

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
22 November 2022
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans OAM
Cr Jo Samuel-King MBBS (Deputy Mayor)
Cr Fiona Stitfold

Officers: Mick Cummins – Chief Executive Officer
Joan Andrews – Acting Director Community and Customer Experience
Jill Colson – Director Corporate Services
Matthew Cripps – Director City Planning and Amenity
Mark Varmalis – Director Environment, Recreation and Infrastructure
Juliana Aya – Manager Urban Strategy
Terry Callant – Manager Governance
Fiona Farrand – Manager Development Services
Tom Vercoe – Manager Open Space, Recreation and Wellbeing
Robert Lamb – Governance Officer

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The Mayor declared the Council Meeting open at 6.30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Mayor invited Cr 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

Cr Stitfold 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

It is recorded that at the 9 November 2022 Annual Meeting of Council, Cr Clarke Martin sought leave of absence from 10 November 2022 until the result of the State election for the seat of Sandringham has been declared.

Moved: Cr del Porto

Seconded: Cr Evans

That Council notes the previously acknowledged leave of Cr Clarke Martin and notes Cr Martin's absence from the 22 November 2022 Council Meeting.

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

DIVISION:

FOR:

Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (6)

AGAINST:

Nil (0)

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

- Cr del Porto declared a General Conflict of Interest in Item 10.7 given two of the candidates for appointment to the Billilla Advisory Committee are acquaintances of Cr del Porto.

5.1 Confirmation of the Minutes of the Bayside City Council Meeting held on 18 October 2022.

Seconded: Cr Evans OAM

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

DIVISION:

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

AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. The Honourable Mr Timothy Wilson

The Honourable Mr Timothy Wilson submitted a question regarding Federal funding grants, and Mr Wilson asked:

Question

- a) Now that the updated 2022/23 Federal Budget has been delivered, can Council please advise which of the following \$120-million-odd funding grants that were budgeted for or committed will now be funded:
1. Car park upgrades: \$100 million over Bentleigh, Brighton North, Elsternwick, Hampton & Sandringham
 2. Elsternwick Park funding: \$6 million
 3. Hydrotherapy pool: \$5 million
 4. Electric vehicle upgrades: \$560,000
 5. Brighton Beach Oval: \$1.6 million
 6. Peterson Street Reserve: \$2 million
 7. Trevor Barker Oval: \$1.3 million
- b) And if they have been abandoned, how much funding was secured by Bayside in the updated Federal Budget for critical community infrastructure?

Response from the CEO

The Hampton Commuter Carpark Upgrade was proposed as a fully federally funded project. That funding was withdrawn and the project has been discontinued. No other grants were received for other carpark upgrades listed.

In relation to Elsternwick Park, a funding commitment of \$5 million through the Community Development Grants Program was committed and Council has submitted a formal application to access the funds. This application is currently under assessment. In addition, a commitment of \$10 million was announced through the Urban Rivers and Catchments program. This has been committed in the budget and is expected to be confirmed in the coming weeks.

There was no federal funding for the hydrotherapy pool and Peterson Reserve in the recent federal budget.

2. Mrs Debra Engel

Mrs Debra Engel submitted a question regarding disabled parking, and Mrs Engel asked:

Question

Why have the free parking for the disabled stickers been removed from the parking meter stations at Ricketts Point, Black rock and other beachside locations?

Response from the CEO

Motorists are required to pay for parking along the foreshore, including accessibility permit holders, unless they park within a designated disabled parking bay.

Council has also increased the accessibility for all persons to be able to pay for parking tickets. Bollards have been removed from around at least one ticket machine in most car parks and the online parking application Easypark is available for, which removes barriers that may have previously been present to people mobility restrictions.

3. Ms Pamela Simon

Ms Pamela Simon submitted a question regarding the Wangara Road site referenced in item 10.1 on tonight's Agenda, and Ms Simon asked:

Question

What is the broader public benefit of the development of a new passive public open space of this size in an area with a very small walkable catchment? My understanding of passive public open space is that it is to service a catchment within walking distance. This piece of land is in an area with a very small resident catchment, already well serviced by accessible open space, and its development will provide no material benefit to the broader Bayside community. Isn't the proposed investment much better spent on a project that will have a larger community benefit?

