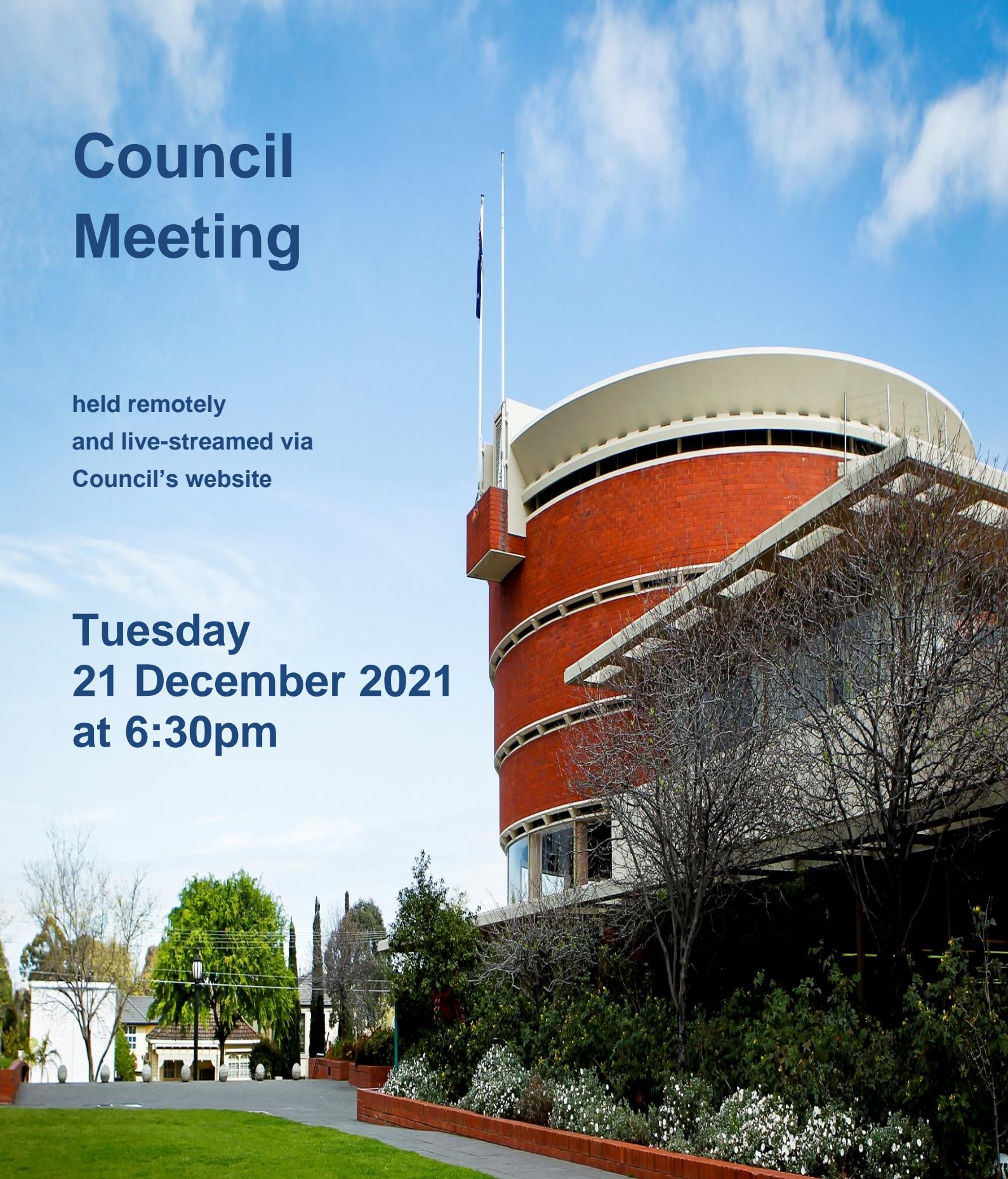


Council Meeting

held remotely
and live-streamed via
Council's website

**Tuesday
21 December 2021
at 6:30pm**



Minutes

PRESENT:

Chair: 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
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
Belinda Austin – Manager Project Services
Juliana Aya –Manager Urban Strategy
Terry Callant – Manager Governance
Jason Stubbs – Manager Commercial Services
Damien Van Trier – Manager Open Space, Recreation and Wellbeing
Tom Vercoe – Strategic Planning Coordinator
Robert Lamb – Governance Officer

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

The Mayor invited Samuel-King to read the prayer.

