

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
21 February 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Mayor)

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

Officers: Mick Cummins – Chief Executive Officer
Tilla Buden – Director Community and Customer Experience
Jill Colson – Director Corporate Services
Matthew Cripps – Director City Planning and Amenity
Mark Varmalis – Director Environment, Recreation and Infrastructure
Anthony Jacobs – Acting Manager Urban Strategy
Terry Callant – Manager Governance
Jason Stubbs – Manager Commercial Services
Robert Lamb – Governance Officer

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12. Urgent Business
13. Notices of Motion

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

The Mayor invited Cr Samuel-King to read the prayer.

1. Prayer

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

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

2. Acknowledgement of Country

Cr Martin 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.

Minutes' silence

The Mayor called for a one minute silence to acknowledge the recent passing of two former councillors of the former City of Brighton, Ms Di Lopez, and Mr Peter Patrick.

Di Lopez was elected to Brighton Council as a North Ward Councillor in 1976 through to 1981, and was elected as the first female Mayor of Brighton Council in 1980.

Peter Patrick was elected to Brighton Council as a Central Ward Councillor in 1988 through to 1991.

Both Di Lopez and Peter Patrick made a significant contribution to Brighton City Council over their term of office.

6. Public Question Time

1. The Honourable Mr Timothy Wilson

The Honourable Mr Timothy Wilson submitted a question regarding Council's Australia Day Citizenship Ceremony, and Mr Wilson asked:

Question

Did our Federal Member of Parliament, Zoe Daniel not attend the Bayside Council Citizenship Ceremony held on the morning of Australia Day 2023?

Response from the CEO

An invitation was extended to all local state and federal members of parliament to attend both Australia Day events. The Member for Goldstein conveyed her apology for both events due to a prior commitment.

2. Mrs Michelle Williams

Mrs Michelle Williams submitted a question regarding the Bayside Netball Centre project, and Ms Williams asked:

Question

Holloway Road Netball Courts

Part 1. Why is Council unable to do anything with regards to the amount of dust from the Netball Courts construction which impacts quite a few (adjacent) residents

Part 2. Are you aware that this dust is impacting on these residents health?

Response from the CEO

Part 1

As a State Government delivered project, it is the responsibility of the Victorian School Building Authority to have controls in place to minimise dust arising from the works at Sandringham College. Council has undertaken site visits to confirm that measures to minimise dust are being implemented in accordance with the construction management plan for the project and are also in contact with the EPA.

Part 2

The Council is aware of concerns expressed by local residents with dust generated through the works at Sandringham College and has written to the Victorian School Building Authority and the site manager requesting that measures be taken to reduce the generation of dust.

3. Mr Kevin Howard

Mr Kevin Howard submitted a question regarding pet ownership and compliance in Bayside, and Mr Howard asked:

Question

Successive Domestic Animal Management Plans adopted by Council have included priorities and activities to promote and encourage responsible pet ownership and compliance with legislation.

Part 1. In light of the awful incident last month when a dog was killed by another dog at Elsternwick Park South, would Council please explain what it has done in recent years to educate dog owners about responsible dog ownership.

Part 2. What activities has Council undertaken to promote responsible dog ownership specifically by people who are NOT Bayside residents, but use visit Bayside parks and reserves with their dogs?

Response from the CEO

Part 1

Council's approach to educating dog owners about responsible dog ownership has comprised a range of activities including:

- *promotion and access to information through our website, publications, social media, new and renewed dog registrations, pop-up stands and Pets Day Out*
- *signage at key open space areas, which is set to be upgraded in the 2023–24 financial year*
- *liaison with key interest groups such as sports clubs and the Bayside Dog Alliance*
- *regular proactive and targeted patrols of open space by Local Laws Officers with increased patrols during daylight savings*
- *investigating alleged breaches and taking enforcement action.*

Part 2

The above activities seek to promote responsible dog ownership to both residents and visitors.

