

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
26 April 2022
at 6:30pm



Minutes

PRESENT:

Chairperson: Cr Alex del Porto (Mayor)

Councillors: Cr Sonia Castelli
Cr Hanna El Mouallem (Deputy Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stitfold

Officers: Mick Cummins – Chief Executive Officer
Matthew Cripps – Director City Planning and Amenity
Kristy Green – Acting Director Community and Customer Experience
Adam McSwain – Director Environment, Recreation and Infrastructure
Juliana Aya – Manager Urban Strategy
Terry Callant – Manager Governance
Anita Johnstone – Manager City Assets and Presentation
James Roscoe – Manager Climate, Waste and Integrated Transport
Jason Stubbs – Manager Commercial Services
Damien Van Trier – Manager Open Space, Recreation and Wellbeing
Robert Lamb – Governance Officer

Table of Contents

1.	Prayer	
2.	Acknowledgement of Country	
3.	Apologies	
4.	Disclosure of Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition to seal Davie Lane, Brighton with tarmac	13
8.	Minutes of Advisory Committees	
8.1	Records of meetings held under the auspices of Council.....	14
8.2	Minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 13 April 2022.....	15
8.3	Minutes of the Bayside Arts and Gallery Advisory Special Committee meeting held on 13 April 2022	16
9.	Reports by Special Committees	
	There were no reports by special committees submitted to the meeting.	
10.	Reports by the Organisation	
10.1	Year 2 Review of Council Plan (2021-25) and Year 2 Annual Action Plan	19
10.2	Proposed Annual Budget 2022–23.....	20
10.3	Community and Stakeholder Engagement on the Draft Property Strategy 2022–26	21
10.4	Asset Plan 2023–32	22
10.5	Feasibility of Relocation of the Cheltenham Station Building and Scout Hall	23
10.6	Elevating Environmentally Sustainable Development (ESD) Targets Project.....	24
10.7	Discretionary Height Controls in Sandringham Village Major Activity Centre	25
10.8	Discretionary Height Controls in Church Street Major Activity Centre	26

10.9	Discretionary Height Controls in Activity Centres (Excluding Sandringham Village and Church Street)	27
10.10	Response to Notice of Motion - 314 - Butterfly-friendly Bayside	28
10.11	Major Grants Program 2022–26	29
10.12	Decriminalisation of sex work in Victoria	30
10.13	Fraud and Corruption Prevention Policy Review	31
10.14	Risk Management Policy Review	32
10.15	Proposed Lease to Southern Basketball Association for a new Stadium at 150 Tulip Street, Cheltenham.....	33
10.16	Proposed Discontinuance and Sale of Road and Sale of Land at rear of 15 Berwick Street, Brighton.....	34
10.17	Municipal Association of Victoria - State Council Meeting - Call for Motions.....	35
10.18	CONTRACT CON/21/171 Construction of North Brighton Children's Centre.....	36
10.19	Council Action Awaiting Report	37
11.	Reports by Delegates	
12.	Urgent Business	
13.	Notices of Motion	
	There were no notices of motion submitted to the meeting.	
14.	Confidential Business	
14.1	Minutes of the Chief Executive Officer's Employment Matters Advisory Committee held on 19 April 2022	40

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 Castelli to read the prayer.

1. Prayer

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

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

2. Acknowledgement of Country

Cr El Mouallem read the acknowledgement of the original inhabitants of this land.

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

3. Apologies

There were no apologies submitted to the meeting.

4. Disclosure of Conflict of Interest of any Councillor

It is recorded that the following Councillors disclosed a conflict of interest in the following items:

- Cr Stitfold – Item 10.7 Discretionary Height Controls in Sandringham Village Major Activity Centre – Material Interest
- Cr El Mouallem – Item 10.8 Discretionary Height Controls in Church Street Major Activity Centre – Material Interest
- Cr Castelli – Item 10.8 Discretionary Height Controls in Church Street Major Activity Centre – Material Interest
- Cr del Porto – Item 10.8 Discretionary Height Controls in Church Street Major Activity Centre – Material Interest

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside City Council Meeting held on 15 March 2022.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Bayside City Council Meeting held on 15 March 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 5 April 2022.

