

# Council Meeting

Council Chamber  
Civic Centre  
Boxshall Street Brighton

Tuesday  
18 April 2023  
at 6.30pm



# Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Mouallem (Mayor)

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

**Officers:** Mick Cummins – Chief Executive Officer  
Tilla Buden – Director Community and Customer Experience  
Jill Colson – Director Environment, Recreation and Infrastructure  
Matthew Cripps – Director City Planning and Amenity  
Jason Stubbs – A/Director Corporate Services  
Belinda Austin – Manager Project Services  
Terry Callant – Manager Governance  
Charlotte Farrugia – A/Manager Family, Youth and Wellbeing  
James Roscoe – Manager Climate, Waste and Integrated Transport  
Bill Shanahan – Manager Finance  
Tom Vercoe – Manager Open Space and Recreation  
Sally Morgan – External Communications and Media Coordinator  
Robert Lamb – Governance Officer

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There were no Notices of Motion submitted to the meeting.
  
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The Mayor declared the Council Meeting open at 6.30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

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

## 1. Prayer

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

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

## 2. Acknowledgement of Country

Cr Evans read the acknowledgement of the original inhabitants of this land.

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

## 3. Apologies

*It is recorded that at the 21 March 2023 Council Meeting, Cr Alex del Porto sought leave of absence from his duties as a Councillor for the period commencing 11 April to 26 May 2023 inclusive and sought the suspension of his Councillor allowance during this period of absence. Accordingly, Council noted Cr del Porto's absence from the meeting.*

*It is further recorded that Cr Fiona Stiffold was an apology.*

**Moved Cr Samuel-King**

**Seconded Cr Castelli**

That Council notes the leave of absence of Cr Alex del Porto and apology from Cr Fiona Stiffold from the 18 April 2023 Council Meeting.

**CARRIED**

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

- Cr Evans declared a General Conflict of Interest in Item 10.5: Sandringham Health and Wellbeing Precinct Network, given Cr Evans is a Director of Fairway Bayside Ltd.
- The Mayor Cr El Mouallem declared a General Conflict of Interest in Item 10.3: 7 Well Street Brighton Pocket Park Design Update, given Cr El Mouallem formerly owned a property in close proximity to the site.

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

- 5.1 Confirmation of the Minutes of the Bayside City Council meeting held on 21 March 2023.

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That the minutes of the Bayside City Council meeting held on 21 March 2023, as previously circulated, be confirmed as an accurate record of proceedings.

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

**DIVISION:**    **FOR:**        Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Laurence Evans OAM and Hanna El Mouallem (Mayor) (5)  
**AGAINST:** Nil (0)

**CARRIED**



## 6. Public Question Time

### 1. Mr Jeff Naylor

Mr Jeff Naylor submitted a question regarding sports pavilions in Bayside and accessibility, and Mr Naylor asked:

#### Question

Part 1 - What are the locations, timings and project status of each of the remaining sports pavilions to be upgraded in Bayside?

Part 2 - Which of the remaining sports pavilions to be upgraded in Bayside will include changing places bathrooms accessible from outside the building with an MLAK key so they can be used at any time by those who need them?

#### Response from the CEO

##### Part 1

*Council is currently completing works at RJ Sillitoe Reserve pavilion redevelopment, expected to be completed in mid-2023.*

*Also under construction are Brighton Life Saving Club Pavilion and the Black Rock Life Saving Club Pavilion. It is anticipated that the Brighton Life Saving Club will be completed mid-2023 and the Black Rock Life Saving Club expected to be completed in late 2024 or early 2025.*

*Works to the Boss James Reserve Pavilion are currently in the design stage, with construction expected to commence mid-2023. The Dendy Park Athletics and Soccer Pavilion redevelopment is currently at the design stage and is expected to be completed by June 2025.*

*There are a further 5 pavilions to be constructed between 2026 and 2028. Details of these will be provided in the written response to Mr Naylor.*

##### Part 2

*Council is proposing to review its Public Toilet Strategy in 2023–24 which will provide further guidance in relation to the demand and placement of further Changing Places toilets across the City of Bayside, noting the sites already identified for Changing Places facilities. The current pavilions under construction do not include Changing Places facilities as part of the scope of those projects.*

*Council's new and upgraded sports pavilions will be inclusive and meet DDA compliance including having accessible toilets and showers.*

**2. Mr Jeff Naylor**

Mr Jeff Naylor submitted a further question. The question is regarding inclusive playgrounds in Bayside and, and Mr Naylor asked:

**Question**

- Part 1 Will council commit to building just its 2nd inclusive playground of its 61 playgrounds portfolio at WRR including tables, chairs, rotunda, bbq's etc to enable and encourage community participation?
- Part 2 If not Wilson Rec Reserve, what is council's plans for a second inclusive playground including location and timing?

