

# Council Meeting

Council Chamber  
Civic Centre  
Boxshall Street Brighton

Tuesday  
19 July 2022  
at 6:30pm



# Minutes

**PRESENT:**

**Chairperson:** Cr Alex del Porto (Mayor)

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

**Officers:** Jill Colson – Acting Chief Executive Officer  
Kathryn Tozer – Acting Director Corporate Services  
Matthew Cripps – Director City Planning and Amenity  
Belinda Austin – Manager Project Services  
Juliana Aya – Manager Urban Strategy  
Terry Callant – Manager Governance  
Anita Johnstone – Manager City Assets and Presentation  
James Roscoe – Manager Climate, Waste and Integrated Transport  
Paul Gibbs – Acting Manager Open Space, Recreation and Wellbeing  
Karen Brown – Governance Coordinator  
Robert Lamb – Governance Officer

## Table of Contents

1.	Prayer	
2.	Acknowledgement of Country	
3.	Apologies	
4.	Disclosure of Conflict of Interest of any Councillor	
5.	Adoption and Confirmation of the minutes of previous meeting	
6.	Public Question Time	
7.	Petitions to Council	
7.1	Petition for Council to vote against adoption of Post-War Modern Heritage Study and mandatory listing of private properties .....	13
8.	Minutes of Advisory Committees	
8.1	Records of meetings held under the auspices of Council.....	14
9.	Reports by Special Committees	
	There were no reports by Special Committees submitted to the meeting.	
10.	Reports by the Organisation	
10.1	Post-War Modern Residential Heritage Study .....	16
10.2	Naming of Pennydale as a Neighbourhood .....	20
10.3	On-street Parking Surrounding Fern Street, Black Rock .....	21
10.4	Little Brighton Reserve Community Garden .....	22
10.5	Response to petition - to seal Davie Lane, Brighton with tarmac .....	23
10.6	Volunteer Recruitment, Retention and Recognition Plan 2022–26 .....	24
10.7	Disability Access and Inclusion Committee - Appointment of 2022 Community Members .....	25
10.8	Appointment of Council members to the Elsternwick Park Nature Reserve Committee of Management.....	26
10.9	CONTRACT CON/21/154 Hawthorn Road Drainage Upgrade, Stage 2 - Contract Variation .....	27
10.10	CONTRACT CON/22/9 Redevelopment of Black Rock Life Saving Club.....	28
10.11	Council Action Awaiting Report .....	29

- 11. Reports by Delegates
- 12. Urgent Business
- 13. Notices of Motion
  - 13.1 Notice of Motion - 321 - Climate Emergency initiatives and review  
..... 31
  - 13.2 Notice of Motion - 322 - Support EveryAGE Counts Campaign 33

The Mayor declared the Council Meeting open at 6:30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Mayor invited Cr Castelli to read the prayer.

## **1. Prayer**

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

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

## **2. Acknowledgement of Country**

Cr 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**

There were no apologies submitted to the meeting.

## **4. Disclosure of Conflict of Interest of any Councillor**

Cr El Mouallem declared a general conflict of interest in item 10.7 given one of the proposed members of the Disability Access and Inclusion Advisory Committee is a family member.

## 5. Adoption and Confirmation of the minutes of previous meeting

### 5.1 Confirmation of the Minutes of the Bayside City Council Meeting held on 28 June 2022.

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That the minutes of the Bayside City Council Meeting held on 28 June 2022, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 6. Public Question Time

In accordance with the resolution at the June 2021 Council Meeting, temporary meeting procedures with regard to public question time remain in place:

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

### 1. **Mr Michael Heffernan**

Mr Michael Heffernan submitted a question regarding a Supreme Court costs order in Council's favour and Mr Heffernan asked:

#### **Question**

In response to a question that I asked, and which was considered at the Council Meeting on 15 February this year

- a) As 5 months have now elapsed since the above mentioned Council meeting, has the losing party in the above-mentioned actions, the Brighton foreshore Association, now complied with those cost orders.
- b) If not what action will Bayside Council now consider to enforce these Victorian Supreme Court costs orders, and consequently recompense Council and ratepayers for the cost burden imposed on Bayside by the Brighton Foreshore Association's failed court actions.

