

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
20 August 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Alex del Porto (Deputy Mayor)

Councillors: Cr Sonia Castelli
Cr Hanna El Mouallem
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King

Officers: Mick Cummins – Chief Executive Officer
Tilla Buden – Director Community and Customer Experience
Matthew Cripps – Director City Planning and Amenity
James Roscoe – Acting Director Environment, Recreation and Infrastructure
Kathryn Tozer – Director Corporate Services
Jordan Allan – Acting Manager Climate, Waste and Integrated Transport
Kelly Archibald – Manager Urban Strategy
Damien Darcy – Acting Manager Commercial Services
Sally Morgan – Acting Manager Family, Youth and Wellbeing
Michelle Tipton – Manager Governance
Tom Vercoe – Manager Open Space and Recreation
Josh Connell – Community Wellbeing Coordinator
Shelley Franklyn – Climate and Environment Sustainability Coordinator
Rachael Hudson – Strategic Planning Coordinator
David Nankervis – Recreation and Events Coordinator
Clare Beames – Senior Strategic Planner
Robert Lamb – Council Business Lead
Lily Bowe – Administration Support Officer

Membership and Quorum

Bayside City Council consists of 7 Councillors. The quorum for a Council meeting is a majority of Councillors (4).

A quorum for this meeting was reached with no less than (5) Councillors present at any given time.

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The Chief Executive Officer declared the Council Meeting open at 6:30pm in the absence of the Mayor, Cr Stitfold who was an apology to the meeting. The Chief Executive Officer welcomed Councillors, officers and members of the public gallery to the meeting and called for a motion that the Deputy Mayor, Cr del Porto take the Chair.

Procedural Motion

Moved: Cr El Mouallem

Seconded: Cr Evans

That the Deputy Mayor, Cr del Porto take the Chair.

CARRIED

It is recorded that the Deputy Mayor, Cr del Porto took the Chair.

The Deputy Mayor 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 Deputy Mayor invited Cr Samuel-King to read the prayer.

1. Prayer

Cr Samuel-King 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 Evans read the acknowledgement of Country

- ◆ 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 Stitfold.

Moved: Cr Martin

Seconded: Cr Evans

That the apology from the Mayor, Cr Stitfold be noted for the 20 August 2024 Council Meeting.

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

- Cr Castelli declared a declaration of interest in item 13.1 (Notice of Motion - 337 - Dendy Street Beach Bathing Boxes - Security and public safety) given Cr Castelli's partner owns a bathing box at Dendy Street Beach.

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 23 July 2024.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Bayside City Council meeting held on 23 July 2024, as previously circulated, be confirmed as an accurate record of proceedings.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Moullem (6)
AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. **Mr Jeff Naylor** submitted a question related to questions from political candidates at Council meetings and Mr Naylor asked:

Question

Part 1 Why is Bayside City Council allowing a federal political candidate to waste our precious 15 minutes of local council public question time on federal political issues?

Part 2 What are councils governance rules on public question time regarding questions that pertain to federal political candidate agenda's which are well outside of our local council issues?

Response from the CEO

Part 1 *In accordance with Division 8, section 57 of the Council's Governance Rules, public question time is provided at every Council meeting to provide all members of the public the opportunity to submit questions to Council.*

Part 2 *The Rules make provision for the CEO or Mayor to determine if matters are disallowed, including any matters that fall outside the duties, functions or powers of a Council. Where this occurs, the submitter would be advised accordingly.*

2. **Ms Kristina Kaulenas** submitted a question related to street trees and Ms Kaulenas asked:

Question

I am writing to express my concern regarding the proposed removal of three historic and significant Oak trees on Union Street, which are slated to be removed for the development of the Oak Grange Retirement Village.

I am concerned about the impact on the local environment and heritage. Could you please provide clarity on the following:

Part 1 What considerations are being given to the preservation of these additional Oak trees in light of their historical and community significance?

Part 2 What steps are being taken to explore alternative solutions that would allow for the preservation of these trees while still facilitating the development?

