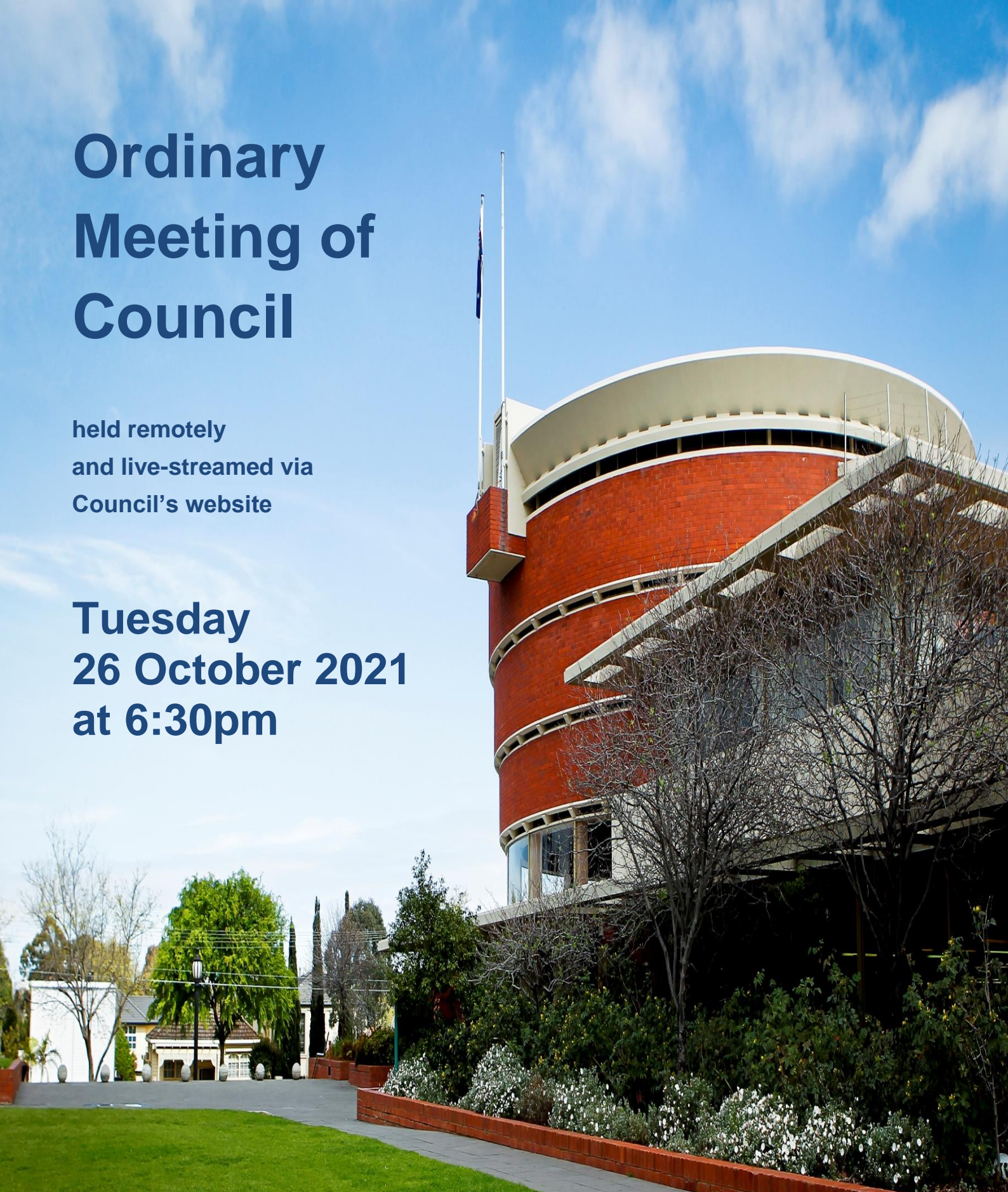


Ordinary Meeting of Council

held remotely
and live-streamed via
Council's website

**Tuesday
26 October 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
Matthew Cripps – Director City Planning and Amenity
Adam McSwain – Director Environment, Recreation and Infrastructure
Joan Andrews – Manager Community Services
Juliana Aya – Acting Manager Transport and Sustainability
Terry Callant – Manager Governance and Corporate Reporting
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Keryn Fisher – Manager Communications, Engagement and Customer Experience
Kristy Green – Manager Customer, Libraries and Cultural Services
Anita Johnstone – Manager City Assets and Presentation
Jason Stubbs – Manager Commercial Services
Damien Van Trier – Manager Open Space, Recreation and Wellbeing
Tom Vercoe – Acting Manager Urban Strategy
Robert Lamb – Governance Officer

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The Mayor declared the Council Meeting open at 6:30pm and noted that the meeting was being held remotely via electronic media. The meeting was recorded and streamed live on the internet.

The Mayor invited Cr Martin to read the prayer.

1. Prayer

Cr Martin read the prayer at the commencement of the meeting.

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

2. Acknowledgement of Original Inhabitants

The Mayor invited Cr El Mouallem to read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the traditional owners and custodians of this land, the Kulin nation, and we pay our respects to their Elders, past, present and emerging.
- ◆ 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 material conflict of interest in Item 10.8 given his family business is one of the 430 food businesses in Bayside that would benefit from the 50% reduction of the applicable renewal fees for the 2022 renewal period.

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 27 October 2021 at 4.00pm 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 Bayside City Council meeting held on 14 September 2021.

