

# Council Meeting

Council Chamber  
Civic Centre  
Boxshall Street Brighton

Tuesday  
17 October 2023  
at 6.30pm



# Minutes

**PRESENT:**

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

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

**Officers:** Mick Cummins – Chief Executive Officer  
Tilla Buden – Director Community and Customer Experience  
Matthew Cripps – Director City Planning and Amenity  
James Roscoe – A/Director Environment, Recreation and Infrastructure  
Kathryn Tozer – A/Director Corporate Services  
Jordan Allan – A/Manager Climate, Waste and Integrated Transport  
Kelly Archibald – Manager Urban Strategy  
Terry Callant – Manager Governance  
Bill Shanahan – Chief Financial Officer  
Rachael Hudson – Strategic Planning Coordinator  
Sally Morgan – External Communications and Media Coordinator  
Robert Lamb – Governance Officer

**Membership and Quorum**

Bayside City Council consists of 7 Councillors. The quorum for a Council meeting is a majority of Councillors (4).

A quorum for this meeting was reached with all (7) Councillors present.

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There were no petitions submitted to the meeting.
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There were no reports by Special Committees submitted to the meeting.
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There were no Notices of Motion submitted to the meeting.

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 Stitfold to read the prayer.

## 1. Prayer

Cr Stitfold 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 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

There were no apologies submitted to the meeting.

## 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 19 September 2023.

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That the minutes of the Bayside City Council meeting held on 19 September 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, Sonia Castelli, Jo Samuel-King (Deputy Mayor), Fiona Stiffold, Laurence Evans OAM and Hanna El Moullem (Mayor) (7)

**AGAINST:** Nil (0)

**CARRIED**

## 6. Public Question Time

### 1. Mr Jeff Naylor

Mr Jeff Naylor submitted a question related to Council's Disability Action Plan, and Mr Naylor asked:

#### **Question**

- a) Why does council's disability action plan lack accountability with no council employee owner nominated for each line item?
- b) Why does council's disability action plan lack accountability with no clear delivery date for each line item?

#### **Response from the CEO**

- a) *Each action within the Disability Action Plan has a lead staff member and partners allocated. The public version of the Disability Action Plan, as published on Council's website, includes the role title of the staff who are designated as the lead and partners responsible for each action.*
- b) *The annual action plan of the Disability Action Plan includes the timeline for completion of actions. Many actions are recurrent each year, whereas others are a one-off action that might be completed either within a set year, or over several years. Timelines generally includes the month and year for completion.*



**2. Mrs Alysia Regan**

Mrs Alysia Regan submitted a question related to Council's Kindergarten expansion plan, and Mrs Regan asked:

**Question**

- a) Other than Jack and Kindergarten and Beaumaris Children's Playhouse, what other sites are being evaluated as part of the kindergarten expansion plan?
- b) If the Grandview Avenue re-development is to go ahead what is the plan for the Beaumaris Children's Playhouse so it can continue to service the community in its current format?

**Response from the CEO**

- a) *Council is currently working with the Department of Education to understand the impact of the State Government Early Years Reforms on future kindergarten supply and demand within Bayside. To address forecast future unmet demand, thirteen Council-owned early years facilities will be assessed as part of a high-level feasibility study to understand site constraint and expansion opportunities.*
- b) *Future needs and opportunities for Playhouse and other existing services will be considered as part of the feasibility study.*

**3. Mr Geoff Leigh**

Mr Geoff Leigh submitted a question related to Council's Budget, and Mr Leigh asked:

**Question**

What is the expected surplus Bayside Council expect from collection of all ratepayers of the city for the year 2023/2024.

**Response from the CEO**

*Council has budgeted for an underlying operating surplus of \$14.9 million. The cash provided by the operating surplus is used to fund the capital program.*

*It is worth noting that Council has budgeted for a cash deficit in 2023–24.*

**4. Mr Geoff Leigh**

Mr Geoff Leigh submitted a further question related to bike lanes within Bayside, and Mr Leigh asked:

**Question**

Have Bayside Council had discussions or received advice from the Victorian State Government on introducing bike lanes on any or all VicRoads controlled roads within our city boundaries.