1. Prayer

Cr Samuel-King read the prayer at the commencement of the meeting.

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

2. Acknowledgement of Country

The Mayor invited Cr Castelli to 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 any Conflict of Interest of any Councillor

Cr El Mouallem declared a general conflict of interest in items 10.2 and 10.3 as he owns a property in close proximity to the site at 7 Well Street, Brighton.

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

That the 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 22 December 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 23 November 2021.

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

That the minutes of the Ordinary meeting of Bayside City Council held on 23 November 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, 8 public questions were submitted to the Meeting. In accordance with the resolution at the June 2021 Ordinary Meeting of Council, temporary meeting procedures with regard to public question time are in place:

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

1. Mr Paul Roser

Mr Paul Roser submitted a question regarding advocacy to remove the boom gates at Highett Station, and Mr Roser asked:

Question

Given Brighton Council has approved a 1,200 unit development adjacent to Highett Railway Station before any announcement of removal of the boom gates and acknowledging the existing chaotic traffic in the locality, can the CEO please detail that the advocacy the council has undertaken to date, with or without Kingston Council, to the state government to secure a commitment at the next state election to remove the boom gates.

Response from the CEO

The removal of the Highett Level crossing is an advocacy priority for Council. The Former Bayside Mayor and Kingston Mayor have jointly written to the Minister for Public Transport, Jacinta Allan MP, for consideration to be given to including Highett and Wickham Road in the expanded Level Crossing Removal Program. Further advocacy for this outcome is being progressed as part of the Suburban Rail Loop Project.

2. Mr Paul Roser

Mr Roser submitted a further question regarding the usual place of residence of Bayside's Councillors and Mr Roser asked:

Question

- a) Could the CEO confirm how many councillors usual place of residence is within the wards they represent?
- b) Could the CEO confirm if the councillor representing Ivison Ward is usually resident in that ward?

Response from the CEO

- a) *Three Bayside Councillors reside within the wards they represent.*
- b) *The Councillor representing Ivison Ward is not a resident of Ivison Ward though is a long-standing Bayside resident residing in a neighbouring ward. It should also be noted that it is not a requirement of the Local Government Act or regulations that a Councillor reside in which they are elected.*

3. Mr Damian Hind

Mr Damien Hind submitted a question regarding accommodation in Bayside for people experiencing homelessness, and Mr Hind asked:

Question

Is there accommodation available for the homeless and if yes whereabouts? Apparently there is such a dwelling on South Road that seemingly looks to not be housing the homeless.

Response from the CEO

The state government has provided housing for people experiencing homelessness throughout the pandemic in multiple hotels within and adjacent to Bayside.

The housing on South Road is owned and operated by the Department of Families, Fairness and Housing. Council is not aware of the plans for the use of that site.

4. Mr Graeme Goode

Mr Graeme Goode submitted a question regarding the Victorian Government Suburban Parks programme. Council's Governance Rules permit a maximum of two parts per question. As the question contained more than two parts, only the first two parts were responded to. Mr Goode asked:

Question

- a) Has Council made any submissions seeking funds from the Victorian Government Suburban Parks programme?
- b) Is it not a fact that other Councils eg Booroondara and Kingston, have already been given significant funds.

Response from the CEO

Council applied to Round 1 of the Victorian Government's Suburban Park Program for funding for a pocket park linkages project from North to South Road. The application was unsuccessful and did not receive funding.

Bayside was invited to make an application to Round 2 of the program; however, Council did not have a suitable new/upgrade pocket park project prepared. Council will consider relevant park projects if future funding rounds are announced.

5. Mr Kieran Cromie

Mr Kieran Cromie submitted a question regarding Councillors' disclosures of interest, and Mr Cromie asked:

Question

What Councillors have a Pecuniary interest in Planning and Development matters for the Church Street MAC, and have they declared that interest on all previous occasions?

