

Minutes



PRESENT:

Chairperson: Cr Jo Samuel-King MBBS (Deputy Mayor)

Councillors: Cr Hanna El Mouallem (Mayor)

Cr Sonia Castelli Cr Alex del Porto

Cr Laurence Evans OAM

Cr Clarke Martin Cr Fiona Stitfold

Officers: Mick Cummins – Chief Executive Officer

Jill Colson - Director Corporate Services

Matthew Cripps - Director City Planning and Amenity

Mark Varmalis - Director Environment, Recreation and Infrastructure

Joan Andrews - Manager Community Services

Juliana Aya – Manager Urban Strategy Terry Callant – Manager Governance

Jason Stubbs - Manager Commercial Services

Tom Vercoe - Manager Open Space, Recreation and Wellbeing

Robert Lamb – Governance Officer

Table of Contents

1.	Pray	Prayer		
2.	Acknowledgement of Country			
3.	Apol	Apologies		
4.	Disc	Disclosure of Conflict of Interest of any Councillor		
5.	Adop	Adoption and Confirmation of the minutes of previous meeting		
6.	Publ	Public Question Time		
7.	Petit	Petitions to Council		
	7.1	Petition for Council to publish plans for pathways through Highett and Cheltenham		
8.	Minu	Minutes of Advisory Committees		
	8.1	Records of meetings held under the auspices of Council 11		
	8.2	Minutes of the Yalukit Willam Nature Reserve Committee of Management (Induction) meeting held on 2 November 2022 12		
	8.3	Minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 16 November 2022		
	8.4	Minutes of the Audit and Risk Committee meeting held on 21 November 2022		
	8.5	Minutes of the Disability Access and Inclusion Advisory Committee meeting held on 28 November 2022		
9.	Reports by Special Committees			
	There	e were no reports by special committees submitted to the meeting.		
10.	Repo	Reports by the Organisation		
	10.1	Inter War Heritage Study - Next Steps18		
	10.2	Application of Council's Parklet Policy in Bay Street, Brighton 19		
	10.3	Opportunities for Open Space in Activity Centres - Investigating strategies for the provision of additional open space - project update		
	10.4	Written submission to the possible reforms to the regulation of on-airport activities under the Airports (Control of On-Airport Activities) Regulations 1997		
	10.5	Bayside Healthy Ageing Reference Group23		
	10.6	Future use of Melrose Street, Sandringham24		

	10.7	Little Brighton Reserve Community Garden Update25
	10.8	Dendy Street Beach erosion mitigation - Update 26
	10.9	Response to Notice of Motion - 319 - Powerful Owl Protection Second-Generation Anticoagulant Rodenticides (SGARs) Update on Alternative Rodent Control Options Trial
	10.10	Response to Notice of Motion - 323 - Formation of a South-Eastern Councils Biodiversity Network
	10.11	Future use of former Scout Hall at 44 Whyte Street, Brighton 29
	10.12	Proposed Lease to Same Pty Ltd for a new lease at Dendy Stree Beach Cafe, Brighton
	10.13	Proposed Lease to Brighton Life Saving Club Inc. for a new Lease at Dendy Street Beach, Brighton
	10.14	Discontinuance and Sale of Right of Ways, Roads and Reserves Policy
	10.15	Council Action Awaiting Report
	10.16	Level Crossing Removal Project Announcement, Highett 34
11.	Repo	orts by Delegates
12.	Urge	nt Business
13.	Notic	es of Motion

In the absence of the Mayor, the Chief Executive Officer 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 Chief Executive Officer called for a motion for the Deputy Mayor to take the Chair for this evening's Council Meeting.

Moved: Cr Evans Seconded: Cr Castelli

That the Deputy Mayor, Cr Samuel-King take the chair for the entire Council Meeting.

CARRIED

The Deputy Mayor invited Cr Martin to read the prayer.

1. Prayer

Cr Martin 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 Castelli 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

It is noted that the Mayor, Cr El Mouallem was not present at the commencement of the meeting due to undergoing a recent medical procedure.

It is recorded that Cr Samuel-King sought leave of absence from Councillor duties from 28 December 2022 to 17 January 2023 and from 7 February to 17 February 2023, noting that Cr Samuel-King will be apology at the Planning and Amenity Committee Meeting on 14 February 2023 and Cr Samuel-King's request to suspend the Deputy Mayor Allowance during these periods of absence.

