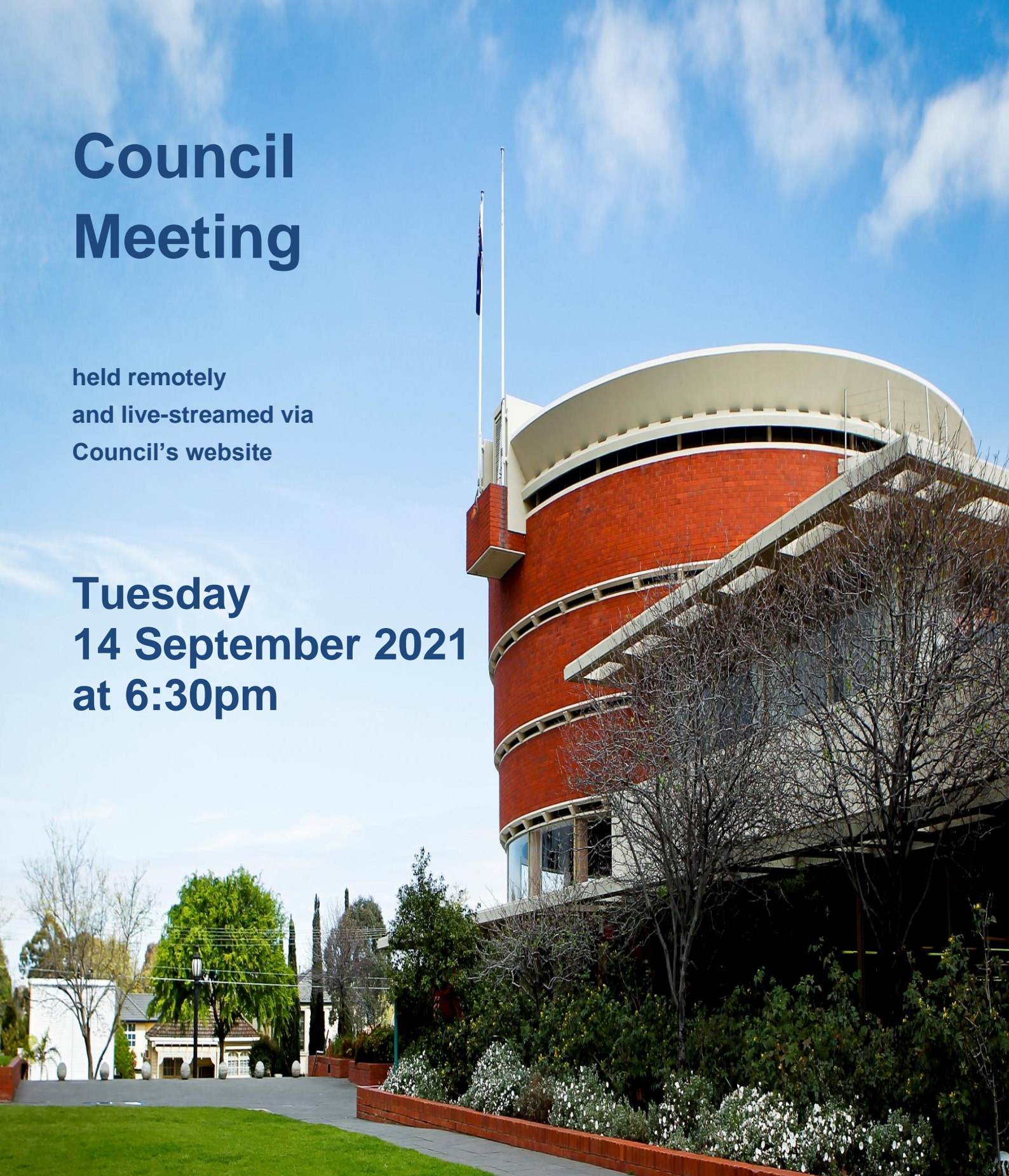


# Council Meeting

held remotely  
and live-streamed via  
Council's website

**Tuesday  
14 September 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  
Juliana Aya – Acting Manager Transport and Sustainability  
Terry Callant – Manager Governance and Corporate Reporting  
John Coates – Manager Amenity Protection  
Keryn Fisher – Manager Communications, Engagement and Customer Experience  
Jason Stubbs – Manager Commercial Services  
Damien Van Trier – Manager Open Space, Recreation and Wellbeing  
Tom Vercoe – Acting Manager Urban Strategy

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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 El Mouallem to read the prayer.