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

*Council is actively engaging with the Brighton Foreshore Association in relation to the costs order. However, the matter has not yet been finalised.*

*As this is an active matter, Council is not in a position to disclose any further information at this point in time.*



**2. Mrs Amanda Mangini**

Mrs Amanda Mangini submitted a question regarding the changes to Council's bin collection schedule, and Mrs Mangini asked:

**Question**

- a) How do you expect a family of five with two working parents to adhere to the same waste requirements as a single person household? We pay thousands of dollars in rates yet my rubbish is overflowing.
- b) This is attracting rats and crows. Has the council considered the effects to the community of extra rodents as we leave our garbage on the ground waiting for it to be collected?

**Response from the Acting CEO**

- a) *The changes to the bin collection schedules are aimed at reducing the amount of waste our community sends to landfill and protecting residents from increasing waste collection and disposal costs.*

*Council's most recent audit found that over 50% of the material in the general waste bin could be disposed of into either the recycling or food and green waste bins.*

*There are options available to support Bayside households that may generate large amounts of waste. This includes an eligibility criterion for free upsized or additional bins for households with unavoidable waste needs (such as households with two children in nappies) or options to order larger or additional general waste bins at an additional cost.*

- b) *The changes to bin collections means most waste is now collected weekly. There are several councils across Australia who have had this changed collection schedule in place for many years. There is no evidence to suggest that a weekly collection of organics bins, and fortnightly collection of general waste bins presents any health hazards or increases the chances of rodent or pest activity.*

**3. Mr George Reynolds**

Mr George Reynolds submitted a question regarding Council's 2022–23 Budget, and Mr Reynolds asked:

**Question**

In relation to the 2022/23 Budget, approved by a majority of Councillors, on June 28th 2022:

- (a) Will Council please advise where, in the budget documents, is the expenditure amount shown, to identify "the estimated amount to be raised by the general rates" in order to satisfy the requirements of Part 3, section 5(c) of the Local Government Planning and Reporting) Regulations 2020
- (b) Where, also, is the "estimated amount to be raised by municipal charges", in order to satisfy the requirements of Part 3, section 5(j) of the Local Government (Planning and Reporting) Regulations 2020.?

**Response from the Acting CEO**

*Part 3 Section 8(5) of the Local Government (Planning and Reporting) Regulations 2020 requires Council to include the amount raised by general rates as well as the municipal charge. This can be found in the Council's budget on page 45 under Section 4.1.1 Rates and Charges. The regulations do not require Council to disclose the expenditure amount in relation to rates raised.*

**4. Mr George Reynolds**

Mr George Reynolds submitted a further question regarding Council's 2022–23 Budget, and Mr Reynolds asked:

**Question**

In relation to the 2022/23 budget, approved by a majority of Councillors on June 28th 2022:

- (a) Will Council please advise where, in the budget documents, is the expenditure amount shown, to identify "the estimated amount to be raised by each type of service rate or charge", in order to satisfy the requirements of Part 3, section 5(m) of the Local Government (Planning and Reporting) Regulations 2020
- (b) Will Council please advise where, in the budget documents, is the revenue shown, to identify "the adjusted underlying revenue" and its related "own-source revenue", in order to satisfy the requirements of Schedule 3, Part 1 - Preliminary, of the Local Government (Planning and Reporting) Regulations 2020?

**Response from the Acting CEO**

- (a) *The Local Government (Planning and Reporting) Regulations 2020 do not require Council to disclose the expenditure amount in relation to rates raised.*
- (b) *Schedule 3 Part 1 of the regulations specify the definition for adjusted underlying revenue and own source revenue. In accordance with the Local Government Model Financial report, Council has disclosed the adjusted underlying result under Section 5 Financial Performance Indicators on page 75 of the budget document.*

**5. Ms Helen Gries**

Ms Helen Gries submitted a question regarding the Little Brighton Reserve Community Garden, and Ms Gries asked:

**Question**

When will the 'Friends of the Little Brighton Reserve Community Garden' be likely to see the basic shelter and tool shed handwashing basin and water supply similar to plans submitted Feb 2021?