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

That the minutes of the Bayside City Council meeting held on 14 September 2021, 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 21 September 2021.

**Moved: Cr Stitfold
Mayor)****Seconded: Cr Castelli (Deputy**

That the minutes of the Special meeting of Bayside City Council held on 21 September 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

- 5.3 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 19 October 2021.

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

That the minutes of the Special meeting of Bayside City Council held on 19 October 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, 11 public questions were submitted to the Meeting. In accordance with the resolution at the June 2021 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 Sutton

Mr Chris Sutton submitted a question regarding light masts at the Beaumaris Reserve, and Mr Sutton asked:

Question

In January 2021 Council sent Beaumaris residents a leaflet stating one of the four light masts at the Beaumaris Reserve would be relocated to accommodate the new sports pavilion. In follow up to my unanswered enquiry acknowledged as received by Council on 1 July 2021, why did council install a new light mast taller than the existing light mast height, a height agreed with neighbouring residents after extensive consultation, and what was the total cost including the purchase, delivery and installation of a new mast and lights and the removal and disposal of the existing mast and lights compared to the cost of relocating the existing light mast.

Response from the CEO

A previous sportsground lighting pole was required to be relocated to deliver the new sportsground pavilion at Beaumaris Reserve. In order to maintain the required Australian Standard lighting lux level for the purposes of football (soccer) training, a new 30 metre high pole was required to be installed. Council must adhere to the relevant Australian Standards governing sportsground lighting. The total cost to replace the light pole and affix with energy efficient LED light fittings was \$67,400.

2. Mr Chris Sutton

Mr Chris Sutton submitted a question regarding compliance with the Building Regulations, and Mr Sutton asked:

Question

- a) What enforcement powers does Bayside Council have to ensure new single dwellings comply with the Building Regulations requiring buildings must not occupy more of the allotment than the Bayside neighbourhood residential zone site coverage requirement of 50% and*
- b) What actions does Bayside Council undertake to ensure that all new single dwellings comply with this legal requirement.*

Response from the CEO

- a) *The requirement for site coverage is covered by the Building Regulations 2018, Regulation 76. It states in part that buildings must not occupy more than (50% - Bayside variation), of an allotment. It further notes that a report and consent, R&C (special siting dispensation) may be sought from Council 'to an application for a building permit' in relation to a design that does not comply with this regulation. In other words, should a building permit be required for a new dwelling and/or garage, or for an addition or alteration to a dwelling and/or garage, the maximum site coverage must be considered.*
- b) *It is the responsibility of the relevant Building Surveyor when assessing and issuing building permits to ensure that this regulation is complied with – or a R&C sought. In most instances, building permits are issued by the private sector; however, should Council issue a building permit the same provisions would apply.*

3. Mrs Alianora Smith

Mrs Alianora Smith submitted a question regarding the development plan application for the former CSIRO site in Highett, and Mrs Smith asked:

Question

What considerations relating to "Site Context Analysis Constraints; Sensitive Residential Interface" at North end of Site, has council implemented?

Response from the CEO

Council officers have undertaken a detailed assessment of each aspect of the Development Plan application. This has included an assessment of the application against the relevant planning controls that apply to the site, and how this property interfaces with land adjoining the site.

The Development Plan Overlay Schedule 2 provides for the taller built form on the site to be located towards the northern portion of the site. The setbacks provided are considered to provide an appropriate outcome.

4. Mrs Alianora Smith

Mrs Alianora Smith submitted a second question regarding the development plan application for the former CSIRO site in Highett, and Mrs Smith asked:

Question

How will proximity residents be provided with timely construction processes and same residents' ability to contact relevant Contractors, when concerns arise during construction?

Response from the CEO

Once a Development Plan has been approved for this site, and planning permits begin to be issued, a comprehensive Construction Management Plan will be prepared that will ensure the impacts of construction on surrounding areas will be appropriately managed.

5. Mr Elliot Rosen

Mr Elliot Rosen submitted a question regarding the development plan application for the former CSIRO site in Highett, and Mr Rosen asked:

Question

Is there a reason why Bayside City Council has ignored the Highett Structure Plan - Updated September 2018? The document, which is only 3 years old, outlined a maximum 5-story height limit for any prospective former CSIRO site development (page 18).

Response from the CEO

The Highett Structure Plan 2018 does not directly apply to this site as the Structure Plan was prepared when the site was still owned by the Federal Government and sat outside the Bayside Planning Scheme. When the land was sold, the Minister for Planning set the controls that apply to the site: Residential Growth Zone – Schedule 3 (RGZ3) and the Development Plan Overlay – Schedule 2 (DPO2).

Whilst the Structure Plan provides guidance in relation to the outcomes at this site, this formed the basis of Council's advocacy to the State Government; however, ultimately the Minister for Planning made the final decision in relation to the controls that do apply to the site.

Amendment C162bays, which implements the Highett Structure Plan 2018 into the Bayside Planning Scheme, is currently with the Minister for Planning awaiting a decision and as such has limited weight in decision making.

6. Mr Greg Hewett

Mr Greg Hewett submitted a question regarding the development plan application for the former CSIRO site in Highett, and Mr Hewett asked:

Question

I support the development but, there is a Primary Pedestrian path shown on the Overall Development Plan (ODP) item 3.5.5 Pedestrian Circulation: figure 15 . As no right of access exists across the commercial property between the area designated as Reserve for Open Space to Bay Road,

- a) how do the proponents of the development propose to give effect to the pedestrian access shown on the ODP through the Reserve to Bay Road,
- b) are Council in negotiations with the Owners Corporation who control the common property ?

