheltenham, Southland, Highett) each submitted a written statement in relation to this item.

It is recorded that Mr George Reynolds (on behalf of Bayside Residents Group – Ratepayers Victoria Inc) spoke for two minutes in relation to this item.

Moved: Cr Evans OAM**Seconded: Cr Castelli**

That Council:

1. having considered the submissions received through the community consultation process, adopts the Annual Budget for the financial year 2022–23 and three subsequent financial years 2023–24 to 2025–26 (Attachment 1)
2. adopts the Schedule of Discretionary Fees and Charges attached to the Annual Budget 2022–23
3. adopts the 2022–23 to 2031–32 Financial Plan (Attachment 2).

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

DIVISION: **FOR:** Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS, Fiona Stitfold and Laurence Evans OAM (5)
 AGAINST: Cr Hanna El Mouallem (Deputy Mayor) (1)

CARRIED

10.3 DECLARATION OF RATES AND CHARGES

Corporate Services - Finance

File No: PSF/22/32 – Doc No: DOC/22/179838

Moved: Cr Martin

Seconded: Cr Castelli

That Council formally declare the Rates and Charges for the 2022–23 Rating Year as follows:

1. Amount Intended To be Raised

That an amount of \$108,110,000 be declared as the amount which Council intends to raise by General Rates, Municipal Charge, Annual Service Charge and an amount in lieu of General Rates (in accordance with the *Cultural and Recreational Lands Act 1963*) described later in this Resolution, which amount is calculated as follows:

General Rates	\$83,634,742
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Municipal Charge	\$7,639,420
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Annual Service Charge (Waste)	\$16,512,279
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Amount in lieu of General Rates in accordance with Cultural and

Recreational Lands Act	\$323,567
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TOTAL	\$108,110,000
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2. General Rates

2.1 That a General Rate be applied at a uniform rate of 0.097035 cents for each dollar of Capital Improved Value be declared in respect of the 2022–23 Financial Year.

2.2 That in accordance with the *Cultural and Recreational Lands Act 1963*, the amounts payable as rates be the amounts set out in the attached “Cultural and Recreational Lands Summary” in respect of the 2022–23 Financial Year for all land to which that Act applies.

3. Municipal Charge

3.1 That a Municipal Charge is declared in respect of the 2022–23 Financial Year.

3.2 That the Municipal Charge is declared for the purpose of covering some of the administrative costs of Council.

3.3 That a Municipal Charge in the sum of \$163.11 for each general rateable land (or part thereof) in respect of which a municipal charge may be levied is declared in respect to the 2022–23 financial year.

3.4 That it is confirmed that the Municipal Charge is declared in respect of all general rateable land within the municipal district in respect of which a Municipal Charge may be levied.

4. Annual Service Charges

4.1 That pursuant to the provisions of Section 162 of the *Local Government Act 1989*, an Annual Service Charge relating to Waste Management be declared for each rateable property:

4.1.1 The Annual Service Charge is charged on each rateable property (excluding Advertising Signs, Electricity Substations, Telecommunication Towers and Bathing Boxes) in the sum of \$490.33 for a 240-litre mobile garbage bin or \$395.43 for a 140-litre mobile garbage bin or a shared 240-litre mobile garbage bin or \$300.53 for an 80-litre mobile garbage bin or a shared 140-litre mobile garbage bin or \$205.62 for a shared 80-litre mobile garbage bin.

4.1.2 That an amount of \$80.45 be charged as a waste contribution if no waste service is available.

4.1.3 That an amount of \$80.45 be charged as a waste availability service charge where no waste service is provided by Council but such a service is available.

4.1.4 That an amount of \$94.90 be charged for each additional 80-litre waste bin, \$189.81 for each additional 140-litre waste bin, and \$284.71 for each additional 240-litre waste bin on each rateable property.

4.1.5 That an amount of \$81.51 be charged for each additional recycling bin on each rateable property, or the first recycling bin if no waste bin is provided.

4.1.6 That an amount of \$99.00 be charged for each additional food and green waste bin on each rateable property, or the first food and green waste bin if no waste bin is provided.