Moved: Cr Castelli

Seconded: Cr Martin

That the minutes of the Special meeting of Bayside City Council held on 5 April 2022, 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, **20** public questions were submitted to the Meeting. In accordance with the resolution at the June 2021 Council Meeting, temporary meeting procedures with regard to public question time remain in place:

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

1. Mr Neill Wiffin

Mr Neil Wiffin submitted a question regarding Requests to be Heard lodged by individuals on behalf of groups or organisations, and Mr Wiffin asked:

Question

How does Council ensure persons who claim to represent community groups have in fact consulted with their members.

Response from the CEO

Council's Request to be Heard webform requires that community members providing a written statement or registering to speak to indicate if they are registering on behalf of a group or organisation and to state the official position they hold. Council cannot determine if a claimed official of a group or organisation has satisfied its members to be its spokesperson. This is a matter for the relevant group or organisation.

2. Mr Mark Pace

Mr Mark Pace submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Mr Pace asked:

Question

Why are voluntary overlays not adopted, as this seems the fairest option to enable equity amongst council constituents?

Response from the CEO

Council has previously undertaken a voluntary heritage nomination approach which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the Planning and Environment Act 1987. Instead, the Minister advised that Council should undertake a more detailed study to ensure appropriate protections exist, resulting in the preparation of the draft Post-War Modern Residential Heritage Study.

3. Dr Zena Burgess

Dr Zena Burgess submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Dr Burgess asked:

Question

What weighing /priority will be given to the clearly and repeatedly expressed wishes of a resident when considering whether to list a house for Heritage protection?

Response from the CEO

Identifying, documenting, and protecting heritage places across Victoria is a responsibility that Local councils must uphold under the Planning and Environment Act 1987.

This stage in the process is primarily focused on seeking any information from property owners to guide the assessment and provide any information to Council officers that may assist in understanding whether their property does in fact warrant inclusion in a Heritage Overlay, or whether they have information that might challenge these preliminary findings.

Recommendations for properties to be included in a Heritage Overlay are based on the relevant criteria set by the State Government. Objections, where supported with factual information or evidence as to why a property does not meet the criteria will be given considerable weight when determining the final recommendation of the properties significance.

Councillors will consider the final recommendations of the study and all submissions received when considering the final Post-War Residential Heritage Study at the 19 July 2022 Council Meeting.

4. Mr Manfred Keller

Mr Manfred Keller submitted a question regarding political signage, and Mr Keller asked:

Question

What is the total cost (external costs and internal administrative costs) of the Bayside council ban on political signage?

Response from the CEO

The costs associated with the management of the Bayside Planning Scheme are embedded in the day-to-day running costs of the organisation and the total specific costs associated with this matter cannot be fully quantified.

The final costs associated with the legal proceedings (inclusive of the costs awarded against Council) at this point in time are still not know. Once this has been settled the information will be made publicly available.

5. Mr Chris Sutton

Mr Chris Sutton submitted a question regarding lighting at Beaumaris Reserve, and Mr Sutton asked:

Question

The response to my question to the October 2021 Council meeting stated that a new 30 metre high pole at the Beaumaris Reserve was required to adhere to Australian Standards governing sportsground lighting.

Council wrote to residents in November 2013 stating “the technical assessment of these designs indicated that 25 metre poles are required to provide satisfactory floodlighting for soccer training”.

After conducting a technical assessment and spending hundreds of thousands of dollars in 2014 installing new lights and poles, what change in Australian Standards required Council to spend \$67,400 on a new light and taller pole and is Council required to spend over \$200,000 replacing the remaining three lights and poles at the Reserve?

Response from the CEO

Council was required to relocate the sportsground lighting pole due to the Beaumaris Reserve pavilion project. This relocation impacted the effectiveness of original lighting design implemented in 2014 and a new 30 metre pole was required to maintain adherence to Australian Standards. Council is not required to replace the remaining three poles as part of this project.

