

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
21 November 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Fiona Stitfold (Mayor)

Councillors: Cr Alex del Porto (Deputy Mayor)
Cr Hanna El Mouallem
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King

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
Kelly Archibald – Manager Urban Strategy
Belinda Austin – Manager Project Services
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Anita Johnstone – Manager City Assets and Presentation
James Roscoe – Manager Climate, Waste and Integrated Transport
Tom Vercoe – Manager Open Space and Recreation
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 between (4) and (6) Councillors present at any given time.

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	
	There were no petitions submitted to the meeting.	
8.	Minutes of Advisory Committees	
8.1	Records of meetings held under the auspices of Council.....	12
8.2	Minutes of the Disability Access and Inclusion Advisory Committee meeting held on 25 September 2023	13
8.3	Minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 27 September 2023	14
8.4	Minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 11 October 2023	16
9.	Reports by Special Committees	
	There were no reports by Special Committees submitted to the meeting.	
10.	Reports by the Organisation	
10.1	Warm Water Pool - Stage 2 community engagement outcomes	18
10.2	Proposed Leases Brighton Golf Course	19
10.3	Beaumaris Concourse Permanent Shelter and Gateway Sign ..	21
10.4	Urban Forest Strategy Annual Report 2022–23	22
10.5	Local Law Policy Review - Management of Tree Protection on Private Property.....	23
10.6	Domestic Animal Management Plan 2022–26 Annual Update ..	24
10.7	Proposed Bicycle Route Connecting Cheltenham and Sandringham	25
10.8	Car Share Trial	26
10.9	CONTRACT 2020/23 - Provision of Landfill Services - Contract Extension.....	27

- 10.10 CONTRACT CON/23/73 Construction of Stormwater Detention System in Third Street, Black Rock 28
- 10.11 2023–24 Quarter 1 Performance Report (July to September 2023) 29
- 10.12 Council Action Awaiting Report 30

- 11. Reports by Delegates
- 12. Urgent Business
- 13. Notices of Motion

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 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 Samuel-King 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 Cr Castelli was an apology for the 21 November 2023 Council Meeting.

Moved: Cr del Porto

Seconded: Cr El Moullem

That Council notes the apology of Cr Sonia Castelli for the 21 November 2023 Council Meeting.

CARRIED

It is further recorded that Cr Martin was not present at the commencement of the meeting.

6. Public Question Time

1. Ms Michelle Bentley

Ms Michelle Bentley submitted a question related to Council's Warm Water Pool project, and Ms Bentley asked:

Question

A "hydrotherapy" pool is classified by the Victorian Department of Health and the Physiotherapy Association as one where the water temperature is at least 34° and the ambient temperature is complimentary to this. The Department of Health also stated that local governments determine the "hydrotherapy" classification.

Why does Bayside City Council not wish to refer to at least the smaller of the two pools as a "hydrotherapy" pool?

Response from the CEO

Warm water program pools are built to different standards to that of a health sector hydrotherapy facility and provide greater flexibility to provide other intergenerational programs.

Studies clearly indicate that the health sector hydrotherapy model is a restrictive facility model and that a community accessed warm water program pool will attract higher usage and be more operationally viable. The warm water pool will still deliver hydrotherapy services and both spaces have been designed to incorporate both functions.

2. Mrs Jenat Kitchen

Mrs Jenat Kitchen submitted a question related to Council's Warm Water Pool project, and Mrs Kitchen asked:

Question

The concern regarding lack of public transport to the warm water pool hasn't been addressed could you please address & advise

Response from the CEO

The Traffic Impact Assessment Report published on Council's website outlines the available public transport methods proximate to the site, noting that the available options are limited. Council will advocate to the Department of Transport to improve bus access to the site.

3. Mrs Anne Tregear

Mrs Anne Tregear submitted a question related to Council's Warm Water Pool project, and Mrs Tregear asked:

Question

In relation to the proposed warm pool: with the dropping of the moveable floor, which could reduce the use of the pool, what will be the final depth and will it vary along the length?