4.1.7 The Annual Service Charge is declared in respect of the 2022–23 Financial Year.

4.2 That pursuant to the provisions of Section 221 of the *Local Government Act 1989*, an Annual Service Charge relating to Waste Management is declared on each non-rateable property where the service is provided:

4.2.1 The Annual Service Charge is levied on each non-rateable property in the sum of \$490.33 for a 240-litre mobile garbage bin or \$395.43 for a 140-litre mobile garbage bin or a shared 240-litre mobile garbage bin or \$300.53 for an 80-litre mobile garbage bin or a shared 140-litre mobile garbage bin or \$205.62 for a shared 80-litre mobile garbage bin.

4.2.2 That an amount of \$94.90 be charged for each additional 80-litre waste bin, \$189.81 for each additional 140-litre waste bin, and \$284.71 for each additional 240-litre waste bin on each non-rateable property.

4.2.3 That an amount of \$81.51 be charged for the second or subsequent recycling bin on each non-rateable property, or the first recycling bin if no waste bin is provided.

4.2.4 That an amount of \$99.00 be charged for the second or subsequent green waste bin on each non-rateable property, or the first green waste bin if no waste bin is provided.

4.2.5 The Annual Service Charge is declared in respect of the 2021–22 Financial Year.

5. Incentives

An incentive is given at the rate of 1.1 percent (1.1%) discount in relation to the total amount payable for the sum of the Rates, Municipal Charge and Annual Service Charges if full payment is received by 30 September 2022.

6. Rate Payments

6.1 Rates are payable in four instalments due by 30 September 2022, 30 November 2022, 28 February 2023 and 31 May 2023.

6.2 Where the first instalment has not been paid by 30 September 2022, rates are due in a lump sum and payable by 15 February 2023.

7. Consequential

7.1 It be recorded that Council requires any person to pay interest on any amounts of rates and charges which:

- That person is liable to pay; and
- Have not been paid by the date specified for their payment.

7.2 The Revenue Coordinator is authorised to levy and recover the rates, municipal and annual service charges and interest described earlier in this Resolution in accordance with the *Local Government Act 1989*.

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

DIVISION: **FOR:** Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS, Fiona Stitfold and Laurence Evans OAM (5)
 AGAINST: Cr Hanna El Mouallem (Deputy Mayor) (1)

CARRIED

10.4 WARM WATER POOL AND WELLNESS CENTRE - STAGE 1 COMMUNITY ENGAGEMENT FINDINGS

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/85622

It is recorded that Ms Michelle Bentley (on behalf of Bayside Seniors Action Group) and Mrs Dineke McLean (on behalf of Bayside Seniors Action Group) each submitted a written statement in relation to this item.

It is recorded that Dr Timothy O'Shannassay and Mr Dirk Gierlach each spoke for two minutes in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. proceeds to stage two – design development for a Warm Water Pool at Brighton Golf Course
2. undertakes stage two – community engagement to test the draft design for the Warm Water Pool
3. provides landlord consent for Leisure Management Services to proceed with design development of the Wellness Centre at Brighton Golf Course
4. commences lease negotiations with Leisure Management Services regarding management of a Warm Water Pool and Wellbeing Centre at Brighton Golf Course
5. commences detailed site investigations to inform design development of a Warm Water Pool and wellness centre at Brighton Golf Course
6. engages, via the head consultant, the services of a physiotherapist with expertise in warm water pools to provide input into the design as part of the design development process
7. engages the Bayside Healthy Aging Reference Group, Bayside Seniors Action Group and Disability Access and Inclusion Advisory Committee as part of a design development workshop to inform the building design
8. reconfirms its commitment to providing affordable, community access to both the warm water pool and clinical pool
9. notes that officers will undertake detailed site investigations as outlined in the body of this report.

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

DIVISION: **FOR:** Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS,
Laurence Evans OAM and Hanna El Mouallem (Deputy Mayor)
(5)
AGAINST: Cr Fiona Stitfold (1)

CARRIED

10.5 REIMAGINING BILLILLA - COMMUNITY ENGAGEMENT SUMMARY AND OPTIONS

Community and Customer Experience - Customer, Libraries and Cultural Services
File No: PSF/22/38 – Doc No: DOC/22/174496

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. approves the future use of Billilla as a centre for:
 - creativity, culture and the arts
 - hospitality and events
 - learning opportunities
 - social enterprise and volunteer activities
2. includes in any future development of the garden, and in accordance with the Conservation Management Plan, planting to reduce Noisy Miners and to encourage wildlife, especially small, insectivorous birds
3. receives a further report at the August 2022 Council Meeting with a draft Terms of Reference and Charter for a committee of management.