6. Mr Neill Wiffin

Mr Neil Wiffin submitted a second question regarding Council's Post-War Modern Residential Heritage Study, and Mr Wiffin asked:

Question

- a) Does Council acknowledge the imbalance between those advocating for and against Heritage at an individual homeowner owner level?
- b) When will Council support affected Homeowners with access to an independent heritage adviser or other technical or financial assistance?

Response from the CEO

- a) *A Delegated Committee has been established by Council to hear submissions in relation to the draft Post-War Modern Residential Heritage Study over 2 evenings.*

The Delegated Committee Hearing on Wednesday 15 June 2022 will hear submissions solely from property owners directly affected by the draft Heritage Study.

- b) *In relation to the current consultation phase of the Post-War Modern Residential Heritage Study, Council is offering the opportunity to meet with GJM Heritage (authors of the Study) on site to:*

- *discuss the draft citation and draft statement of significance*
- *provide clarity to any questions affected homeowners may have in relation to the study.*

It is hoped that these on-site meetings will assist affected property owners in their preparation of any submission to Council.

Council currently provides support, guidance, and advice during the pre-application stage of the Planning Permit Process supported by Council officers and Council's Heritage consultant. Council does not provide any financial support to affected property owners.

7. Mr Chris Sutton

Mr Chris Sutton submitted a second question regarding Beaumaris Reserve Sports Pavilion, and Mr Sutton asked:

Question

Why has the inaugural and continuous tenant since the 1960s of the Beaumaris Reserve Sports Pavilion, named in honour of Beaumaris Cricket Club official Frank Reade, being marginalised on the design and fitout of the new pavilion including:

- providing multiple consultations and an on-site progress inspection to the winter tenant to the exclusion of the summer tenant
- not consulted on requirements for memorabilia and honour boards
- not consulted on the expected opening date and their opening ceremony requirements
- allocated a smaller equipment store room without consultation
- signage of officials change room only refers to referees and not umpires.

Response from the CEO

Beaumaris Cricket Club was engaged as a summer tenant of the Beaumaris Reserve Pavilion as part of the initial consultation to inform design of this project. At this time, the Club acknowledged that its pavilion needs for Beaumaris Reserve would be met by the specifications set out in Council's Sportsground pavilion Improvement Plan. Beaumaris Cricket Club's primary venue is the nearby Banksia Reserve.

8. Ms Sandra Collins

Ms Sandra Collins submitted a question regarding Council's Post-War Modern Residential Heritage Study. As the question contains more than 2 parts, in accordance with Council's Governance Rules, a response will be provided only to the first 2 parts of the question. Ms Collins asked:

Question

- a) What have Council and Councillors done to advocate and fight for the successful Voluntary Heritage Scheme ?
- b) Have there been meetings with the State Planning Minister outlining the Voluntary Heritage Scheme, the rigorous community consultation and its success?

Response from the CEO

Council has previously undertaken a voluntary heritage nomination approach which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the Planning and Environment Act 1987. Instead, the Minister advised that Council should undertake a more detailed study to ensure appropriate protections exist, resulting in the preparation of the draft Post-War Modern Residential Heritage Study.

Officers have met with representatives from the Minister's Officer and Senior Officers from the Department of Environment, Land, Water, and Planning on numerous occasions to outline its approach to the voluntary heritage nomination process and to discuss the expectation the State Government has of Bayside City Council in managing heritage related matters.

9. Dr Alice Lam

Dr Alice Lam submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Dr Lam asked:

Question

Given that we are yet to pass the first deadline for householders' submissions, doesn't it make sense to defer the conclusion of the heritage study until well after 19 July 2022, in order that sufficient time for due diligence is granted to property owners?

Response from the CEO

Council is currently undertaking its first phase of consultation on the draft list of identified properties. This stage has provided three (3) months to affected property owners and the wider community to provide any information that they have which may challenge the draft assessment. It is considered that three (3) months is ample time for this initial engagement phase.