Response from the CEO

The applicant has lodged an application to amend the Victorian Civil and Administrative Tribunal issued planning permit. The Victorian Civil and Administrative Tribunal will determine the application. To date Council has not formed an opinion on the proposal, though a report will be presented to the Planning and Amenity Delegate Committee to confirm Council's position on the proposal prior to the merit hearing.

The assessment of all changes will be assessed and considering against the provisions of the Bayside Planning Scheme, which includes environmental considerations.

3. **Mr Andrew Hockley** submitted a question related to the Thriving Suburbs Grants Program and Mr Hockley asked:

Question

I draw Council's attention to the Thriving Suburbs Grants Program, a Commonwealth Government funding round which closes on 26th August 2024 and is designed to provide matched funding of between \$500,000 and \$15 million for urban and suburban community infrastructure.

Part 1 Has the City of Bayside applied for any funding under the Thriving Suburbs Program?

Part 2 If so, which projects did Council seek funding for? If not, why not?

Response from the CEO

Council is currently preparing an application to the Thriving Suburbs Grant Program for its warm water pool project. This application will be submitted prior to the application closing date.

4. **Mr Geoff Leigh** submitted a question related to Cr Lawrence Evans in respect of each annual budget and Mr Leigh asked:

Question

During each of the years that Councillor Lawrence Evans has served on Bayside Council list below. In respect of each annual council budget passed by councillors list

Part 1 Each time and year Cr Evans has voted for the budget

Part 2 Each time and year Cr Evans has voted against the budget

Response from the CEO

Cr Evans voted 'for' adoption of the budget on each occasion from (and including) the 2015–16 budget through to (and including) the 2024–25 budget. At the time of consideration of the 2013–14 and 2014–15 budgets, the Minutes did not record the distribution of votes (known as a 'division') and no recording or transcript is available.

5. **Mr George Reynolds** submitted a question related to the validity of its Neighbourhood Amenity Local Law 2021. The question will not be read out in accordance with Division 8 of Council's Governance Rules – and specifically Section 57, subsection (9)(c), which states that “a question may be disallowed by the Chief Executive Officer (or, at the Meeting, by the Chair) if the Chief Executive Officer or Chair determines that it deals with a subject matter already publicly answered, or is a repetitious or vexatious question from the same questioner”. I will however ask for a comment from the CEO.

Comment from the CEO

Council has received similar questions from Mr George Reynolds regarding the validity and enforceability of Council's Neighbourhood Amenity Local Law 2021 (the Local Law). Responses have been provided at the 19 December 2023, 20 February 2024 and 19 March 2024 Council Meetings.

Council maintains the Local Law is valid and legally enforceable.

6. **Mr George Reynolds** submitted a further question related to rates and charges for 2024–25 and Mr Reynolds asked:

Question

- Part 1 The total amount raised in rates and charges is \$117,192,000 yet the estimated cost off the works to be paid for by such charges is only \$80,410,593, is the additional 45% capital loading a Special Rate which has been raised without notice.
- Part 2 Will Council have the rate charge audited for correctness before we are required to pay.

Response from the CEO

Part 1 Council does not levy any special rates or charges. The total amount raised in rates and charges of \$117,192,000 for 2024/25 will fund services provided to the community of \$76,015 million with the balance of \$41.177 million funding the capital program of \$55.7 million.

Part 2: The Essential Services Commission audits every council annually to ensure compliance with the rate cap. The latest council compliance report found that all councils complied with the average rate cap. This report is located on their website.

7. **Mr Geoff Leigh** submitted a further question related to Wangara Road and Mr Leigh asked:

Question

- Part 1 Given the known evidence that the former tip site was seriously contaminated, what evidence was provided to council the site was safe to be used for children's sporting facilities.
- Part 2 Why was it left to resident complaints to the Environment Protection Authority to step in and ban its use for sporting facilities as clearly councillors and officers weren't aware of the site's serious contamination.