## **1. Prayer**

Cr El Mouallem 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 Martin 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 Castelli declared a general conflict of interest in item 10.3 - Dendy Street Beach – Proposed Erosion Mitigation.
- Cr El Mouallem declared a general conflict of interest in item 10.5 - .5 7 Well Street Brighton – potential Public Open Space.
- Cr El Mouallem declared a general conflict of interest in item 13.4 – Pressure Cleaning of Major Activity Centres.

**Procedural Motion****Moved: Cr Castelli****Seconded: Cr del Porto**

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 15 September 2021 at 6:30pm 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 Ordinary meeting of Bayside City Council held on 17 August 2021.

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

That the minutes of the Ordinary meeting of Bayside City Council held on 17 August 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, **5** 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. Ms Felicity Frederico OAM**

Ms Felicity Frederico OAM submitted a question regarding Elsternwick Park, and Ms Frederico asked:

**Question**

This question is in regards to Ovals 3 and 4 at Elsternwick Park. How much did the decision to not proceed with the ground upgrade and pavilion / lighting installations and other associated plans cost Council. Please include costs of cancelling contracts, and costs incurred up until the Council reversed the decision of the previous council.

In order to protect the confidentiality of contracts awarded one final aggregated figure will be sufficient for this question.

**Response from the CEO**

*The final aggregated total costs incurred by Council in relation to the cancelled Elsternwick Park Oval 4 pavilion, sportsground and lighting projects was \$276,797.88.*

**2. Mr Bruce Begley**

Mr Bruce Begley submitted a question regarding the proposed Council land on which to restrict model aircraft (including drones) use without a permit, and Mr Begley asked:

**Question**

How is it intended that this by-law will be policed?

**Response from the CEO**

*Council's Local Law Clause 65, Operation of Model Aircraft, will be enforced by Council's Local Laws officers for any areas Council prescribes as areas requiring a permit to operate a model aircraft (including drones).*

**3. Mrs Fiona Marshall**

Mrs Fiona Marshall submitted a question regarding Council's mid-century modern heritage study, and Mrs Marshall asked:

**Question**

Regarding the Mid Century modern study Bayside council is undertaking. Could Bayside Council please confirm if their employees (or any external heritage consultants they have engaged) conducted site visits with local lobby group members present?

**Response from the CEO**

*Council's heritage consultant is an independent consultancy firm engaged to undertake site visits from the public realm. They have not undertaken these site visits with anyone that is not employed by their firm, including Council officers.*

*Council employees have not undertaken accompanied site visits as part of the study.*

#### **4. Mrs Mary Larsen**

Mrs Mary Larsen submitted a question regarding Council's mid-century modern heritage study, and Mrs Larsen asked:

##### **Question**

What is Council's plan to

(a) deal with this ongoing division which has been inflamed recently by heritage lobbyists promoting bus tours and walks around Beaumaris

(b) protect the privacy of MCM homeowners, many of them elderly, from architectural voyeurs.

##### **Response from the CEO**

*Council has a legislative obligation to conserve and protect places of identified heritage significance. The Minister for Planning has written to Council previously to raise his concerns in relation to the voluntary nomination process being pursued by Council.*

*It is within the law for a person to view private property from the public realm and that Council has no power to be able to stop a person from viewing a private residence from the street.*

*If a property owner's house has been identified as a site on an architectural tour or trail and the owner does not wish for this, Council recommends that the property owner contact the publisher of this information.*

#### **5. Mr George Reynolds**

Mr George Reynolds submitted a question regarding green waste disposal, and Mr Reynolds asked:

##### **Question**

Council charges a levy to meet the total costs of operating the waste collection transfer and disposal of the waste generated by ratepayers and visitors to the City. Why does Council charge ratepayers \$94 per trailer load to receive material such as prunings, that would normally be put in the green lid bin, that is delivered directly to the transfer station, due to the bin having insufficient capacity?