A revised Post-War Modern Residential Heritage Study will be made available following consideration of all submissions on Wednesday 8 June 2022.

Furthermore, Council has established a Delegated Committee to hear submissions from affected property owners and interested parties in relation to the draft Post-War Modern Residential Heritage Study on 15 and 16 June 2022. The final officers' recommendations will be considered by Council at the 19 July 2022 Council Meeting where Council will decide whether to adopt the Study with or without changes and or not proceed with commencing a Planning Scheme Amendment to pursue the introduction of a Heritage Overlay to the recommended places.

If Council determines to progress with a Planning Scheme Amendment, the amendment will be publicly exhibited for a four (4) week period, likely to occur in August/September 2022. The matter would also be referred to an Independent Panel. This process would provide all interested parties considerable and sufficient time to prepare and provide a response to any proposed amendment.

10. Mr Giles Gillison

Mr Giles Gillison submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Mr Gillison asked:

Question

Will council please detail the specific steps they are taking to ensure that the elderly, infirm, and vulnerable who have been caught in the council's dragnet approach to forced heritage are not disadvantaged by the process but instead aided in making their opinions heard.

Response from the CEO

Property owners have been notified through registered post and/email of the process. Council officers have also offered 1-on-1 face-to-face, phone and virtual meetings, site visits with and without Council's heritage consultants as requested to ensure that information is accessible to all. Social media and Council's Have Your Say website have been regularly updated to ensure accurate information is provided.

Council has established a Delegated Committee to hear submissions from affected property owners only in relation to the draft Post-War Modern Residential Heritage Study on 15 June 2022. Submissions to the Delegated Committee Hearing can be heard in person or by submitting a written statement for Council consideration.

11. Mr Rick Amooore

Mr Rick Amooore submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Mr Amooore asked:

Question

Within the Vic planning website is a section for Heritage Overlay resources for Councils. The Heritage Overlay Practice Note includes this "Additional resources may be required When introducing the Heritage Overlay, a council should consider the resources required to administer the heritage controls and to provide assistance and advice to affected property owners. This might include providing community access to a heritage adviser or other technical or financial assistance."

The council has spent a large amount of time and ratepayer funding on the draft study but there is nothing supporting the home owners. This should have been provided from the outset. Why is this not so?

Response from the CEO

In relation to the current consultation phase of the Post-War Modern Residential Heritage Study, Council is offering the opportunity to meet with GJM Heritage (authors of the Study) on site to:

- *discuss the draft citation and draft statement of significance*
- *understand the implications of the heritage citation on individual properties*
- *provide clarity to any questions affected homeowners may have in relation to the study.*

It is hope that these on-site meetings will assist affected property owners in their preparation of any submission to Council.

Council currently provides support, guidance, and advice during the pre-application stage of the Planning Permit Process supported by Council officers and Council's Heritage consultant. Council does not provide any financial support to affected property owners.

12. Mr Peter Corfield

Mr Peter Corfield submitted a question regarding Council's Post-War Modern Residential Heritage Study, and Mr Corfield asked:

Question

With reference to the Expert Panel appointed by The Victorian Government Minister for Planning. How many (total & percentage) private property owners' objections to a heritage listing have led to a non-listing since 1987?

Response from the CEO

The total and/or percentage of properties considered to be placed within a Heritage Overlay and not supported by an Independent Planning Panel across Victoria is not information that Bayside City Council has available.

This information would require considerable time and resources to obtain and is of no relevance to the current Heritage Study.

It should be noted that the Independent Planning Panel considers the merits of the amendments, rather than the number of objecting submissions.

Given the 15 minutes allocated to Public Question Time had expired, the remaining 8 questions were not read out at the meeting. A response will be provided in writing to these questions.