Moved: Cr del Porto Seconded: Cr Castelli

That Council grants Cr Samuel-King leave of absence for the period of 28 December 2022 to 17 January 2023 and from 7 February to 17 February 2023, noting Cr Samuel-King will be an apology at the Planning and Amenity Committee Meeting on 14 February 2023 and Cr Samuel-King's request to suspend the Deputy Mayor Allowance during these periods of absence.

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

DIVISION: FOR: Crs Alex del Porto, Laurence Evans OAM, Sonia

Castelli, Clarke Martin, Jo Samuel-King MBBS

(Deputy Mayor) and Fiona Stitfold (6)

AGAINST: Nil (0)

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

- Item 10.3 Opportunities for Open Space in Activity Centres The Mayor Cr El Mouallem declared a General Conflict of Interest in this item given 38 Church Street was identified in the report as a suitable site for open space and is adjacent to his wife's family business. Cr El Mouallem lodged the Conflict of Interest declaration with the CEO earlier in the day, given Cr El Mouallem may not present at the commencement of the meeting.
- <u>Item 10.8 Dendy St beach erosion</u> Cr Castelli declared a General Conflict of Interest given her partner owns a bathing box at Dendy Street Beach.
- <u>Item 10.12 Lease to Same for Dendy St Beach Cr Castelli declared a General Conflict of Interest given her partner owns a bathing box at Dendy Street Beach.</u>
- <u>Item 10.13 Proposed lease on Brighton SLSC</u> Cr Castelli declared a General Conflict of Interest given her partner owns a bathing box at Dendy Street Beach.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 <u>Confirmation of the Minutes of the Bayside City Council meeting held on 22</u> November 2022.

Moved: Cr Martin Seconded: Cr Evans OAM

That the minutes of the Bayside City Council meeting held on 22 November 2022, as previously circulated, be confirmed as an accurate record of proceedings.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-King

MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans OAM

(6)

AGAINST: Nil (0)

6. Public Question Time

1. Pastor Bruce Corben

Pastor Bruce Corben submitted a question regarding item 10.16 on tonight's Agenda, the Level Crossing Removal Project Announcement, Highett, and Pastor Corben asked:

Question

What does Bayside Council and Bayside Council staff including the CEO know regarding this proposed acquisition of Grace Heart Community Church and the land in the Lyle Anderson Reserve, the back of the Highett Bowling Club and the back of the Fox Dunkley Public Housing Estate next to the railway reserve and the impact of the proposed Highett Road Level Crossing removal and new Highett Station on this land?

Response from the CEO

Beyond the information contained in the announcement for this project as presented in item 10.6 on tonight's Agenda, Council officers have been involved in one preliminary meeting with LXRP. Land acquisitions required for the delivery of this project were not discussed in this meeting. Council officers are not aware of specific parcels of land identified for the purposes of acquisition.

2. Pastor Bruce Corben

Pastor Bruce Corben submitted a further question regarding item 10.16 on tonight's Agenda, the Level Crossing Removal Project Announcement, Highett, and Pastor Corben asked:

Question

Have the Bayside Council, CEO and/or staff in any way indicated in their discussions with the Level Crossing Removal Authority that they will support the relocation of the Highett Train Station from its current location to be nearer the area of the Lyle Anderson Reserve despite the current Bayside Council Highett Structure Plan stating that the Highett Station should remain in its current location?

Response from the CEO

Council officers are not aware of any proposed land acquisitions required for the delivery of the project at this stage. No discussions in relation to the relocation of Highett Train Station have occurred between Council officers and the Level Crossing Removal Project.

3. Mr Brandon Hoult

Mr Brandon Hoult submitted a question regarding item 10.16 on tonight's Agenda, the Level Crossing Removal Project Announcement, Highett, and Mr Hoult asked:

Question

Has the current Bayside councillors been gagged by the Victorian state government about telling us the truth about the Highett level crossing that it is going to take a land grab of Lyle Anderson Reserve, Highett Bowls Club and some of the public housing in Dunkley Av in Highett.

Response from the CEO

Council officers have been involved in one preliminary meeting with LXRP. Land acquisitions required for the delivery of this project were not discussed in this meeting. Council officers are not aware of specific parcels of land identified for the purposes of acquisition.