Response from the CEO

The Bayside Open Space Strategy 2012 recognises that most open spaces, particularly larger parks in Bayside, are multifunctional and include a wide range of features. The primary use for the Wangara Road site will be as passive open space to complement other active open space in the area.

Passive open space can incorporate a range of features including green space, formal gardens, dog off-leash areas, conservation areas, walking paths and playgrounds.

4. Mr Brian Comport

Mr Brian Comport submitted a number of questions however in accordance with Council's Governance Rules, there is a limit for public question time of 2 questions per individual. Therefore, only the first 2 questions have been responded to. Mr Comport's first question is regarding parklet permits, and Mr Comport asked:

Question

- a) Eligibility for parklet permit states you must hold a current "Footpath Trading Permit" - where another business holds (totally unrelated) the "footpath trading permit" does this mean a parklet application will not be approved?
- b) Under the parklet policy it states a parklet location are to be more than 10 metres from an intersection. Are the proposed continuation of parklets currently residing in front of 290 Bay Street, Brighton 10 metres from the round-a-bout?

Response from the CEO

- a) *Parklet permit submissions where neighbouring businesses hold Footpath Trading Permits would be considered accordingly in the evaluation process of the Parklet Permit request.*
- b) *The parklets residing in front of 290 Bay Street, Brighton are over 10 metres from the nearest round-a-bout.*

5. Mr Brian Comport

Mr Brian Comport's second question is regarding parklet permits, and Mr Comport asked:

Question

- a) Under the parklet policy to be eligible the business must provide evidence of a Public Liability Insurance policy. Given the Hotel Brighton's parklets are in front of 290 Bay Street Brighton (unrelated business) who holds the footpath trading permit in the area - how can an insurance company (for Brighton Hotel) insure an area they have no permit for?
- b) Under the parklet permit application - confirmation of your eligibility includes written letters of support from a majority of the neighboring business. Given Hotel Brighton's current parklets are located in front of Train World Pty Ltd at 290 Bay Street, Brighton and have a significant adverse impact on Train World - is the council endorsing that if Hotel Brighton is able to get other businesses across the road, further up Bay Street to provide written support the council will grant the parklet permit?

Response from the CEO

- a) *Council will only support the provision of parklets where the Public Liability Insurance requirements are satisfied.*
- b) *The Parklet Policy requires Council to notify adjoining businesses and residential properties of a parklet application. Should three objections be submitted, the parklet permit application will be presented to Council's Planning and Amenity Delegate Committee for consideration.*

6. Mr Paul Rubinstein

Mr Paul Rubinstein submitted a question regarding Notice of Motion 327 on tonight's agenda, the proposed development at Haileybury college, and Mr Rubinstein asked:

Question

Later this evening Council will consider a response to the inappropriate development proposed by Haileybury college in Castlefield (13.2). While the project is described as a "double storey building", is Council aware that the proposed building height is actually 18 metres, or closer to 20 metres once plant is installed on the roof? FYI this height equates to more like a 5 or 6 storey building, not a double storey

Response from the CEO

Under Clause 73.01 (general terms) of the Bayside Planning Scheme, a 'storey' is defined as the "part of the building between floor levels. If there is no floor above, it is the part between the floor level and ceiling". Based on this definition the proposed 'Creative Arts and Sports Building' would be classed as a two-storey building.

The building has a proposed maximum height of 18 metres, excluding plant services. A roof plant service area is proposed centrally to the proposed roof and would have a maximum height of 19.93 metres above natural ground level.

7. Mr Paul Rubinstein

Mr Paul Rubinstein submitted a further question regarding the proposed development at Haileybury college, and Mr Rubinstein asked:

Question

In the planning report prepared by Urbis, they state that Council has acknowledged that an employee cap may be an alternative to the current student cap. Can Council please explain how an employee cap (as opposed to a student cap) would ensure the local area is not subject to increased traffic and congestion at school drop off and pick up times and when the facility is used for after hours events? (Noting that the school has refused Councils suggested use of oval parking for this purpose).