Response from the CEO

Through the development of land to the south of the conservation reserve, Council negotiated the creation of a carriageway easement to facilitate access to the conservation reserve from Bay Road. This path has been constructed and exists at the site, awaiting connection once the conservation reserve has been transferred into public ownership.

7. Mr Kenneth McBriar

Mr Kenneth McBriar submitted a question regarding Council's kerbside bin collection schedule changes, and Mr McBriar asked:

Question

Why are you not going with the majority response? Our current rubbish bins are too small even for two people in apartment.

Response from the CEO

Council acknowledges that 47% of survey respondents reported they had concerns with the change. These concerns ranged from residents whose bin is already at capacity, to other residents who think the change should happen sooner.

Recent bin audits show that 18% of general waste bin contents is recycling that should be in the blue bin whilst a further 36% is food waste and can go into the food and green waste bin. An additional 10% is made up of soft plastics that can be recycled. This can add 64% more capacity to your general waste bin. We want to encourage all Bayside households to reduce the amount of waste they send to landfill by correctly taking advantage of their recycling and food and green waste bins.

8. Mr Ian Robinson

Mr Ian Robinson submitted 3 questions; however, in accordance with Council's Governance Rules, a maximum of 2 questions per individual is permitted, Therefore, a response will be provided to the first 2 questions only. Mr Robinson's first question is regarding the development plan application for the former CSIRO site in Highett, and Mr Robinson asked:

Question

It is noted in the recommendation to the council that "the site is expected to provide approximately 20% of the forecast growth from 2021 to 2031" in Bayside. Regarding the estimations for population growth,

- a) when were these estimations made, and
- b) has this factored in the current pandemic, net Victorian migration, and overall impact on price and rental costs impacts on inner city units?

Response from the CEO

The City of Bayside is expected to grow by an additional 9,706 people between 2021 and 2031. There are an additional forecast 4,619 dwellings to be constructed across Bayside during that same period. The construction of approximately 1,000 dwellings in this location represents approximately 22% of the forecast population growth. These projections were made pre-Covid.

9. Mr Ian Robinson

Mr Robinson's second question is also regarding the development plan application for the former CSIRO site in Highett, and Mr Robinson asked:

Question

Has population growth of the area near Sir William Fry reserve on the Nepean Highway on the Kingston City Council side of Highett been factored into the estimations of population growth of the area?

Response from the CEO

Council is responsible for planning for land within the City of Bayside and the forecast population and housing growth relate only to land within the City of Bayside. Council has had regard through the preparation of the Highett Structure Plan 2018 as to what is occurring in the wider locality.

10. Ms Elizabeth Allan

Ms Elizabeth Allan submitted a question regarding the development plan application for the former CSIRO site in Highett, and Ms Allan asked:

Question

As stated above Sunken were aware of the condition of the Highett Grassy Woodlands protection when purchasing the property. My question is:

- a) Why is the proposed development by Sunken allowed to override the needs of a protected area?
- b) What actions will be taken by Bayside Council to protect this sensitive and unique indigenous flora for Bayside residents and all of Victorians?

Response from the CEO

The application before Council is currently under assessment and no decision has yet been made. The grassy woodlands site is currently private property and has not yet been transferred into public ownership, which will only occur once a boundary between the future public and private land has been established.

Council will be preparing a masterplan to guide the future outcomes on the conservation reserve site. This will include appropriate measures to protect the site from impacts of the development of the rest of the site.

11. Mr George Reynolds

Mr George Reynolds submitted a question regarding Written Statements submitted to the 19 October Special Meeting of Council, and Mr Reynolds asked:

Question

In relation to agenda item 5.3, approval of Minutes of meeting - the record showing written statements appears to be missing. Is this omission in compliance with the Public Transparency Policy (July 2020)?

Response from the CEO

The written statement submitted by Mr Reynolds to the 19 October 2021 Special Meeting of Council was deemed to be offensive and derogatory in accordance with Section 62 (9) of the meeting procedures to Council's Governance Rules which state that 'any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may be redacted or not accepted by the Chief executive Officer or their delegate'.

The written statement was however provided to Councillors, noted before consideration of the item and recorded in the Minutes. There were no other written statements received in relation to the meeting.

There is no requirement in Council's Public Transparency Policy for Council to include the publishing of written statements.

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/21/23 – Doc No: DOC/21/317449

Moved: Cr Martin

Seconded: Cr del Porto

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

- 5 October 2021 Strategic Issues Discussion
- 5 October 2021 Councillor Briefing
- 12 October 2021 Councillor Briefing.

CARRIED

8.2 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 13 SEPTEMBER 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/287631

Moved: Cr Martin

Seconded: Cr El Mouallem

That Council notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 13 September 2021.