Response from the CEO

It is not possible to respond to the first part of this question without knowing the nature and the context of a Planning and Development matter within the MAC to enable a Councillor to determine if a material conflict of interest exists on a particular matter.

New conflict of interest provisions are now in effect as part of the implementation of the Local Government Act 2020 as of October 2020. On this basis, no current-term Councillors have declared a pecuniary interest known as a 'Material Conflict of Interest' pursuant to section 128 of the Local Government Act with regard to Planning and Development matters for the Church Street MAC.

6. Mr Kieran Cromie

Mr Kieran Cromie submitted a further question. The question relates to the car park at 5 Well Street, Brighton, and Mr Cromie asked:

Question

What has been the average % occupancy of 5 Well Street Car Park between 10 – 3, Monday to Friday, since lockdown was relaxed last month?

Response from the CEO

The average occupancy rate for the 5 Well Street Carpark on weekdays between the hours of 10am and 3pm is 89.3% for November and 92.8% for December (data taken from 1 – 17 December 2021).

7. Mr Kevin Howard

Mr Kevin Howard submitted a question regarding the site at 7 Well St, Brighton, and Mr Howard asked:

Question

Why do residents have to wait until the 2022–23 Budget to allocate \$100,000 to progress the open space outcome at the site when there is \$20 million sitting in the Open Space Reserve?

Response from the CEO

Council has not allocated budget or resources to progress the planning of this site as potential open space in the 2021–22 financial year. Should Council determine that the site is to be used for open space, the project priority needs to be assessed against all other potential projects. The 2022–23 Budget process is the mechanism for this to occur.

8. Mr Kevin Howard

Mr Kevin Howard submitted a further question regarding the site at 7 Well St, Brighton, and Mr Howard asked:

Question

When Council applied to amend the Bayside Planning Scheme to re-zone 5-7 Well St, Brighton, the Explanatory Report – Amendment C165 stated it would “facilitate the construction of approximately 19 additional public car parks”.

- a) Why did the Engagement Plan for Council’s recent community consultation state that Council “demolished the residence at 7 Well Street to expand the existing car park at 5 Wells Street and provide an increase of 28 parking spots for the area.”
- b) Have Council considered improving the management of existing parking spaces in the streets around Church St (Well St, St Andrews St, Carpenter St, Black St & New St) by changing say 15-20% of the many two hour parking spaces to one hour or ninety minutes?

Response from the CEO

- a) *The Community Engagement on 7 Well Street, Brighton has referenced the provision of 28 car parking spaces. However, the total car parking provision has referenced the number provided across both 5 and 7 Well Street. As such, the increased car parking provided based on the current designs, should a car park be pursued at 7 Well Street, Brighton, would result in a total increase of 19 additional spaces.*
- b) *The provision of short, medium and long-term parking controls in a given street is dependent on the need of the adjacent land use. Council has previously installed parking restrictions in consultation with residents and traders to provide a fair balance of parking controls for all road users, including people visiting the Church Street Activity Centre.*

****Mrs Mary Ross & Ms Donna Yorgey**

Mrs Mary Ross and Ms Donna Yorgey each submitted a public question which included statements and did not include any questions. These have both been circulated as written statements in response to item 10.1 on the agenda – which is the report concerning the Multi-deck Car Park at Service Street, Hampton.

7. Petitions to Council

There were no petitions to Council submitted to the meeting.

8. Minutes of Advisory Committees

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/379363

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:

- 30 November 2021 Strategic Issues Discussion
- 7 December 2021 Councillor Briefing.

CARRIED

8.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 22 NOVEMBER 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/381197

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. notes the minutes of the Audit and Risk Committee meeting held on 22 November 2021 (contained in Confidential Attachment 1)
2. adopts the following recommendations of the Audit and Risk Committee:

Item 9.6.3. – Investment Policy 2021 Review

That the Audit & Risk Committee endorses the recommended changes to the Investment Policy 2021 and recommends to Council the adoption of the revised Investment Policy 2021.

