

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
15 October 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Fiona Stitfold (Mayor)

Councillors: Cr Alex del Porto (Deputy Mayor)
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
Jill Colson – Director Environment, Recreation and Infrastructure
Matthew Cripps – Director City Planning and Amenity
Kathryn Tozer – Director Corporate Services
Kelly Archibald – Manager Urban Strategy
Michelle Tipton – Manager Governance
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 (6) Councillors present at any given time.

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The Mayor declared the Council Meeting open at 6:30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Mayor invited Cr del Porto to read the prayer.

1. Prayer

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

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

2. Acknowledgement of Country

Cr Samuel-King 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 Cr Castelli.

Moved: Cr del Porto

Seconded: Cr Evans

That the apology from Cr Castelli be received and noted.

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

- 5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 16 September 2024.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Ordinary meeting of Bayside City Council held on 16 September 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, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)

AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. **Mr George Reynolds** submitted a question related to Council's Auditing processes, and Mr Reynolds asked:

Question

- (a) As, when the 2023-24 annual accounts were approved by Councillors, a staff report showed immense enthusiasm that FLB Mann Judd were to be appointed as auditors, when did the nominated entity decline the appointment, AND
- (b) if the nomination was not declined, for what reason was the nomination of Mann Judd altered to another auditor, without a modifying resolution being put to Council?

Response from the CEO

HLB Mann Judd are the contracted audit firm appointed by the Victorian Auditor General's Office to audit the Financial and Performance Statement of Bayside City Council. This arrangement has been in place since 2021–22.

2. **Mr George Reynolds** submitted a question related to Council's Income Statement, and Mr Reynolds asked:

Question

- a) As the Comprehensive Income Statement, defined by Local Government Victoria, is not an income statement as defined by the Australian Accounting Standards, would Council please advise the authority that Council staff have relied upon to substitute an audit of the Comprehensive Income Statement for the audit of the consolidated revenue statement (otherwise known as Adjusted Underlying Revenue) as required by Schedule 3 of the Local Government (Planning and Reporting) Regulations 2020
- (b) Did the auditor employed to sign the audit certificate offer any assurance or guarantee that their novel interpretation was sufficient to meet the requirements of the Audit Act?

Response from the CEO

- a) *Schedule 3 of the Local Government Planning and Reporting Regulations specifies the Performance indicators Council is required to report. These are all reported on in Council's Performance Statement, including the indicator for adjusted underlying result. AASB101 Presentation of Financial Statements requires Council to present a Comprehensive Income Statement as part of its audited financial statements.*
- b) *Council's auditors issued an unqualified audit opinion for the 2023–24 financial statements.*

3. **Ms Alysia Regan** submitted a question related to the Moorabbin Activity Centre Program, and Ms Regan asked:

Question

- a) In relation to the Moorabbin Activity Centre Program and the Built Form Overlay, which other Council do we believe have been provided with applicable schedules and why hasn't applicable schedules been received by Bayside Council?
- b) Is Kingston Council open to hosting the proposed MACP multi story apartments on the Kingston side of Nepean Highway?

Response from the CEO

- a) *Information has not been provided to Council by the Victorian Planning Authority as to which councils have been provided draft schedules to the Built Form Overlay, and why Bayside Council was not included in the initial distribution.*
- b) *The proposed Moorabbin Activity Centre Plan applies to Glen Eira, Kingston and Bayside councils. Bayside City Council cannot speak to the views of the City of Kingston regarding the Activity Centre Plan.*

4. **Ms Alysia Regan** submitted a question related to Changing Places facilities and Ms Regan asked:

Question

Has Bayside Council received or applied for further funding to support a third Changing Places bathroom facility? If yes, has a location been determined?

Response from the CEO

Bayside Council has received funding for a third Changing Places bathroom to be located at the Beaumaris Arts Group facility. Funding has also been received for a further Changing Places facility, with the location yet to be determined pending finalisation of a feasibility study for one at Rickett's Point.

5. **Mr Douglas Klein (on behalf of the Highett Progress Association)** submitted a question related to the public park in Eddie Street, Highett and Mr Klein asked:

Question

- Part 1: What was the rationale for the complete removal of garden beds and undergrowth last week, the timeline for replacement and whether this is compatible with Council's Urban Forest Strategy.
- Part 2: Does the Council agree that such actions should have been publicly communicated in advance to mitigate the alarm now expressed by Highett residents?