CARRIED

10.6 INNOVATE RECONCILIATION ACTION PLAN

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/57461

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council endorses the Innovate Reconciliation Action Plan as shown in Attachment 1, subject to editorial changes, if required, to the introductory material.

CARRIED

10.7 URBAN FOREST STRATEGY 2022 - IMPLEMENTATION UPDATE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/169750

It is recorded that Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.) submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That Council:

1. notes the initial implementation of the Bayside Urban Forest Strategy 2022
2. endorses the Urban Forest Strategy Annual Report Template, subject to the annual report including impacts as a result of urban heating and an overview of outcomes in sub-precincts within each suburb, that may include activity centres, commercial precincts and moderate residential growth areas, where the data is available to do so
3. communicates with Bayside residents, celebrating Bayside's trees and encouraging residents, community groups to nominate trees for the significant tree register.

CARRIED

10.8 HAMPTON COMMUNITY INFRASTRUCTURE MASTERPLAN 2021 - IMPLEMENTATION UPDATE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/175365

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That Council notes the update in relation to the progress implementing the Hampton Community Infrastructure Masterplan 2021.

CARRIED

10.9 UNDERGROUNDING POWERLINES - UPDATE

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/174101

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That Council:

1. supports the proposed Undergrounding of Powerlines Policy
2. supports the proposed Special Rate and Special Charge Policy
3. supports the commencement of community engagement on the proposed Undergrounding of Powerlines Policy and proposed Special Rate and Special Charge Policy
4. receives a report on the outcomes of the community engagement and the final Undergrounding of Powerlines Policy and Special Rate and Special Charge Policy by no later than the December 2022 Council Meeting.

CARRIED

10.10 GENERAL RESIDENTIAL ZONE, NEIGHBOURHOOD CHARACTER REVIEW UPDATE

City Planning and Amenity - Development Services
File No: PSF/22/35 – Doc No: DOC/22/174396

It is recorded that Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.) submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. endorses the approach to be taken to preparing a planning scheme amendment relating to preferred character outcomes for Bayside's General Residential Zoned Moderate Growth Areas
2. notes that the Manager of Urban Strategy will exercise the delegations of the position to prepare and submit a planning scheme amendment to the Minister for Planning, to improve preferred character controls in Moderate Residential Growth Areas
3. writes to all submitters to advise them of Council's decision.

CARRIED

10.11 AFFORDABLE HOUSING STRATEGY 2021 - IMPLEMENTATION UPDATE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/169243

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council notes the progress in relation to implementing the Bayside Affordable Housing Strategy 2021.

CARRIED

10.12 BAYSIDE PARK IMPROVEMENT AND HABITAT LINKAGE PLAN

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/171009

Moved: Cr Samuel-King MBBS**Seconded: Cr Castelli**

That Council endorses the Park Improvement and Habitat Linkage Plan June 2022 set out as Attachment 1, noting that:

1. the plan is amended to include Elsternwick Park Nature Reserve as a key current and future habitat
2. \$65,000 has been included in the draft 2022–23 budget to commence implementation of the overall strategy along with \$291,000 for the Elsternwick Park South Landscape Plan and budget to plant 3,400 trees
3. a report will be provided to Council as part of the 2023–24 budget process on the timeline to implement future stages of this work
4. planting regimes, in particular eucalypt tree planting, will focus on those trees and plants not favoured by the Noisy Miners
5. other relevant Council plans, policies and web pages will be progressively reviewed to ensure they reflect the outcomes of the Park Improvement and Habitat Linkage Plan.