Response from the CEO

- Part 1 Council has undertaken several site assessments and environmental reports in relation to the Wangara Road site which have outlined the measures required to be undertaken in order to increase public activation at the site. Council's due diligence during the planning stages identified the extent of existing contamination and the scope of the associated rehabilitation plan, as guided by the Environment Protection Authority. The monitoring undertaken by Council and the design of the cap are the critical elements to ensure the site is safe for its intended use.*
- Part 2 This is not a correct representation of the events that led to the proposal to shift the netball centre from Wangara Road to Holloway Road. The Wangara Road site was known to be contaminated given its historic use as a landfill, which was conveyed in the report presented to Council in August 2017 regarding the potential sites and their initial opportunities and constraints.*

8. **Mr Kevin Howard** submitted a question related to costs associated with the Dendy Beach Pavilion Project and Mr Howard asked:

Question

- Part 1 What were Council's total legal costs associated with the Dendy Beach Life Saving Pavilion project, including the hearings at VCAT, Supreme Court of Victoria and the Court of Appeal?
- Part 2 Is it possible that Council could have avoided going to court against its own residents and ratepayers, and delivered the new Life Saving Pavilion years earlier by compromising on the design of the new building? (yes or no)

Response from the CEO

- Part 1 The total costs associated with the engagement of consultants/experts and legal representation associated with all the various proceedings (inclusive of VCAT, the Supreme Court and the Court of Appeal) is in the order of \$991,000.*
- Part 2 It should be noted that a small group of residents took legal action against Council and that Council quite rightly defended its position and won.*

9. **Mr Kevin Howard** submitted a further question related to cash reserves and Mr Howard asked:

Question

- Part 1 What is the total of Council's cash reserves at present?
- Part 2 What is the current balance of the Open Space Reserve (funds collected through the Open Space levy) in Council's accounts?

Response from the CEO

- Part 1 *Council's cash and investments total \$123.2 million. The bulk of these funds are committed to delivering the capital projects programmed over the next 4 years.*
- Part 2 *There is currently \$35.1 million in the Open Space Reserve.*

10. **Ms Sara Davis** submitted a question related to road safety in school zones and Ms Davis asked:

Question

- Part 1 If Council is making vital decisions on behalf of vulnerable children, on crash data that is not accurate, how will Council correct its error and obtain accurate crash data to inform the decision regarding the 'Balcombe Road no stopping' initiative.
- Part 2 The majority of residents want safer cycling in the area as indicated by the majority voting in favour of the 'Balcombe Rd no stopping initiative'. If Council is not going ahead, what is the alternative safety plan to ensure children can safely ride to and from school.

What is Council's plan?

Response from the CEO

- Part 1 *The data used is collated by the Victorian Department of Transport and Planning, and is used throughout the State to provide a casualty crash history on our roads. The data includes casualty crashes only, which are those that involve an injury to a person. Crashes which do not result in an injury are not captured, and as a key objective is safety in this case, using casualty crash data is reasonable.*
- Part 2 *The responses evaluated included not only the raw votes collected, but also the feedback provided with the votes, and this was considered in totality. There is a marked wide kerbside lane currently available on Balcombe Road for those who wish to ride, alternatively children under the age of 13 can legally ride on the footpath, or there are routes through local streets which experience less vehicle traffic.*

11. Ms Alysia Regan submitted a question related to road safety and Ms Regan asked:

Question

Road safety for all users is apparently a key priority for Council and Council has shared with the public that it will continue to promote this through various projects and advocacy with the Department of Transport and Planning which manages the arterial road network.

What are these projects?

Response from the CEO

Improved road safety is implemented through various transport and traffic works programs which include improved pedestrian and cycling infrastructure, traffic and parking control signs, improvement to sight lines, traffic calming works, reducing vehicle speeds and improvements to assist vulnerable road users on our network.

Key road safety advocacy items with the Department of Transport and Planning include priority pedestrian crossings on Bluff Road, Beach Road, the Esplanade, and Bay Road, and speed limit reductions on arterial roads.

12. Ms Alysia Regan submitted a further question related to revitalisation of Peterson Reserve and Ms Regan asked:

Question

Our community 56 year old football club, which is made up of Bayside residents has for 2 years in a row been left without allocation of a home ground and pavilion.