CARRIED

9. Reports by Special Committees

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

10. Reports by the Organisation

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 Development Plan Application for Former CSIRO Site in Highett

1. Mr Stephen White
2. Mr Lloyd Collins (on behalf of Sunkin)
3. Ms Elizabeth Allan
4. Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.)
5. Ms Angela Burr
6. Mrs Helen Rayment
7. Mr Andrew Loucaides
8. Ms Anita Williams (on behalf of Chandos Bay Pty Ltd)
9. Mr Rodney Nieuwenhuizen

10. Ms Danielle McNair
11. Ms Chisholm Sophie
12. Mrs Caroline & Mr David Robinson
13. Mrs Karen & Mr Pat Di Nicolantonio
14. Mrs Margaret Walker
15. Mrs Courtney DeCesare
16. Mr Fraser Martin
17. Ms Chloe & Mr Ben McDougall

Item 10.2 Reimagining Billilla

1. Mr Eli Lebovits (on behalf of Yesodei HaTorah College)

Item 10.11 Update on Undergrounding Powerlines

1. Ms Caroline Lawton (on behalf of Beaumaris Conservation Society)

10.1 DEVELOPMENT PLAN APPLICATION FOR FORMER CSIRO SITE IN HIGHTT

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/313568

It is recorded that Mr Stephen White, Mr Lloyd Collins (on behalf of Sunkin), Ms Elizabeth Allan, Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.), Ms Angela Burr, Mrs Helen Rayment, Mr Andrew Loucaides, Ms Anita Williams (on behalf of Chandos Bay Pty Ltd), Mr Rodney Nieuwenhuizen, Ms Danielle McNair, Ms Chisholm Sophie, Mrs Caroline & Mr David Robinson, Mrs Karen & Mr Pat Di Nicolantonio, Mrs Margaret Walker, Mrs Courtney DeCesare, Mr Fraser Martin, and Ms Chloe & Mr Ben McDougall each submitted a written statement in relation to this item.

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

A) That Council approves the Development Plan under the provisions of the Bayside Planning Scheme for the land known and described as 37 Graham Road, Hightt subject to the following conditions:

1. A revised Development Plan must be submitted and approved to the satisfaction of the Responsible Authority, generally in accordance with the report prepared by CHC Architects dated 2 August 2021, but modified to include:
 - a) changes in building height generally in accordance with the Masterplan Proposed Heights, October 2021 V2, prepared by CHC Architects, showing:
 - i. reduction in height of buildings D2, H and E to a maximum of 6 storeys
 - ii. increase in setback to building L, with levels 4-7 setback 18 metres from the western site boundary
 - iii. increase in setback to building A, with level 4 setback 20 metres from the western site boundary
 - iv. delete level 5 from Building A
 - v. reconfiguration of building B to further reduce the shadow impacts on the proposed conservation reserve
 - b) any changes to the Middleton Street access, as required by the modified Traffic Impact Assessment at condition 2.
2. A revised Traffic Impact Assessment must be submitted and approved to the satisfaction of the Responsible Authority, generally in accordance with the report prepared by Stantec Australia, dated 30 July 2021, but modified to include:
 - a) assessment of the impact of one-way access to Middleton Road on surrounding street networks, and/or pedestrian/cycle and emergency vehicle access only, to the satisfaction of the Department of Transport and the Responsible Authority. If approved, the Development Plan required at condition 1b to be updated to show the amended configuration
 - b) update of Table 7.3 with revised yield and carparking allocation, providing for a provision of 1:1 carpark for 1 bedroom apartments as part of the Development Plan, subject to further assessment at the permit application stage and having regard to ESD objectives and market preferences.

3. A revised Sustainability Strategy Development Plan must be submitted to and approved to the satisfaction of the Responsible Authority, generally in accordance with the submitted Report prepared by Stantec dated 2 August 2021, but modified to include the design response of excluding gas infrastructure and supply from the site, and achieving as close to net zero emissions as possible.
4. A revised Landscape Design Report must be submitted to and approved to the satisfaction of the Responsible Authority, generally in accordance with the submitted Report prepared by Tract Consultants dated 30 July August 2021, but modified as follows:
 - a) remove the palm trees from the public realm locations (excluding internal courtyards and communal open space)
 - b) Hightett Grassy Woodland species to be introduced at the southern interface, generally in accordance with the sketch prepared by Tract, dated 28th September 2021
 - c) achieve at least 85% indigenous planting in public realm locations with a focus on Hightett Grassy Woodland species.
5. The developer is to establish a community representative group to create clear communications and engagement with community leaders in the area. The terms of reference for the group must be prepared to the satisfaction of the responsible authority.

Department of Transport Conditions

6. Updates to the Development Plan as follows:
 - a) reference to Bay Road/Hightett Road intersection in Section 6.3 on page 90 updated to refer to "Bay Road/Graham Road".
 - b) the following is to be added to Section 6.3:
 1. *The Traffic Impact Assessment Report (Revision C dated 30/07/2021) is to be amended to address the below matters, to the satisfaction of the Head, Transport for Victoria:*
 - i. *There is an existing issue with long queue lengths at the Bay Road/Reserve Road intersection. The proposed signals will result in longer queues and associated delays at the Bay Road/Reserve Road intersection because of its proximity to the existing signals at Bay Road/Reserve Road intersection. In addition, queues on Bay Road would extend back to the existing Pedestrian Operated Signals on Bay Road near Jack Road. It is required that:*
 - *the three signals (being existing signals at Bay Road/Reserve Road intersection, existing Pedestrian Operated Signals at Bay Road near Jack Road, and the proposed signals at Bay Road/Graham Road) to be coordinated, at 90 second cycle time. These works must be at no cost to and to the satisfaction of the Head, Transport for Victoria*
 - *queue detectors to be installed on the departure side of Reserve Road for eastbound traffic, and at the Pedestrian Operated Signals near Jack Road for westbound traffic*
 - *additional SIDRA analysis to be undertaken using a 90-second cycle time to evaluate and determine the operational outputs at Bay Road/Reserve Road and network impacts. Mitigating works may be required.*