If so list the roads controlled by VicRoads that may be considering introducing bike lanes, and what if any funds or in-kind works would council supply to assist VicRoads or any other government agencies or contractors doing the works.

**Response from the CEO**

*The provision of bicycle lanes on State-managed arterial roads is the responsibility of the relevant State Agency, being the Department of Transport and Planning.*

*Council has received a grant in conjunction with the City of Glen Eira to investigate the introduction of improved cycling infrastructure on South Road through both municipalities. Council is also in discussion with the Department of Transport and Planning regarding a cyclist crossing on Bluff Road to support Council's bicycle route planning.*

*Council has not committed funding or in-kind works for the delivery of cycling infrastructure on State managed roads.*

**5. Mr Jeff Naylor**

Mr Jeff Naylor submitted a question related to the facilities at Beaumaris Arts Centre, and Mr Naylor asked:

**Question**

Will the changing places bathroom at the Beaumaris Arts Centre be accessible from outside the building to ensure it is available for use out of hours?

If not can Council please make a variation to the project and ensure these are accessible from outside on any future projects.

**Response from the CEO**

*The changing places facility at the Beaumaris Arts Centre will be accessible from outside the building after hours. The facility is designed to have access via a Master Locksmith Access Key (MLAK), which is a system that allows people with disability access to dedicated public facilities, including Changing Places facilities, throughout Australia.*

**6. Mr Paul Langley**

Mr Paul Langley submitted a question related to Council's 2021–22 Budget, and Mr Langley asked:

**Question**

In the 2021-2022 accounts, Council noted that the \$18.05 cash contribution, used to purchase the right of use assets from the Victorian Education Department was to be amortised over the lease term to the Sandringham and District Netball Association at approximately \$859,000 per year:

- (a) Does the absence of an entry showing this rental charge in the Fees and Charges Schedule (pages 82-107) of the Annual Accounts indicate that the venture is not going ahead with the SDNA
- (b) If proceeding, where has Council shown in its forward budget, Councils expectation of the return of the \$18.05 million?

**Response from the CEO**

- (a) *Council intends to continue the arrangements in place with the SDNA; however, no Council is not expecting a return of the \$18.05 million.*
- (b) *The amortisation of the right of use asset has been included in Council's 2023–24 budget and Financial Plan for the term of the agreement.*

**7. Mr George Reynolds**

Mr George Reynolds submitted a question related to Council lodging an Income Statement, and Mr Reynolds asked:

**Question**

Council has failed to comply with the Corporate Law Requirement to submit a Standard Income Statement, to ASIC, for many years.

- a) Does Council have any special dispensation to exempt it from some, or all, of its Corporate Law obligations
- b) If so. where, in Corporate Law, is this dispensation stated?

**Response from the CEO**

*Local Government Entities are not required by Chapter 2M of the Corporations Act 2001 to lodge financial reports to ASIC.*



**8. Mr George Reynolds**

Mr George Reynolds submitted a question related to Council's 2022-23 Budget, and Mr Reynolds asked:

**Question**

Council, in its estimate of expenditure requirements, in the 2022-23 budget, omitted to provide an estimate for the rates, municipal charge and the waste service charge.

- a) Does a dispensation exist to avoid the provisions of s8(5)(c) and (h) and (m), of Regulation S.R 117.
- b) If so where, in Regulation S.R. 117, is this exemption stated?

**Response from the CEO**

*Council's Budget has been prepared in accordance with the Local Government (Planning and Reporting) Regulations 2020 and the Australian Accounting Standards. Under these provisions there is no requirement to provide expenditure estimates for the rates, municipal charge and the waste service charge.*

## 7. Petitions to Council

There were no petitions submitted to the meeting.

## 8. Minutes of Advisory Committees

### 8.1 RECORDS OF MEETINGS HELD UNDER THE AUSPICES OF COUNCIL

Corporate Services - Governance  
File No: PSF/23/167 – Doc No: DOC/23/303638

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**Moved: Cr del Porto**

**Seconded: Cr Castelli**

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:

- 3 October 2023 Councillor Briefing.