7. Petitions to Council

7.1 PETITION FOR COUNCIL TO PUBLISH PLANS FOR PATHWAYS THROUGH HIGHETT AND CHELTENHAM

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport File No: PSF/22/26 – Doc No: DOC/22/379405

Moved: Cr Evans OAM Seconded: Cr Martin

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

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

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/22/376688

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:

• 29 November 2022 Strategic Issues Discussion

6 December 2022 Councillor Briefing.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

8.2 MINUTES OF THE YALUKIT WILLAM NATURE RESERVE COMMITTEE OF MANAGEMENT (INDUCTION) MEETING HELD ON 2 NOVEMBER 2022

Corporate Services - Governance File No: PSF/22/31 – Doc No: DOC/22/376699

Moved: Cr Martin Seconded: Cr del Porto

That Council notes the minutes of the Yalukit Willam Nature Reserve Committee of Management (Induction) meeting held on 2 November 2022.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

8.3 MINUTES OF THE YALUKIT WILLAM NATURE RESERVE COMMITTEE OF MANAGEMENT MEETING HELD ON 16 NOVEMBER 2022

Corporate Services - Governance File No: PSF/22/31 – Doc No: DOC/22/378438

Moved: Cr del Porto Seconded: Cr Martin

That Council

- notes the minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 16 November 2022
- 2. undertakes a review of the Terms of Reference following the completion of year one of the Yalukit Willam Nature Reserve Committee of Management's activities in consultation with the Committee of Management
- 3. informs the Yalukit Willam Nature Reserve Committee of Management of Council's decision in relation to the Terms of Reference.

The Motion was PUT and a **<u>DIVISION</u>** was called:

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Fiona Stitfold

and Laurence Evans OAM (5)

AGAINST: Cr Jo Samuel-King MBBS (Deputy Mayor) (1)

8.4 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 21 NOVEMBER 2022

Corporate Services - Governance File No: PSF/21/23 – Doc No: DOC/22/378122

Moved: Cr Evans OAM Seconded: Cr Castelli

That Council notes the minutes of the Audit and Risk Committee meeting held on 21 November 2022.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

8.5 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 28 NOVEMBER 2022

Corporate Services - Governance File No: PSF/22/31 – Doc No: DOC/22/376690

Moved: Cr Martin Seconded: Cr del Porto

That Council

- notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 28 November 2022
- 2. adopts the following recommendations from the Disability Access and Inclusion Advisory Committee:

6.1 Disability Access and Inclusion Advisory Committee Terms of Reference

That the Disability Access and Inclusion Advisory Committee recommends that Council adopts the revised Disability Access and Inclusion Advisory Committee Terms of Reference.

*Attachment 2 to this report

6.2 Revised Disability Action Plan Year 2

That the Disability Access and Inclusion Advisory Committee recommends that Council adopts the revised Disability Action Plan – Year 2, noting the amendment to page 24 to read as follows:

Key Priority Areas - Year 2

Community Participation and Social Support:

- Increase the availability and capacity of programs available for people with a disability of all ages.
- Facilitate and strengthen opportunities that meet the needs of young people with a disability.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

^{*}Attachment 3 to this report

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 10.1 Inter War Heritage Study - Next Steps		For (F) Against (A)	
Writ	Written Statements		
1.	Mr Graham Robertson	(F)	
2.	Mrs Marianne Margin	(F)	
3.	Ms Monica Kerlin	(F)	

Opp	on 10.3 Portunities for Open Space in Activity Centres - Estigating strategies for the provision of additional En space - project update	For (F) Against (A)
Writ	ten Statements	
1.	Mr Craig Joel (on behalf of Kanahoee Nominees Pty Ltd)	(A)
2.	Ms Margot Buckley	(A)
3.	Mr George Georgiou	(A)
4.	Mr Tim Bolton	(A)
5.	Mr Stevin Curtis	(A)
6.	Mr Zaid Mohseni	(A)

	n 10.6 ure use of Melrose Street, Sandringham	For (F) Against (A)		
Wri	tten Statements			
1.	Mr Eric Purcell	(F)		
2.	Mr Ilias Degrenis	(F)		
3.	Mr Simon Rankin (on behalf of Sandringham Traders	(F)		
	Association Committee)			
Rec	Requests to Speak			
1.	Mr Andrew Watson (on behalf of Melrose Street Traders)	(A)		
2.	Mr Chris Voce	(A)		
3.	Mr Ray Purcell	(F)		
4.	Dr Vicki Karalis (on behalf of Sandringham Foreshore Association)	(F)		

Item 10.8 Dendy Street Beach erosion mitigation - Update		For (F) Against (A)
Writ	tten Statements	
1.	Mr Michael Caink (on behalf of Brighton Bathing Box Association)	(F)

Futi	n 10.11 ure use of former Scout Hall at 44 Whyte Street, phton	For (F) Against (A)	
Requests to Speak			
1.	Mrs Kim Anderson	(F)	