##### **Response from the CEO**

*Council leases the site at 144 Talinga Road, Cheltenham to Copper Rock Investments who operate the site as a commercial business and are responsible for all operations of the transfer station including the pricing.*



## 7. Petitions to Council

### 7.1 PETITION TO DELAY PUBLIC CONSULTATION PERIOD ON THE CSIRO, HIGHETT DEVELOPMENT PROPOSAL

City Planning and Amenity - Urban Strategy  
File No: PSF/21/23 – Doc No: DOC/21/277883

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A petition has been received from 80 individuals to delay public consultation period on the CSIRO, Highett development proposal.

*(80 valid signatories – 56 residents of suburbs within or partly within Bayside; and 24 residents of suburbs outside of Bayside).*

*“We the undersigned hereby petition Bayside City Council to:*

*Move the feedback period for the development proposal at 37 Graham Road and 32 Middleton Street in Highett to after lockdown so the community may discuss the proposal together and respond in a valid, sensible and coordinated manner;*

*Share all the information with the community, including tools that will be used by Councillors to assess the development such as visual modelling and analysis of compliance with the Highett Structure Plan, so the community can properly digest the information and provide sensible and valid feedback;*

*Given the current pandemic lockdown, confirm that Bayside City Councillors are satisfied that this process has been conducted in the best interest of its constituents;*

*Note that a complaint has been lodged to the Local Government Inspectorate requesting an arms length review of this planning process; and*

*Acknowledge that while we do not know the motives of the parties involved, we are also concerned that the current environment is the perfect opportunity for parties with bad intent to pass through planning approvals with minimum public scrutiny.”*

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

**Seconded: Cr del Porto**

That the petition be referred to the Chief Executive Officer for consideration and response.

**CARRIED**

## **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/21/260569

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**Moved: Cr Martin**

**Seconded: Cr Stitfold**

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:

- 24 August 2021 Councillor Briefing
- 25 August 2021 Councillor Briefing
- 31 August 2021 Councillor Briefing.

**CARRIED**

## 8.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 25 AUGUST 2021

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/276037

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**Moved: Cr El Mouallem**

**Seconded: Cr Martin**

That Council:

1. notes the minutes of the Audit and Risk Committee meeting held on 25 August 2021 (contained in Confidential Attachment 1)
2. adopts the following recommendations from the Audit and Risk Committee held on 25 August 2021:

Item 9.1.1. Strategic Risk Register Review

*That the Audit and Risk Committee:*

1. *notes the six monthly review of the Strategic Risks and the associated treatment actions*
2. *notes the review of the strategic risks by management and recommends to Council that the review of the Strategic Risks be noted.*

Item 9.6.1. – Internal Audit Charter

*That the Audit and Risk Committee recommends to Council that the Internal Audit Charter, as amended with the inclusion of reference to the Audit and Risk Committee Charter within the Internal Audit Charter, be adopted.*

**CARRIED**

### 8.3 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 30 AUGUST 2021

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/276135

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**Moved: Cr El Mouallem**

**Seconded: Cr Martin**

That Council:

1. notes the minutes of the Audit and Risk Committee meeting held on 30 August 2021 at 8.00am and 30 August 2021 at 8.30am (contained in Confidential Attachment 1)
2. adopts the following recommendations of the Audit and Risk Committee held on 30 August 2021:

*Item 9.2.1 – Performance Statement for Year Ending 30 June 2021*

*That the Audit & Risk Committee:*

1. *Receives and notes the Performance Statement for year ended 30 June 2021 and recommends to Council, that Council resolves to adopt the Performance Statement for the financial year ending 30 June 2021 in principle and certify the Performance Statement in its final form; and*
2. *Notes the Governance and Management Checklist.*

*Item 9.2.2 – Annual Financial Statement for year ending 30 June 2021*

*That the Audit and Risk Committee:*

- 1 *receives and notes the Financial Report and draft management representation letter for the financial year ended 30 June 2021; and*
- 2 *recommends to Council that Council resolves, subject to changes recommended by the Audit & Risk, and anything subsequently agreed between management and VAGO, give in principle approval of the Financial Report for the financial year ended 30 June 2021 and certify the Financial Statements in their final form.*

*Item 10.2 – Election of Chair of the Audit and Risk Committee from 1 October 2021*

*That the Audit and Risk Committee recommends to Council that independent member, Mr Geoff Harry be appointed as Chair of the Audit and Risk Committee as from 1 October 2021.*

**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 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 10.2 Proposed Council land to restrict model aircraft (including drones) use without a permit**

