

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
16 May 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Mayor)

Councillors: Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King MBBS (Deputy Mayor)
Cr Fiona Stitfold

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
Kathryn Tozer – A/Director Corporate Services
Belinda Austin – Manager Project Services
Karen Brown – A/Manager Governance
John Coates – Manager Amenity Protection
James Roscoe – Manager Climate, Waste and Integrated Transport
Tom Vercoe – Manager Open Space and Recreation
Damien Darcy – Property Coordinator
Fiona Mitchell – Capital Projects Coordinator
Sally Morgan – External Communications and Media Coordinator
Robert Lamb – Governance Officer

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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 Stiffold to read the prayer.

1. Prayer

Cr Stiffold 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 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 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 Sonia Castelli was an apology.

Moved Cr Evans

Seconded Cr Samuel-King MBBS

That Council notes the leave of absence of Cr Alex del Porto and apology from Cr Sonia Castelli from the 16 May 2023 Council Meeting.

CARRIED

6. Public Question Time

1. The Honourable Timothy Wilson

The Honourable Timothy Wilson submitted a question regarding fossil fuel subsidies, and Mr Wilson asked:

Question

Bayside Council has declared a climate emergency and has a plan to achieve net zero emissions, meanwhile our Federal Independent MP Zoe Daniel has voted in Federal Parliament for new fossil fuel subsidies.

- a) Are new fossil fuel subsidies supported by our Federal MP consistent with Bayside Council calling for a climate emergency and its plan for net zero emissions?
- b) Does Bayside Council disagree with our Federal Independent MP, Zoe Daniel, voting for new fossil fuel subsidies?

Response from the CEO

- a) *Bayside City Council's declaration of a climate emergency on 17 December 2019 recognises the need for urgent, meaningful action on human-induced climate change at all levels of government, including local government.*

Council is focussing on delivering the Climate Emergency Action Plan which includes a range of actions to reduce greenhouse gas emissions in response to the climate emergency.

Any views of the Federal Member's position on fossil fuel subsidies should be taken up directly with the Member.

- b) *It is not the role of Council to disagree or agree with the local Federal Member's views on the matter.*

2. The Honourable Timothy Wilson

The Honourable Timothy Wilson has asked a further question regarding redactions made to a question submitted to the February Council Meeting.

A third question from Mr Wilson was also received; however, Council's Governance Rules allow for a maximum of 2 questions per individual to each meeting. Council has however written to Mr Wilson on this matter.

The second question is as follows:

Question

To the February meeting of Council a question was submitted about the attendance of our Federal Member for Goldstein's attendance at Australia Day Citizenship Ceremonies. When the question was submitted it included the word "boycott", but when asked the word "boycott" was removed. Is it the policy of Council to censor questions from ratepayers to Council?

Response from the CEO

Division 8, Section 57(9)(d) of Council's Governance Rules states that a question (or part thereof) may be disallowed by the Chief Executive Officer (or, at the Meeting, by the Chair) if the Chief Executive Officer or Chair determines that it is aimed at embarrassing a Councillor or a member of Council staff. This can reasonably be extended to apply to members of parliament or any members of the community. It is therefore appropriate that some questions be redacted or disallowed entirely from public question time.

3. Mr Warwick Dean

Mr Warwick Dean submitted a question regarding Bayside's Netball Centre project, and Mr Dean asked:

Question

What evidence can council provide where they have communicated to residents about the likely traffic, light spill and noise impacts from the operation of the Netball Centre in Holloway Road as referred to in the Special Council Meeting minutes on the 25th February 2021, page 21?

Response from the CEO

The agenda for the 25 February 2021 Special Meeting of Council at page 21 outlines that 'Whilst the project is not subject to a town planning permit application process, both the Council and VSBA have communicated with residents on the likely traffic, light spill and noise impacts from such a development. A comprehensive community engagement process was carried out by Council and is summarised in the first section of this paper and Attachment 1 and 2.'

The Community Engagement Summary Report, an attachment to the agenda, outlines the methods undertaken by Council in doing so.

4. Mr Warwick Dean

Mr Warwick Dean submitted a further question regarding Bayside's Netball Centre project, and Mr Dean asked:

Question

After having received verbal advice from a Bayside Council employee (on Monday 7 November 2022) that residents of Holloway Road and connected streets are to be directly surveyed by BCC about parking signage related to traffic management and parking related to the Bayside/State Government Netball facility, what actions has BCC implemented to implement this advice?