Item 10.12 Proposed Lease to Same Pty Ltd for a new lease at Dendy Street Beach Cafe, Brighton		For (F) Against (A)	
Wri	tten Statements		
1.	Dr Peter Snider	(F)	
2.	Mr Simon Morgan	(F)	
3.	Mr John Dodd	(F)	
Rec	Requests to Speak		
1.	Mr Andre Salem	(F)	

10.1 INTER WAR HERITAGE STUDY - NEXT STEPS

City Planning and Amenity - Urban Strategy File No: PSF/22/35 - Doc No: DOC/22/279053

It is recorded that Mr Graham Robertson, Mrs Marianne Margin, and Ms Monica Kerlin each submitted a written statement in relation to this item.

It is recorded that the mover Cr del Porto requested that the Chairperson split the motion into two parts and voted on separately. The Chairperson ruled that the motion be split into two parts.

Moved: Cr del Porto Seconded: Cr Castelli

That Council

1. notes the report

 defers the commencement of the Inter-War Heritage Study and the allocation of the relevant funding to the newly elected Council in November 2024 for further consideration at the March 2025 Council Meeting

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

DIVISION: FOR: Crs Alex del Porto, Sonia Castelli and Jo Samuel-King MBBS

(Deputy Mayor) (3)

AGAINST: Crs Clarke Martin, Fiona Stitfold and Laurence Evans OAM (3)

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

CARRIED

Moved Cr del Porto

Seconded Cr Castelli

That Council reallocates the current funding for the Inter-War Heritage Study in this year's budget, and any future funding in the 2023–24 and 2024–25 budgets associated with the Inter-War Heritage Study, to support the restoration and repair work at Billilla Historic Mansion.

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

DIVISION: FOR: Crs Alex del Porto, Sonia Castelli, Jo Samuel-King MBBS

(Deputy Mayor) and Laurence Evans OAM (4)

AGAINST: Crs Clarke Martin and Fiona Stitfold (2)

10.2 APPLICATION OF COUNCIL'S PARKLET POLICY IN BAY STREET, BRIGHTON

City Planning and Amenity - Urban Strategy File No: PSF/22/35 - Doc No: DOC/22/375614

Moved: Cr del Porto Seconded: Cr Castelli

That Council

- assesses all parklet applications received from businesses in Bay Street, Brighton before the issuing of parklet permits due to the high interest and the need to consider cumulative implications and provision of a fair process
- 2. considers the parklet applications in Bay Street, Brighton in accordance with the Parklet Policy at the 14 February 2022 Planning and Amenity Delegated Committee Meeting.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

10.3 OPPORTUNITIES FOR OPEN SPACE IN ACTIVITY CENTRES INVESTIGATING STRATEGIES FOR THE PROVISION OF ADDITIONAL OPEN SPACE - PROJECT UPDATE

City Planning and Amenity - Urban Strategy File No: PSF/22/35 - Doc No: DOC/22/378716

It is recorded that The Mayor Cr El Mouallem had previously lodged a declaration of interest with the CEO given his General Interest in the matter, as 38 Church Street was identified in the report as a suitable site for open space and is adjacent to his wife's family business. It is further recorded that the Mayor Cr El Mouallem was not present at the meeting at this stage

It is recorded that Mr Craig Joel (on behalf of Kanahoee Nominees Pty Ltd), Ms Margot Buckley, Mr George Georgiou, Mr Tim Bolton, Mr Stevin Curtis, and Mr Zaid Mohseni each submitted a written statement in relation to this item.

It is recorded that Mr Matt Nichols spoke for 2 minutes in relation to this item.

Moved: Cr del Porto Seconded: Cr Castelli

That Council:

- 1. notes the findings of the Bayside Open Space Assessment Report, Brighton
- continues to explore the feasibility of the sites identified as being of very high and high suitability, with the exclusion of the proposed section of Church Street between St Andrews Street and New Street, for conversion to public open space through the:
 - a. development of the Open Space Strategy
 - current work being progressed as part of the Higher Order Connectivity Corridors
 - c. implementation of the Property Strategy
- pursues opportunities with private landowners in Church Street, including St Andrew's Church, to enable use of suitable land by the community for open space purposes.