CARRIED

**10.13 RESPONSE TO NOTICE OF MOTION - 307 - LANDCOX PARK LAKE;
309 - NATURE-RICH BAYSIDE: WILDLIFE FRIENDLY LIGHTING
POLICY; 314 - BUTTERFLY-FRIENDLY BAYSIDE; AND, 315 - WILDLIFE-
FRIENDLY GARDENS AND NATURE-STRIPS**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/159998

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. notes the summary of updates included in this report for Notice of Motions 307, 309, 314 and 315
2. continues to implement the Wildlife Friendly Lighting Policy internally for all Council projects and promote externally to other organisations and agencies (NOM 309)
3.
 - a. preferences nest boxes and log hollows over chainsaw hollows and restricts any future chainsaw hollow work to dead trees and or dead branches only and works with community groups to ensure nest boxes and log hollows are well maintained, well secured and positioned, and not removed
 - b. obtains a second opinion from an independent company in relation to the nest-box and log hollow program. Key parts of the review will include:
 - learnings from all successful nest boxes and log hollows
 - learnings from nest boxes and log hollows with limited occupancy
 - review Recommendations from the Summary of Audit of the Bayside City Council Habitat Tree Program Data – 2022
4. develops an action plan with associated cost and timelines to deliver the following projects as part of the 2022–23 and 2023–24 Biodiversity Action Plan projects:
 - a. Noisy Miner management
 - b. progress to stage 2 of the lake management plan and incorporate this work into the 4-year plan capital budget
 - c. progress the Water for Wildlife project and include this in consideration of the opportunities to provide water for wildlife as part of the Purple Pipe project
 - d. working with Bayside Friends groups to construct and install nest-boxes and log hollows, that are tailored to the specific needs of vulnerable wildlife populations
 - e. provide a series of webinars on wildlife-friendly gardening, as outlined in Motion 315
5. utilises Council's quarterly Banksia Bulletin publication to promote a range of Council-led biodiversity initiatives and projects.

CARRIED

**10.14 EVALUATION OF THE PARKING MANAGEMENT TECHNOLOGY
IMPLEMENTED IN THE CHURCH STREET MAJOR ACTIVITY CENTRE,
BRIGHTON**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/174770

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes this report and the outcomes of the evaluation of the parking technology project delivered in the Church Street Major Activity Centre, Brighton
2. refers consideration for implementation of the parking technology across other Major Activity Centres to the Bayside Parking Strategy.

CARRIED

10.15 PROCESS FOR STREET CLOSURE AND CONSIDERATION OF TRADER PERMIT PARKING

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/174800

Moved: Cr Evans OAM

Seconded: Cr Stitfold

That Council:

1. commences engagement with the Sandringham Traders and community for the closure of a section of Melrose Street, Sandringham to determine the level of support for the closure and aspirations for the use of the space, and receives a report at the December 2022 Council meeting on the consultation outcomes
2. commences engagement with the Sandringham Traders to determine the level of support for the introduction of a trader parking permit scheme utilising the underground carpark located at 122 Beach Road, Sandringham and receives a report at the December 2022 Council meeting on the consultation outcomes
3. allocates \$65,000 to enable the community engagement and traffic impact assessments to be completed
4. refers consideration for implementation of parking sensors and dynamic signage for the carpark located at 122 Beach Road, Sandringham to increase utilisation to the Parking Strategy for consideration
5. notes the petitions received in relation to this matter (as outlined in items 7.1 and 7.2 to the 28 June 2022 Council Meeting Agenda)
6. further notes that, following extensive engagement and feedback, Council adopted the Footpath Trading Policy (at the 15 March 2022 Council Meeting) and the Parklet Policy (at the 17 May 2022 Council Meeting) which set out Council's requirements for both footpath trading and parklets within Bayside and the opportunity to apply for or extend the use of the footpath trading and parklets as part of the annual permit program
7. writes to the lead petitioners of the petitions referenced above to advise them of Council's decision on this matter.

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

DIVISION: **FOR:** Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS, Fiona Stitfold and Laurence Evans OAM (5)
 AGAINST: Cr Hanna El Mouallem (Deputy Mayor) (1)

CARRIED

10.16 AUDIT AND RISK COMMITTEE - STATUTORY REQUIREMENTS

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/22/181042

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. notes the results of the annual assessment of the Audit and Risk Committee's performance against the Committee Charter in accordance with section 54(4) of the *Local Government Act 2020*
2. notes the contents of the bi-annual Audit and Risk Committee report describing the activities of the Committee for the period November 21 to February 22 in accordance with section 54(5) of the *Local Government Act 2020*
3. reappoints independent member Mr Geoff Harry to the Audit and Risk Committee commencing 1 October 2022 for a period of three years, expiring on 30 September 2025.