Response from the CEO

The issue of pool depth will be confirmed through the detailed design process.

4. Mrs Anne Tregear

Mrs Anne Tregear submitted a question related to facilities at the Brighton Golf Course site, and Mrs Tregear asked:

Question

In relation to the revised Proshop and new cafe, where will the kitchen and serving area be positioned? Does this now mean that it will have full time staff employed instead of from reception?

Response from the CEO

The detailed design of how the café will function will be resolved as part of the next stage of the process, being the schematic design. How this facility will be staffed will be a decision for the operator of the facility.

5. Ms Sue Ward

Mrs Sue Ward submitted a question related to Beaumaris Concourse and Black Rock Village area, and Mrs Ward asked:

Question

Congratulations on your new peacemaking initiatives for Beaumaris Concourse and Black Rock Village area. If the intention is to draw more people to the area is Council considering upgrading/ modernising existing infrastructure that are basics needs for higher volumes of people, in particular public toilet facilities?

In addition, can Council pay more attention to keeping existing facilities clean?

Response from the CEOPublic Toilets

Council is in the early stages of planning for a new Public Toilet Strategy which shall include a program of capital works for public toilets and be open for community engagement prior to adoption. Community engagement is planned to commence in February 2024 and interested community members are encouraged to register with Bayside's 'Have Your Say' page for updates. The public toilets in the activity centres are cleaned every day throughout the year, as well as on a reactive basis.

Footpath cleaning

Specific to the Beaumaris Concourse, a deeper clean for the Concourse footpath has been recently completed, producing an excellent result. This was also carried out in Black Rock Village and both activity centre traders have provided positive feedback on the deep cleaning results.

6. Mr George Reynolds

Mr George Reynolds submitted a question related to the Council Plan activities in respect of the Council Budget, and Mr Reynolds asked:

Question

In relation to the proposal to remove 18 planned activities from the 2023-2024 plan, due to a capital budget overrun:

(a) Why does Council not use additional borrowing, as a permitted form of capital adjustment, allowed, as shown in section 8(2)(b) of the Local Government (Planning and Reporting) Regulations 2020, or

(b) Why not simply raise contributions by a Special Rate levy raised from the users, in accordance with section 8(3)(b)(ii) of the Regulations?

Response from the CEO

Council is not proposing to remove 18 planned activities from the 2023–24 capital program. These projects are carried forward due to construction delays or re-scheduling and will be completed in future years.

Council has no current plans to use new borrowings or Special Rate levy to fund capital carry forward items.

7. Mr George Reynolds

Mr George Reynolds submitted a question related to the Quarter 1 Performance Report, and Mr Reynolds asked:

Question

in relation to the Quarter1 Performance Report, July to September 2023:

(a) Where in the income Statement, has Council shown the Income and expenditure statement for Own source Revenue, and

(b) How much Council Cash was earned during the quarter (also shown as the " adjusted underlying position") as shown in Schedule 3, Part 3 of the Local Government (Planning and Reporting) Regulations, 2020 ?

Response from the CEO

(a) *Own Source Revenue is total Council revenue less grants and contributions from external parties. This is not required to be separately disclosed in Council's Income Statement.*

Own source revenue for the September quarter was: \$36.4M.

(b) *Adjusted underlying surplus means adjusted underlying revenue less total expenditure.*

Adjusted underlying surplus for the September quarter is 2023–24 was \$3.86M.

This is a different calculation to the cash earned during the quarter. Council's budget is predicting a decrease in the overall cash position for the year.

8. Mrs Victoria Smith

Mrs Victoria Smith submitted a question related to Brighton Playroom Occasional Care, and Ms Smith asked:

Question

On Friday we were told that Brighton Playroom Occasional Care is going to close at the end of 2023. There are no other occasional care or part-day childcare options in the area. Why is it closing??

What can you do to help???? We do not want this centre to close.

Response from the CEO

Council was made aware last week by the Brighton Playroom Committee of Management that the Brighton Playroom would be closing. We acknowledge that this service closing is challenging and disappointing for the families who currently access this service.