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

DIVISION: FOR: Crs Alex del Porto, Sonia Castelli and Laurence Evans OAM (3)

AGAINST: Crs Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor) and

Fiona Stitfold (3)

The Deputy Mayor exercised the casting vote against the motion and the division was

LOST

Moved: Cr Martin Seconded: Cr Evans OAM

That Council:

1. notes the findings of the Bayside Open Space Assessment Report, Brighton

- continues to explore the feasibility of the 6 sites identified as being of very high and high suitability for conversation of public open space through the development of the Open Space Strategy, current work being progressed as part of the Higher Order Connectivity Corridors and implementation of the Property Strategy
- 3. pursues opportunities with private landowners in Church Street, including St Andrew's Church, to enable use of suitable land by the community for open space purposes.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold and Laurence Evans

OAM (6)

AGAINST: Nil (0)

CARRIED

It is recorded that The Mayor Cr El Mouallem was not present in the meeting during the discussion of this item or when a vote was taken on this item, given his absence from the meeting at this stage.

It is recorded that the Mayor Cr El Mouallem entered the meeting at 7.57pm, the Deputy Mayor continued to Chair the meeting.

10.4 WRITTEN SUBMISSION TO THE POSSIBLE REFORMS TO THE REGULATION OF ON-AIRPORT ACTIVITIES UNDER THE AIRPORTS (CONTROL OF ON-AIRPORT ACTIVITIES) REGULATIONS 1997

City Planning and Amenity - Urban Strategy File No: FOL/22/190 – Doc No: DOC/22/360018

Moved: Cr Martin Seconded: Cr Castelli

That Council notes the officers' submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on their proposed regulations to Modernise Australia's Airports (Stage 2).

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

10.5 BAYSIDE HEALTHY AGEING REFERENCE GROUP

Community and Customer Experience - Community Services File No: PSF/22/39 - Doc No: DOC/22/367154

Moved: Cr Martin Seconded: Cr Evans OAM

That Council:

- 1. adopts the revised Bayside Healthy Ageing Reference Group Terms of Reference (Attachment 2)
- 2. re-appoints the following existing members to the Bayside Healthy Ageing Reference Group for a two-year term commencing 1 January 2023 to 31 December 2024:
 - John Barlow
 - Michelle Bentley
 - Anne Gregory
 - Elizabeth Jensen
 - Lois Lindsay
 - Sue Steele
 - Anne Tranter

- Lesley Bawden
- Carolyn Brown OAM
- Bridget Hsu-Hage
- Stephen Le Page
- Jeanette McTaggart
- Maureen Tognarini
- 3. appoints the following new members to the Bayside Healthy Ageing Reference Group for a two-year term commencing 1 January 2023 to 31 December 2024:
 - Alan Clapham
 - Helen Graham
 - Julia Hilton
 - Faramarz Kholosi
 - Patricia McBean
 - Rebecca Vanderheide
- Catherine Dunn
- Jane Guthrie
- Helie Kholosi
- Geoff McCartney
- Margaret Putt
- Jennifer Wilson
- 4. acknowledges the contribution of John Barlow as Chair of BHARG over the past term
- 5. writes to retiring members and acknowledges their contribution to the Bayside Healthy Ageing Reference Group
- 6. writes to members congratulating them on their appointment to the Bayside Healthy Ageing Reference Group for the period January 2023 to December 2024
- 7. writes to the unsuccessful nominee explaining reasons their expression of interest has been unsuccessful and provide details regarding other avenues to have input into Council Plans and Strategies.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

10.6 FUTURE USE OF MELROSE STREET, SANDRINGHAM

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport File No: PSF/22/26 – Doc No: DOC/22/368743

It is recorded that Mr Eric Purcell, Mr Ilias Degrenis, and Mr Simon Rankin (on behalf of Sandringham Traders Association Committee) each submitted a written statement in relation to this item.

It is recorded that Mr Andrew Watson (on behalf of Melrose Street Traders), Mr Chris Voce, Mr Ray Purcell, and Dr Vicki Karalis (on behalf of Sandringham Foreshore Association) each spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold Seconded: Cr Evans OAM

That Council:

- 1. notes the report and the outcome of community consultation and the traffic impact assessment
- initiates the statutory process in accordance with Schedule 11, Clause 10(1)(c) of the Local Government Act 1989 and undertakes public engagement, including writing to business and property owners of Sandringham Village, in accordance with Section 223 of the Act for a temporary road closure of part Melrose Street, Sandringham commencing in November 2023 for a minimum period of four months
- 3. considers a report from the Head, Transport for Victoria prior to the trial closure
- 4. undertakes targeted engagement with key stakeholders to assist in the development of a concept design for the space during the trial closure
- 5. refers the allocation of \$100,000 to 2023–24 budget process which would support the closure (\$40,000) and activation (\$60,000) of Melrose Street, Sandringham during any trial, should it be supported
- 6. refers the allocation of \$95,000 to 2023–24 budget process to support the introduction of parking sensors and dynamic signage, and updates the timed parking restrictions to optimise utilisation and turnover of the carpark located at 122 Beach Road, Sandringham, should the changes be supported
- 7. receives a report at a future Council meeting in 2023 detailing the outcomes of the statutory public engagement and road closure process, and engagement with key stakeholders on the concept design for the use of the space within Melrose Street, Sandringham, seeking approval to proceed with the trial road closure.