Response from the CEO

The current student cap currently restricts the number of students in years 10 to 12. There are no student caps for any other year levels. If a condition was imposed on maximum number of employees for the site this would restrict the intensity of the use for the whole school and not just years 10 to 12.

Caps on use permits such as Secondary Schools are generally associated with car parking rates stipulated under Clause 52.06 (Car Parking) of the Planning Scheme. Under this clause the required car parking rate for a Secondary School is based on employees rather than students.

As the Minister for Planning is the Responsible Authority for this application, they will be responsible for the decision on whether the existing student cap is removed and if any alternative caps should be imposed if a permit is to be issued.

8. Mr Paul Gori

Mr Paul Gori submitted a question regarding the undergrounding of powerlines, and Mr Gori asked:

Question

Energy Safe Victoria, Zinfra and United Energy have acknowledged a dangerous situation with overhead lines too close to people and property on the cnr Deauville St and Chateau Grove Beaumaris. Plans are underway to urgently move the overhead lines in coming weeks. Will Council contribute towards the cost to redirect the lines underground in line with the draft policy?

Response from the CEO

Where issues are identified by the relevant service authority (such as Energy Safe Victoria, Zinfra and United Energy) the responsibility and cost of the works would be borne by the authority.

The draft policy would not place a requirement on Council to fund these works.

7.1 PETITION FOR COUNCIL TO REFUSE THE PERMIT APPLICATION FOR A CARAVAN TO BE PARKED AT 138 BLUFF ROAD, BLACK ROCK

Moved: Cr Samuel-King MBBS (Deputy Mayor) Seconded: Cr Evans OAM

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

CARRIED

8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

File No: PSF/22/31 – Doc No: DOC/22/346875

Seconded: Cr Stitfold

- 25 October 2022 Strategic Issues Discussion
- 8 November 2022 Councillor Briefing.

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

CARRIED

8.2 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 10 OCTOBER 2022

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/315501

Moved: Cr Stitfold

Seconded: Cr Castelli

That Council notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 10 October 2022.

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

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

AGAINST: Nil (0)

CARRIED

8.3 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 12 OCTOBER 2022

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/22/342553

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 12 October 2022
2. adopts the following the recommendations form the Bayside Arts and Gallery Advisory Committee:

Item 6.4 – Proposed Mural Site 2022-23

That the Bayside Arts and Gallery Advisory Committee recommends that Council:

1. *commences stakeholder consultation with the Beaumaris Football Club to inform the project design and Expression of Interest process for a mural to be installed on the water tanks located at Banksia Reserve*
2. *implements an Expression of Interest procurement process, with the two nominated representatives from the Bayside Arts and Gallery Advisory Committee being Ms Lyn Stephens and Mr Brian Long to participate in the shortlisting and final selection*
3. *commissions the successful artist to install a mural on the water tanks located at Banksia Reserve.*

Item 6.5. – Proposed 2023 Exhibition and Public Programs and Events

That the Bayside Arts and Gallery Advisory Committee

1. *approves the 2023 public events and activities program (Attachment 1)*
2. *approves the 2023 exhibition program (Attachment 2)*
3. *endorses the forward planning of the 2024 Exhibition and Events program*
4. *notes the current Classification Code as administered by the Australian Classification Board*
5. *notes procedures are in place for the exhibition of work that could be considered offensive by the general public.*
6. *utilise Billilla Historic Mansion as a venue for some of the programs if possible and feasible.*
7. *receives a report at a future meeting on further options to continue, some form of an exhibition program, during the proposed closure of the Gallery for a six month period.*

Item 6.6. – Billilla Artists Studios Program 2023

That the Bayside Arts and Gallery Advisory Committee recommends to Council to approve the following artists for inclusion in the 2023 Artist in Residence program at Billilla:

Beckett Studio - Carolyn Cardinet (LOCAL)

Textile artist working with post-consumer materials. Interested in the history of Billilla and fashions of the era.