The Committee of Management is independent from Council and is responsible for making business decisions related to the running of the service.

Council will assess the options for the use of the space in the coming weeks.

9. Mr Kevin Howard

Mr Kevin Howard submitted a question related to Wilson Recreation Reserve, and Mr Howard asked:

Question

Question part 1.

Which schools booked the Wilson Recreation Reserve sportsground during 2023?

Question part 2. Of the schools who booked Wilson Recreation Reserve for use during 2023, which sport did they specify would be played.

Response from the CEO

In 2023, the schools that have booked Wilson Reserve sportsground for use during business hours are Brighton Grammar and Firbank Grammar.

The activities specified included soccer, rugby, cricket and recreational activities/multi-sport.

10. Mr Kevin Howard

Mr Kevin Howard submitted a question related to Wilson Recreation Reserve, and Mr Howard asked:

Question

Question part 1.

What was the cost of maintaining the Wilson Recreation Reserve sportsground in Council's last financial year?

Question part 2.

Which schools booked to use the Wilson Recreation Reserve sportsground in 2023?

Response from the CEO

The cost of maintaining the Wilson Reserve is included in a lump sum contract and is not specified separately as a standalone reserve.

In 2023, the schools that have booked Wilson Reserve sportsground for use during business hours are Brighton Grammar and Firbank Grammar.

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/23/341018

Moved: Cr Evans OAM

Seconded: Cr Samuel-King

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:

- 24 October 2023 Strategic Issue Discussion
- 31 October 2023 Councillor Briefing.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Moullem (5)
AGAINST: Nil (0)

CARRIED

8.2 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 25 SEPTEMBER 2023

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/303647

Moved: Cr El Mouallem

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 25 September 2023
2. adopts the following recommendations of the Disability Access and Inclusion Advisory Committee meeting held on 25 September 2023

Item 6.1 - Public Toilet Strategy Review

That the Disability Access and Inclusion Advisory Committee recommends to Council that the criteria used to assess and prioritise proposals for a new public toilets or Changing Places facility be updated as follows:

New Facilities

The following criteria shall be used to assess and prioritise proposals for new public toilets or Changing Places facility:

- *A new facility will support the use of a nearby major activity centre, Council service, or open space and recreational reserve.*
- *Where there are no other public toilets within 400m, there is no other Changing Places facility within 2km, or in a major activity centre.*
- *Constructability/maintainability – the facility can be reasonably constructed and maintained by Council’s contractors.*

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (5)
AGAINST: Nil (0)

CARRIED

8.3 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 27 SEPTEMBER 2023

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/303658

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

That Council:

1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 27 September 2023 (Attachment 1)
2. adopts the following recommendations of the Bayside Arts and Gallery Advisory Committee meeting held on 27 September 2023:

Item 6.2 – Quarterly Report July to September 2023

1. *That the Bayside Arts and Gallery Advisory Committee notes this report and recommends to Council that it removes the following items from the Art and Heritage Collection Database and that they be maintained as a part of Council's asset register:*
 - *Sea Wall (0000-810) Maker unknown*
 - *Pier (0000-811) Maker unknown*
 - *Ship – Cerberus HMVS (0000-695) Maker Palmer Shipbuilding & Iron Co, Jarrow-on-Tyne, England*
 - *Rotunda (0000-813) Maker under the direction of W.T.Sunderland, City Engineer*
 - *Wall (0000-805) Maker W.T.Sunderland, City Engineer*
 - *Clock Tower (0000-918) Maker unknown*
 - *Well (0000-952) Maker unknown*
 - *Sea wall structure (0000-951) Maker unknown*
 - *Tramway Structure (0000-808) Maker unknown*
 - *Tramway Shelter (0000-809) Maker unknown*
 - *Mural (0000-938) Artist unknown.*
2. *That Council's Finance Department be made aware of the transfer of assets from the Art and Heritage Collection Database to Council's asset register.*

Item 6.4 – Billilla Artists Studio Program

That the Bayside Arts and Gallery Advisory Committee notes this report and recommends to Council that