CARRIED

9. Reports by Special Committees

There 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 10.1 Multi-deck Car Park at Service Street, Hampton

1. Ms Kerry Martin
2. Mrs Mary Ross
3. Ms Donna Yorgey
4. Prof. Peter Betts
5. Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)
6. Mrs Erica Hanslow
7. Mr Anthony Goldman
8. Mr David Rothfield (on behalf of Bayside Climate Crisis Action Group)
9. Mr Robert Dagnall

Item 10.2 Opportunities for Public Open Space in Activity Centres

1. Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)
2. Mr Kieran Cromie (on behalf of Church Street Traders Association)

Item 10.3 Consideration of 7 Well Street, Brighton, for public open space

1. Mr Miralem Basic
2. Mr Graeme Goode
3. Mr John Kardis
4. Mr Kieran Cromie (on behalf of Church Street Traders Association)
5. Mr Steve Hitchings (on behalf of The Finishing Touch)
6. Mr Jason Belzycki (on behalf of Roxanne Fashions)
7. Mr David Rothfield (on behalf of Bayside Climate Crisis Action Group)
8. Mrs Elizabeth Neal

Item 10.4 Warm Water Pool - Update on discussions with a commercial provider and Consideration of a preferred site

1. Mr Shay McQuade

Item 10.6 Council submission to the Suburban Rail Loop East Environmental Effects Statement and Planning Scheme Amendment

1. Mr Fraser Gibson

10.1 MULTI-DECK CAR PARK AT SERVICE STREET, HAMPTON

City Planning and Amenity - Urban Strategy
File No: FOL/20/1612 – Doc No: DOC/21/378053

It is recorded that Ms Kerry Martin, Mrs Mary Ross, Ms Donna Yorgey, Prof. Peter Betts, Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association), Mrs Erica Hanslow, Mr Anthony Goldman, Mr David Rothfield (on behalf of Bayside Climate Crisis Action Group), and Mr Robert Dagnall each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Samuel-King MBBS

That Council does not proceed with the Hampton Commuter Car Park project due to the ongoing development of Councils Car Parking Strategy, Property Strategy and review of the Open Space Strategy.

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

DIVISION: **FOR:** Crs Clarke Martin, Jo Samuel-King MBBS and Fiona Stitfold (3)
 AGAINST: Crs Alex del Porto (Mayor), Sonia Castelli, Laurence Evans
 OAM and Hanna El Mouallem (Deputy Mayor) (4)

LOST

Moved: Cr Evans OAM

Seconded: Cr Castelli

That Council:

1. endorses the at-grade plus basement option at the site (Attachment 2), subject to:
 - a. the exploration to relocate the 'Fire Hydrant Tank' so to maximise the number of car parking spaces delivered on the site
2. only proceeds with the Hampton commuter car park project on the following basis:
 - a. that short stay public car parking at ground level is maintained on the site
 - b. the total cost of the project is funded through the Federal Government Urban Congestion Fund
3. considers the future opportunity and suitability to use the at-grade car park for potential public open space purposes (temporarily or permanently) subject to the completion of the:
 - a. Open Space Strategy
 - b. Car Parking Strategy
 - c. Property Strategy.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Sonia Castelli, Laurence Evans
 OAM and Hanna El Mouallem (Deputy Mayor) (4)
 AGAINST: Crs Clarke Martin, Jo Samuel-King MBBS and Fiona Stitfold (3)

CARRIED

10.2 OPPORTUNITIES FOR PUBLIC OPEN SPACE IN ACTIVITY CENTRES

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/378089

It is recorded that Cr El Mouallem declared a general conflict of interest in this item given he owns a property in close proximity to the site at 7 Well Street, Brighton. Cr El Mouallem left the Meeting at 7:30 pm.