**Response from the Acting CEO**

*A report on the Little Brighton Reserve Community Garden will be considered at this evening's Council meeting.*

*The proposal is to proceed with the community garden on a small scale, which will include the provision of a tap connected to mains water to enable hand washing and watering, and a storage unit for small gardening tools.*

*Introducing the garden initially on a small scale will allow infrastructure to be removed if there is insufficient community support to manage the garden. Conversely, if the garden is managed well and community support for the project builds, there is the opportunity to extend the garden with further plots and associated infrastructure.*



**6. Mrs Mary Larsen**

Mrs Mary Larsen submitted a question regarding the proposed Post-War Modern Residential Heritage Study, and Mrs Larsen asked:

**Question**

How can Council claim the current heritage study is an expert report when 10% of the homes have been removed due to significant errors in the citations and many other homeowners have cited similar significant errors?

**Response from the Acting CEO**

*Council engaged a suitably qualified consultant to undertake the Post-War Modern Residential Heritage Study whose methodology aligns with standard approaches for undertaking heritage studies in Victoria.*

*The reason Council undertook consultation with affected property owners prior to the completion of the Study was to ensure that any additional information to support Council's understanding of the property could be obtained and that any errors could be identified and addressed.*

*As a result, there were a number of Statements of Significance which were redrafted to respond to additional information or corrections identified by affected property owners.*

**7. Mrs Mary Larsen**

Mrs Mary Larsen submitted a further question regarding the proposed Post-War Modern Residential Heritage Study, and Mrs Larsen asked:

**Question**

What is the reason Council have accepted the current heritage study as a fully comprehensive study of all the "places of significance across the City of Bayside" as listed in the Scope specifications when the majority of buildings have been regurgitated from a desktop analysis of previous studies, while ignoring many other properties across Bayside which meet the significance criteria.

**Response from the Acting CEO**

*The purpose of the Post-War Modern Residential Heritage Study has been stated in Volume 1 of the Study, 'to identify residential buildings and precincts constructed within the municipality in the post-war period (between 1945 and 1975) and to determine whether they satisfy the threshold for local heritage significance and inclusion in the Heritage Overlay of the Bayside Planning Scheme.'*

*The Study was not a peer review of previous work and was scoped to be a 'from scratch' analysis of properties across Bayside for potential heritage significance. This involved undertaking a desktop analysis of over 14,500 properties across Bayside that were constructed between 1945 and 1975 to identify properties of potential significance. This was then further assessed through site visits and further analysis of potential properties. From this, a list of approximately 128 individual places and three precincts were identified for the detailed heritage assessment stage. This stage resulted in the removal of several places, and the inclusion of 98 individual places and one group listing the draft Study, which was made available for submissions from property owners between February and April 2022 where further refinements were made.*

*If properties have been identified in more than one Study, it is likely that these places are considered to be of heritage value as multiple consultants have recommended their inclusion in the Heritage Overlay rather than a 'regurgitation' of previous work.*

**8. Ms Lea Jaensch**

Ms Lea Jaensch submitted a question regarding the proposed Post-War Modern Residential Heritage Study, and Ms Jaensch asked:

**Question**

How can Council consider adopting the proposed Heritage study when submissions by homeowners were ignored and there are so many inaccuracies in the reviewed citations?