- ii. *The submitted signal concept layout plan (Drawing no. V181370-20-01 dated 30/07/2021) is considered generally acceptable considering the existing site constraints. However, the road reserve at the northeast corner of the intersection is very tight, which leads to concerns as to whether an appropriate footpath and pram crossing will physically fit into the available space. This matter is to be carefully investigated, and the subsequent Functional Layout Plan is required to show how the footpath and pram crossing could work and being DDA compliant.*
 - iii. *The Functional Layout Plan should also show the existing electric pole on the south side of Bay Road, to the east of proposed signals at Bay Road/Graham Road to be relocated or undergrounded (preferred) due to the proposed road widening.*
2. *Road Safety Audits will be required to be conducted at both functional and detail design review stages.*
3. *The amended Traffic Impact Assessment Report is to form part of a permit application for Stage 1 of the proposed development.*
4. *Mitigating works to the Bay Road/Graham Road intersection must be in accordance with the amended Traffic Impact Assessment Report accompanying Stage 1 Planning Permit and completed at no cost to and to the satisfaction of the Head, Transport for Victoria.*
5. *Unless otherwise agreed in writing by the Head, Transport for Victoria, the mitigating roadworks must be completed prior to the occupation of any stage of the development.*
6. *The Head, Transport for Victoria's approval must also be sought to install new traffic signals on the network, pursuant to Part 2 of the Road Safety (Traffic Management) Regulations 2019.*

Melbourne Water Conditions

7. Storm Water Management for the development plan must be as per Storm Water Management Plan Prepared By: Peter Munzel; Ref: 29150-2; Dated 5/03/2021; Revision: E.
8. Surface level of parkland area and internal roads in the DP (in particular, along overland flow path) must be set as per assumptions made in hydraulic modelling by Engeny. (Flood Impact Assessment, dated: 04/02/2021 by Engeny (Scott Dunn) & Memorandum by Engeny for On-site Detention and Existing/Developed Flows, dated 5 February 2021). Accordingly, Functional Design plans must form part of a separate application to Melbourne Water for proposed re-alignment of Melbourne Water's existing asset.
9. Runoff from the site must be treated to comply with the criteria in the Urban Storm water Best Practice Environmental Management Guidelines regarding pollutant removal. Acceptable methods for the design of treatment measures include the storm water treatment modelling software package 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC), or the 'Water Sensitive Urban Design Engineering Procedures Manual' available at <http://www.melbournewater.com.au/wsud> which provides the procedure for design of various treatment measures.
10. Finished ground floor levels of all proposed dwellings/ buildings of the Development Plan must be set no lower than 300mm above the applicable flood

level at the location as per Melbourne Water's flood level information or 300mm above top of the kerb of internal roadways whichever is higher.

11. Design and construction of the re-aligned drain must be carried out by a Melbourne Water approved engineering company who is experienced with pipeline design and construction.
12. Prior to commencement of drainage construction works, the structural condition assessment of the existing drain to be realigned, including how interfaces are going to be achieved and asset ownership must be confirmed to Melbourne Water.
13. Design of realigned drain is to be in accordance with Melbourne Water's standard drawings under the surveillance of Melbourne Water's Developer Project Works Team – detailed engineering plans of the drain must be approved by Melbourne Water's Developer Project Works Team through the Works Offer agreement process. Please note that there should be sufficient manholes at appropriate locations.
14. Creation of an easement of a minimum 6.0m width is required to accommodate the re-aligned pipe and for transition structures with the pipe and structures centrally located within the easement. This easement must be clearly shown in the Development Plan.
15. A setback of 2.3m must be shown for any permanent structures or deep footings from the outside edge of the new re-aligned pipe.
16. No permanent structures must be placed within the easement. Any temporary structures (e.g. playground equipment) within the easement or lateral clearance zone must meet temporary structure footings and setback requirements. A separate Build Over Application for assessment and approval of any proposed works over and near Melbourne Water's asset and easement must be part of future development applications. (Fees and special conditions will apply).
17. Prior to commencement of works, in accordance with the statutory powers of Melbourne Water Corporation, the Owner must enter into and comply with an Agreement with Melbourne Water Corporation for the Works on the Asset and other matters. (On-line application for a 'Works Offer' must be made– Note: fees, bonds and conditions will apply) This includes the drain re-alignment works which are subject to Melbourne Water's design requirements including QA certification.
18. Prior to commencement of works on the drain re-alignment, a separate application must be made to Melbourne Water's Asset Services Team to conduct works on Melbourne Water's asset. A Permit to Work can only be issued to contractors who have undertaken Melbourne Water's permit recipient training. This requirement must be included as part of the general notes on the final drawings. Please contact Melbourne Water's Customer Service Centre on 131 722 (with details of the contractor) to arrange training providing at least 28 days' notice. A separate on-line application must be submitted to Melbourne Water for any new storm water connection to Melbourne Water's asset.

Additional actions

- B) That Council undertakes a review of the traffic and transport actions of the Highett Structure Plan in response to the impacts arising from the development of the former CSIRO site, the future Suburban Rail Loop station and precinct and other recent developments.
- C) That this review is considered as part of the 2022–23 budget considerations/allocations.

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

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

CARRIED

10.2 REIMAGINING BILLILLA

Community and Customer Experience - Customer & Cultural Services
File No: FOL/21/188 – Doc No: DOC/21/316863

It is recorded that Mr Eli Lebovits (on behalf of Yesodei HaTorah College) submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr El Mouallem

That Council:

1. approves the Billilla Homestead community engagement plan to be implemented in 2021 (see Attachment 3)
2. endorses a public event to be held on the grounds of Billilla for the community in early 2022 as part of the Engagement Plan (pending any COVID restrictions)
3. authorises the Director of Corporate Services to negotiate to extend the Yesodei HaTorah College lease to terminate on or before 31 March 2022.

