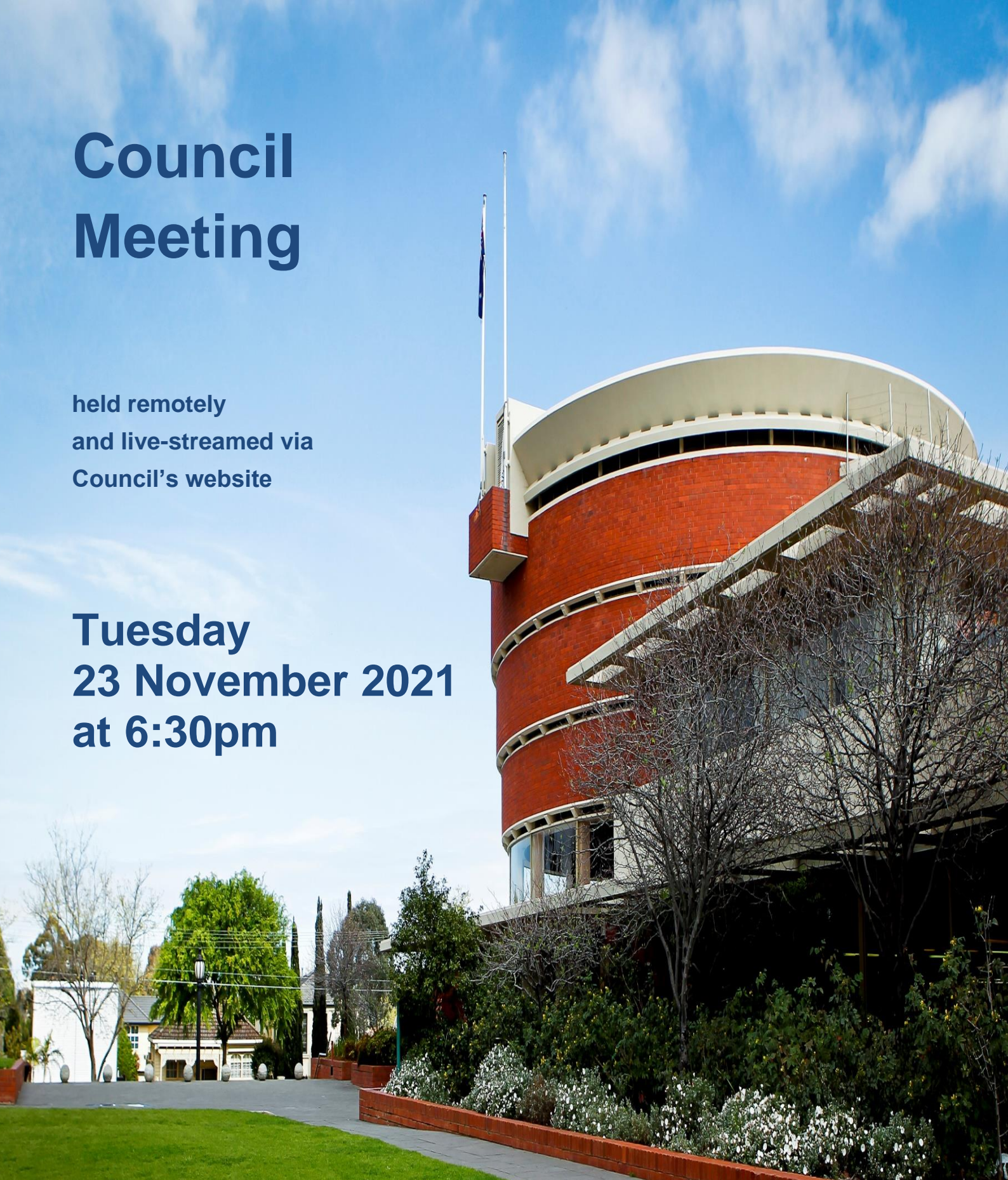


Council Meeting

held remotely
and live-streamed via
Council's website

**Tuesday
23 November 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
Juliana Aya – Acting Manager Transport and Sustainability
Terry Callant – Manager Governance and Corporate Reporting
Julian Donlen – Coordinator Environmental Sustainability
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 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 Country

The Mayor invited Cr Evans to read the acknowledgement of Country.