Response from the CEO

- Part 1: *Works were undertaken in the garden beds as part of Council's perennial garden bed renovation program. In late spring, the beds are prepared by removing old and spent vegetation, with trees and shrubs in good condition retained. The next step will be to spray out excessive weeds and mulch the bed. The timing of this enables the mulch to break down over summer/autumn which allows organic matter, microflora and microfauna to establish and re-build in the hydrophobic soils. The beds will be re-mulched toward the end of summer, with the planting of indigenous and native species to occur during the planting season – up to 3000 plants in Pennydale and up to 8,000 in Tibrockney. This is a proven method and used widely across the horticultural industry and is consistent with Council's Urban Forest Strategy.*
- Part 2: *Bayside has been undertaking this practice for several years and it has not been normal practice to communicate garden bed renovations in parks, and in previous works this has not raised the same concern that has been experienced in this instance. In future instances, Council will install signage to explain the works being undertaken and provide greater information on the process.*

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/24/553263

Moved: Cr del Porto (Deputy Mayor)

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:

- 1 October 2024 Councillor Briefing.

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

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

CARRIED

9. Reports by Special Committees

There were no Reports by Special Committees.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

Item 10.1		Against (A) For (F)
Annual Report 2023–24		
Written Statements		
1.	Mr George Reynolds	(A)

10.1 ANNUAL REPORT 2023–24

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/534638

It is recorded that Mr George Reynolds submitted a written statement in relation to this item.

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

That Council resolves that this report fulfils Council's requirements to consider the Annual Report for the period 2023–24 (Attachment 1), subject to any final non-substantive editorial or design changes, in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

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

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

CARRIED

10.2 MOORABBIN ACTIVITY CENTRE PROGRAM - PROPOSED CHANGES TO THE BAYSIDE PLANNING SCHEME

City Planning and Amenity - Urban Strategy
File No: PSF/24/105 – Doc No: DOC/24/529857

Moved: Cr Martin

Seconded: Cr Samuel-King

That Council endorses the Council officers' response made to the State Government in reply to the Activity Centre Program Draft Planning Controls (Attachment 1).

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

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

AGAINST: Nil (0)

CARRIED

10.3 APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND RISK COMMITTEE

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/503069

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council appoints Mr Bruce Potgieter as an external independent member of the Audit and Risk Committee for a period of 3 years effective from 1 November 2024 and concluding on 30 October 2027.

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

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

CARRIED

10.4 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/24/100 – Doc No: DOC/24/553257

Moved: Cr Evans OAM

Seconded: Cr Martin

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, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
 AGAINST: Nil (0)

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Mayor, Cr Fiona Stitfold advised that there was no report.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure indicated that the Metropolitan Transport Forum (MTF) held its meeting on 2 October. Monash University gave a presentation that focussed on understanding social-cultural and built environments that lead to car dependency in women – and presented findings of young women and their barriers to cycling and using public transport. Mornington Peninsula Council provided an update in regard to their current active transport activity.
3. **Municipal Association of Victoria** – The Mayor, Cr Fiona Stitfold advised that there was no report.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Fiona Stitfold advised that there was no report.
5. **South East Councils Climate Change Alliance** – The Mayor, Cr Fiona Stitfold advised that there was no report.

Moved: Cr del Porto

Seconded: Cr Evans OAM

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), Jo Samuel-King, Laurence Evans OAM, Fiona Stitfold (Mayor), Clarke Martin, and Hanna El Moullem(6)

AGAINST: Nil (0)

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.

The Deputy Mayor, Cr del Porto moved a motion of thanks to the Mayor, Cr Fiona Stitfold in recognition of Cr Stitfold's term as Mayor for the 2023–24 Council year. Councillors were also afforded the opportunity to express their thanks to Cr Stitfold.

Moved: Cr del Porto

Seconded: Cr Evans

That Council thanks the Mayor, Cr Fiona Stitfold and recognises Cr Stitfold's term as Mayor for the 2023–24 Council year.

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

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

AGAINST: Nil (0)

CARRIED

The Mayor declared the meeting closed at 7.21pm.