Local government faces increasing, demanding and complex community expectations. With limited resources and competing demands.

Part 1 Is there strategic collaboration and partnerships between councils that can respond to these challenges?

Part 2 With no budget from Bayside Council set aside for the revitalisation of the facilities at Peterson Reserve, doesn't it make sense to include another club to financially support this council asset?

Response from the CEO

Part 1 *Council officers engage and collaborate with neighbouring Councils to consider sports ground allocation opportunities. With the demand for sportsgrounds high, Council's Sports Facility User Guide outlines how Council will prioritise user group allocations.*

Part 2 *Council has foreshadowed approximately \$7.4 million between 2025 and 2028 to facilitate the redevelopment of the three sports pavilions at Peterson Reserve.*

- 13. Ms Megan Fallon** submitted a question related to community consultation for the Balcombe Road bicycle lane and Ms Fallon asked:

Question

On the recent community consultation about no stopping in the bicycle lane on Balcombe Road for set hours, council only revealed that submissions from objectors who lived on or streets off Balcombe Road would have more weighting than other submissions. Why did Council not state this would be the case on their website during the community consultation period so the community could make an informed decision?

Response from the CEO

In evaluating the responses received, there was consideration given not only to the raw votes in favour and opposed, but also the feedback provided around how the project would impact the respondent. While there was a small majority in favour of proceeding, there was strong opposition from a directly affected subset of respondents who provided detailed argument for their position.

- 14. Mr Douglas Klein on behalf of Highett Progress Association** also submitted a question before the closure of receipt for public questions; however, the question was omitted erroneously. The question and the response since provided to Mr Klein is as follows:

Question

Noting tonight's Integrated Transport Strategy update includes many traffic issues on which Council is actively lobbying the Government:

- Part 1: Why is council not seeking a DTP review and funding for a two lane intersection at Graham and Bay Roads, given that Graham Road will suffer the greatest traffic increase of any Collector road in Bayside with the addition of thousands of new residents in the next few years?*
- Part 2: Given the studies and funding allocated to Holloway Rd, why does Council deem reducing local traffic pressure in Sandringham more crucial than managing the surge resulting from Highett Common, Bayside's largest residential development where traffic pressure will be daily and not simply event based?*

Response from the CEO

- Part 1 The intersection of Bay Road and Graham Road is the responsibility of the Department of Transport and Planning (DTP). As part of the Development Plan approval for the redevelopment of the former CSIRO property at 37 Graham Road, Highett, the DTP placed a requirement on the developer to upgrade at the Bay Road/Graham Road intersection to that of a signalised intersection to its satisfaction.*

The developer of the property has complied with the planning requirement imposed by DTP and has submitted plans which have been deemed acceptable to the relevant Road Authority, being DTP. Council has supported the proposed upgrade with the allocation of funding toward the project. While the Functional Layout Plan has been approved by DTP, it is understood that the detailed design is currently being finalised.

Whilst DTP approved the scope of the works as part of the Development Plan approval, it is not possible to place additional obligations on the developer to

redesign the intersection and acquire land after the approval has been scoped, costed and granted. Any change in the scope to increase the capacity of the intersection would be the responsibility of DTP to design and fund.

Part 2 As part of the statutory planning process for the development at 37 Graham Road, Highett, there have been studies undertaken in the Highett area.

Notwithstanding the previous work, due to the changing landscape as a result of the Suburban Rail Loop Project and discussion with local stakeholders, a further 'current traffic conditions study' is being arranged for the Highett area. The survey work is anticipated to commence at the start of the Victorian School term 4, and the results anticipated by the end of the calendar year.