Response from the CEO

In December 2020, Council undertook community consultation on the Bayside Netball Centre to gather community feedback to inform the hours of operation, mitigation strategies for noise, and the draft traffic management plan.

Council considered community feedback and endorsed the Traffic Management Plan at its [Special Council Meeting](#) on 25 February 2021. The Plan recommends on-street parking restrictions, prioritisation of resident (permit) parking and school drop-off/pick-up zones, onsite parking, and speed reduction treatments.

Signage required to implement the restrictions recommended within the endorsed Traffic Management Plan is expected to be installed in September/October this year, in advance of the Centre opening.

Residents will be provided with timely information about zone details and applying for their parking permits in advance of the signage installation.

Council will undertake a traffic management review six months after the Centre officially opens to ensure that local parking needs are being met.

5. Mr James Atkinson

Mr James Atkinson submitted a question regarding Bayside's Netball Centre project, and Mr Atkinson asked:

Question

How do you intend to engage with the local community to get its input into the operation of the Netball Centre in Holloway Road?

Response from the CEO

In December 2020, Council undertook community consultation on the Bayside Netball Centre to gather community feedback to inform the hours of operation, mitigation strategies for noise, and the draft traffic management plan.

As part of the planning of the netball centre, key aspects of the use have been considered and decided, including the hours and days of operation, the design of the facility and the traffic and pedestrian improvements required to support the operation of the facility.

6. Mrs Anita Reynolds

Mrs Anita Reynolds submitted a question regarding Bayside's Netball Centre project, and Mrs Reynolds asked:

Question

Given the significant change to the usage of Holloway Road, what measures have council put in place to ensure the safety of drivers, pedestrians, dog walkers, school children, scouts, cyclists and residents?

Response from the CEO

As part of Road Safety Audit, a number of actions were identified to ensure that pedestrian and other user safety was considered. Those actions, including a raised pedestrian crossing, upgraded lighting, speed humps and other traffic controls will be delivered as recommended by the Road Safety Audit closer to the opening of the facility.

The traffic assessment report prepared for the project suggested changes such as restricting access to Holloway Road by introducing one-way traffic within the car park which will exit to Wangara Road. Additional parking restrictions are being introduced including No Stopping restrictions where needed for safe traffic movement. It is also proposed to extend the lower 40km/h speed limit to the eastern end of Holloway Road as part of the project.

7. Mr Paul Lauritz

Mr Paul Lauritz submitted a question regarding Bayside's Netball Centre project, and Mr Lauritz asked:

Question

In the recommendations made in the minutes of the Special Council Meeting on the 25th February 2021, point 5d states "that council explores an option to include a noise barrier on the south of the project site adjacent to Holloway Road", can you give evidence of what options you have explored for the provision of a noise barrier on the south side of the project site of Holloway Road?

Response from the CEO

In response to the Acoustic Report prepared by Stantec in February 2021, amendments were made to the design of the facility which provides appropriate buffering to reduce noise levels travelling across Holloway and Wangara Roads.

8. Mr Brett Dyer

Mr Brett Dyer submitted a question regarding Bayside's Netball Centre project. As the question contains more than 2 parts, only the first 2 parts of the question have been answered in accordance with Council's Governance Rules. Mr Dyer asked:

Question

In your Summary and Conclusion of the Special Council Meeting held on the 25th February 2021, it was recorded that "it is acknowledged that while officers have and will continue to attempt to reduce any impacts on local residents that some of these impacts will still remain". Given this statement and the fact that the Bayside Council have saved \$8.85million on the Netball project,

- a) is it reasonable that a proportion of that \$8.85 million rate payer savings is used to reduce the remaining impact on local residents surrounded by the Netball courts?
- b) How do council propose to do this?

Response from the CEO

The design of the facility has considered opportunities to mitigate the impact on residential amenity for nearby property owners. By utilising the Sandringham Secondary College site, it has resulted in savings of almost \$9 million as outlined in the 25 February 2021 report to Council. This does not suggest that those are savings to be invested in further mitigation measures for nearby residents.

9. Mr Chris Sutton

Mr Chris Sutton submitted a question regarding the leasing of open space and sports pavilions in Bayside, and Mr Sutton asked:

Question

Does Council require sporting clubs leasing open space and/or sports pavilions to annually provide the number of their members that are Bayside residents and non-Bayside residents.