7. Petitions to Council

7.1 PETITION TO SEAL DAVIE LANE, BRIGHTON WITH TARMAC

Environment, Recreation and Infrastructure - City Assets and Presentation
File No: PSF/22/29 – Doc No: DOC/22/87651

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That the petition be received and a report submitted to the July 2022 Council meeting for consideration.

CARRIED

8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/116004

Moved: Cr Evans OAM

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:

- 22 March 2022 Strategic Issues Discussion
- 5 April 2022 Councillor Briefing.

CARRIED

**8.2 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY
COMMITTEE MEETING HELD ON 13 APRIL 2022**

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/116797

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 13 April 2022.

CARRIED

8.3 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY SPECIAL COMMITTEE MEETING HELD ON 13 APRIL 2022

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/117378

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the minutes of the Bayside Arts and Gallery Advisory **Special** Committee meeting held on 13 April 2022.

CARRIED

9. Reports by Special Committees

There were no reports by special committees submitted to the meeting.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

The following individuals requested to be heard in relation to reports by the organisation:

Item 10.2		For (F) Against (A)
Proposed Annual Budget 2022–23		
Requests to Speak		
1.	Mr Anthony Batt (on behalf of Hampton Neighbourhood Association)	(A)
2.	Mr George Reynolds (on behalf of Bayside Ratepayers Group - Ratepayers Victoria Inc.)	(A)

Item 10.10		For (F) Against (A)
Response to Notice of Motion - 314 - Butterfly-friendly Bayside		
Written Statements		
1.	Dr Vicki Karalis AM (on behalf of Sandringham Foreshore Association)	(F)
Requests to Speak		
1.	Dr Vicki Karalis AM (on behalf of Sandringham Foreshore Association)	(F)

Item 10.11		For (F) Against (A)
Major Grants Program 2022–26		
Requests to Speak		
1.	Dr Adrian Bertolini (on behalf of Highett Neighbourhood Community House, Hampton Community Centre)	(A)

Item 10.15		For (F) Against (A)
Proposed Lease to Southern Basketball Association for a new Stadium at 150 Tulip Street, Cheltenham		
Requests to Speak		
1.	Mr George Reynolds (on behalf of Bayside Ratepayers Group - Ratepayers Victoria Inc.)	(A)

10.1 YEAR 2 REVIEW OF COUNCIL PLAN (2021-25) AND YEAR 2 ANNUAL ACTION PLAN

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/112655

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council endorses the revised Council Plan, and Draft (Year 2) 2021–22 Annual Action Plan for community consultation, noting a further report will be presented in June 2022 for Council to consider adoption of the revised Council Plan and Year 2 Annual Action Plan.

CARRIED

10.2 PROPOSED ANNUAL BUDGET 2022–23

Corporate Services - Finance

File No: PSF/22/32 – Doc No: DOC/22/104860

It is recorded that Mr Anthony Batt (on behalf of Hampton Neighbourhood Association) and Mr George Reynolds (on behalf of Bayside Ratepayers Group - Ratepayers Victoria Inc.) each spoke for two minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. formally prepares the Proposed Annual Budget 2022–23 (including the Schedule of Fees and Charges) for the purpose of community consultation
2. invites submissions on the proposed Budget 2022–23 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect any minor administrative changes which may be required to the proposed Budget 2022–23
4. notes that the Proposed Annual Budget 2022–23 be presented for adoption as Council's Budget 2022–23, in accordance with section 94 of the *Local Government Act 2020*.

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

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

CARRIED

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

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/22/104500

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That the draft Property Strategy 2022–26 progress to a period of Community Engagement before further consideration at the 28 June 2022 Council Meeting.

CARRIED

10.4 ASSET PLAN 2023–32

Environment, Recreation and Infrastructure - City Assets and Presentation

File No: PSF/22/29 – Doc No: DOC/22/34355

Moved: Cr El Mouallem (Deputy Mayor) Seconded: Cr Evans OAM

That Council

1. adopts the Asset Plan 2023–32
2. considers additional funding for the footpath and cycleway asset category as part of the 2023–24 annual review of the asset plan.