Grainger Studio - Francis Greenslade

Well known actor, director and playwright. Projects involve writing a new work about the aging process and translations of French theatre pieces.

Marshall Studio (named after writer, Alan Marshall) - Jacquie Byron

Published author who proposes to work on a new manuscript.

Laundry Studio - Marie Honor (LOCAL)

Painter working in the styles of surrealism and magic realism.

Parr Studio - Sean McDowell (LOCAL)

Professional artist working in large scale abstraction in painting and sculpture.

Tayler Studio - William Murray

Musician, violist and composer.

Traill Studios - Yvette Coppersmith

Archibald Prize winning contemporary artist who grew up in Bayside.

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

DIVISION:

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

AGAINST: Nil (0)

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:

Item 10.2 Mid-Century Modern Voluntary Nominations Update		For (F) Against (A)
Written Statements		
1.	Mr Jim Campbell	(A)

10.1 WANGARA ROAD MASTERPLAN

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/27 – Doc No: DOC/22/345488

Moved: Cr Evans OAM

Seconded: Cr Samuel-King MBBS (Deputy Mayor)

That Council:

1. confirms the future use of the site at Wangara Road as an Interactive Passive Open Space with an Environmental Focus for the purpose of developing a Rehabilitation Plan
2. notes the process required to complete the development of the Wangara Road Masterplan, and that the Masterplan should include for consideration, but not limited to:
 - a. best practice available for the management of the former landfill site
 - b. mother stock area for the Bayside Community Nursery
 - c. interactive garden beds
 - d. protection and enhancement for native wildlife including Bronzewing habitat
 - e. a large Floral Clock consisting of predominantly indigenous plants.

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

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

AGAINST: Nil (0)

CARRIED

10.2 MID-CENTURY MODERN VOLUNTARY NOMINATIONS UPDATE

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/343442

It is recorded that Mr Jim Campbell submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

- 1) writes to the Minister for Planning to seek authorisation to prepare Planning Scheme Amendment C196bays to:
 - a) permanently apply the Heritage Overlay to seven (7) voluntarily nominated residential properties excluding 113 Dalgetty Road, Beaumaris and 153 Tramway Parade, Beaumaris
 - b) permanently apply the Heritage Overlay to eight (8) Council-owned properties including the Former Beaumaris Memorial Community Centre (Beaumaris Reserve)
- 2) once authorised, exhibits the planning scheme amendment seeking permanent heritage controls in accordance with any conditions imposed by the Minister for Planning
- 3) authorises the relevant delegated officer to make any editorial or minor changes to the amendment documentation prior to requesting authorisation from the Minister for Planning, should this be necessitated.
- 4) reaffirms Council Resolution of 19 June 2022, to remove the below properties from inclusion in a Planning Scheme Amendment to introduce a heritage overlay, based on those properties identified in the Post-War Modern Residential Heritage Study:
 - a. 26 Anita Street, BEAUMARIS
 - b. 1-15/405 Beach Road, BEAUMARIS
 - c. 9 Coreen Avenue, BEAUMARIS
 - d. 105 Dalgetty Road, BEAUMARIS
 - e. 20 Emily Street, BEAUMARIS
 - f. 22 Gramatan Avenue, BEAUMARIS
 - g. 1-4/2-4 Haldane Street, BEAUMARIS
 - h. 19 Haldane Street, BEAUMARIS
 - i. 54 Haldane Street, BEAUMARIS
 - j. 1 Herbert Street, BEAUMARIS
 - k. 18 Hume Street, BEAUMARIS
 - l. 1 Hutchison Avenue, BEAUMARIS
 - m. 22 Michael Street, BEAUMARIS
 - n. 21 Point Avenue, BEAUMARIS
 - o. 50 Scott Street, BEAUMARIS
 - p. 132 Tramway Parade, BEAUMARIS
 - q. 1-8/114 Bluff Road, BLACK ROCK
 - r. 1-6/5-7 Red Bluff Street, BLACK ROCK
 - s. 15 Third Street, BLACK ROCK
 - t. 1-8/175 Church Street, BRIGHTON