Response from the CEO

As part of Council's twice-yearly seasonal allocation process, incoming tenants are required to provide information relating to the number of members per each postcode within the City of Bayside, as well as the total number of 'other' postcodes. Several postcodes, for example, postcode 3192, relate to suburbs split across both Bayside and adjoining municipalities.

10. Mr Chris Sutton

Mr Chris Sutton submitted a further question. The questions relates to access to open space, and Mr Sutton asked:

Question

How does council ensure residents are provided equitable access to open space for passive recreation on grounds leased to sporting clubs with an unreasonably large number of non-resident members.

Response from the CEO

Public open space is used for a range of purposes and Council must balance the needs of both formal and informal park users. Informal, passive recreation in parks can occur at almost any reserve across Bayside, whereas structured sport is only able to be accommodated on grounds designed for the particular use.

Most Council reserves provide a balance of both structured and unstructured recreation. Sporting grounds are allocated for structured sport during particular times, with other times available for other uses.

The Bayside Open Space Strategy 2012 notes that on average, 80% of light use hours for sportsgrounds were available for use by the wider community, with 20% dedicated to formal sporting use.

11. Mr James Dargan

Mr James Dargan submitted a question regarding Council Meeting process, and Mr Dargan asked:

Question

Why are key discussion points not recorded in the Council Meeting Minutes ?

Response from the CEO

There is no requirement in Council's Governance Rules, nor would it be practical, to record individual discussion points raised by Councillors during debate. Council meetings are however live-streamed and recordings are archived for the public on Council's website.

It is recorded that Cr Samuel-King returned to the Meeting at 6.53 pm.

9. Reports by Special Committees

There were no Reports by Special Committees.

10. Reports by the Organisation

REQUESTS TO BE HEARD:

The following individuals submitted written statements to the meeting:

Item 10.2		For (F) Against (A)
Response to petition - to cease upcoming changes to Wishart Reserve and conduct a review of community needs		
Requests to Speak		
1.	Ms Amanda Levi (on behalf of Bayside Dog Alliance)	(A)

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Fiona Stitfold indicated that the Executive Committee meeting was hosted by Bayside City Council on 28 April and the focus of the meeting was on the budget and financial reporting for the 2022–23 period.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure indicated that the Forum held a meeting on 3 May and a presentation was provided by Council Liaison Managers for the Department of Transport and Planning (DoTP). The topic was the recent people structure changes at the Planning arm of DoTP). A strategic transport advocacy update was provided by the MTF Executive Officer and representatives from Banyule and Bayside councils spoke about what transport actions they are currently progressing.
3. **Municipal Association of Victoria** – No Report.
4. **Inner South Metropolitan Mayors' Forum** – The Chief Executive Officer advised that the Forum has not met for several months and it is unclear at this state whether it will continue; however, the CEO indicated he would liaise with the other CEO's from member councils to determine the level of interest in revitalising the Forum. The Mayor mentioned he is also continuing discussions with the Mayors from the member councils on this.
5. **South East Councils Climate Change Alliance** – Cr Fiona Stitfold reported that the on 27 April the Regional Forum and Planning Day was held where an overview of the previous year's projects was provided and the advocacy strategy was discussed, with the discussion results to be incorporated into a framework at a later meeting.
6. **South Eastern Councils Biodiversity Network** – Cr Jo Samuel-King reported that Bayside hosted a round-table on 11 May where several councils were invited to attend with 7 councils in attendance. The meeting was positive and there was a great deal of support for the potential of a Biodiversity Network. Bayside put forward a rationale highlighting potential benefits and a proposed model which is comparable to the successful SECCA model and a process will be worked through over the next 6 to 12 months to determine if a Biodiversity Network is viable.

Moved: Cr Martin

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 Fiona Stitfold, Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor), Laurence Evans OAM and Hanna El Mouallem (Mayor) (5)
 AGAINST: Nil (0)

CARRIED

12. Urgent Business

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

14. Confidential Business

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

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- 14.1 PROPOSED LEASE FOR THE BAYSIDE WASTE AND RECYCLING CENTRE**
(LGA 2020 Section 3(1)(a) and (g) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and 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.)
- 14.2 CONTRACT CON/23/50 - BRIGHTON LIFE SAVING CLUB PAVILION**
(LGA 2020 Section 3(1)(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.)
- 14.3 CONTRACT CON/23/53 - TULIP STREET BASKETBALL STADIUM**
(LGA 2020 Section 3(1)(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.)

**14.4 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS
ADVISORY COMMITTEE HELD ON 2 MAY 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 Mayor declared the meeting closed at 8.20pm.