CARRIED

**10.17 COMMUNITY AND STAKEHOLDER ENGAGEMENT ON THE DRAFT
PROPERTY STRATEGY 2022–26**

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/164318

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts the Property Strategy 2022–26 contained in Attachment 1.

CARRIED

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

**10.18 BAYSIDE MEN'S SHED (BEAUMARIS) BONANZA RD AND WELLS RD
LEASES, REDUCED RENTAL REQUEST.**

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/164599

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts a reduced rental fee to \$1.00 (+GST) per annum upon demand for Bayside Men's Shed Incorporated (Beaumaris) for two leases for buildings at 78 Wells Road, Beaumaris and 36 Bonanza Road, Beaumaris.

CARRIED

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

**10.19 PROPOSED LEASE TO SOUTHERN BASKETBALL ASSOCIATION FOR
A NEW STADIUM AT 150 TULIP STREET, CHELTENHAM**

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/164322

Moved: Cr Martin**Seconded: Cr Evans OAM**

That Council, in accordance with Section 115 of the *Local Government Act 2020* (the Act), authorises the Director of Corporate Services to execute a new Lease with Southern Basketball Association Inc in accordance with the Heads of Agreements provided in Attachment 1, for the occupation of part of Sandringham Family Leisure Centre, 150 Tulip Street, Cheltenham on the following terms:

Site: Sandringham Basketball Stadium, part of 150 Tulip Street, Cheltenham

Tenant: Southern Basketball Association Inc.

Purpose: Playing of basketball and related activities and other court-based sports activities

Premises: The structure marked New Building and Basketball Courts on the preliminary lease plans in Annexure A titled: Tulip Street Basketball Courts Court Redevelopment

Commencement Date: The date the occupancy certificate is issued

Term: 20 years including first right of refusal for any future lease of the premises, subject to the prevailing Local Government Act and Leasing Policy requirements of the day

Further Term: Nil

Commencing Annual Rent: \$4,112 plus GST for Year 1 of the Term

Rent Escalation: On each anniversary of the Commencement Date during the term the Rent shall be increased by 5% of the rent payable in the prior year.

Capital Contribution Payment: \$100,000 per annum for the Term.

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

DIVISION: **FOR:** Crs Clarke Martin, Jo Samuel-King MBBS, Fiona Stitfold and
 Laurence Evans OAM (4)

AGAINST: Crs Sonia Castelli and Hanna El Mouallem (Deputy Mayor) (2)

CARRIED

10.20 PROPOSED DISCONTINUANCE AND SALE OF ROAD AND SALE OF LAND AT REAR OF 15 BERWICK STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/161522

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council

1. in accordance with section 206 and Clause 3(a) and (b), Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*, resolves to discontinue the subject road and to sell the subject road and land to the adjoining owner of 15 Berwick Street, Brighton, for the amount of \$105,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue the subject road and sell the subject road and land via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. directs a public notice to be published in the Victoria Government Gazette.

CARRIED

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

10.21 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 8 WOLSELEY STREET AND 11A & 11B WORTHING ROAD, HIGHTT

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/160372

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. commences the statutory procedures in accordance with the Local Government Act 1989 and Local Government Act 2020, to discontinue the subject road adjoining 8 Wolseley Street; and 11A & 11B Worthing Road, Hightt, and sell the subject road to the adjoining owners of 8 Wolseley Street; and 11A & 11B Worthing Road, Hightt as outlined in Attachment 2, for the combined sum of \$32,000 plus GST
2. gives public notice outlining the proposal in accordance with Section 223 of the *Local Government Act 1989*
3. 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
4. in the event a submission is received, convenes a Special Committee of Council meeting on Wednesday 3 August 2022 at 5:00pm, 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
5. following the consideration of any submissions, receives a further report at a future Council Meeting.