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

3. Apologies

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 Item 7.1 (petition to designate 7 Well Street, Brighton to be public open space with children's playground facilities) given he owns a property in close proximity to 7 Well Street.

Cr Samuel-King declared a general conflict of interest in Item 10.2 (Elsternwick Park Nature Reserve funding agreement with the City of Port Phillip – update) given her partner is a contractor involved with the Elsternwick Park Nature Reserve.

Cr Castelli declared a general conflict of interest in Item 10.3 (Dendy Street Beach - Erosion Mitigation Update) given her partner owns a bathing box at Dendy Street Beach.

Procedural Motion

Moved: Cr El Mouallem (Deputy Mayor)

Seconded: Cr Stitfold

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 24 November 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 26 October 2021.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Ordinary meeting of Bayside City Council held on 26 October 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, 7 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 Miralem Basic

Mr Miralem Basic submitted a question regarding consideration of the site at 7 Well Street, Brighton, and Mr Basic asked:

Question

- I (sic) like to know who is responsible for wasting rate payer money for authorizing for house on 7 Well street Brighton to be demolished before appropriate permits/ rezone and assessment on how to use public assets in best interest of the community (up to this date over \$150,000 loss of rental income for number 7 Well st Brighton plus costs associated with demolishing and works plus officers time to rezone number 7 Well st Brighton for 13 carspots which was rejected by the planning minister)
- Also can you please explain why public consultation information about usage of the residential property at 7 Well st Brighton indicate that 28 extra car parking spots can be provided ignoring the fact that land need to be rezoned and only 13 carspots (net increase) can be build in order to comply with Class 3A short term parking (2P) and australain standard AS/NZS 2890.1:2004

Response from the CEO

- Council bought the property in 2005 for the purpose of it being made into a carpark. It was leased until 2018 when the lease was terminated to allow for demolition and proposed creation of a new carpark. Demolition was undertaken in May 2018. The demolition was delivered in line with the 2018–19 budget which was adopted by Council.*
- Council has not yet made a decision on the future land use for 7 Well Street, Brighton, which will be presented to Council at its December 2021 Ordinary Meeting. Community feedback was sought on a range of potential uses, with the findings from the community engagement process forming part of the future report to Council. As this site was previously proposed to be used for car parking, a design has been prepared for the site. Council has not yet confirmed its intentions for this site and were it to consider a car park, the number of car parking bays to be provided will need to be confirmed.*

2. Mrs Sue Forster

Mrs Sue Forster submitted a question regarding the Bayside Netball Centre, and Mrs Forster asked:

Question

My question is about the timing of construction of Bayside Netball Centre.

Bayside City Council's new web page on Bayside Netball Centre states: 'Construction will commence over the 2021/22 summer school holidays and be delivered by the Victorian Schools Building Authority.' It also provides a new site plan and illustrations of the buildings and courts.

- a) In December 2020 Bayside Council staff provided written confirmation that 'the design/planning phase of the project will include an Environmental Impact Assessment that will focus on the adjacent Heathland.' Does this mean that the as yet unfinished Environmental Impact Report for Bay Road Heathland Sanctuary will be redundant when, or if, it is finally delivered?

The whole point of the Environmental Impact Assessment was to provide data to improve the design and planning process. The current information appears to indicate in no uncertain terms that the design/planning phase is already completed.

- b) How is this to be reconciled with Council's environmental policies and promises?

Response from the CEO

The environmental impact assessment was delayed resulting from Covid-related orders and the rainfall experienced following easing of these restrictions.