**Response from the CEO**

- Part 1 *Bayside is well serviced with 61 playgrounds of varying size and condition throughout the municipality. The Bayside Playground Improvement Plan 2015–25 outlines a plan to upgrade or replace all playgrounds over the 10 years with a total investment of \$10.3M.*
- The Playground Improvement Plan does not provide for a fully accessible playground at Wilson Reserve.*
- Part 2 *There are no current plans for a second fully accessible playground in Bayside.*

**3. Mr John Brady**

Mr John Brady submitted a question regarding Davie Lane, Brighton, and Mr Brady asked:

**Question**

What Capital Works priorities need amending, so Davie Lane, Brighton up-grade is included in Budget 2023–24?

**Response from the CEO**

*Council faces many competing demands for funding of a wide range of projects, not all of which can be funded immediately.*

*Davie Lane works have been included in the proposed capital program for 2024–25.*

*To shift the Davie Lane project to 2023–24 would require Council to defer a project similar value that is currently costed in 2023–24.*



**4. Ms Alison Joseph**

Ms Alison Joseph submitted a question regarding the Dendy Beach Pavilion Project, and Ms Joseph asked:

**Question**

What has been the full cost to date of the Dendy Beach Pavilion Project (including all community consultation, design and legal costs, cultural heritage, environmental, hazardous waste identification/testing, soil removal and disposal, engineering and other consulting costs, the costs of the drainage and road construction, and all other project related costs)? That is, all costs since the inception of the project in 2014 to now?

**Response from the CEO**

*Project costs from 2014 to now are \$14.54M.*

**5. Ms Alison Joseph**

Ms Alison Joseph submitted a further question regarding the Dendy Beach Pavilion Project, and Ms Joseph asked:

**Question**

What was the contracted price with Lloyd Constructions for all the works associated with the Dendy Beach Pavilion project and how much has been paid to Lloyd Constructions for the works that have been completed? (ie Dendy Beach Pavilion, new road, drainage, rain garden, soil excavation and soil disposal etc)?

**Response from the CEO**

*The contracted price for the construction of Dendy Beach Pavilion by the Lloyd Group as per the Council resolution of 21 September 2021 was \$11,904,069 including GST.*

*In relation to the second part of this question, it is disallowed in accordance with the provisions of the Governance Rules, as the response would contain private commercial information.*

**6. Mr John Lyons**

Mr John Lyons submitted a question regarding the Bayside Netball Centre project, and Mr Lyons asked:

**Question**

- Part 1 Could it be construed that Council and management may have been complicit in potentially endangering people's lives by rushing ahead with the manufacture of the Netball Complex.
- Part 2 And; as several residents in the Balmoral housing precinct have come down with serious illnesses, could the land under those homes and surrounds be contaminated?

**Response from the CEO**

- Part 1 *The former Golf Driving Range at Wangara Road is subject to Environmental Action Notices which require ongoing risks from the site to continue to be monitored.*
- Part 2 *Council's independent environmental assessor undertook analysis of current monitoring (including outside of the site boundaries) to understand whether there is a risk of contamination. Testing indicates that there is low risk of contamination beyond the site boundaries. Council will continue to monitor conditions both inside and outside of the site to ensure there is no risk to public safety.*

**7. Mr Andrew McLeod**

Mr Andrew McLeod submitted a question regarding Council's position on a First Nations Voice to Parliament, and Mr McLeod asked:

**Question**

- Part 1 Please explain how you can justify any of your time and any potential rate payer funds on a federal political matter
- Part 2 Please explain why your individual political opinions should be shared with the Bayside community and why your actions are not exploiting your position for your own political purposes.

**Response from the CEO**

- Part 1 *In the lead up to the Voice referendum, Council is affirming a previously endorsed commitment to the Uluru Statement from the Heart, as unanimously voted by Council on 17 August 2021.*
- Part 2 *Council will share information to assist electors to understand the importance, purpose and process of the Voice referendum, and to mitigate misinformation.*

**8. Mr Kevin Howard**

Mr Kevin Howard submitted a question regarding rates, and Mr Howard asked:

**Question**

In the 2022/23 Budget Council forecast a Rate increase of 2% for the 2023/24 financial year.