**Response from the Acting CEO**

*Council has considered submissions and provided a response within the Draft Post-War Modern Residential Heritage Study Consultation Report which is available on Council's website.*

*The scope of this engagement was limited to Council requesting any factual information that may influence the assessment of the property. The primary opportunity to challenge the merits of the assessment and its inclusion in the Heritage Overlay will be through any subsequent planning scheme amendment process. If a Planning Scheme Amendment is to commence, there is a statutory 28-day public exhibition process where affected persons can make a submission. Any unresolved submissions can then be referred to an Independent Planning Panel to explore Council's methodology, the merits of listing each place and any content changes to the Statement of Significance and Heritage Citation.*

**9. Mr Neill Wiffin**

Mr Neill Wiffin submitted a question regarding the proposed Post-War Modern Residential Heritage Study, and Mr Wiffin asked:

**Question**

How does Bayside Council plan to communicate to the wider Community that Bayside already has more Heritage listed homes per head of population than any other council in the greater metro region. Bayside City Council is a leader in heritage matters and Council should be proud of its achievements.

**Response from the Acting CEO**

*Bayside City Council adopted its Heritage Action Plan 2020 which guides Council's heritage work program, particularly the identification, protection, management and promotion of Bayside's heritage assets for the next 15 years.*

*Included in the Heritage Action Plan are actions relating to 'communicating and promoting' heritage and this sets out the approach to be taken in relation to this theme. Section 5 of the Heritage Action Plan also notes several of Council's achievements in relation to heritage protection.*

**10. Mr Ian Larsen**

Mr Ian Larsen submitted a question regarding the proposed Post-War Modern Residential Heritage Study, and Mr Larsen asked:

**Question**

Please advise

- (a) the names of the community groups who referred homes to the current heritage study and the buildings referred
- (b) the 3 buildings which were referred by Heritage Victoria and the names of the residents who nominated the buildings

**Response from the Acting CEO**

*Council cannot disclose personal or private information or details of any hypothetical correspondence without the applicant making a Freedom of Information (FOI) Request.*

*Heritage Victoria does not provide Council with the details of any person or organisation who makes a nomination to the Victorian Heritage Register as this too is protected through a Freedom of Information process.*

**11. Mr Ian Larsen**

Mr Ian Larsen submitted a further question regarding the proposed Post-War Modern Residential Heritage Study, and Mr Larsen asked:

**Question**

The Planning Minister in his letter dated 24.5.2020 recommended the "update and implementation of the Inter-War and Post-War Heritage Study". What is the reason Council did not pursue his recommendation, but chose to implement a Mid-Century Modern Heritage Study and then change the name to the Post-War Modern Residential Study.

**Response from the Acting CEO**

*At its Council Meeting on 23 June 2020, Council considered the letter received by the Minister for Planning and resolved, in part, the following:*

*That Council:*

1. *Adopts the revised Heritage Action Plan 2020 (Attachment 2 to the report), which sets out a holistic approach to assessing and managing heritage, including:*
  - a. *Prioritisation of the Mid-Century Modern Heritage Study to commence in 2020/21 to be funded via savings from the operational budget; and*
  - b. *Prioritisation of the Inter-War and Post-War Heritage Study to commence in 2021/22.*

*The separation of the review of the Inter-War and Post-War Heritage Study from the Mid-Century Modern Heritage Study was resolved primarily due to the significant costs associated with undertaking the review. A staged approach was nominated as outlined in the Action Plan and the resolution of Council.*

**12. Mr Luke Balloch**

Mr Luke Balloch submitted a question regarding the proposed Post-War Modern Residential Heritage Study, and Mr Balloch asked:

**Question**

How can the Heritage Overlay Study not be an example of discrimination against those unlucky homeowners who were chosen almost at random? When another block of units in the same street as ours, same year of build, the same architect is not considered to be a part of the study?

**Response from the Acting CEO**

*Without knowing the particulars of the other property referred to, it is not presently possible to speculate whether the property referenced has been assessed and eliminated or whether there has been another outcome.*

*Throughout the preparation stages of the Study, many residential places have been eliminated as a result of further assessments of places. Some of the reasons are that individual places may not be considered intact representative examples of the post-war modern era, or that they may not otherwise meet the threshold for inclusion.*

**13. Mr Luke Balloch**

Mr Luke Balloch submitted a further question regarding the proposed Post-War Modern Residential Heritage Study, and Mr Balloch asked:

**Question**

How can the Heritage consultants GJM take our feedback from how our units have been altered over the last 30+ years and should not be considered heritage. Then make amendments to their own research so that the benefits support their side of the heritage issue? This is not fair play.