Responsible dog ownership is not unique to Bayside and all dog owners within the State must ensure they manage their pet in line with the requirements of the Domestic Animals Act 1994.

4. Mr Kevin Howard

Mr Kevin Howard submitted a further question regarding pet ownership and compliance in Bayside, and Mr Howard asked:

Question

In the last few years numerous people and dogs have been attacked by other dogs in Elsternwick Park South. In several cases I know of personally that have been reported to Council, no action could be taken because the dogs were presumed to be unregistered and the owners could not be traced.

Question Part 1. In the last 12 months, how many patrols have Local Law Officers conducted in Elsternwick Park South?

Question Part 2. In the last 12 months how many unregistered dogs have been detected in Elsternwick Park South?

Response from the CEO

Part 1

Local law officers patrol of Elsternwick Park South proactively at least once a week, with increased patrols during daylight savings.

Part 2

Data on the specific number of unregistered dogs detected in Elsternwick Park South over the last year is not currently available.

However, in 2022 Council issued municipal wide a total of:

- *326 infringements for unregistered animals; and*
- *579 warnings and 54 Infringements for dogs off-lead in on-leash areas.*

7. Petitions to Council

There were no petitions submitted to the meeting.

9. Reports by Special Committees

There were Reports by Special Committees submitted to the meeting.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

Item 10.6		For (F) Against (A)
Proposed Lease to Black Rock Life Saving Club		
Written Statements		
1.	Mr George Reynolds (on behalf of Bayside Ratepayers Group, Ratepayers Victoria Inc.)	(A)
Requests to Speak		
1.	Mr George Reynolds (on behalf of Bayside Ratepayers Group, Ratepayers Victoria Inc.)	(A)

10.1 URBAN FOREST PRECINCT PLANS - BEAUMARIS PRECINCT PLAN ENGAGEMENT SUMMARY

City Planning and Amenity - Urban Strategy
File No: PSF/23/162 – Doc No: DOC/23/27452

It is recorded that Cr Castelli entered the meeting at 6.46pm.

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS (Deputy Mayor)

That Council:

1. notes the outcomes from the community engagement and the updates to the Beaumaris Precinct Plan
2. adopts the Beaumaris Precinct Plan, subject to the following:
 - a. highlight the Urban Forest Vision in the introduction
 - b. the Environmental Vegetation Classes (EVCs) be incorporated and used to inform species palette to create and achieve a cohesive landscape outcome
3. endorses the timelines to deliver the eight (8) other precinct plans, being:
 - a. preparation of the draft Precinct Plans by 31 May 2023
 - b. present the draft Precinct Plans to Council by 30 June 2023
 - c. community consultation by 30 October 2023
 - d. present the Precinct Plans to Council for adoption by 30 November 2023.

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 Stiffold, Laurence Evans OAM and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

**10.2 WRITTEN SUBMISSION TO KINGSTON CITY COUNCIL'S DRAFT
URBAN FOREST STRATEGY**

City Planning and Amenity - Urban Strategy
File No: FOL/23/149 – Doc No: DOC/23/27236

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council notes and endorses the submission to Kingston City Council's Draft Urban Forest Strategy.

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)

CARRIED

10.3 APPOINTMENT OF MEMBERS TO THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE

Community and Customer Experience - Customer, Libraries and Cultural Services
File No: PSF/23/167 – Doc No: DOC/23/41595

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

1. appoints Adrian Spurr to the Bayside Arts and Gallery Advisory Committee for a period of three years commencing 21 February 2023 and concluding 21 February 2026
2. appoints Louise Doyle to the Bayside Arts and Gallery Advisory Committee for a period of three years commencing 21 February 2023 and concluding 21 February 2026.