While the final design has only recently been completed, the design development was founded on principles to protect flora and fauna including reduced mast height (12m) for court lighting, ensuring minimal spill to the heathland and most significantly the siting of the courts as far south and east as possible. The buffering provided by the vegetation located on the School site, to the two courts closest to the sanctuary, will also assist to mitigate impact.

Following the community engagement process, significant changes were made to operational hours, volume control to speakers improving residential amenity and address known impacts to fauna, with consultants briefed regarding the location and associated infrastructure. Any additional recommendations will be implemented where practicable. The final report will be published via the project page when its available.

3. Ms Caroline Lawton

Ms Caroline Lawton submitted a question regarding sites in Bayside that are covered by the VPO3 and SLO, and Ms Lawton asked:

Question

Beaumaris Conservation Society would like to ask Council the following questions, these questions are highly relevant in relation to the recent VCAT decision on 401 Beach Rd and 2 Point Ave.

In saying this, they relate to all sites in Bayside that are covered by the VPO3 and SLO.

Does a significant tree in the center of a block get trumped by the policy requirements of provision of housing?

What is the definition of a "Significant" Tree?

Response from the CEO

There are two separate processes when considering the development of a site where there is a significant tree located. The planning application will consider the relevant policies of the Bayside Planning Scheme and a recommendation will be made. Should planning approval be granted, then a separate application would need to be made to Council to remove the tree from the Significant Tree Register. The tree could only be removed if permission to remove it from the register was granted.

Some trees, through age, size, and rarity of planting or association with historical events achieve a higher level of importance on private or public land. Under the National Trust Australia (Victoria) significant tree rating, there are four categories used to define a significant tree (registration criteria and significance ratings). These are scientific, social, historic and aesthetic. Any application for inclusion on the register will need to meet these criteria.

4. Mr George Reynolds

Mr George Reynolds submitted a question regarding Council's comprehensive income statement, and Mr Reynolds asked:

Question

Council has formally advised that an individual comprehensive income statement, for the contribution of the General Rate is not prepared by Council. However, Part 3 s10(2)(c) of Reg. 117/2020 requires that the "estimated amount to be raised by General rates", must be stated. This figure may only be arrived at by summing the estimated expenditure in the General Rate statement. It raises the question:

- (a) Where, in the Comprehensive Income Statement and Notes is "the sum to be raised by General Rates" correctly stated, AND
- (b) Where in the Comprehensive Income Statement and Notes is "the sum to be raised by the Waste Service Charge", correctly stated?

Response from the CEO

The Comprehensive Income Statement in the 2021–22 Budget and the 2019–20 Annual Financial Statements discloses total rates revenue with the Notes to the Accounts disclosing the General Rates and the Waste Services Charge. This is done in accordance with the requirements of the reporting regulations.

5. Mr George Reynolds

Mr George Reynolds submitted a further question regarding Council's Annual Budget, and Mr Reynolds asked:

Question

Council shows, in its approved Annual Budget, page 57, annual expenditure of Council Cash of \$71.726 million. Using Schedule 3, Definitions, in S.R. 117/2020, the only source of council cash is the surplus generated in the Own-source Revenue statement (listed as "adjusted underlying surplus")

- (a) As the 2021-22 Budget does not show financial statements for Own-source Revenue, where and how does Council find the sum of more than \$71million from revenue under its control, AND
- (b) Where is the surplus rates and charges revenue reported, that does not qualify to be under the control of Council, and must somehow be returned to the contributors.

Response from the CEO

The 2021–22 Budget has been prepared in accordance with the Reporting Regulations and correctly identifies the four funding sources.

6. Mr Paul Langley

Mr Paul Langley submitted a question regarding the Bayside Netball Centre development, and Mr Langley asked:

Question

The Victorian Department of Education and Training and the Bayside City Council are completing a Community Joint Use Agreement for the Netball Centre development. Clause 36.1 of the Community Joint Use Agreement states: The Community Partner must obtain or procure all relevant planning permits and licences or approvals necessary for its use of the facility and to carry out its obligations under this Agreement before commencement of the Licence and must comply with any conditions contained within each such permit, licence or approval.