The Motion was PUT and a **<u>DIVISION</u>** was called:

DIVISION: FOR: Crs Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor),

Fiona Stitfold and Laurence Evans OAM (4)

AGAINST: Crs Alex del Porto, Sonia Castelli and Hanna El Mouallem

(Mayor) (3)

10.7 LITTLE BRIGHTON RESERVE COMMUNITY GARDEN UPDATE

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport File No: PSF/22/26 - Doc No: DOC/22/374567

It is recorded that Cr El Mouallem (Mayor) left the Meeting at 8.50 pm. Cr El Mouallem (Mayor) returned to the Meeting at 8.52 pm.

Moved: Cr del Porto Seconded: Cr Evans OAM

That Council:

- notes the successful establishment and progress of the Little Brighton Reserve Community Garden in Brighton East
- 2. continues to work with local community members on the ongoing operation and management of the community garden.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

10.8 DENDY STREET BEACH EROSION MITIGATION - UPDATE

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing File No: PSF/22/27 - Doc No: DOC/22/366837

It is recorded that Cr Castelli declared a General Conflict of Interest in this item given Cr Castelli's partner owns a bathing box at Dendy Street Beach. Cr Castelli left the Meeting at 8:54 pm.

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

Moved: Cr El Mouallem (Mayor) Seconded: Cr del Porto

That Council:

- 1. undertakes further investigation into the long-term option presented by The Nature Conservancy to address erosion at Dendy Street Beach
- 2. engages a third-party independent consultant to review and compare all options recommended, including beach amenity and habitat for marine life, and report back to Council at a future meeting.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Jo Samuel-King MBBS

(Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and

Hanna El Mouallem (Mayor) (6)

AGAINST: Nil (0)

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 9.08 pm.

Procedural Motion

Moved Cr del Porto Seconded: Cr El Mouallem

That the meeting be adjourned for a period of 5 minutes.

CARRIED

It is recorded that the meeting was adjourned at 9.08pm.

Procedural Motion

Moved Cr del Porto Seconded: Cr Martin

That the meeting be resumed.

CARRIED

It is recorded that the meeting was resumed at 9.14pm.

10.9 RESPONSE TO NOTICE OF MOTION - 319 - POWERFUL OWL PROTECTION - SECOND-GENERATION ANTICOAGULANT RODENTICIDES (SGARS) - UPDATE ON ALTERNATIVE RODENT CONTROL OPTIONS TRIAL

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing File No: PSF/22/27 - Doc No: DOC/22/306276

Moved: Cr del Porto Seconded: Cr El Mouallem (Mayor)

That Council:

- 1. extends the alternative rodent control program trial for another three months to consider the effectiveness of the current trial treatments
- 2. implements electronic rodent control options as practicable over the summer period as a trial
- receives a report on the outcome of the trial at the June 2023 Council Meeting including the ongoing costs and maintenance of the electronic rodent control option.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

10.10 RESPONSE TO NOTICE OF MOTION - 323 - FORMATION OF A SOUTH-EASTERN COUNCILS BIODIVERSITY NETWORK

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing File No: PSF/22/27 - Doc No: DOC/22/364596

Moved: Cr del Porto Seconded: Cr Stitfold

That Council

- facilitates a roundtable discussion with South Eastern Councils and a representative from Melbourne Water "Living links" and SECCA to discuss the potential formation of a South Eastern Councils Biodiversity Network and financial commitment to the Network by member councils
- 2. receives a report in April 2023 on the feedback from the roundtable discussion regarding interested councils' participation and financial contribution.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

10.11 FUTURE USE OF FORMER SCOUT HALL AT 44 WHYTE STREET, BRIGHTON

Corporate Services - Commercial Services File No: PSF/22/34 - Doc No: DOC/22/376578

It is recorded that Mrs Kim Anderson spoke for 2 minutes in relation to this item.