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)

CARRIED

10.4 REVIEW OF CHRISTMAS DECORATION PROGRAM 2022 - RECOMMENDATIONS FOR FUTURE IMPLEMENTATION

City Planning and Amenity - Urban Strategy
File No: PSF/23/162 – Doc No: DOC/23/39672

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

That Council:

1. continues to support the Christmas Decoration Program in 2023
2. continues to deliver the Dendy Village, Hampton decorations
3. relocates and replaces the 4 metre Christmas tree in Church Street with a 6 metre Christmas tree in a highly visible location
4. proceeds with the two new pop-up installations in 2023 – one in Spring Road, Highett and the second at the Pennydale shopping strip
5. expands the Christmas Decoration program in 2024 over the following five (5) years (2024 to 2028) to include one (1) additional small activity centre, annually, subject to budget considerations
6. supports opportunities to continue to expand the program gradually to other small activity centres subject to budget considerations
7. expands the engagement process with local ethnic groups to explore and encourage community inclusion in the 2023 program
8. continues with the planning and delivery of activations throughout the festive season with activity centres that have a good retail mix and a higher visitor and shopper footfall.

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)

CARRIED

10.5 FUTURE USE OF MELROSE STREET, SANDRINGHAM - SPECIAL COMMITTEE OF COUNCIL

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/43413

Moved: Cr Stitfold

Seconded: Cr del Porto

That Council:

1. establishes a Special Committee of Council, with the membership being all Councillors (with a quorum of four Councillors), to hear submissions in relation to the proposed temporary road closure of part of Melrose Street, Sandringham
2. in the event that submission/s are received, convenes a Special Committee of Council meeting on Wednesday, 19 April 2023 commencing at 6.00pm, to hear any submitters that wish to be heard, with the meeting to be held at the Council Chamber, Boxshall Street, Brighton.

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)

CARRIED

10.6 PROPOSED LEASE TO BLACK ROCK LIFE SAVING CLUB, BLACK ROCK

Corporate Services - Commercial Services
File No: PSF/23/175 – Doc No: DOC/23/38682

It is recorded that Mr George Reynolds submitted a written statement and spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. 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 Black Rock Life Saving Club Inc. in accordance with the Heads of Agreement provided in Attachment 1, for the Black Rock Life Saving Club on the following terms:

Site: Black Rock Life Saving Club

Tenant: Black Rock 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: Black Rock Life Saving Club as identified in the plan included in Attachment 1

Commencement Date: From the date the Minister's delegate or Minister signs the lease or when the Occupancy Certificate is issued whichever is the later

Term: 21 Years

Further Term: Nil

Commencing Annual Rent: \$3,184 plus GST which will be broken up into two parts: a \$403 plus GST community rental, set in accordance with Council's Schedule of Fees and Charges, and a maintenance contribution of \$2,781 plus GST

Rent Escalation: Fixed increases of 3% per annum

2. includes a clause in the lease ensuring use by other community groups or segments of the community for the multipurpose/training space, and associated amenities (kitchen, toilets and circulation spaces) is catered for in a manner consistent with Council policy on the provision of access to community halls and facilities for community use, with maximum charges to community groups consistent with Council fees and charges
3. includes in the lease that the club is responsible for rates, fees and charges including gas, electricity and water.

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

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

LOST

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

That Council:

1. 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 Black Rock Life Saving Club Inc. in accordance with the Heads of Agreement provided in Attachment 1, for the Black Rock Life Saving Club on the following terms:

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- 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: Black Rock Life Saving Club as identified in the plan included in Attachment 1

Commencement Date: From the date the Minister's delegate or Minister signs the lease or when the Occupancy Certificate is issued whichever is the later

Term: 21 Years

Further Term: Nil

Commencing Annual Rent: \$3,184 plus GST

Rent Escalation: Fixed increases of 3% per annum

2. includes a clause in the lease ensuring use by other community groups or segments of the community for the multipurpose/training space, and associated amenities (kitchen, toilets and circulation spaces) is catered for in a manner consistent with Council policy on the provision of access to community halls and facilities for community use, with maximum charges to community groups consistent with Council fees and charges
3. includes in the lease that the club is responsible for rates, fees and charges including gas, electricity and water.