**Response from the Acting CEO**

*The purpose of the consultation period on the draft Study was to seek any information from property owners to either support or challenge the findings identified within the draft Statement of Significance prepared for their property. Some information provided resulted in corrections or clarifications to material they had previously prepared, and other information resulted in several properties being removed from the Study.*

*The opportunity to challenge or explore the findings from the Study will be through any subsequent planning scheme amendment process, as part of the Planning Panel stage.*

## **7. Petitions to Council**

### **7.1 PETITION FOR COUNCIL TO VOTE AGAINST ADOPTION OF POST-WAR MODERN HERITAGE STUDY AND MANDATORY LISTING OF PRIVATE PROPERTIES**

City Planning and Amenity - Urban Strategy  
File No: PSF/22/35 – Doc No: DOC/22/207064

---

**Moved: Cr El Mouallem (Deputy Mayor)      Seconded: Cr Castelli**

That the petition be received and considered in conjunction with item 10.1 on this agenda.

**CARRIED**

## **8. Minutes of Advisory Committees**

### **8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL**

Corporate Services - Governance  
File No: PSF/22/31 – Doc No: DOC/22/206891

---

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

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:

- 5 July 2022 Councillor Briefing.

**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:

In accordance with Chapter 2, Division 10 of Council's Governance Rules (Individual Presentations), the following individuals were granted two minutes each to speak to an item indicated below.

The following individuals submitted written statements to the meeting:

Item 10.2		For (F) Against (A)
Naming of Pennydale as a neighbourhood		
Requests to Speak		
1.	Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc))	(F)

Item 10.6		For (F) Against (A)
Volunteer Recruitment, Retention and Recognition Plan 2022–26		
Written Statements		
1.	Ms Sue Forster (on behalf of Friends of Bay Road Heathland Sanctuary)	(F)



## 10.1 POST-WAR MODERN RESIDENTIAL HERITAGE STUDY

City Planning and Amenity - Urban Strategy  
File No: PSF/22/35 – Doc No: DOC/22/200726

---

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

### **PART A**

That Council:

1. notes the submissions, written statements and requests to be heard received in relation to the draft Post-War Modern Residential Heritage Study at the Delegated Committee meeting held on 15 and 16 June 2022
2. notes the Post-War Modern Residential Heritage Study.

**CARRIED**

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

### **PART B**

That Council resolves that the following properties do not meet the relevant threshold for inclusion in a heritage overlay:

- 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
- u. 9 Merton Avenue, BRIGHTON
- v. 42 North Road, BRIGHTON
- w. 18 South Road, BRIGHTON
- x. 4 Mernda Avenue, CHELTENHAM
- y. 148 Weatherall Road, CHELTENHAM
- z. 1-4/94 Bay Road, SANDRINGHAM
- aa. 1-7/150 Beach Road, SANDRINGHAM
- bb. 1-6/57 Royal Avenue and 1-6/64 Victoria Street, SANDRINGHAM.

**PROCEDURAL MOTION**

**Moved:** Cr El Moullem (Deputy Mayor)      **Seconded:** Cr Castelli

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

**CARRIED**

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

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

**CARRIED**

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

**PART C**

That Council:

1. writes to the Minister for Planning to seek authorisation to commence the planning scheme amendment to introduce a heritage overlay based on those properties identified in the Post-War Modern Residential Heritage Study, with the deletion of properties listed in Part B above
2. further requests authorisation from the Minister for Planning to commence a planning scheme amendment to apply interim heritage controls to those properties identified in the Post-War Modern Residential Heritage Study, with the deletion of properties listed in Part B, while the planning scheme process for permanent controls is in progress

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. once authorised, exhibits the planning scheme amendment seeking permanent controls, in accordance with any conditions imposed by the Minister for Planning
5. notes that after the exhibition of the planning scheme amendment, where submission are received seeking changes to the proposed amendment, that a request will be made of the Minister for Planning to appoint an independent Planning Panel to consider those submissions received
6. writes to all affected property owners and submitters to advise them of Council's decision
7. notes the receipt of the petition referred to as item 7.1 on the agenda, and advises the lead petitioners of Council's decision on this matter.