1. Mr Rene Martins

### **Item 10.3 Dendy Street Beach - Proposed Erosion Mitigation**

1. Mr Andrew Monotti (on behalf of Brighton Bathing Box Association)
2. Mr Michael Caink

**Item 10.5 Consideration of 7 Well Street, Brighton, as potential public open space**

1. Mr Miralem Basic
2. Mr John Quinn
3. Mrs Elizabeth Neal
4. Mrs Denise Kinnon

**Item 10.7 Neighbourhood Character Review**

1. Mr Robert Harwood
2. Mrs Fiona Austin
3. Mr Jamie Paterson (on behalf of Beaumaris Modern Inc.)
4. Ms Caroline Lawton (on behalf of Beaumaris Conservation Society)

**Item 10.9 2021 Bayside Christmas Carols in the Park**

1. Mr Troy Nicholson

## 10.1 OUTCOMES OF THE AVOIDABLE SINGLE- USE PLASTICS PROGRAM

Environment, Recreation and Infrastructure - Transport and Sustainability  
File No: PSF/21/36 – Doc No: DOC/21/275672

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**Moved: Cr del Porto**

**Seconded: Cr Stitfold**

That Council implements the following actions for all Council-owned properties over the next 18 months in the lead up to the Victorian state government single-use plastics ban in February 2023:

### 1. Source separation infrastructure

All sporting clubs and community centres to be equipped with quality internal waste infrastructure to support correct source separation.

### 2. Organics recycling

All cafes leasing Council land to be encouraged to introduce a third waste stream for organics recycling to reduce food waste from landfill and allow for compostability of alternative packaging in the long-term.

### 3. Replace avoidable single-use plastics

Avoidable single-use plastic items to be removed altogether and replaced by a reusable or, at best, compostable/recyclable alternative. These items include:

- Plastic drinking straws  
Plastic straws to be eliminated entirely and be replaced with paper/compostable alternative. Additionally, they should only be provided to patrons upon request as opposed to the public having access to them.
- Take-away serving-ware  
Take-away serving-ware to be replaced with compostable alternatives and only provided to patrons when needed.
- Plastic/polystyrene takeaway packaging  
Plastic/polystyrene takeaway packaging to be replaced with compostable alternatives.
- Individual sachets (soy sauce, tomato sauce, BBQ sauce, honey, etc.)  
Individual sachets to be eliminated entirely and be replaced with larger sauce bottles and reusable or compostable ramekins for business and/or public use.
- Coffee cups  
Where possible, reusable cups to be encouraged, and all single-use cups to be replaced with a compostable alternative that have a polylactic acid (PLA) lining.
- Soft drinks  
Replace plastic bottled soft drinks with aluminium can or glass bottle alternatives.

### 4. Water bottles

Council venues (Corporate Centre, Libraries, Gallery and Council Chamber) to cease all sale, provision, or distribution of bottled water. Alternatively, free access to water is to be provided.

Sporting clubs, vendors at festivals and others participating in Council events or in events at Council sites would be permitted to continue bottled water sale; however,



will be required to consider and promote reusable options (e.g. providing jugs and reusable cups for patron usage, promotion/supply of refillable drinking bottles, etc.).

**5. Drinking fountains/water bubblers**

All sporting club pavilions to be equipped with a drinking fountain within proximity of the building.

**6. Compatibility of compostable items**

Single-use alternative products such as compostable packaging, to be compatible with the contracted waste processor to ensure the recovery of these products as opposed to the landfilling of them.

**7. Educational resources**

a) Develop an interactive webpage with downloadable resources for each of the three Council facility categories: community centres, sporting clubs, and food vendors. Resources include downloadable signage on:

- what goes in what bin
- encouraging BYO coffee cup and water bottle
- why we've gone plastic free
- information on what constitutes 'compostable' and to be weary of greenwashing when selecting alternatives
- list of plastics to be eliminated
- relevant templates.

b) Develop an education and promotion program to assist Bayside's Food and Drink businesses to prepare for the Victoria State-wide single-use plastics ban scheduled for 2023, including information on organics recycling and the benefits of waste minimisation.

**8. Plastic Free Policy**

Develop a plastic free policy as a guiding document for organisations to work towards in tandem with Council's assistance and resources.