CARRIED

**10.3 WARM WATER POOL - UPDATE ON DISCUSSIONS WITH
COMMERCIAL PROVIDER.**

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/307387

Moved: Cr Samuel-King MBBS

Seconded: Cr del Porto

That Council receives a report at the 21 December 2021 Council meeting detailing the findings of discussions with commercial providers regarding a Warm Water Pool within the municipality.

CARRIED

10.4 CLIMATE EMERGENCY ACTION PLAN UPDATE

Environment, Recreation and Infrastructure - Environment
File No: PSF/21/36 – Doc No: DOC/21/258813

Moved: Cr Martin

Seconded: Cr Stitfold

That Council:

1. notes the actions undertaken in the first year to implement the Climate Emergency Action Plan as shown in Attachment 2 and the new actions to be added and changes proposed to the revised Climate Emergency Action Plan as shown in Attachment 3
2. receives a further report in the first quarter of the 2022–23 financial year detailing progress on implementation of the Climate Emergency Action Plan and updates for the revised Climate Emergency Action Plan.

CARRIED

10.5 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN & ACTION PLANS 2021-2025

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/283483

Moved: Cr Martin

Seconded: Cr El Mouallem

That Council:

1. adopts the Municipal Public Health and Wellbeing Plan 2021–2025 (the Plan) and its associated Action Plans
 - i. Health and Wellbeing Action Plan
 - ii. Disability Action Plan
2. thanks community stakeholders and local health service providers that have provided feedback to and guided the development of the Plan and associated Action Plans, particularly the Disability Access and Inclusion Advisory Committee and its work on the development of the Disability Action Plan
3. authorises the Director Environment, Recreation and Infrastructure to approve annual updates for the Action Plans
4. rescinds the Alcohol Harm Minimisation Policy, as its content is now incorporated into the Municipal Public Health and Wellbeing Plan.

CARRIED

10.6 WELLBEING FOR ALL AGES AND ABILITIES STRATEGY PROGRESS REPORT ON IMPLEMENTATION – YEAR 4

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/252808

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr El Mouallem

That Council notes the annual review of the Wellbeing for All Ages and Abilities Strategy 2017–2021 and Action Plans for October 2020 to October 2021.

CARRIED

10.7 BAYSIDE HEALTHY AGEING REFERENCE GROUP

Community and Customer Experience - Community Services
File No: PSF/21/32 – Doc No: DOC/21/299039

Moved: Cr El Mouallem

Seconded: Cr del Porto

That Council:

1. defers seeking nominations for a new Bayside Healthy Reference Group until 2022
2. endorses extending the term for members of the current Bayside Healthy Reference Group for 12 months until December 2022.

CARRIED

10.8 BAYSIDE LOCAL ECONOMY RECOVERY PLAN – REACTIVATION INITIATIVES AND EXTENDED FINANCIAL SUPPORT FOR SMALL BUSINESSES

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/316667

It is recorded that Cr El Mouallem declared a Material Conflict of Interest in this item given the reduction in fees will benefit a business that Cr El Mouallem has an interest in.

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. acknowledges and welcomes the Victorian State Government COVIDSafe Outdoor Activation Fund grant of \$575K which will be utilised to support and expand Stage 3 of the Bayside Local Economy Recovery Plan
2. notes the initiatives in Stage 3 of the Bayside Local Economy Recovery Plan including:
 - continuing the rollout of COVIDSafe trading information to local businesses
 - working with local traders' associations and service groups to undertake festive community-based events in activity centers
 - conducting the previously deferred Taste of Bayside and Phantasmagoria events
 - encouraging events and activations during the festive period with the installation of Christmas decorations and conducting the "Shops on Show competition"
 - continuing with the social media promotion campaigns of activity centers
 - recommencing the Bayside Business Network program in March 2022
3. renews for a further two-year term the memberships of current Bayside Tourism Network members
4. as a form of assistance to registered food and public health businesses impacted by the pandemic, reduces the renewal fees for 2021–22 by 50%
5. as a form of assistance to local hospitality businesses and those undertaking street trading, waives the residual 50% of fees applicable to footpath trading for the period February 2022 to August 2022
6. recommences the Built Environment Awards in February 2022 with a call for entries with an awards ceremony to be held in late 2022
7. considering the possible structural changes to the local economy, postpones the commencement of a comprehensive Economic Development and Tourism Strategy to the second half of the 2022–23 financial year.

CARRIED

10.9 KERBSIDE BIN COLLECTION SCHEDULE CHANGES – COMMUNITY ENGAGEMENT FINDINGS REPORT

Environment, Recreation and Infrastructure - Sustainability and Transport
File No: PSF/21/36 – Doc No: DOC/21/293863

Moved: Cr Martin

Seconded: Cr del Porto

That Council implements the following actions in respect of kerbside bin collection:

1. Provide additional support to the following eligible groups:
 - large households with six or more members
 - households with two or more children in nappies
 - households with one or more people living with a chronic illness or disability
 - households with a carer of someone living with a chronic illness or disability.
2. Additional support consists of the below options:
 - the option to upsize to a 140L (already available) or a 240L general waste bin (depending on current bin size)
 - an additional bin free of charge, an 80L, 140L, or 240L
 - where the 80L size is the most suitable due to a person's ability to manoeuvre the bin, offer up to three 80L sized general waste bins.
3. Eligibility requirements:

To be eligible for any one of the above arrangements, residents would need to provide evidence in the form of any* of the following:

 - for a family of six or more, a Medicare card or similar
 - a lease, proving long-term tenancy (12 months +)
 - drivers license
 - for households with six or more but not a family with a Medicare card available, a signed Council declaration form
 - information from Council's Maternal Child Health service/recommendation from a Maternal Child Health Nurse
 - a letter from a GP outlining their need for additional waste capacity – template to be provided for those residents
 - a recommendation from a Council Community Care Worker

*all must provide proof of address.
4. Businesses in Council's main activity centres to continue to receive a weekly collection of their general waste bins. The main activity centres are as follows:
 - Beaumaris Concourse, Beaumaris
 - Black Rock Village
 - Church Street, Brighton

- Hampton Street, Hampton
 - Martin Street, Brighton
 - Sandringham Village
5. Households not eligible for any of the above who believe they require additional waste capacity are able to request an additional bin at an additional cost added to their Rates. This option is already available to all residents using Council's kerbside collection services, with some households already taking up this option.
6. Residents that have been deemed eligible will be reviewed every two years.

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

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

CARRIED

10.10 DOMESTIC ANIMAL MANAGEMENT PLAN – ANNUAL PROGRESS REPORT

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/317205

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Martin

That Council:

1. notes the annual review of the progress made against the year four (4) actions of Council's Domestic Animal Management Plan 2017–21
2. notes a full review and development of a new four-year Domestic Animal Management Plan will be undertaken in 2021–22 financial year with community engagement commencing in October 2021.

CARRIED

10.11 UPDATE ON UNDERGROUNDING POWERLINES

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/282820

It is recorded that Ms Caroline Lawton (on behalf of Beaumaris Conservation Society) submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. notes the initiatives undertaken in both advocacy and investigations into the undergrounding of powerlines
2. commences the development of a policy relating to facilitating the undergrounding of powerlines which will consider:
 - a. the prioritisation of undergrounding powerlines in association with:
 - i. Council projects
 - ii. public open space
 - iii. the general street network
 - b. the funding models and the associated criteria
3. receives the draft policy to be presented to the June 2022 Council Meeting for further consideration.

CARRIED

10.12 RESPONSE TO NOTICE OF MOTION – 316 – PRESSURE CLEANING OF MAJOR ACTIVITY CENTRES

Environment, Recreation and Infrastructure - City Assets & Projects
File No: PSF/21/21 – Doc No: DOC/21/292717

Moved: Cr El Mouallem

Seconded: Cr del Porto

That Council increases pressure cleaning from a quarterly to monthly frequency in the Major Activity Centres.

CARRIED

Procedural Motion

Moved Cr Martin

Seconded Cr del Porto

That the meeting be adjourned for 10 minutes.

CARRIED

It is recorded that the meeting was adjourned at 9:17pm.

Procedural Motion

Moved Cr del Porto

Seconded Cr Castelli

That the meeting be resumed.

CARRIED

It is recorded that the meeting was resumed at 9:27pm.

**10.13 SUBMISSION TO DEPARTMENT OF JUSTICE AND COMMUNITY
SAFETY - DECRIMINALISATION OF SEX WORK IN VICTORIA**

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/316640

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. endorses the officer submission in response to the 'Discussion Paper – Decriminalising Sex Work' prepared by the Victorian State Government
2. receives a report on any relevant implications of legislation changes and its implications for Bayside.

CARRIED

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

10.14 DRAFT PROCUREMENT POLICY 2021

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/286583

Moved: Cr El Mouallem

Seconded: Cr del Porto

That Council:

1. endorses the draft Procurement Policy for the purpose of undertaking community engagement, with the inclusion of the following wording to read:
 - a) *section 5.7 Tender Evaluation and Negotiation to include the words “To ensure value for money, assessment of the best price, subject to an agreed variance will be used. The tolerances will be set in the supporting procedures”.*
 - b) *section 7. Monitoring Review and Audit to include the words “This Policy is to be reviewed annually by the Audit and Risk Committee”.*
2. receives a report at the December 2021 Council meeting to consider the outcomes of community engagement and seeking to adopt the Procurement Policy.

CARRIED

10.15 ACKNOWLEDGEMENT OF COUNTRY

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/315916

Moved: Cr del Porto

Seconded: Cr Martin

That Council:

1. adopts the revised Acknowledgement of Country as outlined in the report
2. amends the Civic and Ceremonial Protocols document to incorporate these changes
3. promotes the change to the community through Let's Talk Bayside and Council's website
4. continues to maintain its connection with the Boonwurrung Land and Sea Foundation given previous contribution and involvement with the municipality over the past 27 years.

CARRIED

**10.16 CEO EMPLOYMENT MATTERS - IMPLEMENTING THE REQUIREMENTS
OF THE LOCAL GOVERNMENT ACT 2020**

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/315639

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. adopts the CEO Employment and Remuneration Policy
2. amends the name of the Committee from CEO's Employment Matters Committee to CEO's Employment Matters Advisory Committee
3. notes that these documents fulfil Council's legislative requirements.

CARRIED

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

**10.17 CEO'S EMPLOYMENT MATTERS ADVISORY COMMITTEE -
APPOINTMENT OF INDEPENDENT CHAIRPERSON**

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/315732

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council appoints Ms Topsy Petchey from TePee Pty Ltd as the Independent Chairperson of the CEO's Employment Matters Advisory Committee for a three-year term with an annual review for the term of appointment commencing 27 October 2021.

