

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
18 July 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Mayor)

Councillors: Cr Alex del Porto
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 Environment, Recreation and Infrastructure
Matthew Cripps – Director City Planning and Amenity
Kathryn Tozer – A/Director Corporate Services
Terry Callant – Manager Governance
Keryn Fisher – Manager Communication, Engagement & Customer Experience
James Roscoe – Manager Climate, Waste and Integrated Transport
Jason Stubbs – Manager Commercial Services
Damien Darcy – Property Coordinator
Robert Lamb – Governance Officer

Table of Contents

- 1. Prayer
- 2. Acknowledgement of Country
- 3. Apologies
- 4. Disclosure of Conflict of Interest of any Councillor
- 5. Adoption and Confirmation of the minutes of previous meeting
- 6. Public Question Time
- 7. Petitions to Council
 - 7.1 Petition for Council to upgrade Elsternwick Skatepark, Brighton 12
- 8. Minutes of Advisory Committees
 - 8.1 Records of meetings held under the auspices of Council..... 13
 - 8.2 Minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 21 June 2023 14
 - 8.3 Minutes of the Billilla Advisory Committee held on 22 June 2023 15
- 9. Reports by Special Committees

There were no Reports by Special Committees.
- 10. Reports by the Organisation
 - 10.1 Bayside Active Transport Connections..... 17
 - 10.2 Electric Vehicle Charging Infrastructure 18
 - 10.3 Community Garden Policy - Community Engagement 19
 - 10.4 S173 Agreement - Bayside City Council and Sunkin Highett Pty Ltd - Upgrade of Bay and Graham Road, Highett intersection .. 20
 - 10.5 Risk Management Policy Review 21
 - 10.6 Proposed Lease for the Bayside Waste and Recycling Centre . 22
 - 10.7 Proposed Discontinuance and Sale of part of Road adjoining 11 Normanby Street, Brighton..... 23
 - 10.8 Council Action Awaiting Report 24
- 11. Reports by Delegates

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 del Porto to read the prayer.

1. Prayer

Cr del Porto 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.

The Mayor called for a minutes' silence to acknowledge the recent passing of former Councillor and Mayor of Bayside, Mr Graeme Disney OAM.

Graeme Disney OAM was elected as the first Mayor of Bayside City Council in 1997 and was then re-elected to Council in 2000 and again was elected Mayor in the same year. Graeme served the community of Bayside with great passion and knowledge during his six years on Council.

As a local historian of Sandringham and Hampton, Graeme was the go-to person on the history of Bayside and the former municipalities. Graeme was co-author to the very popular publication titled "Bayside Reflections" which continues to be a very important resource across the municipality.

As a lay preacher and community advocate, Graeme served his community with great dignity, kindness and professionalism.

4. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside City Council meeting held on 27 June 2023.

Moved: Cr Martin

Seconded: Cr del Porto

That the minutes of the Bayside City Council meeting held on 27 June 2023, as previously circulated, be confirmed as an accurate record of proceedings.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Fiona Stitfold, Laurence Evans OAM and Hanna El Moullem (Mayor) (5)
AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. Mr Kelvin Granger and Mr Dean Hurlston on behalf of 'Council Watch'

Mr Kelvin Granger and Mr Dean Hurlston submitted a question related to the Council Budget, and they asked:

Question

Can council please advise the dollar (\$) amount of "cost shifting from State Government" that they estimate was incurred in 2022/23 Financial Year?

Response from the CEO

The impact of cost shifting for 2022–23 is yet to be finalised and will be reported in the 2022–23 Annual Report expected to be presented to Council at the October 2023 Council Meeting. The amount of cost shifting in the 2021–22 year was 2.7million.

2. Mr Geoff Leigh

Mr Geoff Leigh submitted a question regarding Yalukit Willam Nature Reserve, and Mr Leigh asked:

Question

With the development of the Yalukit William (formerly Elsternwick Park) Reserve

Council provide the original costing of the full project and the expected final costs to rate payers as of this date.

This is to include the costs of plans, consultants, construction, landscaping and other costings along with the completion date.

Response from the CEO

The development of the Masterplan for the Yalukit William Nature Reserve, including the investigation work cost approximately \$150,000.

The Masterplan is a high-level concept. The final costs for all works associated within the Masterplan will be dependent on detailed designs and market costs at the time of procurement.

Based on current market conditions, Council expects the cost of delivery of the Masterplan to be approximately \$22.35M.