### PROCEDURAL MOTION

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

That Cr Castelli be granted an additional 1 minute to debate.

**CARRIED**

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**

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

### Part D

That Council:

1. writes to the Minister for Planning and the State Opposition Spokesperson for Planning, advocating for heritage reforms, reinforcing Council's position outlined in its submission to the Parliamentary Inquiry into the Protections within the Victorian Planning Framework and highlighting the fundamental flaws of the heritage amendment process which includes:
  - a. Council's responsibilities in deciding heritage matters is compromised by the inability to provide certainty to the community, given the powers that the *Planning and Environment Act 1987* affords the Minister for Planning to disregard Council's adopted position
  - b. it being unfairly weighted against property owner rights
  - c. it does not define properties with high heritage value and those with limited/ borderline heritage value due to the inadequacy of the current criteria and

processes for heritage protection. There is a need for the criteria and assessments approach to be updated to include *grading of the heritage places on their condition and physical intactness (ie. excellent, good, fair, and poor)*

- d. it does not allow the consideration of the following factors:
  - i. social factors including the potential financial, social, health and mental health related impacts of listing heritage properties
  - ii. unreasonable financial costs
  - iii. best use of land
  - iv. desired neighbourhood character
  - v. climate change and ESD factors
  - vi. the condition of the property.

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**

## 10.2 NAMING OF PENNYDALE AS A NEIGHBOURHOOD

Corporate Services - Governance

File No: PSF/21/23 – Doc No: DOC/22/206247

---

*It is recorded that Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc)) spoke for two minutes in relation to this item.*

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council:

1. formally resolves that the area known as Pennydale be known as a neighbourhood
2. requests the Geographical Names Victoria to register the neighbourhood and gazette the proposal
3. installs appropriate signage at locations detailed in the report to acknowledge the neighbourhood.

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

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

**AGAINST:** Nil (0)

**CARRIED**

### **10.3 ON-STREET PARKING SURROUNDING FERN STREET, BLACK ROCK**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport  
File No: PSF/22/26 – Doc No: DOC/22/195974

---

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council:

1. notes this report
2. does not implement a Resident Permit Parking Scheme in the streets surrounding the development at 2–6 Fern Street, Black Rock until parking occupancy data were to suggest that such controls are required for any given street in accordance with Council's Managing On-Street Parking Demand Policy
3. notes that the parking study be undertaken within 4 weeks following operation of the site.

**CARRIED**

**10.4 LITTLE BRIGHTON RESERVE COMMUNITY GARDEN**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport  
File No: PSF/22/26 – Doc No: DOC/22/199958

---

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

That Council:

1. notes the report and the outcome of community consultation on the proposed Little Brighton Reserve Community Garden
2. proceeds with immediate implementation of the Little Brighton Reserve Community Garden as designed by 'Cultivating Community' (Attachment 2) using funds from the 2022–23 budget
3. receives a further report within 6 months.

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**



## **10.5 RESPONSE TO PETITION - TO SEAL DAVIE LANE, BRIGHTON WITH TARMAC**

Environment, Recreation and Infrastructure - City Assets and Presentation  
File No: PSF/22/29 – Doc No: DOC/22/186556

---

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

That Council:

1. supports the petition and considers capital upgrade of the laneway in the 2023–24 capital works program
2. notes that Council officers will undertake formal community consultation to confirm the results of the survey prior to the commencement of the project.