Please advise when the nominated user will make an application for permit for use of the Netball Centre?

Response from the CEO

This project is managed by the Victorian School Building Authority (VSBA), on Education Department land and is exempt from a statutory town planning process

7. Ms Sue Langley

Ms Sue Langley submitted a question regarding the Bayside Netball Centre development, and Ms Langley asked:

Question

Relying on tree planting, noise limiters to PA and sirens and the words 'reasonably practicable' as an opt out or questionable legal defense is indefensibly, how does Council propose to ensure that the effect on noise sensitive areas such as nearby residential premises comply with the new laws?

Response from the CEO

The measures identified in the February 2021 Council report have been assessed against the revised standards to ensure compliance. Mitigation measures include:

- *amplified system will be restricted (fixed) at a decibel level below AEP requirements*
- *reduction in operational hours agreed as confirmed at the Council meeting*
- *whistle selection*
- *location of the courts.*

7. Petitions to Council

7.1 PETITION TO DESIGNATE 7 WELL STREET, BRIGHTON TO BE PUBLIC OPEN SPACE WITH CHILDREN'S PLAYGROUND FACILITIES

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/346032

It is recorded that Cr El Mouallem declared a general conflict of interest in this item as he owns a property in close proximity to 7 Well Street. Cr El Mouallem left the meeting at 6:48pm prior to any discussion on this item.

Moved: Cr Evans OAM

Seconded: Cr Samuel-King MBBS

That the petition be received and dealt with in conjunction with the report 'Consideration of 7 Well Street, Brighton for public open space' to be presented to the 21 December 2021 Council meeting.

CARRIED

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

It is recorded that Cr El Mouallem returned to the meeting at 6:50pm.

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/21/346030

Moved: Cr Martin

Seconded: Cr Stitfold

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:

- 9 November 2021 Councillor Briefing.

CARRIED

8.2 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 27 OCTOBER 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/343174

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 27 October 2021
2. adopts the recommendation of the Bayside Arts and Gallery Advisory Committee in relation to the following matter (noting that the appointment of Chairperson of the Committee has since been made at the 10 November Annual Meeting of Council):

Item 7.1 – Election of Chairperson

That the Bayside Arts and Gallery Advisory Committee recommends to Council that Cr Sonia Castelli be appointed as Chairperson for the 2021–22 Council year.

CARRIED

8.3 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 8 NOVEMBER 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/346028

Moved: Cr Martin

Seconded: Cr El Moullem (Deputy Mayor)

That Council:

1. notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 8 November 2021
2. adopts the recommendation of the Disability Access and Inclusion Advisory Committee in relation to the following matter (noting that the appointment of Chairperson of the Committee has since been made at the 10 November Annual Meeting of Council):

Item 7.2 – Election of Chairperson

That the Disability Access and Inclusion Advisory Committee recommends that Council appoints Cr Clarke Martin as Chairperson of the Disability Access and Inclusion Advisory Committee for the 2021/22 Council year (or until such a time as a review of the format of the Committee occurs – whichever is sooner).

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 10.3 Dendy Street Beach - Erosion Mitigation Update)

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

Item 10.12 2021-22 1st Quarter Performance Report

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)

10.1 ESTABLISHING A GREENHOUSE GAS EMISSIONS REDUCTION TARGET FOR THE ENTIRE BAYSIDE COMMUNITY

Environment, Recreation and Infrastructure - Environment
File No: PSF/21/36 – Doc No: DOC/21/346902

Moved: Cr El Mouallem (Deputy Mayor)

Seconded: Cr Castelli

That Council:

1. adopts a community greenhouse gas emissions reduction target in response to Action 1.7 of the Climate Emergency Action Plan of: reducing greenhouse gas emissions in-line with Victorian Government set targets of 8 to 33% by 2025 and 45 to 50% by 2030; and achieving net zero emissions by 2050 or earlier
2. refers this item to the 2022–23 budget process for consideration of funding and continues to investigate any external funding opportunities available
3. notes that a communications campaign will be developed to support the community greenhouse gas emissions reduction target and how each sector of the community can contribute to achieve the target.
4. actively explores how to bring together all of Council's strategic work and policies into a coherent framework
5. considers opportunities to work with community groups to pilot the practical implementation of strategies to reduce community greenhouse gas emissions.

LOST

Moved: Cr Stitfold

Seconded: Cr Evans OAM

That Council:

1. adopts a community greenhouse gas emissions reduction target in response to Action 1.7 of the Climate Emergency Action Plan of: reducing greenhouse gas emissions by 75% below 2005 levels by 2030; and achieving net zero emissions by 2035 or earlier
2. refers this item to the 2022–23 budget process for consideration of funding and continues to investigate any external funding opportunities available
3. notes that a communications campaign will be developed to support the community greenhouse gas emissions reduction target and how each sector of the community can contribute to achieve the target
4. explores the Regen Melbourne model based on 'doughnut economics' as a way to pull together all of Council's strategic work into a coherent framework
5. considers opportunities to work with community groups and businesses to pilot the practical implementation of strategies to reduce community greenhouse gas emissions.

CARRIED

10.2 ELSTERNWICK PARK NATURE RESERVE FUNDING AGREEMENT WITH THE CITY OF PORT PHILLIP - UPDATE

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/310315

It is recorded that Cr Samuel-King declared a general conflict of interest in this item given her partner is a contractor involved with the Elsternwick Park Nature Reserve. Cr Samuel-King left the Meeting at 7:30 pm prior to any discussion on this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

The Council notes the correspondence with the City of Port Phillip regarding the proposed funding agreement to develop the Elsternwick Park Nature Reserve and seeks a meeting between the Mayors and Chief Executive Officers of Bayside and Port Phillip in the first quarter of 2022 to further discuss this issue.

CARRIED

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

It is recorded that Cr Samuel-King returned to the meeting at 7:38 pm.

10.3 DENDY STREET BEACH - EROSION MITIGATION UPDATE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/310303

It is recorded that Cr Castelli declared a general conflict of interest in this item given her partner owns a bathing box at Dendy Street Beach. Cr Castelli left the meeting at 7:38 pm prior to any 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 Samuel-King MBBS

Seconded: Cr El Moullem (Deputy Mayor)

That Council:

1. endorses the short-term mitigation measures, specifically beach renourishment and targeted sandbagging and allocates \$245,000 in the 2021–22 budget to undertake these works
2. endorses the use of sand from the adjacent, northern beach for the purposes of beach renourishment, if approved by the Department of Environment, Land, Water and Planning, if this is not approved then the sand will be sourced from a suitable quarry
3. actively monitors the effectiveness of the beach renourishment and modify the approach in the future if required
4. continues to protect the sand dunes and vegetation in the area
5. considers the allocation of funding for beach renourishment in subsequent Council budgets while planning and approvals are sought for long term mitigation measures
6. receives a report by the March 2022 Council meeting detailing the outcomes of investigations into long-term mitigation options with one option being reef restoration.

The Mover withdrew from the Motion

It is recorded that the mover, Cr Samuel-King withdrew the above motion, and the Chairman called for a mover to the motion. Cr Evans moved the above motion and Cr El Moullem continued as the seconder to the motion.