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10.3 AMENDMENT C184BAYS - AFFORDABLE HOUSING STRATEGY OUTCOMES

City Planning and Amenity - Urban Strategy
File No: PSF/21/3947 – Doc No: DOC/22/341676

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. notes all submissions received in relation to Planning Scheme Amendment C184bays
2. adopts Planning Scheme Amendment C184bays incorporating recommended changes as outlined in this report
3. submits Planning Scheme Amendment C184bays to the Minister of Planning for Approval in accordance with Section 31 of the Planning and Environment Act 1987
4. writes to all submitters to advise them of Council's decision.

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

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

AGAINST: Nil (0)

CARRIED

10.4 UNDERGROUNDING OF POWERLINES DRAFT POLICY UPDATE

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/340087

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. notes the report
2. supports the undergrounding of powerlines where it is at the request of the community and at their full cost
3. facilitates the negotiations between the residents and relevant authorities to support the undergrounding of powerlines (and other services) if there is sufficient interest in a street
4. abandons the Undergrounding of Powerlines Policy and the Special Rate and Special Charges Policy as there is insufficient support from the community.

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

DIVISION:

FOR: Crs Alex del Porto, Sonia Castelli and Hanna El Mouallem
(Mayor) (3)

AGAINST: Crs Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and
Laurence Evans OAM (3)

The Mayor exercised the casting vote in favour of the motion and was

CARRIED

10.5 DRAFT BAYSIDE PARKING STRATEGY – PARKING SUSTAINABLY 2023–33

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/343518

Moved : Cr Samuel-King

That Council:

1. notes the report and content of the Draft Bayside Parking Strategy – Parking Sustainably
2. authorises officers to update the Draft Parking Strategy – Page 35 - Parking Sustainably to include provision for implementing changes to parking controls due to the intensification of use of an area
3. amends the Draft Parking Strategy to include the consideration of introducing paid parking as an option for activity centres with areas of high parking demand where time limits alone do not achieve suitable parking turnover or availability
4. authorises officers to undertake community engagement on the Draft Parking Strategy – Parking Sustainably
5. receives a report on the community engagement findings and the final Bayside Parking Strategy - Parking Sustainably for endorsement at a future Council meeting.

Lapsed for want of a seconder

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. notes the report and content of the Draft Bayside Parking Strategy – Parking Sustainably
2. authorises officers to update the Draft Parking Strategy – Page 35 - Parking Sustainably to include provision for implementing changes to parking controls due to the intensification of use of an area and the cumulative impact of construction activity
3. authorises officers to undertake community engagement on the Draft Parking Strategy – Parking Sustainably
4. receives a report on the community engagement findings and the final Bayside Parking Strategy - Parking Sustainably for endorsement at a future Council meeting.

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

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

AGAINST: Nil (0)

CARRIED

10.6 ENVIRONMENTAL UPGRADE FINANCE

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/22/26 – Doc No: DOC/22/344397

Moved: Cr del Porto

Seconded: Cr Stitfold

That Council

1. notes the report and the launch in September 2022 of the delivery of Environmental Upgrade Finance
2. notes the program to be delivered will have no cost to council and that any outstanding amounts remain as a charge against the property, and any legal costs relating to the recovery of these amounts is passed onto the ratepayer
3. continues to provide Environmental Upgrade Finance to business and commercial properties on the following conditions:
 - a) up to a cap of 5 times the rates applicable to the property or \$50K whichever is the lesser
 - b) where the property is participating in the community emissions reduction project, eg Village Zero.

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

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

AGAINST: Nil (0)

CARRIED

10.7 APPOINTMENTS TO THE BILLILLA ADVISORY COMMITTEE

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/22/342529

It is recorded that Cr del Porto declared a General Conflict of Interest in this item given that two of the candidates for appointment to the Billilla Advisory Committee are acquaintances of Cr del Porto.

Cr del Porto left the Meeting at 8.03 pm.