Moved: Cr Martin Seconded: Cr del Porto

That Council advises Scouts Victoria to demolish Whyte Street Scout Hall and the land be returned to public open space.

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

<u>DIVISION</u>: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Fiona Stitfold,

Laurence Evans OAM and Hanna El Mouallem (Mayor) (6)

AGAINST: Cr Jo Samuel-King MBBS (Deputy Mayor) (1)

10.12 PROPOSED LEASE TO SAME PTY LTD FOR A NEW LEASE AT DENDY STREET BEACH CAFE, BRIGHTON

Corporate Services - Commercial Services File No: PSF/22/34 - Doc No: DOC/22/376027

It is recorded that Cr Castelli declared a General Conflict of Interest in this item given Cr Castelli's partner owns a bathing box at Dendy Street Beach. Cr Castelli left the Meeting at 9:51 pm.

It is recorded that Dr Peter Snider, Mr Simon Morgan, and Mr John Dodd each submitted a written statement in relation to this item.

It is recorded that Mr Andre Salem spoke for 2 minutes in relation to this item.

Moved: Cr El Mouallem (Mayor) Seconded: Cr del Porto

That Council, in accordance with Section 115 of the *Local Government Act 2020* (the Act), authorises the Director of Corporate Services to execute a lease on Council's standard terms and conditions with Same Pty Ltd for the Dendy Beach Café on the following terms:

Commencement Date: The date an occupancy certificate is issued

Term: 15 years

Options for a further term: 1 option of 6 years

Commencing Annual Rent: \$80,000 per annum, plus GST

Annual Turnover Rent: 7.5% of turnover in excess of \$1,000,000

Rental Escalation: Fixed 5% of the rent payable in the prior year.

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

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Jo Samuel-King MBBS

(Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and

Hanna El Mouallem (Mayor) (6)

AGAINST: Nil (0)

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.

10.13 PROPOSED LEASE TO BRIGHTON LIFE SAVING CLUB INC. FOR A NEW LEASE AT DENDY STREET BEACH, BRIGHTON

Corporate Services - Commercial Services File No: PSF/22/34 - Doc No: DOC/22/376036

It is recorded that Cr Castelli declared a General Conflict of Interest in this item given Cr Castelli's partner owns a bathing box at Dendy Street Beach.

Moved: Cr El Mouallem (Mayor) Seconded: Cr del Porto

That Council, in accordance with Section 115 of the *Local Government Act 2020* (the Act), authorises the Director of Corporate Services to execute a Lease Agreement with Brighton Life Saving Club Inc in accordance with the Heads of Agreement provided in Attachment 1, for the Brighton Life Saving Club on the following terms:

Site: Brighton Life Saving Club

Tenant: Brighton Life Saving Club Inc.

Purpose: Primarily to provide lifesaving and emergency services to the community (such as education, training, first aid, observation, administration, amenities, storage etc) and may include uses such as:

- social activities
- fundraising appeals and community and charitable gaming, as defined by and in accordance with the Gambling Regulation Act 2013
- club-run commercial activities and approved third-party commercial uses

Premises: Brighton Life Saving Club as identified in the plan included in Attachment 1

Commencement Date: The date the Occupancy Certificate is issued

Term: 21 Years

Further Term: Nil

Commencing Annual Rent: 3,294 plus GST

Rent Escalation: Fixed increases of 3% per annum.

The Motion was PUT and a **<u>DIVISION</u>** was called:

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Jo Samuel-King MBBS

(Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and

Hanna El Mouallem (Mayor) (6)

AGAINST: Nil (0)

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 10.05 pm.

10.14 DISCONTINUANCE AND SALE OF RIGHT OF WAYS, ROADS AND RESERVES POLICY

Corporate Services - Commercial Services File No: PSF/22/34 - Doc No: DOC/22/366774

Moved: Cr Castelli Seconded: Cr del Porto

That Council adopts the Discontinuance and Sale of Right of Ways, Roads and Reserves Policy 2022.

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

<u>DIVISION</u>: FOR: Crs Sonia Castelli, Alex del Porto, Clarke Martin, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0

CARRIED

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

10.15 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance File No: PSF/22/31 – Doc No: DOC/22/376685

Moved: Cr Castelli Seconded: Cr del Porto

That Council notes the Council Action Awaiting Report.