Moved: Cr Evans OAM

Seconded: Cr El Mouallem (Deputy Mayor)

That Council:

1. endorses the short-term mitigation measures, specifically beach renourishment and targeted sandbagging and allocates \$245,000 in the 2021–22 budget to undertake these works
2. endorses the use of sand from the adjacent, northern beach for the purposes of beach renourishment, if approved by the Department of Environment, Land, Water and Planning, if this is not approved then the sand will be sourced from a suitable quarry
3. actively monitors the effectiveness of the beach renourishment and modify the approach in the future if required
4. continues to protect the sand dunes and vegetation in the area
5. considers the allocation of funding for beach renourishment in subsequent Council budgets while planning and approvals are sought for long term mitigation measures
6. receives a report by the March 2022 Council meeting detailing the outcomes of investigations into long-term mitigation options with one option being reef restoration.

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

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

The Mayor exercised his casting vote in favour of the Motion and it was:

CARRIED

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

It is recorded that Cr Castelli returned to the meeting at Councillor Castelli returned to the Meeting at 8:01 pm.

10.4 SUBURBAN RAIL LOOP ADVOCACY ACTION PLAN AND PROJECT UPDATE

Environment, Recreation and Infrastructure - Transport and Sustainability
File No: PSF/21/36 – Doc No: DOC/21/344874

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. adopts the Suburban Rail Loop Advocacy (SRLA) Action Plan
2. receives submissions on the SRLA Environmental Effects Statement and Draft Planning Scheme Amendment for consideration at the December Council meeting
3. continues to work collaboratively with the City of Whitehorse, City of Monash and City of Kingston on advocacy of this project and engages with the City of Kingston on the alternative station concept design developed with the intention to achieve an integrated outcome that benefits the local community and future users of the Cheltenham Suburban Rail Loop Station
4. notes that the Advocacy Action Plan is to be reviewed throughout the different stages to ensure actions remain relevant for the life of the project.

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 (7)
AGAINST: Nil (0)

CARRIED

**10.5 UPDATE ON THE REVIEW OF CRITERIA FOR ASSESSING
DISCRETIONARY HEIGHT CONTROLS IN ACTIVITY CENTRES**

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/347649

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council receives a report at or before its April 2022 meeting with the findings of the review into the criteria for considering varying discretionary height controls in activity centres.

CARRIED

10.6 SUSTAINABLE BUILDING AND INFRASTRUCTURE POLICY

Environment, Recreation and Infrastructure - Environment
File No: PSF/21/36 – Doc No: DOC/21/258810

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

That Council defers consideration of the Sustainable Building and Infrastructure Policy 2021 (Attachment 2 to this report) to the March 2022 Council meeting.

CARRIED

10.7 ENVIRONMENTAL UPGRADE FINANCE

Environment, Recreation and Infrastructure - Environment
File No: PSF/21/36 – Doc No: DOC/21/315914

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That Council:

1. resolves to provide support and proceed to enable Environmental Upgrade Finance to be offered to local businesses
2. appoints Better Building Finance to establish, administer and support the delivery of Environmental Upgrade Finance
3. delegates to the Chief Executive Office or his delegate the power to enter into an Environmental Upgrade Agreement on behalf of the Council
4. delegates to the Chief Executive Office or his delegate the power to declare and levy an Environmental Upgrade Charge
5. notes that Environmental Upgrade Finance is to be offered to local homeowners for residential properties at a later date, once systems and processes to enable this opportunity are fully developed
6. receives a further report at the November 2022 Council meeting with an update on business use of the program and progress towards residents being able to access it.

CARRIED

Procedural Motion

Moved: Cr Martin

Seconded: Cr Castelli

That the meeting be adjourned for 5 minutes.

CARRIED

The meeting was adjourned for 5 minutes at 8:41pm.

Procedural Motion

Moved: Cr Castelli

Seconded: Cr Martin

That the meeting be resumed.

CARRIED

The meeting was resumed at 8:46pm.

It is recorded that Cr Samuel-King was not present when the meeting resumed at 8:46pm.