Council has been successful in securing \$6.5M in Federal grant funding to deliver part of the Yalukit William Nature Reserve.

Council is currently applying for grant funding of \$10M as a further contribution toward the development of the Reserve, large part of which will be for the Gateway Building.

Council currently has \$5.5M allocated in its long term financial plan to contribute towards the redevelopment of Yalukit William Nature Reserve.

Due to the volume of works required, construction will be split over a number of years. Establishment works are currently scheduled to be completed by June 2027.

3. Mr Geoff Leigh

Mr Geoff Leigh submitted a further question regarding Yalukit Willam Nature Reserve, and Mr Leigh asked:

Question

In regarding the Yalukit William (formerly Elsternwick Park) Nature Reserve, Details of any work done by council or consultants on the expected revenue in a 12 month period from the public use and any commercial contracts that council will receive once the development of the Reserve has been completed.

Response from the CEO

Should Council secure grant funding to create the Gateway Building, a feasibility assessment will be undertaken to determine utilisation models for this space, including potential revenue sources.

Council is currently developing the scope of the gateway building and will test this through a design competition.

Commercial contracts for the operation of parts of the gateway building may be considered as that building progresses.

4. Mr Leigh Funston

Mr Leigh Funston submitted a question regarding Yalukit Willam Nature Reserve, and Mr Funston asked:

Question

My question concerns Bayside City Council's redevelopment of the golf course at Elsternwick Park now called Yalukit Willam Nature Reserve.

Part 1. Given the new park is located on the northern boundary of Bayside City Council's local government area, what funding did Council seek from neighbouring councils (City of Port Phillip and City of Glen Eira) to develop the new park?

Part 2. Given that the park's location means it will be used by large numbers of residents in neighbouring council areas, what ongoing maintenance costs for the new park have been sought by Council from City of Glen Eira and the City of Port Phillip?

Response from the CEO

Council approached neighbouring local authorities to explore funding agreements due to the Reserve's strategic location.

The City of Port Phillip has agreed to contribute \$350k towards the redevelopment of Yalukit Willam Nature Reserve. The City of Glen Eira has not agreed to make any contribution.

No funding agreements have been entered into with regard to ongoing maintenance of the Reserve.

5. Mr Paul Langley

Mr Paul Langley submitted a question regarding Council's Budget, and Mr Langley asked:

Question

Council having recognised in its budget accounts that annual depreciation from 'right of use assets' provides an annual cash flow to the Own Source Revenue stream-

(a) Is this cash stream being allocated to meet annual capital requirements such as the contribution to the Victorian Schools Building Authority for the Netball Centre at Sandringham Secondary College, the Beaumaris Soccer Club rooms and similar; and

(b) What proportion of the annual depreciation and amortisation provision is being allocated to each investment?

Response from the CEO

Right of use assets are recorded in the balance sheet and amortised over the term of the lease agreement in accordance with AASB16.

Council made an upfront cash contribution of \$18.050 million to the Victorian School Building Authority for the right to access the Netball Centre at the Sandringham College facility over the term of the community agreement. The annual amortisation over the term of the agreement is \$902,500.

6. The Honourable Timothy Wilson

The Honourable Timothy Wilson submitted a question regarding investments in the community, and Mr Wilson asked:

Question

Can Bayside Council advise what funding it received in the 2023/24 Federal Budget for investments in our community?

Response from the CEO

Commonwealth funding of \$15.5 million has been committed for the Yalukit Willam Nature Reserve redevelopment and will be received by Council over the coming years in accordance with the funding agreements. No other funding was included in the 2023–24 Federal Budget for Council's capital program.

During 2023–24, Council is expected to receive Commonwealth Funding of \$14.5 million for Aged and Disability Services delivered to the community including the expansion of the Aged Care Package program as well as \$3 million in untied Financial Assistance Grants.

7. The Honourable Timothy Wilson

The Honourable Timothy Wilson submitted a further question regarding electronic vehicle use, and Mr Wilson asked:

Question

At the last Federal election \$500,000 was committed by the then Federal Member for EV charging stations in Bayside. Has any funding been provided to support Bayside Council's effort to support decarbonisation and EV uptake since the election of our current Federal Member of Parliament?

Response from the CEO

Council has not received Federal funding for the delivery of electric vehicle charging infrastructure.

8. Mr Derek Screen

Mr Derek Screen submitted a question regarding Item 10.4 on the Agenda – upgrade of Bay and Graham Rd, Highett intersection, and Mr Screen asked:

Question

Can you please advise the expected timeline of when these new and highly anticipated and needed traffic lights will be installed and operating and can and will Council advocate to have this installation done as early as possible.