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 Stiffold, Laurence Evans OAM and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

10.7 LEASE AND LICENCE POLICY REVIEW

Corporate Services - Commercial Services
File No: PSF/23/175 – Doc No: DOC/23/38688

It is recorded that Cr del Porto left the meeting at 7.57 pm. Cr del Porto returned to the meeting at 7.59 pm.

Moved: Cr Castelli

Seconded: Cr Martin

That Council adopts the Lease and Licence Policy (Attachment 1 to this report).

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)

CARRIED

**10.8 DELEGATION TO THE CHIEF EXECUTIVE OFFICER TO AWARD
CONTRACT CON/22/30 - DESIGN CONSULTATION TEAM FOR THE
WARM WATER POOL AT BRIGHTON GOLF COURSE**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/23/165 – Doc No: DOC/23/39080

Moved: Cr del Porto

Seconded: Cr Castelli

That Council authorises the Chief Executive Officer to award Contract CON/22/30 'Design Consultation Team for the Warm Water Pool at Brighton Golf Course' for a maximum value of \$1.5m.

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 Stiffold, Laurence Evans OAM and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

CARRIED

10.9 2022–23 2ND QUARTER PERFORMANCE REPORT (OCTOBER TO DECEMBER 2022)

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/38232

Moved: Cr Martin

Seconded: Cr Stitfold

That Council:

1. notes the 2022–23 Quarter 2 Performance Report for the period October to December 2022
2. for the purposes of annual reporting of Council Plan actions, approves the deferral of the following four actions from reporting year 2023–24:
 - 2.3.1.2 Develop a placemaking strategy to attract economic activity in activity centres
 - 2.3.2.1 Undertake the Business Monitor (evaluation program) to determine the impact of Covid 19 on the levels of vacancies and changes to the type of use in Activity centres and BBD
 - 2.3.2.2 Develop the Economic Development and Tourism Strategy
 - 3.1.1.1 Implement the Playground Improvement plan including activity spaces for all ages and abilities Program for 2022–23 includes Elsternwick Park South Reserve, Northern Playground.

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)

CARRIED

10.10 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/41485

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

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 Stiffold, Laurence Evans
OAM and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Fiona Stitfold advised that there was no report.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure advised that the Senior Integrated Transport Planner attended the MTF Forum on 1 February and noted that executive positions for 2023 were determined with Cr Jonathon Marsden of Hobsons Bay Council re-elected as chair. Presentations were provided by Nuno Pires and Dr Luisiana Paganelli on Integrated transport planning and their respective learnings from Curitiba and Lisbon. The MTF is developing its new Strategic Plan with feedback sought. Representatives from Melton and Moonee Valley councils spoke about their current transport initiatives for their municipalities.
3. **Municipal Association of Victoria** – Cr Alex del Porto advised that MAV conducted postal elections for the board membership – there are now 10 (not 12) board members, and two candidates for the position of President.
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Hanna El Moullem indicated that no forum had been held though he has met with the Mayor of Glen Eira to discuss the issue of cost shifting. Cr El Moullem also intends to meet with the Mayor of Kingston on this matter.
5. **South East Councils Climate Change Alliance** – Cr Clarke Martin advised that the Alliance received a report from the SECCA advocacy group which reported on the recent State election. Cr Martin praised the advocacy work in this area.
6. **South Eastern Councils Biodiversity Network** – Cr Jo Samuel-King MBBS (Deputy Mayor) advised that Council is awaiting a further report from officers concerning the establishment of the Network. A round table with representatives of other councils has been proposed. The Director Environment, Recreation and Infrastructure noted this would be followed up.

Moved: Cr del Porto

Seconded: Cr Samuel-King MBBS (Deputy Mayor)

That the Reports by Delegates be received and noted.

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

DIVISION: **FOR:** Crs Sonia Castelli, Alex del Porto, Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold, Laurence Evans OAM and Hanna El Moullem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

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 Mayor declared the meeting closed at 8.28pm.