10.8 SUBMISSION TO THE DRAFT INNER SOUTH-EAST REGION LAND USE FRAMEWORK PLAN

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/345524

Moved: Cr Castelli

Seconded: Cr Stitfold

That Council endorses the officer submission in response to the 'Draft Inner South East Metro Land Use Framework Plan' prepared by Department of Environment, Land, Water and Planning's (DELWP).

CARRIED

NOTE: Item 10.8 was **CARRIED** as part of a block motion.

Cr Samuel-King was not present when the vote was taken on the above block motion.

10.9 OFFICER SUBMISSION TO INQUIRY INTO APARTMENT DESIGN STANDARDS

City Planning and Amenity - Urban Strategy
File No: FOL/21/166 – Doc No: DOC/21/347655

Moved: Cr Castelli

Seconded: Cr Stitfold

That Council endorses the officer submission to the Inquiry into Apartment Design Standards.

CARRIED

NOTE: Item 10.9 was **CARRIED** as part of a block motion.

Cr Samuel-King was not present when the vote was taken on the above block motion.

10.10 COMPLAINTS HANDLING POLICY 2021

Community and Customer Experience - Communications, Engagement and Customer Experience

File No: PSF/21/33 – Doc No: DOC/21/339272

Moved: Cr Castelli

Seconded: Cr Stitfold

That Council:

- notes the engagement findings in Attachment 1 to this report
- adopts the Complaints Handling Policy contained in Attachment 2 to this report.

CARRIED

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

Cr Samuel-King was not present when the vote was taken on the above block motion.

10.11 REVISED COUNCILLOR CODE OF CONDUCT

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/347696

Moved: Cr Castelli

Seconded: Cr Stitfold

That Council adopts the revised Councillor Code Conduct relating to the inclusion and reference to the Safeguarding Children and Young People Code of Conduct.

CARRIED

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

Cr Samuel-King was not present when the vote was taken on the above block motion.

It is recorded that Cr Samuel-King returned to the meeting at 8:47pm.

10.12 2021–22 1ST QUARTER PERFORMANCE REPORT (JULY–SEPTEMBER 2021)

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/347704

It is recorded that Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.) submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council notes the 2021–22 1st Quarter Performance Report for the period July to September 2021.

CARRIED

10.13 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/346031

Moved: Cr Castelli

Seconded: Cr Stitfold

That Council notes the Council Action Awaiting Report.

CARRIED

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

Cr Samuel-King was not present when the vote was taken on the above block motion.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold and Clarke Martin reported that the ABM will be conducting a Strategic Planning Day on 3 December 2021.
2. **Metropolitan Transport Forum** – Director Environment, Recreation & Infrastructure attended the Forum held earlier in the month. The forum received several presentations on bus routes and suburban rail loop.
3. **Municipal Association of Victoria** – The Mayor, Cr Alex del Porto indicated he attended the MAV Induction meeting where new representatives were appointed to the MAV.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Alex del Porto indicated no meeting has been held.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin indicated that the Forum is due to meet earlier December.
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold indicated that the SECCA is due to meet in earlier December.

Moved: Cr Evans OAM

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 - 317 - NOISY MINER PROJECT - RESTORING THE BALANCE

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/347972

Procedural Motion

Moved: Cr Samuel-King

Seconded: Cr Castelli

That Cr Samuel-King be granted leave of the meeting to amend her Notice of Motion.

CARRIED

Moved: Cr Samuel-King MBBS

Seconded: Cr El Mouallem

That a report be presented to Council in February 2022 detailing the benefits and implications of pursuing opportunities to work in partnership with universities, other government agencies and community groups to actively manage the Noisy Miner bird population in Bayside.

CARRIED

14. Confidential Business

Moved: Cr Martin

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

Table of Contents

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS ADVISORY COMMITTEE HELD ON 3 NOVEMBER 2021

(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 meeting was vacated to enable Council to consider the above listed items in Confidential Business.

Following consideration of Confidential Business, the Mayor declared the meeting closed at 9:14pm.