CARRIED

10.5 FEASIBILITY OF RELOCATION OF THE CHELTENHAM STATION BUILDING AND SCOUT HALL

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/21/285167

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council

1. notes this report, site feasibility assessment and additional \$600,000 funding received from Level Crossing Removal Authority
2. endorses Site 4, being the current location of the Scout Hall within Cheltenham Recreation Reserve, fronting Weatherall Road, as the preferred location for the development
3. proceeds with design, relevant approvals and construction of the project to develop a community facility and locates the Station Building at the site
4. requires that this facility supports both the Cheltenham Scouts and community use
5. undertakes localised community and stakeholder engagement on the project
6. delegates authority to the Chief Executive Officer to negotiate and execute a Memorandum of Understanding with the Level Crossing Removal Project.

CARRIED

10.6 ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) TARGETS PROJECT

City Planning and Amenity - Development Services
File No: PSF/22/35 – Doc No: DOC/22/106398

Moved: Cr Martin

Seconded: Cr Stitfold

That Council:

1. uses its powers as a planning authority under sections 8A and 8B of the *Planning and Environment Act 1987* to seek authorisation from the Minister for Planning to prepare an Amendment to introduce the Elevating Environmentally Sustainable Development (ESD) Policy project outcomes into the Planning Scheme
2. requests that the Minister for Planning establish an advisory committee to advise on the ESD project in accordance with section 151 of the *Planning and Environment Act 1987*
3. authorises the Manager Urban Strategy to make changes to the Amendment or provide guidance to any advisory committee established by the Minister for Planning
4. supports the Mayor to write to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development outlining the benefits to the community of introducing zero-carbon-focused and elevated ESD planning policy into the Planning Scheme, and how this Amendment should be adopted as a part of the State Government's environmentally sustainable development planning reforms.

CARRIED

10.7 DISCRETIONARY HEIGHT CONTROLS IN SANDRINGHAM VILLAGE MAJOR ACTIVITY CENTRE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/109096

It is recorded that Cr Stitfold declared a material conflict of interest in this matter given Cr Stitfold owns a property which abuts the Sandringham Village Major Activity Centre, and accordingly vacated the meeting at 8.26 pm.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes this report
2. commences a Planning Scheme Amendment to implement the proposed controls for the Sandringham Village Major Activity Centre into the Bayside Planning Scheme.

CARRIED

It is recorded that the Cr Stitfold was not present in the meeting during discussion or present whilst the vote was taken on the above item.

It is recorded that Cr Stitfold returned to the meeting at 8.31 pm.

It is recorded that the Mayor indicated he has a conflict of interest in the next item 10.8 – Discretionary Height Controls in Church Street Major Activity Centre, and accordingly sought a motion from the meeting for an Acting Chair for the consideration of item 10.8.

Procedural Motion

Moved Cr Martin

Seconded Samuel-King MBBS

That Cr Evans be nominated as Acting Chairperson for the consideration of item 10.8.

CARRIED

10.8 DISCRETIONARY HEIGHT CONTROLS IN CHURCH STREET MAJOR ACTIVITY CENTRE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/109121

It is recorded that the Mayor Cr del Porto declared a material conflict of interest in this item given he owns an investment property within the Church Street Major Activity Centre.

It is recorded that Cr Castelli declared a material conflict of interest in this item given Cr Castelli's partner owns a property within the Church Street Major Activity Centre.

It is recorded that Cr El Mouallem declared a material conflict of interest in this item given Cr El Mouallem owns a number of properties within the Church Street Major Activity Centre.

Accordingly all three Councillors vacated the meeting at 8.34 pm.

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That Council:

1. notes this report
2. commences a Planning Scheme Amendment to implement the proposed controls for the Church Street Major Activity Centre into the Bayside Planning Scheme.

CARRIED

It is recorded that the Mayor Cr del Porto, Cr El Mouallem and Cr Castelli were not present in the meeting during the discussion or whilst the vote was taken on the above item.