Moved: Cr Castelli**Seconded: Cr Stitfold**

That Council:

1. appoints the following members to the Billilla Advisory Committee for a period of three years to conclude 30 November 2025:

Ruth Bain	Theodora Jenkin	Adam Dunning	Gayle Wilson
Peter Kharsas	Kate Harman	Barry Smith	Margot Burke
Thomas Stamp	Louise Cooper-Shaw	Charles Reis	Craig Jackett

2. amends the Terms of Reference to reflect the increase in the number of community members appointed to the committee from 10 members to 12 members.

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

DIVISION: **FOR:** Crs Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor),
Fiona Stitfold, Laurence Evans OAM and Hanna El Mouallem
(Mayor) (5)

AGAINST: Nil (0)

CARRIED

It is recorded that Cr del Porto was not present in the meeting during debate on the above item or when the vote was taken.

Cr del Porto returned to the Meeting at 8.09pm.

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/338059

That Council undertakes community consultation on the draft Lease and Licence Policy.

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

CARRIED

**10.9 CONTRACT CON/22/74 THOMAS STREET, HAMPTON
RECONSTRUCTION (FOAM STREET – BLUFF ROAD)**

Corporate Services - Commercial Services
File No: PSF/22/28 – Doc No: DOC/22/289883

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

That Council:

1. notes the withdrawal of tender from Delfino Paving Co Pty Ltd for Contract CON/22/74 Thomas Street, Hampton Reconstruction (Foam Street – Bluff Road)
2. defers consideration of this matter to a future Council Meeting
3. notifies all remaining tenderers for Contract CON/22/74 accordingly.

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

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

CARRIED

10.10 PROPOSAL TO LEASE DENDY PARK TENNIS CENTRE TO TENNIS AUSTRALIA - OUTCOMES OF COMMUNITY CONSULTATION

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/338404

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council, in accordance with Section 115 of the *Local Government Act 2020* (the Act), authorises the Director of Corporate Services to execute a new Lease with Tennis Australia Limited in accordance with the Heads of Agreement provided in Attachment 1, for the Dendy Park Tennis Club on the following terms:

Site: Dendy Park Tennis Club

Tenant: Tennis Australia Limited

Purpose: All general purposes associated with the playing of tennis, court hire, coaching, food and beverage and other associated social activities and its amenities

Premises: The Dendy Park Tennis Club as identified in the plan included in Attachment 1

Term: 7 Years

Further Term: 2 Further Terms of 7 years each

Commencing Annual Rent: \$25,000

Rent Escalation: in accordance with Item 9 of the Heads of Agreement in Attachment 1.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 10.10 was **CARRIED** as part of a block motion.

10.11 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 5 MASEFIELD AVENUE, SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/311751

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. in accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (the Act), resolves to discontinue the subject road adjoining 5 Masfield Avenue, Sandringham outlined in red in Attachment 1, and sell the subject road to the adjoining owner of 5 Masfield Avenue, Sandringham for \$90,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the subject road via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. directs a public notice to be published in the Victoria Government Gazette.

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

DIVISION:

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 10.11 was **CARRIED** as part of a block motion.

10.12 PROPOSED SALE OF LAND ADJOINING 34 AND 2/36 RAYNES PARK ROAD, HAMPTON

Corporate Services - Commercial Services
File No: PSF/22/34 – Doc No: DOC/22/338517

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. commences the statutory procedures in accordance with the Local Government Act 2020 (the Act) to sell the Subject Land adjoining 34 and 2/36 Raynes Park Road, Hampton, outlined in red in Attachment 1, to the adjoining owners of 34 and 2/36 Raynes Park Road, Hampton, for the combined sum of \$126,000 plus GST
2. authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 114 of the Act in relation to the sale proposal 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 114 of the Act
4. commences a community engagement process in accordance with Section 114(2)(b) 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, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and Hanna El Mouallem (Mayor) (6)

AGAINST: Nil (0)

CARRIED

NOTE: Item 10.12 was **CARRIED** as part of a block motion.