It is recorded that Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association), and Mr Kieran Cromie (on behalf of Church Street Traders Association) each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. notes the report
2. informs the suitability of land as potential open space in activity centres through the application of the Open Space Assessment Tool
3. considers strategies for the provision of additional open space in Brighton and other suburbs where deficiencies exist and significant growth is forecast, as part of the Open Space Strategy review
4. develops its strategy for the acquisition and disposal of land via the development of the Property Strategy
5. advocates to the State and Federal Government to fund the delivery of pocket parks in the Major Activity Centres to enable the provision of greater open space opportunities to:
 - a. enhance the visual appeal and liveability
 - b. support the need of our increasing population
 - c. provide infrastructure which supports the health and wellbeing of our community
 - d. provides opportunity to increase our Urban Forest and have a positive impact on the environment by:
 - i. increasing bio-diversity and habitat
 - ii. carbon sequestration
 - iii. reducing the heat island effect.

CARRIED

It is recorded that Cr El Mouallem was not present during consideration of the above item and was not present in the meeting whilst the vote was taken on this item.

10.3 CONSIDERATION OF 7 WELL STREET, BRIGHTON, FOR PUBLIC OPEN SPACE

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/378285

It is recorded that Cr El Mouallem declared a general conflict of interest in this item given he owns a property in close proximity to the site at 7 Well Street, Brighton.

It is recorded that Mr Miralem Basic, Mr Graeme Goode, Mr John Kardis, Mr Kieran Cromie (on behalf of Church Street Traders Association), Mr Steve Hitchings (on behalf of The Finishing Touch), Mr Jason Belzycki (on behalf of Roxanne Fashions), Mr David Rothfield (on behalf of Bayside Climate Crisis Action Group), and Mrs Elizabeth Neal each submitted a written statement in relation to this item.

/

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. notes the community feedback received, including the petition submitted to the 23 November 2021 Council meeting, in relation to the land use outcomes at 7 Well Street, Brighton
2. allocates 7 Well Street, Brighton as a permanent location for passive public open space
3. designs the open space as a passive area for relaxation with appropriate landscaping, seating and soft paths
4. considers as part of the 2022–23 Budget process the allocation of \$100,000 to design and implement the open space outcome at the site
5. considers long term opportunities to increase open space within the Church Street MAC and other MACs, upon completion of the:
 - a. Open Space Strategy
 - b. Urban Forest Strategy
 - c. Car Parking Strategy
 - d. Property Strategy
6. writes to the lead petitioner of the petition referenced in clause 1 to advise of its decision.

CARRIED

It is recorded that Cr El Mouallem was not present during consideration of the above item and was not present in the meeting whilst the vote was taken on this item.

Cr El Mouallem (Deputy Mayor) returned to the Meeting at 8:01 pm.

10.4 WARM WATER POOL - UPDATE ON DISCUSSIONS WITH A COMMERCIAL PROVIDER AND CONSIDERATION OF A PREFERRED SITE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/370065

It is recorded that Mr Shay McQuade submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr El Mouallem (Deputy Mayor)

That Council:

1. endorses the Leisure Management Services proposed Brighton Golf Course location as the preferred site for development of a Warm Water Pool for the purposes of community consultation
2. provides in-principle support for the inclusion of a Leisure Management Services fully funded Wellness Centre at Brighton Golf Course
3. implements a comprehensive community engagement process to identify community support and concerns regarding the proposed Warm Water Pool and Wellness Centre at Brighton Golf Course
4. notes that providing a level of affordable and accessible community access to both Warm Water pools is a key principle of this project
5. notes that providing a view onto green open space from the Warm Water pools is a design principle of this project
6. considers the inclusion of a spa into an area of the clinical pool to aid recovery
7. continues to advocate to State and Federal Governments in accordance with Council's Bayside Advocacy Strategy 2021–22 for funding for the Warm Water Pool project
8. receives a report no later than July 2022 detailing the findings of the community engagement process for the proposed Warm Water Pool and Wellness Centre at Brighton Golf Course and that this report includes a possible approach and proposed timeframe for considering additional environmental assessment of the project.

CARRIED

10.5 COMMUNITY RESILIENCE PLAN 2021–25

Community and Customer Experience - Community Services
File No: PSF/21/32 – Doc No: DOC/21/368999

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council endorses the Community Resilience Plan 2021–25 (Attachment 1).

CARRIED

Procedural Motion

Moved: Cr Martin

Seconded: Cr Evans

That the meeting be adjourned for 10 minutes.