Procedural Motion

Moved Cr Martin

Seconded Samuel-King MBBS

That Cr del Porto resume the Chair for the remainder of the meeting.

CARRIED

It is recorded that the Mayor Cr del Porto, Cr El Mouallem and Cr Castelli each returned to the meeting at 8.36 pm, and the Mayor resumed the Chair for the remainder of the meeting.

**10.9 DISCRETIONARY HEIGHT CONTROLS IN ACTIVITY CENTRES
(EXCLUDING SANDRINGHAM VILLAGE AND CHURCH STREET)**

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/109135

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes this report
2. commences a Planning Scheme Amendment to implement the proposed controls for Activity Centres (excluding Sandringham and Church Street MACs) into the Bayside Planning Scheme.

CARRIED

10.10 RESPONSE TO NOTICE OF MOTION - 314 - BUTTERFLY-FRIENDLY BAYSIDE

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/110085

It is recorded that Dr Vicki Karalis AM (on behalf of Sandringham Foreshore Association) submitted a written statement and spoke for two minutes in relation to this item.

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

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

CARRIED**Moved: Cr Samuel-King MBBS****Seconded: Cr Stitfold**

That Council:

1. continues to use steam to treat weeds in or near playgrounds, kindergartens and childcare centres
2. expands the use of steam to treat weeds at Council Community Centres and Community Vegetable Gardens
3. works with environmental Friends Groups to audit the existence of and protect current mistletoe populations within Bayside and implement a Mistletoe Propagation Project within Bayside
4. undertakes the planting of indigenous flowers and grasses with particular benefits to butterflies and other insects as part of the implementation of the Park Improvement and Habitat Linkage Plan.
5. supports the weed and seed trial being implemented at Elsternwick Park Nature Reserve
6. resolves an ambition to progressively phase out the use of hazardous chemicals in Bayside and requests officers to consider any opportunities via existing projects in 2022–23 and via future annual budget processes to undertake work that:
 - develops a comprehensive integrated weed and pest management plan that prioritises more natural methods of managing weeds, pests and revegetation
 - progressively completes annual risk assessments that are reported to Council on chemicals used with a focus on impacts to health, safety and ecology
 - prioritises the following chemicals for seeking alternatives – Imidacloprid, Picloram, Aminopyralid, Clopyralid, Triclopyr and Fluazifop-p-Butyl
 - maintains a focus on residential amenity and effective weed control through this process.

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

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

CARRIED

10.11 MAJOR GRANTS PROGRAM 2022–26

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/84824

It is recorded that Dr Adrian Bertolini (on behalf of Highett Neighbourhood Community House, Hampton Community Centre) spoke for two minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Stitfold

That Council:

1. maintains the Major Grants Program at current funding levels and increases by CPI for the next four years
2. authorises the Director Environment, Recreation and Infrastructure to update funding agreements based on the recommendations from the mid-term review and sign agreements with successful applicants.

CARRIED

10.12 DECRIMINALISATION OF SEX WORK IN VICTORIA

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/62768

Moved: Cr Samuel-King MBBS

Seconded: Cr Stitfold

That Council notes the reforms outlined in this report and monitors the need for local action in the municipality.

CARRIED

10.13 FRAUD AND CORRUPTION PREVENTION POLICY REVIEW

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/106526

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts the revised Fraud and Corruption Prevention Policy attached to this report.

CARRIED

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

10.14 RISK MANAGEMENT POLICY REVIEW

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/106542

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts the revised Risk Management Policy attached to this report.

CARRIED

NOTE: Item 10.14 was **CARRIED** as part of a block motion.

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

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/106048

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

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. commences the statutory procedures under Section 115 of the *Local Government Act 2020* (the Act), to enter into a new Lease with Southern Basketball Association Inc in accordance with the Heads of Agreements provided in Attachment 1, for the occupation of part of Sandringham Family Leisure Centre, 150 Tulip Street, Cheltenham
2. authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 115 of the Act in relation to the Lease proposed and in accordance with Council's Community and Stakeholder Engagement Policy 2021
3. gives Public Notice on Council's website outlining the proposal in accordance with Section 115 of the Act
4. commences a community engagement process in accordance with Section 115(4) of the Act
5. following the consideration of any submissions, receives a further report at a future Council meeting.