7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/479106

Moved: Cr Castelli

Seconded: Cr Martin

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:

- 6 August 2024 Councillor Briefing.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

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

| Item 10.3 | | Against (A) |
|--|---|-------------|
| Elsternwick Park Tennis Centre - Petition Response | | For (F) |
| Requests to Speak | | |
| 1. | Mr Jason Reddick (on behalf of Victorian Amateur Football Association (VAFA)) | (F) |
| 2. | Mr. Graham Higginbotham (on behalf of Elsternwick Amateur Football Club) | (F) |
| 3. | Mr. David Elam (on behalf of Old Melburnians Football Club) | (F) |
| 4. | Mr. Steve Wood (on behalf of Tiebreak Enterprises Pty Ltd (EPTC)) | (F) |

10.1 COUNCIL SUBMISSION TO STATE GOVERNMENT'S 'PLAN FOR VICTORIA'

City Planning and Amenity - Urban Strategy
File No: PSF/24/105 – Doc No: DOC/24/129820

Moved: Cr El Mouallem

Seconded: Cr Martin

That Council endorses the Council officers' submission to the Department of Transport and Planning regarding the future 'Plan for Victoria'.

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

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

AGAINST: Nil (0)

CARRIED

10.2 INTEGRATED TRANSPORT STRATEGY - IMPLEMENTATION UPDATE

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/24/85 – Doc No: DOC/24/478069

Moved: Cr Samuel-King

Seconded: Cr Martin

That Council:

1. notes the Integrated Transport Strategy 2018–28 actions delivered in 2023–24
2. receives a report on the delivery of the Bayside Integrated Transport Strategy (ITS) during 2024–25 and the updated Action Plan at the August 2025 Council Meeting.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

10.3 ELSTERNWICK PARK TENNIS CENTRE - PETITION REPONSE

Environment, Recreation and Infrastructure - Open Space and Recreation
File No: PSF/24/235 – Doc No: DOC/24/208679

It is recorded that Mr Jason Reddick (on behalf of Victorian Amateur Football Association), Mr Graham Higginbotham (on behalf of Elsternwick Amateur Football Club), Mr. David Elam (on behalf of Old Melburnians Football Club), and Mr Steve Wood (on behalf of Tiebreak Enterprises Pty Ltd each spoke for 2 minutes in relation to the below item.

Moved: Cr El Mouallem

Seconded: Cr Samuel-King

That Council:

1. considers the possible expansion of the Elsternwick Park Tennis Centre as part of the development of a Masterplan for the area including consideration of traffic and parking issues at St Kilda Street and Glenhuntly Road
2. refers consideration of the development of a Masterplan to the 2025–26 Budget process
3. writes to the lead petitioner advising of Council's decision and next steps, including continue to work with them on the lease consideration
4. continues to engage with stakeholders in relation to the development of a masterplan and potential future capital works at the site.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

**10.4 MUNICIPAL PUBLIC HEALTH AND WELLBEING ACTION PLAN; AND
DISABILITY ACTION PLAN - YEAR 3 ANNUAL PROGRESS REPORTS;
AND INNOVATE RECONCILIATION ACTION PLAN - YEAR 2 REPORT**

Community and Customer Experience - Family, Youth and Wellbeing
File No: PSF/24/98 – Doc No: DOC/24/217189

Moved: Cr Martin

Seconded: Cr Samuel-King

That Council notes the Municipal Public Health and Wellbeing Action Plan; and Disability Action Plan - Year 3 Annual Progress Reports; and Innovate Reconciliation Action Plan - Year 2 Report.

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

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

AGAINST: Nil (0)

CARRIED

10.5 ANNUAL COMMUNITY GRANTS ALLOCATION 2024-25

Community and Customer Experience - Family, Youth and Wellbeing
File No: PSF/24/98 – Doc No: DOC/24/217072

Moved: Cr Evans OAM

Seconded: Cr Samuel-King

That Council determines the Annual Community Grants Program 2024–25 allocations as set out in Attachment 3 to this report.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

10.6 STRAY GOLF BALL MITIGATIONS AT BRIGHTON GOLF COURSE

Corporate Services - Commercial Services
File No: PSF/24/88 – Doc No: DOC/24/479512

Moved: Cr Samuel-King

Seconded: Cr El Mouallem

That Council:

1. notes the contents of this report
2. receives an update on the status of mitigation works at Brighton Golf Course at the June 2025 Council meeting.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

10.7 ELECTION PERIOD POLICY 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/475039

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

That Council:

1. notes the community engagement undertaken between the period 15 July to 28 July 2024 in relation to the proposed revisions to Council's Election Period Policy as outlined in the Community Engagement Summary report (Attachment 1)
2. adopts the Election Period Policy 2024 (Attachment 2)
3. amends Chapter 11 of Council's Governance Rules to incorporate the adoption of the Election Period Policy 2024 and publishes this on Council's website
4. provides a copy of the Election Period Policy 2024 to each incumbent Councillor and informs them of its application
5. directs the Chief Executive Officer to inform Council staff of the application of the Election Period Policy 2024.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

10.8 PROPOSED TEMPORARY AMENDMENT TO S6 INSTRUMENT OF DELEGATION - MEMBERS OF COUNCIL STAFF (PLANNING AND ENVIRONMENT ACT 1987)

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/479105

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council adopts the amended S6 Instrument of Delegation - Members of Council Staff (pertaining to decisions under Section 61(1) and 69(2) of the *Planning and Environment Act 1987*) outlined in Attachment 1 to this report and that this applies between the period 9 October 2024 to midnight 19 November 2024 whereupon any provision of the Instrument of Delegation dated 23 April 2024 that has been amended by this Instrument of Delegation will again have full force and effect.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

10.9 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/479107

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia
Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El
Mouallem (6)
 AGAINST: Nil (0)

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – There was no report.
2. **Metropolitan Transport Forum** – The Acting Director Environment, Recreation and Infrastructure advised that the Metropolitan Transport Forum (MTF) held its monthly meeting on 7 August 2024 which was attended by representatives from the Committee for Melbourne who presented findings of a Benchmarking Report that compared Melbourne to 20 similar cities around the world. The report reviewed 3 pillars: Future Economy, Infrastructure and Sustainability, and Liveability and Urban Optimism. In many areas, Melbourne's ranking has fallen with challenges on City Connectivity and maintaining Environmental Outcomes.

A draft motion for MTF members was presented to inform level of interest in advocating for accessible tram stops in the lead up to the next Victorian election (2026). Draft wording is being developed and will be considered by Council officers.

Merri-bek and Moonee Valley councils provided the monthly update on transport matters in their municipalities.

3. **Municipal Association of Victoria** – There was no report.
4. **Inner South Metropolitan Mayors' Forum** – There was no report.
5. **South East Councils Climate Change Alliance** – There was no report.

Moved: Cr Castelli

Seconded: Cr Samuel-King

That the Reports by Delegates be received and noted.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli,
Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem
(6)
AGAINST: Nil (0)

CARRIED

12. Urgent Business

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

It is recorded that Cr Cr Castelli declared a declaration of interest in item 13.1 (Notice of Motion - 337 - Dendy Street Beach Bathing Boxes - Security and public safety) given Cr Castelli's partner owns a bathing box at Dendy Street Beach. Cr Castelli left the meeting at 8.18pm.

Given Council's Governance Rules preclude the Chair from moving or seconding a motion, in order that the Deputy Mayor, Cr del Porto be provided the opportunity to move his Notice of Motion, Cr del Porto called for a motion that Cr Evans take the Chair for item 13.1 (Notice of Motion – 337 - Dendy Street Beach Bathing Boxes - Security and public safety).

Procedural Motion

Moved: Cr El Mouallem

Seconded: Cr Martin

That Cr Evans take the Chair for consideration of item 13.1 (Notice of Motion – 337 - Dendy Street Beach Bathing Boxes - Security and public safety)

CARRIED

It is recorded that Cr Evans took the Chair for item 13.1 (Notice of Motion – 337 - Dendy Street Beach Bathing Boxes - Security and public safety).

13. Notices of Motion

13.1 NOTICE OF MOTION - 337 - DENDY STREET BEACH BATHING BOXES - SECURITY AND PUBLIC SAFETY

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/478044

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Mouallem

That Council:

1. in response to reports of burglary and vandalism of a number of bathing boxes at Dendy Street Beach, investigates the feasibility for installation of closed-circuit television (CCTV) surveillance for the bathing box precinct at Dendy Street Beach
2. investigates opportunities for additional appropriate lighting for the Dendy Street Beach bathing box precinct, to enhance security and public safety
3. seeks formal advice from Heritage Victoria, and continues to consult with Victoria Police and the Brighton Bathing Box Association
4. receives a report on these matters to the March 2025 Council meeting.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (4)
AGAINST: Cr Clarke Martin (1)

CARRIED

It is recorded that Cr Castelli was not present in the meeting during debate or when the vote was taken on the above item.