The meeting was adjourned at 8:33pm.

CARRIED

Procedural Motion

Moved: Cr Evans

Seconded: Cr Castelli

That the meeting be resumed.

The meeting was resumed at 8:43pm.

CARRIED

**10.6 COUNCIL SUBMISSION TO THE SUBURBAN RAIL LOOP EAST
ENVIRONMENTAL EFFECTS STATEMENT AND PLANNING SCHEME
AMENDMENT**

Environment, Recreation and Infrastructure - Transport and Sustainability
File No: PSF/21/36 – Doc No: DOC/21/371147

It is recorded that Mr Fraser Gibson submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. endorses Council's written submission to the Suburban Rail Loop East Environmental Effects Statement and Planning Scheme Amendment (GC197)
2. advocates for positive outcomes for the Bayside community through the Suburban Rail Loop East Inquiry and Advisory Committee hearing.

CARRIED

10.7 IMPLEMENTATION OF BAYSIDE ACTIVITY CENTRES STRUCTURE PLAN ACTIONS RELATING TO PEDESTRIAN MOVEMENT AND CONNECTIVITY INTO RESIDENTIAL AREAS

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/319549

Moved: Cr El Mouallem (Deputy Mayor) Seconded: Cr Samuel-King MBBS

That Council:

1. notes the progress of the implementation and delivery of the Bayside Planning Scheme Structure Plans actions specifically relating to pedestrian movement and connectivity into residential areas
2. requires a report to be presented to a future Council meeting, no later than July 2023 and referred to the budget for the allocation of appropriate resources, that identifies the highest order connectivity corridors (pedestrian and cycling) between retail strips and adjoining residential areas based on current dwelling densities and future demand based on approved planning and building permits data. The report must include:
 - a. connectivity corridors mapping
 - b. costing to deliver connection priorities
3. continues to incorporate the access and movement strategies into future works programs for implementation, where possible.

CARRIED

10.8 SPORTSGROUND RENEWAL PROGRAM REVIEW

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/369924

Moved: Cr Martin

Seconded: Cr Castelli

That Council:

1. endorses the following program and priority order:

Sportsground	Priority	Proposed scope	Rationale
Hurlingham Park 1	1	Full reconstruction	Sportsground failure
William Street Reserve	2	Full reconstruction	Uneven surface, impact from trees and dog use
Banksia Reserve	3	Profile & turf replacement	High use oval, surface shaping and turf required
Sillitoe Reserve	4	Turf replacement	Mixed grass species evident
Peterson Reserve East	5	Turf replacement	Moderate use, irrigation, drainage available
Cheltenham Park East	6	Irrigation	Install irrigation to improve surface condition
Destructor Reserve	7	Monitor	Design complete, monitor condition
Wilson Recreation	8	Monitor	Monitor condition and use
Elsternwick Park 4	9	Full reconstruction	To be reviewed in 5 years subject to need
Balcombe Reserve	10	No action	Sportsground condition meets needs of use
Trey Bit Reserve	11	Review classification	Consider a return to open space

2. refers the full natural turf reconstruction of Hurlingham Park Oval 1 to be considered as part of Council's 2022–23 budget process
3. refers other priority projects to the development of Council's four-year Capital Works Program.

CARRIED

10.9 DENDY PARK TENNIS CLUB - REDEVELOPMENT AND MANAGEMENT PROPOSAL

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/367838

Moved: Cr El Mouallem (Deputy Mayor) Seconded: Cr Samuel-King MBBS

That Council defers consideration of the Dendy Park Tennis Club - Redevelopment and Management Proposal until the March 2022 Council meeting.

LOST

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. gives in-principle endorsement of the Dendy Tennis Park project as proposed by Tennis Australia subject to:
 - a. further negotiation being undertaken with Tennis Australia on appropriate lease terms and conditions
 - b. those negotiations to include (but are not limited to) lease term, rental, capital contribution and resident discounts for membership and occasional use, and Dendy Park Tennis Club access to the upgraded facilities
 - c. Dendy Park Tennis Club Inc. and Royal South Yarra Lawn Tennis Club Inc providing written endorsement of a Heads of Agreement
2. notes that upon completion of the above, the agreed key lease terms and conditions will be submitted for Council approval prior to the commencement of any statutory process under Section 115 of the *Local Government Act 2020*, which will be subject to Council's Community Engagement Policy.