**CARRIED**

## **10.6 VOLUNTEER RECRUITMENT, RETENTION AND RECOGNITION PLAN 2022–26**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/22/27 – Doc No: DOC/22/185440

---

*It is recorded that Ms Sue Forster (on behalf of Friends of Bay Road Heathland Sanctuary) submitted a written statement in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Stitfold**

That Council adopts the Volunteer Recruitment, Retention and Recognition Plan 2022–26 as set out in Attachment 1.

**CARRIED**

## 10.7 DISABILITY ACCESS AND INCLUSION COMMITTEE - APPOINTMENT OF 2022 COMMUNITY MEMBERS

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/22/27 – Doc No: DOC/22/205167

---

*It is recorded that Cr El Mouallem declared a general conflict of interest in this item given one of the proposed members of the Disability Access and Inclusion Advisory Committee is a close family member. Cr El Mouallem left the meeting at 8.30 pm.*

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

That Council:

1. reappoints the current 9 members of the Disability Access and Inclusion Advisory Committee for a period of 2 years from 19 July 2022 and ending 19 July 2024:  
Ms Emily Costello  
Mr Ade Djajamihardja  
Mr Mark Glascodine  
Ms Jo Levett  
Mr Jeff Naylor  
Ms Emma Olivier  
Mr Sam Seoud  
Mr Andrew Turner  
Ms Tara Webb
2. appoints Ms Fel Andronicou to the remaining vacant community member position of the Disability Access and Inclusion Advisory Committee for a period of 2 years from 19 July 2022 and ending 19 July 2024
3. thanks the remaining community applicants who applied via the Expression of Interest process
4. notes that Cr Clarke Martin (Chairperson) and Cr Hanna El Mouallem remain as Councillor members of the Disability Access and Inclusion Advisory Committee until Council next determines Councillor appointments to committees at its Annual Meeting to be held in November 2022
5. endorses the minor revisions to the Disability Access and Inclusion Advisory Committee Terms of Reference set out in Attachment 1.

**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 matter.*

*Cr El Mouallem returned to the meeting at 8.32 pm.*

## **10.8 APPOINTMENT OF COUNCIL MEMBERS TO THE ELSTERNWICK PARK NATURE RESERVE COMMITTEE OF MANAGEMENT**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing  
File No: PSF/22/27 – Doc No: DOC/22/202224

---

**Moved: Cr Castelli**

**Seconded: Cr Martin**

The Council:

1. appoints Cr El Mouallem and Cr Samuel-King as Councillor representatives to the Elsternwick Park Nature Reserve Committee of Management
2. appoints Cr Samuel-King as Chair of the Elsternwick Park Nature Reserve Committee of Management
3. receives a further report on the appointment of community members and technical experts to the Elsternwick Park Nature Reserve Committee of Management at the August 2022 Council Meeting.

**CARRIED**

**10.9 CONTRACT CON/21/154 HAWTHORN ROAD DRAINAGE UPGRADE,  
STAGE 2 - CONTRACT VARIATION**

Environment, Recreation and Infrastructure - Project Services  
File No: PSF/22/28 – Doc No: DOC/22/195972

---

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council:

1. approves an increase of \$966,630 excl. GST to CON/21/154 to complete the Hawthorn Road Stormwater Drainage Upgrade Project Stage 2
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/21/154 Hawthorn Road Stormwater Drainage Upgrade Project Stage 2.

**CARRIED**

## **10.10 CONTRACT CON/22/9 REDEVELOPMENT OF BLACK ROCK LIFE SAVING CLUB**

Corporate Services - Commercial Services  
File No: PSF/22/28 – Doc No: DOC/22/132345

---

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council:

1. awards Contract CON/22/9 Redevelopment of Black Rock Life Saving Club to SJ Higgins Pty Ltd (ABN: 14 005 648 395) for the lump sum price of \$5,077,123.00 (excl. GST), which is \$5,584,835.30 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/22/9 Redevelopment of Black Rock Life Saving Club
3. advises the unsuccessful tenderers accordingly.

**CARRIED**

## 10.11 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance

File No: PSF/22/31 – Doc No: DOC/22/206843

---

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council notes the Council Action Awaiting Report.