**CARRIED**

## **10.2 PROPOSED COUNCIL LAND TO RESTRICT MODEL AIRCRAFT (INCLUDING DRONES) USE WITHOUT A PERMIT**

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/21/275668

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*It is recorded that Mr Rene Martins submitted a written statement in relation to this item.*

**Moved: Cr Samuel-King MBBS**

**Seconded: Cr del Porto**

That Council defers consideration of the 'Proposed Council land to restrict model aircraft (including drones)' to a future meeting of Council, given new information received in relation to the restricted airspace of Moorabbin Airport that extends over parts of the Bayside City Council Municipality. Noting a number of the proposed prescribed areas fall within the Moorabbin Control Zone, further investigation is required to ensure that there are no conflicts between prescribed areas and areas prohibited under federal CASA regulations.

**CARRIED**

**10.3 DENDY STREET BEACH - PROPOSED EROSION MITIGATION**

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/21/19 – Doc No: DOC/21/266950

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*Cr Castelli declared a general conflict of interest in this item, given her partner owns a bathing box which may be impacted upon with the erosion mitigation, and Cr Castelli vacated the online meeting at 6:57pm prior to the discussion on this item.*

*It is recorded that Mr Andrew Monotti (on behalf of Brighton Bathing Box Association), and Mr Michael Caink each submitted a written statement in relation to this item.*

**Moved: Cr El Mouallem**

**Seconded: Cr del Porto**

That Council:

1. requests the Mayor and Chief Executive Officer to make an urgent formal approach to the executive of the Department of Environment, Land, Water and Planning seeking approval to access sand at the adjacent, northern beach area for the purposes of beach renourishment at Dendy Street Beach
2. seeks independent engineering advice on the impact of removing sand from the northern beach area
3. receives a further report at the November 2021 Council meeting on the outcomes of the advocacy and engineering advice.

**CARRIED**

**10.4 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 2, 2A, 4, 6, 8, 10 AND 12 EMILY STREET, BRIGHTON**

Corporate Services - Commercial Services  
File No: PSF/21/26 – Doc No: DOC/21/273753

---

It is recorded that Cr Castelli re-entered the meeting at 7:47pm.

**Moved: Cr El Mouallem**

**Seconded: Cr del Porto**

That Council:

1. abandons the process of discontinuance and sale of the subject road
2. authorises the Director Corporate Services to undertake the necessary procedural steps to enter into a Licence Agreement with the owners of 2a Emily Street to:
  - 2.1 permit the erection and maintenance of the gate on the constructed road
  - 2.2 require as a condition of the licence that the owners of 2A Emily Street continue to allow the other adjoining owners to access the constructed road via the gate
  - 2.3 maintain existing vegetation on the existing subject road.

**CARRIED**

## 10.5 CONSIDERATION OF 7 WELL STREET, BRIGHTON, AS POTENTIAL PUBLIC OPEN SPACE

City Planning and Amenity - Urban Strategy  
File No: PSF/21/27 – Doc No: DOC/21/274236

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*Cr El Mouallem declared general conflict of interest in this matter given he owns a property in close proximity of the subject site, and vacated the online meeting at 7:50pm prior to the discussion on this item.*

*It is recorded that Mr Miralem Basic, Mr John Quinn, Mrs Elizabeth Neal, and Mrs Denise Kinnon each submitted a written statement in relation to this item.*

**Moved: Cr del Porto**

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

That Council:

1. notes this report
2. receives a report at the 21 December 2021 Council Meeting (or earlier) on the future use of 7 Well Street, Brighton, in parallel with the consideration of Notice of Motion 310
3. undertakes community engagement on the future of 7 Well Street, Brighton as public open space, in accordance with Council's previous decision
4. continues to allocate the \$40,000 in the operating budget to complete the community engagement and study, in accordance with Council's previous decision.

**CARRIED**

## 10.6 OPPORTUNITIES FOR NEW PUBLIC OPEN SPACE IN MAJOR ACTIVITY CENTRES

City Planning and Amenity - Urban Strategy  
File No: PSF/21/27 – Doc No: DOC/21/274210

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*It is recorded that Cr El Mouallem re-entered the meeting at 7.56pm.*

**Moved: Cr El Mouallem**

**Seconded: Cr Stitfold**

That Council:

1. notes the update in relation to Notice of Motion 310
2. endorses the principles for determining the suitability of a site for public open space as being:
  - a) safe
  - b) accessible
  - c) adaptable
  - d) connected
  - e) cultural and social
  - f) sustainable – subject to the principle being modified to read ‘Sustainable: contains or is capable of containing canopy trees, forms a habitat link, contributes to biodiversity or able to increase biodiversity with indigenous plantings’
  - g) achievable
3. receives a report at the December 2021 Council Meeting (or earlier) responding to all matters raised within Notice of Motion 310.