Response from the CEO

The Planning Permit for the site located at 37 Graham Road, Highett requires the owner to upgrade and signalise the intersection of Bay Road and Graham Road, Highett prior to occupation of their development.

It is understood that stage one of the development will be occupied by late 2024 or early 2025, meaning the intersection upgrade will need to be delivered prior to this time.

8.2 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 21 JUNE 2023

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/199935

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 21 June 2023
2. adopts the following recommendations of the Bayside Arts and Gallery Advisory Committee meeting held on 21 June 2023:

Item 6.3 – Collection Management Report

That the Bayside Arts and Gallery Advisory Committee recommends that Council:

1. *auctions the Edmund James Wright Albury Teapot collection (150 items) and Cabinet (0000-635) as a job lot and any funds received be donated to the Cancer Council Australia's Biggest Morning Tea fundraising campaign.*
2. *auctions the additional 5 teapots (0000-517 Silver plate kettle; 0000-540 Jug0000-544 Teapot; 0000-1297 Modern Oil Bottle; 0000-1338 Teapot) as part of the job lot with any funds received donated to the Cancer Council Australia's Biggest Morning Tea fundraising campaign.*
3. *donates any of the teapots and/or cabinet that are not suitable for sale to local charity shops.*

That the Bayside Arts and Gallery Advisory Committee recommends that Council:

1. *approves the formal deaccession of the two remaining components of Swimming between the buoys sculpture (0000-1177) by the Brighton based Zabelski Han Consortium and arranges for Citywide to remove the two pieces from the location and dispose of them safely.*
2. *instructs Council officers to communicate, via appropriate communication channels, Council's plans to remove the two pieces from the work, Swimming between the buoys, in addition to sending a letter to the Brighton Baths informing them of the removal.*
3. *explores opportunities to replace the Swimming between the buoys sculpture with another public art sculpture or a similar theme to acknowledge the Middle Brighton Baths.*

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Fiona Stitfold, Laurence Evans OAM and Hanna El Moullem (Mayor) (5)
AGAINST: Nil (0)

CARRIED

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 10.1		For (F) Against (A)
Bayside Active Transport Connections		
Requests to Speak		
1.	Mr Geoff Leigh	(A)

10.4 S173 AGREEMENT - BAYSIDE CITY COUNCIL AND SUNKIN HIGHETT PTY LTD - UPGRADE OF BAY AND GRAHAM ROAD, HIGHETT INTERSECTION

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/199343

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes the report
2. delegates authority to the Chief Executive Officer to finalise and execute the S173 Agreement between Bayside City Council and Sunkin Highett Pty Ltd for a financial contribution (up to a maximum of \$1m) for the upgrade of the Bay Road and Graham Road, Highett intersection.

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

DIVISION: **FOR:** Crs Alex del Porto, Clarke Martin, Fiona Stitfold, Laurence Evans OAM and Hanna El Moullem (Mayor) (5)
AGAINST: Nil (0)

CARRIED

10.6 PROPOSED LEASE FOR THE BAYSIDE WASTE AND RECYCLING CENTRE

Corporate Services - Commercial Services
File No: PSF/23/175 – Doc No: DOC/23/197722

Moved: Cr Martin

Seconded: Cr Evans OAM

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 on Council's standard terms and conditions with Future Recycling Pty Ltd for the Bayside Waste and Recycling Centre on the following terms:

Commencement Date:	Subject to transition plan with current tenant
Permitted Use:	A waste transfer and recycling centre, including the handling of recyclable materials, rubble and soils and green waste, and the operation of a detox site, or such other uses as may be permitted by Council in its absolute discretion
Term:	20 years
Options for a further term:	Nil
Commencing Annual Rent:	\$200,000 plus GST per annum
Rent Free Period:	5 years
Total anticipated annual rent:	\$1,105,126 plus GST for the first 10 years. Estimate (subject to market rent review) for the entire Term is \$10,105,126
Rental Escalation:	5% fixed increase, market rent review in year 10
Turnover Rent:	4% of revenue over the agreed yearly target
Capital Investment:	\$4,698,000 on a staged redevelopment of the site \$1,073,00 on equipment.
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, Fiona Stitfold and Laurence Evans OAM (4)
AGAINST: Cr Hanna El Mouallem (Mayor) (1)

CARRIED