**CARRIED**



## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – Crs Fiona Stitfold and Clarke Martin attended a meeting of the Association and as a result of a recent motion passed at the MAV State Council Meeting the Association will commence advocating for the health of the bay at the upcoming State election.
2. **Metropolitan Transport Forum** – The Acting Director Environment, Recreation & Infrastructure indicated that a Council officer attended the Forum held in early July.
3. **Municipal Association of Victoria** – The Mayor, Cr Alex del Porto reported that Cr Clarke Martin as substitute representative attended the State Council Meeting. Cr Martin reported that Bayside's 8 motions were passed at the State Council Meeting. The meeting also discussed significant changes to the rules of the MAV which will be presented at the October meeting for resolution.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Alex del Porto reporting the forum with Mayor did not occur; however, the CEOs did meet to discuss the advocacy program for the upcoming State election.
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin advised that he has been officially advised that the Metro Local Government Waste Forum has been officially abolished, and he was thanked for his contribution to the Forum.
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold indicated that there was nothing to report on since the previous meeting.

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

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 - 321 - CLIMATE EMERGENCY INITIATIVES AND REVIEW**

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/22/203865

## Procedural Motion

**Moved: Cr Evans**

## Seconded: Cr Castelli

That Cr Martin and Cr Stitfold be granted leave to amend Notice of Motion 321.

**CARRIED**

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

### Part A:

That Council reiterates its commitment to addressing the Climate Emergency and highlights the following actions:

1. advocate to the Federal Member for Goldstein for:
  - a. the allocation of funding through the Federal Budget process for local infrastructure projects that help to address climate change including Electric Vehicle charging stations powered by renewable energy and community battery initiatives
  - b. urgent action at the Federal level to continue to drive reduction in greenhouse emissions
2. advocate to the parties contesting the State election for:
  - a. the establishment of an ambitious state-based greenhouse gas emissions target backed by concrete actions to deliver it
  - b. SECCA recommended changes to the State Planning controls to mandate climate-appropriate development based on strong ESD requirements.

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

**DIVISION:**      **FOR:**      Crs Clarke Martin, Fiona Stitfold and Hanna El Mouallem  
  (Deputy Mayor) (3)

**AGAINST:** Crs Alex del Porto (Mayor), Sonia Castelli, Jo Samuel-King MBBS and Laurence Evans OAM (4)

# LOST

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

**Part B:**

That Council:

1. undertakes a critical review of the Council Plan for the remaining 2 years, integrating Bayside's Declaration of a Climate Emergency, the opportunities from the change in Federal Government and new policies, and potential for government grants to address climate impacts. This review is to take place in preparation for the Year 3 Council Plan review
2. reviews its decision-making processes to ensure that all matters coming to Council do no harm, by taking into consideration the broader climate context.

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**

**13.2 NOTICE OF MOTION - 322 - SUPPORT EVERYAGE COUNTS CAMPAIGN**

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/22/204173

---

**Moved: Cr Castelli****Seconded: Cr Martin**

That Council:

1. supports the 'EveryAGE counts' campaign to end ageism and create a society where every person is valued, connected and respected regardless of age
2. pledges to stand for a world without ageism where all people of all ages are valued and respected and their contributions are acknowledged, and speaks out and takes action to ensure older people can participate on equal terms with others in all aspects of life
3. commits to the pledge of EveryAGE counts to create opportunities in our communities to build awareness of ageism and its impacts
4. informs local State and Federal parliamentarians of Council's support for the EveryAGE counts campaign and encourages the parliamentarians to take the pledge.

**PROCEDURAL MOTION****Moved: Cr Martin****Seconded: Cr El Moullem (Deputy Mayor)**

That Cr Castelli be granted an additional 1 minute to debate.

**CARRIED****PROCEDURAL MOTION****Moved: Cr El Moullem (Deputy Mayor)****Seconded: Cr Martin**

That Cr Castelli be granted an additional 30 seconds to debate.

**CARRIED**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 9.32pm.*