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

10.10 BODLEY STREET TENNIS CENTRE BEAUMARIS - TENNIS LEASE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/372054

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council commences discussions to develop a 9-year lease agreement with Beaumaris Lawn Tennis Club for use of court and pavilion facilities at Bodley Street Tennis Centre (26 Bodley Street, Beaumaris).

CARRIED

**10.11 INTERIM UPDATE: NOTICE OF MOTION - 307 - LANDCOX PARK LAKE;
NOTICE OF MOTION - 309 - NATURE-RICH BAYSIDE; AND NOTICE OF
MOTION - 314 - BUTTERFLY-FRIENDLY BAYSIDE**

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/367685

Moved: Cr Samuel-King MBBS**Seconded: Cr El Mouallem (Deputy Mayor)**

That Council:

1. receives a report in response to Notice of Motion 314 at the April 2022 Council meeting detailing:
 - a) 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
 - b) 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
 - c) opportunities for the planting of indigenous flowers and grasses with particular benefits to butterflies and other insects
2. receives a report at the June 2022 Council Meeting providing an update on the actions detailed in Notice of Motion 307 and Notice of Motion 309 with a particular focus on the:
 - a) Lake Management Plan and associated implementation costs
 - b) implementation of the Wildlife Friendly Lighting Policy
 - c) success or otherwise of the nest-box and log hollow project
 - d) progress of the Water for Wildlife project.

CARRIED

**10.12 RESPONSE TO NOTICE OF MOTION - 309 - NATURE-RICH BAYSIDE:
WILDLIFE FRIENDLY LIGHTING POLICY**

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/334694

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That Council:

1. adopts the Wildlife Friendly Lighting Policy as set out in Attachment 1
2. advocates to surrounding municipalities and the Municipal Association of Victoria (MAV) encouraging other councils to consider a similar wildlife friendly lighting policy
3. writes to Standards Australia advocating for the consideration of Wildlife Friendly Lighting for sportsgrounds, sports facilities and street and road lighting.

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

10.13 COUNCIL GRANTS POLICY 2021 REVIEW

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/324208

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

That Council:

1. adopts the Bayside Council Grants Policy 2021 as set out in Attachment 1
2. refers the consideration of establishing a Biodiversity Grant program to the 2022–23 budget.

CARRIED

10.14 VICTORIAN CHILD SAFE STANDARDS

Community and Customer Experience - Community Services
File No: PSF/21/32 – Doc No: DOC/21/371935

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council endorses the Safeguarding Children and Young People Reporting Policy (Attachment 1) and the Safeguarding Children and Young People Incident Management Procedure (Attachment 2).

CARRIED

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

10.15 MEDIA POLICY 2021 REVIEW

Community and Customer Experience - Communication and Engagement
File No: FOL/11/1117 – Doc No: DOC/21/376461

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts the Media Policy 2021 (Attachment 1).

CARRIED

NOTE: Item 10.15 was **CARRIED** as part of a block motion.

10.16 PROCUREMENT POLICY REVIEW

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/360112

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council adopts the Procurement Policy 2021 (Attachment 1).

CARRIED

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

10.17 PROPOSED LEASE TO OPTUS AT BALCOMBE PARK RESERVE

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/378941

Moved: Cr Castelli**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 Optus Mobile Pty Ltd in accordance with the Heads of Agreements (Attachment 1), for the occupation of part of Balcombe Park Reserve, 472 Balcombe Road, Beaumaris VIC 3193
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. advertises the 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.

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

**10.18 CONTRACT CON/21/78 SILLITOE RESERVE PAVILION
CONSTRUCTION**

Corporate Services - Commercial Services
File No: PSF/21/20 – Doc No: DOC/21/240140

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. awards Contract CON/21/78 Sillitoe Reserve Pavilion Construction to FIMMA Constructions Pty Ltd (ABN 22 101 232 320) for the lump sum price of \$2,759,508.00 (excl. GST) and \$3,035,458.80 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/21/78 Sillitoe Reserve Pavilion Construction
3. advises the unsuccessful tenderers accordingly.