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

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

AGAINST: Cr Hanna El Mouallem (Deputy Mayor) (1)

CARRIED

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

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/106236

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

That Council:

1. commences the statutory procedures in accordance with section 206 and Clause 3(a) and (b), Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*, to discontinue the Road and to sell the Land to the adjoining owner of 15 Berwick Street, Brighton, for the amount of \$105,000 plus GST
2. gives public notice outlining the proposal in accordance with Section 223 of *Local Government Act 1989* and section 114 of the *Local Government Act 2020*
3. establishes a Special Committee of Council and determines the membership of the Committee (with a minimum of three {3} councillors) to hear any submitters that wish to be heard and if necessary, commences a community engagement process in accordance with Section 114(2)(b) of the Act
4. in the event that submission/s are received, convenes a Section 223 Special Committee of Council meeting on Wednesday 8 June 2022 (at 5:00pm) to be held in the Council Chamber – Civic Centre, Boxshall Street, Brighton, to hear any submitters that wish to be heard
5. following the consideration of any submissions, receives a further report at a future Council Meeting.

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

10.17 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING - CALL FOR MOTIONS

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/112988

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council endorses the following motion to be put forward at the MAV State Council Meeting to be held on 24 June 2022:

Rate Capping

That the MAV State Council requests that the Minister for Local Government takes into account the volatility in CPI when setting rates and seeks engagement with the sector prior to the next setting of the rate cap.

CARRIED

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

**10.18 CONTRACT CON/21/171 CONSTRUCTION OF NORTH BRIGHTON
CHILDREN'S CENTRE**

Environment, Recreation and Infrastructure - Project Services
File No: PSF/22/28 – Doc No: DOC/22/88369

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. awards Contract CON/21/171 North Brighton Children's Centre to Harris HMC Interiors (Vic) Pty Ltd (ABN 77 130 177 614) for the lump sum price of \$2,380,829 (excl. GST) and \$2,618,911.90 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/21/171 North Brighton Children's Centre
3. advises the unsuccessful tenderers accordingly.

CARRIED

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

10.19 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/107925

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

CARRIED

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

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold and Clarke Martin indicated that the Association has not met since the previous meeting. It was noted that the Mayor wrote to the 4 member councils concerning a combined advocacy strategy for the Association.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation & Infrastructure indicated that the Forum has not had a meeting since the previous meeting.
3. **Municipal Association of Victoria** – The Mayor, Cr Alex del Porto indicated that the MAV State Council is scheduled to be held on 24 June 2022.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Alex del Porto indicated that it is proposed to re-start the Forum in preparation of the forthcoming State Election in relation to a consolidated approach to advocacy.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin advised that there is not report.
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold indicated that the Alliance has not met since the previous meeting.

Moved: Cr Evans

Seconded: Cr Martin

That the Reports by Delegates be received and noted.

CARRIED

12. Urgent Business

12.1 Councillor attendance at the ALGA National General Assembly

Moved Cr Evans

Seconded Cr El Mouallem

That the attendance of an additional Councillor at the ALGA National General Assembly be considered as a matter of urgent business, given the closure of registrations.

Moved Cr Evans

Seconded Cr Samuel-King

That Council grants the attendance of Cr Sonia Castelli at the ALGA National General Assembly to be held in Canberra from 19 to 22 June 2022.

CARRIED

13. Notices of Motion

There were no notices of motion submitted to the meeting.

14. Confidential Business

Moved: Cr Evans OAM

Seconded: Cr Samuel-King MBBS

That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:

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

CARRIED

Table of Contents

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS ADVISORY COMMITTEE HELD ON 19 APRIL 2022

(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 Chairperson declared the meeting closed at 9.48pm.