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

DIVISION: FOR: Crs Sonia Castelli, Alex del Porto, Clarke Martin, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans

OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0

CARRIED

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

10.16 LEVEL CROSSING REMOVAL PROJECT ANNOUNCEMENT, HIGHETT

City Planning and Amenity - Urban Strategy File No: PSF/22/35 - Doc No: DOC/22/383997

Moved: Cr Castelli Seconded: Cr del Porto

That Council:

- writes to the Deputy Premier and Minister for Transport Infrastructure, the Shadow Minister for Transport Infrastructure, and the State Members for Sandringham and Brighton, in alignment with the City of Kingston endorsed position of 12 December 2022 to:
 - a. advocate for the consideration and integration of the precinct planning work at the Suburban Rail Loop Station at Cheltenham, to be developed in collaboration between the Suburban Rail Loop Authority, the Level Crossing Removal Project, Bayside City Council and Kingston City Council, with the support of a robust engagement process to seek views from the community based on a tunnelled solution
 - b. address key early considerations as part of the planning of the Level Crossing Removal Projects at Highett to ensure the delivery of:
 - i. sustainable and integrated transport and open space outcomes
 - ii. management and maintenance costed strategies and plans that support the long-term viability of newly created assets
 - iii. a strategic vision for the precinct that supports best practice urban planning and urban design principles
- 2. writes to the Deputy Premier and Minister for Transport Infrastructure, the Shadow Minister for Transport Infrastructure, and the State Members for Sandringham and Brighton to seeks the project to be managed so that it will:
 - a. deliver all construction activities via Railway Parade and Station Street, Highett to minimise the impact on private and public assets within Bayside during and post the construction phase
 - b. ensures existing community facilities are maintained and accessible to the community during and post the construction phase
 - c. relocate, at the full cost of the LXRP, any community facility where it is absolutely required to ensure that they are able to continue to operate without any interruption and undertake all reinstatement of facilities and open space at the full cost of the LXRP at the completion of the project
 - d. ensure the Highett Railway Station is maintained in its current location
- 3. seeks a briefing from the Level Crossing Removal Project early in the new year on the recently announced level crossing removals at Highett
- continues to work collaboratively with the City of Kingston to support the delivery of positive outcomes for the community as part of the delivery of the Level Crossing Removal Projects at Highett
- 5. advocates clearly and strategically to oppose any plans that involve the destruction of or damage to Grace Heart Church, Lyle Anderson Reserve or the Fox Dunkley Housing Estate; with this advocacy to involve the Mayor and/or their representatives as well as Council officers and to be directed to State politicians as well as the relevant agencies.

The Motion was PUT and a $\underline{\textbf{DIVISION}}$ was called:

DIVISION: FOR: Crs Alex del Porto, Clarke Martin, Sonia Castelli, Jo Samuel-

King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

11. Reports by Delegates

- Association of Bayside Municipalities Crs Fiona Stitfold indicated that whilst no meeting has been held, a report was received detailing the Local Port Area Plan for Sandringham and planning for replacement of the Hampton pier scheduled for 2023.
- 2. Metropolitan Transport Forum The Director Environment, Recreation and Infrastructure advised the meeting that the Metropolitan Transport Forum held its meeting on 7 December 2022. A presentation was provided by the Victorian Transport Action Group which has its focus on advocating for improved public transport across Victoria. The presentation provided insights on service provision across the Metropolitan area and a review of commitments made through the recent state election. A presentation was also provided by Manningham Council on its transport strategies, projects and advocacy.
- 3. **Municipal Association of Victoria** Cr Alex del Porto advised there was nothing to report.
- 4. **Inner South Metropolitan Mayors' Forum** The Mayor, Cr Hanna El Mouallem advised that no meeting of the forum has been held.
- 5. **South East Councils Climate Change Alliance** Cr Fiona Stitfold indicated that a meeting of the Alliance was held on 8 December where the Chair or the Alliance was appointed. A number of matters were discussed including Climate Risk Disclosure, the Resilience Project and other advocacy work.
- 6. **South Eastern Councils Biodiversity Network** Cr Jo Samuel-King advised that the update for the proposed Biodiversity Network was covered in Item 10.10 on the Agenda.

Moved: Cr del Porto Seconded: Cr Martin

That the Reports by Delegates be received and noted.

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

DIVISION: FOR: Crs Sonia Castelli, Alex del Porto, Clarke Martin, Jo Samuel-King

MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and

Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

12. Urgent Business

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

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

The Deputy Mayor noted that this is the last Council meeting for the Manager Urban Strategy, Juliana Aya who is leaving the organisation. The Deputy Mayor thanked Ms Aya for her contribution to the Council over a period of 8 years.

The Deputy Mayor declared the meeting closed at 10.32pm.