**CARRIED**

## 10.7 NEIGHBOURHOOD CHARACTER REVIEW

City Planning and Amenity - Urban Strategy  
File No: PSF/21/27 – Doc No: DOC/21/274248

*It is recorded that Mr Robert Harwood, Mrs Fiona Austin, Mr Jamie Paterson (on behalf of Beaumaris Modern Inc.), and Ms Caroline Lawton (on behalf of Beaumaris Conservation Society) each submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

That Council:

1. notes the findings from the Neighbourhood Character Review
2. notes that the Acting Manager Urban Strategy will prepare and submit a planning scheme amendment to introduce new Schedules in association with the Neighbourhood Residential Zoned land in Bayside based on the Neighbourhood Character Review but ensuring that Precinct H2 and H3 are presented as separate precincts
3. confirms that as part of the planning scheme amendment process, public consultation will be undertaken for a minimum of 4 weeks
4. receives a report at or before the February 2022 Council Meeting relating to possible changes to the General Residential Zoned land in Bayside.

**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 for 10 minutes at 8:35pm.*

### **Procedural Motion**

**Moved Cr Martin**

**Seconded Cr del Porto**

That the meeting be resumed.

**CARRIED**

*It is recorded that the meeting was resumed at 8:45pm.*

*It is recorded that Cr Samuel-King was not present when the meeting was resumed.*



## 10.8 DRAFT SUSTAINABLE BUILDINGS AND INFRASTRUCTURE POLICY 2021

Environment, Recreation and Infrastructure - Environment  
File No: PSF/21/36 – Doc No: DOC/21/251396

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*It is recorded that Cr Samuel-King re-entered the meeting at 8.47pm.*

**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

1. commences community engagement on the draft Sustainable Building and Infrastructure Policy 2021
2. presents the outcomes of the community engagement and the final Sustainable Building and Infrastructure Policy 2021 for Council adoption by December 2021.

**CARRIED**

## 10.9 2021 BAYSIDE CHRISTMAS CAROLS IN THE PARK

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/21/19 – Doc No: DOC/21/266564

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*It is recorded that Mr Troy Nicholson submitted a written statement in relation to this item.*

**Moved: Cr Samuel-King MBBS**

**Seconded: Cr del Porto**

That Council:

1. cancels the 2021 Bayside Christmas Carols in the Park due to the impacts of COVID-19 large event restrictions
2. reallocates the 2021 Bayside Christmas Carols in the Park budget of \$176,075 to a series of festive live music and carolling, sound and light installations at key sites across Bayside.

**CARRIED**

**10.10 2021 WINTER ALLOCATED SPORTS CLUBS HARDSHIP SUPPORT**

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/21/19 – Doc No: DOC/21/276482

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**Moved: Cr Martin****Seconded: Cr El Mouallem**

That Council endorses the Winter Allocated Club Hardship Support Program, providing Winter Allocated Sports Clubs demonstrating financial hardship with access to a credit of 35% of their 2021 Allocation fees to be offset against their 2022 Allocation fees.

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

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

**CARRIED**

## 10.11 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING - CALL FOR MOTIONS

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/274625

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**Moved: Cr del Porto**

**Seconded: Cr Samuel-King MBBS**

That Council endorses the following motions to be put forward at the MAV State Council Meeting to be held on 12 November 2021:

### **Mental Health Support for Young People**

#### **Proposed Motion**

That the MAV calls on the State Government to investigate and explore partnership opportunities between local government and other agencies supporting Youth Mental Health services to ensure young people (up to age of 30 years) in isolated and public transport deprived areas, and overseas students currently residing in Victoria, gain access to appropriate and relevant youth mental health services that are affordable for young people to access.

### **Barbed Wire**

#### **Proposed Motion**

That the MAV calls on urban municipalities to adopt a policy to manage the use of barbed wire or eliminate where possible the use of barbed wire on Council-owned land to reduce impacts to native wildlife.