CARRIED

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

**10.19 CONTRACT CON/21/84 HARD WASTE AND BUNDLED BRANCHES
COLLECTION AND DISPOSAL SERVICE**

Environment, Recreation and Infrastructure - Sustainability and Transport
File No: PSF/21/36 – Doc No: DOC/21/366930

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. awards Contract CON/21/84 Hard Waste and Bundled Branches Services to Selkrig Enterprises Pty Ltd (ABN 30 135 219 680) for a five (5) year period with two (2) x one (1) year options to be exercised at Council's discretion
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/21/84 Hard Waste and Bundled Branches Services
3. advise the unsuccessful tenderers accordingly.

CARRIED

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

**10.20 CONTRACT CON/21/110 THOMAS STREET, HAMPTON
RECONSTRUCTION FROM HAMPTON STREET TO STOREY AVENUE**

Environment, Recreation and Infrastructure - Project Services
File No: PSF/21/20 – Doc No: DOC/21/345308

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. awards CONTRACT CON/21/110 Thomas Street, Hampton Reconstruction from Hampton Street to Storey Avenue to Novacon Group Pty Ltd (ABN 23 621 403 076) for the lump sum price of \$1,679,776.80 (excl. GST) and \$1,847,754.48 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to CONTRACT CON/21/110 Thomas Street, Hampton Reconstruction from Hampton Street to Storey Avenue
3. advises the unsuccessful tenderers accordingly.

CARRIED

NOTE: Item 10.20 was **CARRIED** as part of a block motion.

10.21 CONTRACT CON/21/130 CONSTRUCTION OF DRAINAGE IN HORNBY AND CLIVE STREETS, BRIGHTON EAST

Environment, Recreation and Infrastructure - Project Services
File No: PSF/21/20 – Doc No: DOC/21/360484

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. awards CONTRACT CON/21/130 Construction of drainage in Hornby and Clive Streets, Brighton East to Jaydo Constructions Pty Ltd (ABN 16 062 221 596) for the lump sum price of \$900,489.00 (excl. GST) and \$990,537.90 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to CONTRACT CON/21/130 Construction of drainage in Hornby and Clive Streets, Brighton East
3. advises the unsuccessful tenderers accordingly.

CARRIED

NOTE: Item 10.21 was **CARRIED** as part of a block motion.

10.22 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/21/379365

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

CARRIED

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

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold and Clarke Martin attended the ABM Strategic Planning Day on 4 December 2021 where all member councils put forward their aspirations and plans to be consolidated in one Strategic Plan for the ABM. A draft Strategic Plan will be presented to the group at the February meeting.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation & Infrastructure attended the meeting earlier in the month where a presentation was made on Freight Planning and Initiatives.
3. **Municipal Association of Victoria** – The Mayor, Cr Alex del Porto indicated that the MAV have not had a meeting. The President of the MAV has contacted Cr del Porto to arrange a visit to Bayside in the new year.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Alex del Porto indicated that the forum is yet to meet.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin attended a meeting held on 9 December 2021. It was indicated that the Waste Form would continue to 1 July 2022, and at that point a new State Government / Local Government Waste Recovery Group would be formed.
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold indicated that a meeting was held last week, unfortunately no representative was able to attend.

Moved: Cr Castelli

Seconded: Cr El Moullem (Deputy Mayor)

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 - 318 - ASSOCIATION OF BAYSIDE MUNICIPALITIES' (ABM) PROPOSED ADVOCACY PRIORITY**

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/385592

Moved: Cr Martin

Seconded: Cr Stitfold

That Council recommends to the Association of Bayside Municipalities (ABM) that its number one advocacy priority should be to advocate to the State Government for a review of the current governance structures regarding the management of Port Phillip Bay. The intent of a review would be to create a structure that reduces complexity, uncertainty and red tape and that this takes place as soon as possible.

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 Moullem (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED

The Mayor declared the meeting closed at 10:11pm.