Part 1 At a time when residents are experiencing unprecedented cost of living increases, why has Council abandoned its previous 2% forecast and proposed a 3.5% rate increase?

Part 2 Given that many residents are making sacrifices to balance the household budget, why is Council not reducing or delaying expenditure so that a rate increase can be avoided?

**Response from the CEO**

Part 1 *The 2022–23 budget included a forecast rate increase for 2023–24 of 2% in line with the Department of Treasury forecasts for CPI at that time. Since then, CPI has increased to 7.8% as at December 2022 and is expected to be 4% in 2023–24. It is Council policy to increase rates each year in line with the rate cap set by the Minister which is 3.5% for 2023–24.*

Part 2 *The rate increase funds over 100 important services to the community as well as a capital program which is required to maintain the quality of Council assets and deliver much needed community infrastructure.*

**9. Mr Kevin Howard**

Mr Kevin Howard submitted a question regarding infringement notices issues in relation to unregistered dogs, and Mr Howard asked:

**Question**

In response to a question at the last meeting, Council said that the location of infringement notices issued to dog owners was not recorded in the Council database and only the dog owners home address was recorded.

Part 1 Does this mean that if a dog owner from another municipality challenges an infringement notice issued by Bayside City Council, Council is not able to say where the infringement was detected?

Part 2 During 2022 how many infringement notices for unregistered dogs did Council issue to owners of dogs whose address was in Port Phillip LGA?

**Response from the CEO**

Part 1 *For challenged infringements, Council can establish where the offence was detected based on the specific investigation evidence.*

Part 2 *Council did not issue any infringements for unregistered dogs from Port Phillip LGA in 2022. Consistent with Section 10(1) of the Domestic Animals Act 1994, identified unregistered dogs not kept in Bayside are referred to the relevant Local Government Authority of the Municipal District where the dog is kept, for investigation and appropriate action.*















## 9. Reports by Special Committees

There were no Reports by Special Committees submitted at the meeting.

## 10. Reports by the Organisation

### REQUESTS TO BE HEARD:

There were no requests to be heard received.

**Moved: Cr Castelli**

**Seconded: Cr Samuel-King**

That Council re-order the consideration of the first three items on the Agenda to the following order: 10.3, 10.2 and 10.1 and that the Deputy Mayor, Cr Samuel-King take the Chair for the consideration of items 10.3, 10.2 and 10.1.

**CARRIED**

*It is recorded that the Agenda was re-ordered to consider items 10.3, 10.2 and 10.1 (followed by the remaining items) and that the Deputy Mayor, Cr Samuel-King assumed the Chair for items 10.3, 10.2 and 10.1.*

## 10.1 YEAR 3 REVIEW OF COUNCIL PLAN (2021–25) AND DEVELOPMENT OF THE 2023–24 ANNUAL ACTION PLAN

Corporate Services - Governance  
File No: PSF/23/167 – Doc No: DOC/23/103380

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council

1. endorses the Year 3 review of the 2021-2023 Council Plan and Draft 2023-24 Annual Action Plan for community consultation, subject to the following inclusions:

Page 87	Amend Ornamental Lake Management Plan action to read: <i>“Develop an Ornamental Lake Management Plan including the Cheltenham Golf Course reservoir”.</i>
	Amend Biodiversity Action Plan action to include the following dot point: <i>“Implement the Biodiversity Notice of Motions with a focus on delivering on ground actions”.</i>
Page 89	Item 1.3.1 third dot point to be amended to read: <i>“Deliver projects to reduce single use plastics including education and reduction programs”.</i>
Page 90	Item 2.1.1 first dot point to be amended to read: <i>“Deliver a partnership with a community organisation and improve understanding and attitudes to child safety”.</i>
Page 94	<u>Strategic Indicator for Strategic Objective 3.1</u> To read: <i>“Increase activation of Council pavilions during non-sport allocated hours in line with Council’s resolution of 16 August 2022 regarding Sportsground Pavilion utilisation”.</i>

2. notes a further report will be presented in June 2023 for Council to consider adoption of the revised Council Plan and Year 3 Annual Action Plan.

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

**DIVISION:**    **FOR:**        Crs Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor) and Laurence Evans OAM (3)  
**AGAINST:** Crs Sonia Castelli and Hanna El Moullem (Mayor) (2)

**CARRIED**

It is recorded that the Mayor Cr El Mouallem returned to the meeting at 6.55pm.