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

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

**AGAINST:** Nil (0)

**CARRIED**

## 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:

The following individuals submitted written statements to the meeting:

<b>Item 10.1</b>		<b>For (F) Against (A)</b>
<b>Annual Report 2022–23</b>		
<b>Written Statements</b>		
1.	Mr George Reynolds	(A)
<b>Requests to Speak</b>		
1.	Mr George Reynolds	(A)

<b>Item 10.2</b>		<b>For (F) Against (A)</b>
<b>Submission to the Suburban Rail Loop Precincts Discussion Paper 2023</b>		
<b>Requests to Speak</b>		
1.	Mr Geoff Leigh	(A)

<b>Item 10.5</b>		<b>For (F) Against (A)</b>
<b>Ardoyne Street, Black Rock Traffic and Parking</b>		
<b>Requests to Speak</b>		
1.	Mr Geoff Leigh	(F)

**10.1 ANNUAL REPORT 2022–23**

Corporate Services - Governance  
File No: PSF/23/167 – Doc No: DOC/23/295349

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*It is recorded that Mr George Reynolds submitted a written statement in relation to this item.*

*In accordance with the Local Government Act 2020, it is a requirement of the Mayor to present to a Council Meeting the progress against the Council Plan as articulated within the Annual Report. Accordingly, the Mayor provided a summary of the highlights and challenges against the Council Plan actions for 2022–23 as outlined in the Annual Report.*

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council resolves that this report fulfils Council's requirements to consider the Annual Report for the period 2022–23 in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

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

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

**CARRIED**

**10.2 SUBMISSION TO THE SUBURBAN RAIL LOOP PRECINCTS**  
**DISCUSSION PAPER 2023**

City Planning and Amenity - Urban Strategy  
File No: PSF/23/162 – Doc No: DOC/23/303253

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*It is recorded that Mr Geoff Leigh spoke for 2 minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council endorses the officers' submission to the Suburban Rail Loop Precincts Discussion Paper.

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

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

**AGAINST:** Nil (0)

**CARRIED**

**10.3 AMENDMENT C194BAYS - POST PUBLIC EXHIBITION**

City Planning and Amenity - Urban Strategy  
File No: PSF/23/162 – Doc No: DOC/23/302914

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**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council:

1. adopts Amendment C194bays
2. submits Amendment C194bays to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987
3. writes to the landowner to advise them of Council's decision.

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

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

**CARRIED**

**10.4 CORPORATE GREENHOUSE GAS EMISSIONS REDUCTION TARGET**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport  
File No: PSF/23/176 – Doc No: DOC/23/295820

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**Moved: Cr Samuel-King (Deputy Mayor)    Seconded: Cr Stitfold**

That Council:

1. notes the actions and progress made by Council to achieve carbon neutral status under the Federal Government's Climate Active Carbon Neutral Standard
2. sets a corporate emissions reduction target of 80% below 2020 levels by 2035.

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

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

**CARRIED**



**10.5 ARDOYNE STREET, BLACK ROCK TRAFFIC AND PARKING**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport  
File No: PSF/23/176 – Doc No: DOC/23/299757

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*It is recorded that Mr Geoff Leigh spoke for 2 minutes in relation to this item.*

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council:

1. notes the report and the outcomes of community consultation on proposed changes to parking restrictions in Ardoyne Street, Black Rock
2. endorses Option B, being NO STOPPING restrictions operating 7am to 5pm Monday to Friday in a staggered manner with hockey stick line markings, as the preferred treatment for Ardoyne Street, Black Rock.

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

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

**CARRIED**

**10.6 COUNCIL ACTION AWAITING REPORT**

Corporate Services - Governance  
File No: PSF/23/167 – Doc No: DOC/23/303650

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**Moved: Cr Martin**

**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 (Deputy Mayor), Fiona Stiffold, Laurence Evans OAM and Hanna El Mouallem (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.

*Prior to the closure of the meeting, each Councillor acknowledged the Mayor's final Council Meeting for this Council year as Mayor, and individually congratulated the Mayor on his achievements throughout this mayoral term.*

*The Mayor suitably responded by acknowledging and thanking his fellow Councillors for their support.*

*The Chairperson declared the meeting closed at 8.50pm.*