Cr Evans OAM called for a motion that the Deputy Mayor, Cr del Porto resume the Chair.

Procedural Motion

Moved: Cr El Mouallem

Seconded: Cr Samuel-King

That the Deputy Mayor, Cr del Porto resume the Chair.

CARRIED

It is recorded that the Deputy Mayor, Cr del Porto resumed the Chair.

It is recorded that Cr Castelli returned to the meeting at 8.29pm.

13.2 NOTICE OF MOTION - 338 - SECURITY OF MAJOR ACTIVITY CENTRES

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/479627

Moved: Cr El Mouallem

Seconded: Cr Castelli

That Council:

- in response to multiple reports of burglary and vandalism in our Major Activity Centres (MACs), investigates the cost to install closed-circuit television (CCTV) surveillance within the MACs
- investigates the capacity of Victoria Police to monitor and/or review CCTV cameras in our Major Activity Centres
- investigates opportunities for grant funding for CCTV
- advocates to local MPs and the Minister for Police for more police patrols in our local Major Activity Centres
- receives a report on these matters at or before the June 2025 Council meeting.

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

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

CARRIED

13.3 NOTICE OF MOTION - 339 - REVIEW OF NEIGHBOURHOOD AMENITY LOCAL LAW 2021

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/479629

Moved: Cr El Mouallem**Seconded: Cr Castelli:**

That Council receives a report by no later than the May 2025 Council Meeting on the effectiveness of the current Neighbourhood Amenity Local Law 2021 adopted on 15 June 2021. The report should outline the opportunities to update, refine or include new Local Laws with a particular focus on:

- management of unsightly properties, particularly those associated with construction projects to ensure:
 - grass and vegetation are maintained
 - sites are appropriately secured
 - nature strips are not used for storage of materials or rubbish
 - street trees are adequately protected/fenced
- management of abandoned vehicles, caravans, trailers etc
- management of overgrown nature-strips (outside vacant sites)
- management of commercial dog walkers
- management and impacts of decriminalising sex work

The report should provide details regarding the process to update the local law and the associated costs.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

13.4 NOTICE OF MOTION - 340 - CARBON CREDIT INTEGRITY

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/479632

Procedural Motion**Moved: Cr Evans****Seconded: Cr Martin**

That Cr Samuel-King be granted leave to amend the Notice of Motion - 340 - Carbon Credit Integrity.

CARRIED**Procedural Motion****Moved: Cr Martin****Seconded: Cr Evans**

That Cr Samuel-King be granted an additional 1 minute to conclude debate.

CARRIED**Procedural Motion****Moved: Cr Martin****Seconded: Cr Evans**

That Cr Castelli be granted an additional 1 minute to conclude debate.

CARRIED**Moved: Cr Samuel-King****Seconded: Cr Martin**

That Council receives a detailed report outlining the proposed projects to be used that include the use of 1080 and/or the killing of dingoes or 'wild dogs' in its annual carbon credit portfolio, including options, for consideration, effective from the 2024–25 financial year.

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

DIVISION:**FOR:** Crs Clarke Martin and Jo Samuel-King (2)**AGAINST:** Crs Alex del Porto (Deputy Mayor), Sonia Castelli, Laurence Evans OAM and Hanna El Mouallem (4)**LOST**

14. Confidential Business

Moved: Cr Samuel-King

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.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Laurence Evans OAM and Hanna El Moullem (6)

AGAINST: Nil (0)

CARRIED

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14.1 BAYSIDE BUILT ENVIRONMENT AWARDS 2024

(LGA 2020 Section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.)

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 Deputy Mayor declared the meeting closed at 9.34pm.