## 10.2 PROPOSED ANNUAL BUDGET 2023–24

Corporate Services - Finance  
File No: PSF/23/168 – Doc No: DOC/23/94562

**Moved: Cr El Mouallem (Mayor)**

**Seconded: Cr Castelli**

That Council:

1. formally prepares the proposed Annual Budget 2023–24 including the Schedule of Fees and Charges for the purposes of community consultation with the following changes:
  - a) the proposed general rate increase be reduced to 2% for the 2023–24 financial year
  - b) the following proposed projects be removed from the 2023–24 New Initiatives Program:
    - *Park Improvement and Habitat Linkage Plan \$185,000*
    - *Biodiversity Action Plan \$349,600*
  - c) the allocation for New Initiatives for the years 2024–25 to 2026–27 be reduced by \$750,000 per annum
  - d) the following proposed projects be removed from the Four Year Capital Program:
    - *Cheltenham Scout Hall relocation - \$1.6 million Council contribution*
    - *Tulip Street basketball connecting walkway - \$1 million Council contribution*
    - *Climate Change ESD Reserve - \$500,000*
2. invites submissions on the proposed Budget 2023–24 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect the changes to the proposed Budget as a result of item 1 above and any minor administrative changes which may be required to the Proposed Budget 2023–24
4. notes that the proposed Annual Budget 2023–24 be presented for adoption as Council's Budget 2023–24, at the June 2023 Council meeting in accordance with section 94 of the Local Government Act 2020.

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

**DIVISION**: **FOR:** Crs Sonia Castelli and Hanna El Mouallem (Mayor) (2)  
**AGAINST:** Crs Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor) and Laurence Evans OAM (3)

**LOST**















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

Corporate Services - Commercial Services  
File No: PSF/23/175 – Doc No: DOC/23/38664

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**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council:

1. in accordance with the Local Government Act 2020 (the Act) resolves to sell the Subject Land adjoining 34 and 2/36 Raynes Park Road, Hampton, outlined in red in Attachment 1, to the adjoining owners of 34 and 2/36 Raynes Park Road, Hampton, for the combined sum of \$126,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to sell the subject land via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. advises the parties who lodged a submission or provided feedback in relation to the proposal of Council's decision.

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

**DIVISION:**   **FOR:**       Nil (0)  
                          **AGAINST:** Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS  
                          (Deputy Mayor), Laurence Evans OAM and Hanna El Mouallem (Mayor) (5)

**LOST**

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

**Seconded: Cr Martin**

That Council resolves to retain the Subject Land adjoining 34 and 2/36 Raynes Park Road, Hampton, outlined in red in Attachment 1 and undertakes extensive planting of the land to encourage indigenous local flora and fauna, subject to budget considerations.

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

**DIVISION:**   **FOR:**       Crs Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS  
                          (Deputy Mayor), Laurence Evans OAM and Hanna El Mouallem  
                          (Mayor) (5)  
                          **AGAINST:** Nil (0)

**CARRIED**



## 11. Reports by Delegates

1. **Association of Bayside Municipalities** – No report submitted.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure advised that the Forum held a meeting on 5 April 2023 where a presentation was provided by Peter Kartsidimas of Infrastructure Victoria on the operations and design planning of Victoria’s bus services. A strategic transport advocacy update was provided by the MTF Executive Officer who appointed ambassadors to different sustainable transport roles. Representatives from Stonnington, Whitehorse, Whittlesea and Wyndham councils spoke about the transport actions they are currently progressing.
3. **Municipal Association of Victoria** – No report submitted.
4. **Inner South Metropolitan Mayors’ Forum** – The Mayor, Cr Hanna El Moullem indicated that whilst the Forum has not met for some time, he did attend the recent Urban Canvas Mural Festival which was part of the funding agreement that the Forum received from the State Government for graffiti management across Boroondara, Kingston, Bayside, Stonnington and Glen Eira councils.
5. **South East Councils Climate Change Alliance** – No report submitted.
6. **South Eastern Councils Biodiversity Network** – No report submitted.

**Moved: Cr Castelli**

**Seconded: Cr Evans**

That the Reports by Delegates be received and noted.

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

**DIVISION:**    **FOR:**        Crs Sonia Castelli, Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor), Laurence Evans OAM and Hanna El Moullem (Mayor) (5)  
**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.

## 14. Confidential Business

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

*That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:*

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—*
  - (i) relates to trade secrets; or*
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

**CARRIED**

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#### 14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS ADVISORY COMMITTEE HELD ON 13 FEBRUARY 2023

*(LGA 2020 Section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.)*

*It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.*

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at 8.59pm.*