CARRIED

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

**10.18 NAMING OF LANEWAY AT THE REAR OF 1-19 KEITH STREET,
HAMPTON EAST**

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/316089

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. approves the use of the name 'Oval Lane' for the laneway at the rear of 1-19 Keith Street, Hampton East
2. advises the Registrar of Geographical Names of Council's decision
3. advises abutting owners of the laneway once advice has been received from the Registrar of Geographical Names and the laneway has been formally gazetted
4. erects appropriate street name signage once the laneway name has been formally gazetted.

CARRIED

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

10.19 PROPOSED SALE OF LAND AT 126 CARPENTER STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/312524

Moved: Cr El Mouallem**Seconded: Cr Samuel-King MBBS**

That Council:

1. in accordance with the *Local Government Act 2020* (the Act) resolves to sell the subject land at 126 Carpenter Street, Brighton, outlined in red in Attachment 1, to the adjoining owner of 124 Carpenter Street, Brighton, for \$300,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to sell the subject land via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. advises the parties who lodged a submission or provided feedback in relation to the proposal of Council's decision
4. places the proceeds of the sale in a reserve to be utilised for the future acquisition of land or creation of new open spaces by Council.

The Motion was PUT and a **DIVISION** was called:**DIVISION:** **FOR:** Crs Hanna El Mouallem and Jo Samuel-King MBBS (2)**AGAINST:** Crs Alex del Porto, Clarke Martin, Sonia Castelli (Deputy Mayor), Fiona Stitfold and Laurence Evans OAM (Mayor) (5)**LOST****Moved: Cr del Porto****Seconded: Cr Martin**

That Council:

1. in accordance with the *Local Government Act 2020* (the Act) resolves to sell the Subject Land at 126 Carpenter Street, Brighton, outlined in red in Attachment 1, to the adjoining owner of 124 Carpenter Street, Brighton, for \$300,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to sell the subject land via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. advises the parties who lodged a submission or provided feedback in relation to the proposal of Council's decision.

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**

10.20 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 25 BAY ROAD, SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/316971

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. in accordance with Section 206 and Clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act), resolves to discontinue the subject road adjoining 25 Bay Road, Sandringham, outlined in blue in Attachment 1, and sell the subject road to the adjoining owner of 25 Bay Road, Sandringham for \$15,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the subject road 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 CONTRACT CON/21/39 CONSTRUCTION OF TULIP STREET BASKETBALL COURTS AND CAR PARK

Corporate Services - Commercial Services
File No: PSF/21/20 – Doc No: DOC/21/240148

Moved: Cr Martin

Seconded: Cr del Porto

That Council:

1. awards Contract CON/21/39 Tulip Street Basketball Courts & Car Park to Lloyd Group Pty Ltd (ABN 96 069 674 479) for the lump sum price of \$8,314,500.00 (excl. GST) and \$9,145,950.00 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/21/39 Tulip Street Basketball Courts and Car Park
3. advises the unsuccessful tenderers accordingly
4. notes that the Stage Two landscape works do not form part of this Contract and will be procured separately and funded from the Environmentally Sustainable Design reserve.

CARRIED

10.22 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/310529

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. notes the Council Action Awaiting Report
2. notes the deletion of action 10.7 – 21/8/2018 given the matter has been incorporated into the review of the Early Years Infrastructure Plan.

CARRIED

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

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Fiona Stitfold and Cr Clarke Martin joint representatives indicated that a meeting has not been held recently. However, it was noted that the Mayor wrote a letter to the ABM under the signature of 10 ABM Member councils requesting an urgent meeting of the ABM to discuss the strategic plan and an advocacy program to consider leading up to the next State Government election. Cr Martin indicated that a meeting has been arranged to be held in the next few weeks.
2. **Metropolitan Transport Forum** – Cr Sonia Castelli attended the meeting. The key focus of the October Metropolitan Transport Forum was a presentation from Vicinity Centres on the Caulfield-Rowville Trackless Rapid Transit (TRT) proposal. It is a joint proposal by Monash University and Vicinity Centres to create an innovative transport solution for Melbourne's South-Eastern corridor. Using dedicated lanes along a 19km route from Caulfield to Rowville (via Chadstone and Monash University Clayton), the project would offer a tram solution without expensive infrastructure such as tracks and overhead wires. The group are working with Councils along the route to progress the proposal.
3. **Municipal Association of Victoria** – Cr Alex del Porto attended the MAV Regional meeting with Mayors' MAV Representatives and CEOs. The meeting briefed representatives on Planning Reforms and Social Housing. It was also noted that the MAV and SECCA have joined together to support an advocacy program regarding Climate Change across the sector. It should be noted that this was a Bayside initiative through a MAV State Council motion. Cr del Porto also advised the meeting that the MAV President is still waiting for a meeting with the Planning Minister given several attempts over the past 7 months.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Laurence Evans OAM indicated that the Forum has not met.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin indicated that the MLGWF is slowly wrapping up and will be replaced by a State Government new authority.
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold indicated that a meeting has not yet been held, although the group is very active in their communications and have arranged for many informative webinars to occur on a range of issues.

Moved: Cr Samuel-King

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

There were no Notices of Motion submitted to the meeting.

The Chief Executive Officer acknowledged that this was the Mayor's last official Council Meeting as Chair. The CEO expressed his appreciation to the Mayor on steering the Council through the first year of a newly elected Council, and also during a pandemic, and for demonstrating outstanding leadership.

The Mayor declared the meeting closed at 10:08pm.