### **Uluru Statement from the Heart**

#### **Proposed Motion**

That the MAV calls upon all Victorian local government authorities to support the Uluru Statement from the Heart which calls on the Australian people to walk with First Nations in a people's movement for Voice, Treaty and Truth, and encourage all councils to write to their respective Federal Member of Parliament calling on the Australian Government to support Constitutional Recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the 'Uluru Statement from the Heart'.

**CARRIED**

## 10.12 ADVOCACY ON PLANNING REFORMS

City Planning and Amenity - Development Services  
File No: PSF/21/27 – Doc No: DOC/21/276205

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**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council supports and advocates with the consortium of Local Government Mayors that:

- it is noted the Victorian government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform
- it strongly voices its concern that:
  - consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced
  - the community's voice must remain central in planning decisions
  - strong community consultation must be a core part of major planning decisions
  - community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies
- it urgently calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made
- it urgently calls on the Minister for Planning to include full consultation with local governments on the Suburban Rail Loop Bill 2021 to:
  - understand the impacts on Local Governments role as the Planning Authority and Responsible Authority
  - understand what the potential impacts are on the existing Planning Policy Framework and proposed Local and Regional planning policy currently under development
  - opportunity to make submissions to the Bill before any decisions are made
- it urgently writes to the Minister for Planning, the shadow Minister for Planning and all local Members of the Victorian Parliament to advocate Council's position
- it requests the CEO or delegate coordinate with other local governments in regard to advocacy.

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

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

**CARRIED**

### 10.13 IRONMAN MELBOURNE 2021

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing  
File No: PSF/21/19 – Doc No: DOC/21/266670

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

**Seconded: Cr Martin**

That Council approves the extended road closure end time endorsed in the Events in Public Places Policy from 11:30am to 1:00pm on 14 November 2021, and if the event is unable to proceed on this date due to State Government restrictions, endorses the extended road closure end time from 11:30am to 1:00pm on 20 March 2022 to conduct the Ironman Melbourne event.

**CARRIED**

## 10.14 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/277472

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**Moved: Cr Martin**

**Seconded: Cr Stitfold**

That Council notes the Council Action Awaiting Report.

**CARRIED**



## 11. Reports by Delegates

### 1. Association of Bayside Municipalities – Crs Clarke Martin and Fiona Stitfold

Cr Martin indicated that a joint letter from Frankston, Mornington Peninsula, Kingston and Bayside councils was forwarded to the ABM requesting an urgent meeting of their delegates to conduct a workshop to develop and influence strategy leading up to the state election for funding for Port Phillip Bay.

### 2. Metropolitan Transport Forum – Cr Sonia Castelli

Cr Castelli did not attend the last meeting; however, an officer attended. The meeting featured two presentations. One was from Infrastructure Victoria talking about the impacts of Covid on public transport and the transition to Covid normal. This featured discussion on two scenarios being developed. The second presentation was also from Infrastructure Victoria on their 30-year Infrastructure Strategy.

### 3. Municipal Association of Victoria – Cr Alex del Porto

Cr del Porto advised the meeting that he has received an email from the President of the MAV advising councils that the State Conference and the State Council Meeting would not proceed in November 2021 given the health restrictions and ensuring members remain safe. It is proposed that the State Council Meeting will be held in May 2022.

### 4. Inner South Metropolitan Mayors' Forum – The Mayor, Cr Laurence Evans OAM

The Mayor indicated that the ISMMF have not had a meeting.

### 5. Metropolitan Local Government Waste Forum – Cr Clarke Martin

Cr Martin indicated that the Waste Forum have not met since the previous meeting.

### 6. South East Councils Climate Change Alliance – Crs Clarke Martin and Fiona Stitfold

Cr Martin indicated that the next meeting is scheduled for Thursday 16 September.

**Moved: Cr Martin**

**Seconded: Cr Castelli**

That the Reports by Delegates be received and noted.

**CARRIED**

## 12. Urgent Business

There were no items of Urgent Business submitted to the meeting.

## 13. Notices of Motion

### 13.1 NOTICE OF MOTION - 313 - SPACELETS

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/274702

Cr Stitfold sought leave of the meeting to amend her Notice of Motion

**Moved Cr del Porto**

**Seconded Cr El Mouallem**

That Cr Stitfold be granted leave to amend Notice of Motion 313 – Spacelets.