CARRIED

NOTE: Item 10.21 was **CARRIED** as part of a block motion.

10.22 CONTRACT CON/21/85 - KERBSIDE WASTE MANAGEMENT COLLECTIONS

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/153332

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. notes this report and the outcome of the tender evaluation for Contract 'CON/21/85 kerbside waste management collection services'
2. authorises the Chief Executive Officer or their delegate to negotiate the final terms and award the contract 'CON21/85 kerbside waste management collection services' to Cleanaway Pty Ltd (ABN 74 101 155 220), in accordance with the rate shown in Confidential Attachment 2, for the period 1 July 2023 to 30 June 2030 and execute in accordance with the terms and conditions of the contract.

CARRIED

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

10.23 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/185564

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

CARRIED

NOTE: Item 10.23 was **CARRIED** as part of a block motion.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Stitfold indicated that the ABM position statement for the State election was endorsed by the Association of Bayside Municipalities and that the Marine and Coastal Strategy 2020 has been released. A webinar was held for World Oceans Day.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure indicated that at the June meeting of the Metropolitan Transport Forum, the main presentation was from the Public Transport Ombudsman with a focus on accessibility of public transport.
3. **Municipal Association of Victoria** – Cr Martin attended the recent Municipal Association of Victoria meeting in the absence of the Mayor and reported that the voting system is proposed to change as part of the MAV Rules to provide for one vote per council instead of plural voting for metro councils. Council's 8 submitted motions were all passed by the State Council with 2 of the motions regarding the use of barbed wire; and use of second-generation anticoagulant rodenticides, both received significant votes against though were carried.
4. **Inner South Metropolitan Mayors' Forum** – The Chief Executive Officer indicated that he and the Mayor attended the recent forum meeting where discussion was around the preparation of joint advocacy initiatives for upcoming State election with 4 key priorities, all of which also feature in Bayside's advocacy work.
5. **Metropolitan Local Government Waste Forum** – Cr Martin indicated that the recent meeting was the final meeting of the Metropolitan Local Government Waste Forum and that the Forum had successfully brought a number of councils together to compel the state government toward positive change in the space. Moving forward, Recycle Victoria will be the responsible Government Authority.
6. **South East Councils Climate Change Alliance** – Cr Stitfold indicated that the Alliance has put together a well organised strategy in the lead up to the State election, developing packages that will be sent out to councils to look at various issues such as building infrastructure, electric charging stations and industry. Cr Martin indicated that Councillors also held discussions with the Shadow Environment Minister on these matters.
7. **Australian Local Government Association (ALGA)** – Cr Samuel-King indicated that the Mayor Cr del Porto, Cr Evans, Cr Castelli and herself attended the recent ALGA conference in Canberra and met with the newly appointed Minister for Agriculture. The Minister indicated he would take on advisement Council's motion regarding the use of second-generation anticoagulant rodenticides. A presentation was also delivered by Stan Grant on democracy and dangers of the centralisation of power. Due to lack of time, Council's biodiversity motions were unfortunately not debated or voted on at the meeting and instead referred to the board for decision. Other motions that were debated included matters in relation to Nuclear Power, the Uluru Statement from the Heart, Climate Change, and Housing.

Moved: Cr Castelli

Seconded: Cr Martin

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 - 320 - ADVOCACY FOR ESTABLISHMENT OF STATE GOVERNMENT GOVERNANCE BODY TO PROVIDE STEWARDSHIP FOR PORT PHILLIP BAY

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/187226

Moved: Cr Martin

Seconded: Cr Stitfold

That Council advocates to the parties contesting the State election for:

1. the establishment of a consolidated governance body within Government to provide stewardship for Port Phillip Bay
2. policy direction and appropriate funding to this new entity to develop integrated planning and action to deal with the challenges of climate change impacts including coastal erosion.

CARRIED

The Chairperson, Cr El Mouallem, other Councillors and CEO thanked the Director Environment, Recreation and Infrastructure, Adam McSwain for his contribution to Council as he is vacating the role following this Council Meeting. Councillors also thanked the Manager Open Space, Recreation and Wellbeing, Damien Van Trier as he is also vacating his role.

The Chairperson declared the meeting closed at 10.15pm.