10.13 2022-23 1ST QUARTER PERFORMANCE REPORT (JULY-SEPTEMBER 2022)

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/337051

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

That Council notes the 2022–23 Quarter 1 Performance Report for the period July to September 2022.

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

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

AGAINST: Nil (0)

CARRIED

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/346882

Seconded: Cr Evans OAM

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

CARRIED

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11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold indicated that there was nothing to report since the previous meeting.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure reported that Council's Senior Integrated Transport Planner attended the recent meeting which received a number of presentations, in particular a presentation from Kinetic and the company's operations. Representatives from Hume, Boroondara and City of Melbourne councils spoke about their current transport strategies, projects and advocacy in their municipalities.
3. **Municipal Association of Victoria** – Cr Alex del Porto indicated that there was nothing further to report since the previous update.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Hanna El Moullem indicated that the Forum has not met since Cr El Moullem's appointment as Mayor.
5. **South East Councils Climate Change Alliance** – Cr Fiona Stitfold indicated that there was nothing to report since the previous meeting.
6. **South Eastern Councils Biodiversity Network** – Cr Jo Samuel-King indicated that there was nothing to report given the Network has not met at this stage.

Moved: Cr Castelli

Seconded: Cr Samuel-King MBBS (Deputy Mayor)

That the Reports by Delegates be received and noted.

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

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

CARRIED

12. Urgent Business

There were no items of urgent business submitted to the meeting.

13.1 NOTICE OF MOTION - 326 - WITHDRAWAL FROM THE MUNICIPAL ASSOCIATION OF VICTORIA

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/22/345242

Moved: Cr del Porto

Seconded: Cr Castelli

That Council gives formal written notice to the Municipal Association of Victoria of its intention to withdraw its membership of the Municipal Association Victoria effective as from 30 June 2023.

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

DIVISION:

FOR: Crs Alex del Porto, Sonia Castelli, Jo Samuel-King MBBS
(Deputy Mayor), Laurence Evans OAM and Hanna El Mouallem
(Mayor) (5)

AGAINST: Cr Fiona Stitfold (1)

CARRIED

13.2 NOTICE OF MOTION - 327 - RESPONSE TO DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING - OBJECTING TO PROPOSED DEVELOPMENT AT HAILEYBURY COLLEGE

Corporate Services - Governance
File No: PSF/22/36 – Doc No: DOC/22/347830

Procedural Motion:

Moved: Cr del Porto

Seconded: Cr Castelli

That Council grants Cr Samuel-King leave to amend Notice of Motion - 327 - Response to Department of Environment, Land, Water and Planning - objecting to proposed development at Haileybury College.

CARRIED

Moved: Cr Samuel-King MBBS (Deputy Mayor)

Seconded: Cr del Porto

That Council:

1. prepares and submits a response to DELWP for the proposed development at Haileybury College (PA2201785) objecting to the proposal on the following grounds:
 - a) the proposed removal of the maximum number of students as imposed by Planning Permit 2005/686/1 which currently limits the number of students enrolled in the senior school (years 10, 11 and 12) to 250 students has the potential to significantly intensify the education use and associated amenity of surrounding properties
 - b) the proposed construction of the two storey creative arts and sports centre will remove existing dwellings protected by Clause 43.01 (Heritage Overlay) of the Bayside Planning Scheme and will impact the heritage value of adjoining Heritage listed dwellings located in the Castlefield Heritage Precinct
 - c) pursuant to Clause 65.01 of the Bayside Planning Scheme, the application fails to demonstrate that there would be no unreasonable impact on traffic flows, the amenity of the area or the orderly planning of the area
2. engages its Traffic Team to undertake investigations into car parking and traffic management in the area surrounding Haileybury College to determine what alternative arrangement could be implemented to manage the increasing parking congestion and potential parking impacts, including but not limited to:
 - time restrictions; and /or
 - permit zone for residents.

The investigations must include parking surveys and community engagement. The findings of the investigation and proposed recommendations are to be reported to

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

CARRIED

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Castelli

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

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14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS ADVISORY COMMITTEE HELD ON 2 NOVEMBER 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 9.15pm.