**CARRIED**

**Moved: Cr Stitfold**

**Seconded: Cr del Porto**

That Council:

1. undertakes an audit of the conditions of all of the Spacelets to ensure they are fit for purpose and all risk issues are addressed
2. continues the Spacelet program till 31 March 2022 to align with the marquee installation at the Beaumaris Concourse
3. enters into new agreements with the businesses that wish to continue with Spacelets outlining the terms of use and including the opportunity for creative shared use arrangement for all traders irrespective of location within the Activity Centre
4. undertakes the review of the Spacelet program and report the findings to the February 2022 Council Meeting. The review is to:
  - a. undertake comprehensive community wide consultation process to ascertain community and businesses attitudes to Spacelets in the activity centres
  - b. seek an understanding of the usage and economic impacts of the Spacelets associated with the relevant businesses
  - c. understand the safety and compliance requirements for the ongoing delivery of the program
  - d. understanding of the community preference for the use of the parking spaces (Spacelet, parking or other purposes)
5. explores opportunities to introduce short term parking within Bayside's Major Activity Centres to support "Click and Collect" and "Food Delivery Services" and their associated promotion to support all traders. This should also be considered as part of the Car Parking Strategy being undertaken in 2021–22
6. notifies all business that the program is to be extended till March 2022
7. estimates the costs of the program extension being \$60K be funded from the Victorian Government grant and from the Activity Centres Events and Celebrations budget
8. refers the review of the footpath trading guidelines to the February 2022 Council Meeting to align with the Spacelets review
9. to alleviate parking pressures in Melrose Street, immediately removes the double Spacelets in front of 33 – 35 Melrose Street (bookstore) and reduces the size and relocates the spacelet from the front of 15 – 17 Melrose Street to the front of 19 Melrose Street.

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

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

**AGAINST:**      Nil (0)

**CARRIED**

## 13.2 NOTICE OF MOTION - 314 - BUTTERFLY-FRIENDLY BAYSIDE

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/278383

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**Moved: Cr Samuel-King MBBS**

**Seconded: Cr del Porto**

That Council receives a report at the April 2022 Council meeting detailing:

1. outcomes and recommendations of a review of various herbicides, pesticides and poisons (with a particular focus on rodent poison) in Council's open space, with a particular focus on the use of Glyphosate
2. a plan to work with environmental Friends Groups to audit the existence of and protect current mistletoe populations within Bayside and the possible trial of a Mistletoe Propagation Project within Bayside
3. opportunities for the planting of indigenous flowers and grasses with particular benefits to butterflies and other insects.

**CARRIED**

### **13.3 NOTICE OF MOTION - 315 - WILDLIFE-FRIENDLY GARDENS AND NATURE STRIPS**

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/278444

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**Moved: Cr Samuel-King MBBS**

**Seconded: Cr del Porto**

That Council receives a report to the February 2022 Council Meeting detailing a plan for Council to actively promote wildlife-friendly gardens, including consideration of:

1. promoting there is no longer a need for permits for indigenous plantings in nature strips
2. partnering with community groups to run a series of webinars on wildlife-friendly gardening
3. encouraging wildlife-friendly cat ownership, including cat containment, and information about the cat curfew
4. working with residents to create gardens that deter noisy miners and provide refuge for small native birds.

**CARRIED**

**13.4 NOTICE OF MOTION - 316 - PRESSURE CLEANING OF MAJOR ACTIVITY CENTRES**

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/278450

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*It is recorded that Cr El Mouallem declared a general conflict of interest in this item given that he owns a property within Church Street Major Activity Centre, and vacated the online meeting at 10:40pm prior to the discussion on this item, and did not return for the remainder of the meeting.*

*Cr del Porto sought leave of the meeting to amend his Notice of Motion*

**Moved Cr Martin****Seconded Cr Stitfold**

That Cr del Porto be granted leave to amend Notice of Motion 316 – Pressure Cleaning of Major Activity Centres.

**CARRIED****Moved: Cr del Porto****Seconded: Cr Stitfold**

That Council receives a report at the October 2021 Council Meeting providing cost and resource implications to increase the pressure cleaning service for the four major activity centres (Bay Street, Church Street, Hampton and Sandringham). That this report includes two potential options for Council to consider: increasing the pressure cleaning from quarterly to monthly; or increasing the pressure washing from quarterly to weekly and considers an approach to pressure cleaning that minimises environmental impacts .

**CARRIED**

*The Mayor declared the meeting closed at 10:48pm.*