1. *the 2023 Billilla Artists continue to occupy the Studios as per the lease arrangements currently in place until 31 December 2023*

2. *the outbuildings at Billilla be made compliant and fit for purpose as Artists Studios as part of the scope of works to be carried out at Billilla Mansion in 2024–25*
3. *upon completion of the works on the Outbuildings at Billilla, Council reinstates the Billilla Artists Studio Program*
4. *it investigates alternative venues, including the Sandringham Masonic Hall, to continue the Artist in Residents program in some form in 2024.*

Item 6.5 – Sponsorship Program

Part A

1. *That the Bayside Arts and Gallery Advisory Committee notes the report on the previous Sponsorship Policy.*
2. *That officers select an exhibition or public program to be sponsored, such as the proposed Yacht Projection Event 2025.*
3. *That Council officers undertake an assessment of the benefits and risks associated with seeking sponsorship for the proposed public program event, and subject to the outcome of the assessment, the Committee recommends to Council that Council officers progress with seeking sponsorship, including via considering an expression of interest process to be shared through appropriate communications channels including targeted engagement.*

Part B

That the Bayside Arts and Gallery Advisory Committee recommends to Council that the Sponsorship Policy be reviewed with consideration of the range of potential sponsorship opportunities across the organisation and including consideration of philanthropic and other gifting opportunities.

Item 6.6 – Policy Review: Bayside Art and Heritage Collection Policy

That the Bayside Arts and Gallery Advisory Committee notes the report and the changes to the revised Bayside Art and Heritage Collection Policy 2018 and recommends that Council adopts the Bayside Art and Heritage Collection Policy 2023 subject to minor changes as discussed at the meeting. (Attachment 2)

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (5)
AGAINST: Nil (0)

CARRIED

8.4 MINUTES OF THE YALUKIT WILLAM NATURE RESERVE COMMITTEE OF MANAGEMENT MEETING HELD ON 11 OCTOBER 2023

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/318068

It is recorded that Cr Samuel-King declared a General Conflict of Interest in the following matter (Item 8.4) given Cr Samuel-King's partner is employed as the Strategic Consultant for Yalukit Willam Nature Reserve. Cr Samuel-King left the meeting at 6.52 pm.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Mouallem

That Council:

1. notes the minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 11 October 2023
2. adopts the following recommendations of the Yalukit Willam Nature Reserve Committee of Management meeting held on 11 October 2023:

Item 6.2 – Gambusia Management Summary

1. *That the Yalukit Willam Nature Reserve Committee of Management recommends that Council adopts a 'suppression' methodology for managing Gambusia into the Yalukit Willam Nature Reserve's future management plan.*
2. *That the nature of the suppression methodology should be developed and presented back to the Committee for consideration.*

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Fiona Stitfold (Mayor),
 Laurence Evans OAM and Hanna El Mouallem (4)
AGAINST: Nil (0)

CARRIED

It is recorded that Cr Samuel-King was not present in the meeting during debate or when the vote was taken on the above item.

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 submitted to the meeting.

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)
Warm Water Pool - Stage 2 community engagement outcomes		
Requests to Speak		
1.	Ms Michelle Bentley	(F)

Item 10.4		For (F) Against (A)
Urban Forest Strategy Annual Report 2022–23		
Requests to Speak		
1.	Mr Derek Screen	(F)

Item 10.5		For (F) Against (A)
Local Law Policy Review - Management of Tree Protection on Private Property		
Requests to Speak		
1.	Mr Derek Screen	(F)

Item 10.7		For (F) Against (A)
Proposed Bicycle Route Connecting Cheltenham and Sandringham		
Written Statements		
1.	Mr Paul Hendrick	(A)

10.1 WARM WATER POOL - STAGE 2 COMMUNITY ENGAGEMENT OUTCOMES

Environment, Recreation and Infrastructure - Open Space and Recreation
File No: PSF/23/165 – Doc No: DOC/23/311835

It is recorded that Ms Michelle Bentley spoke for 2 minutes in relation to this item.

It is recorded that Cr Martin entered the meeting at 7.10pm.

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. notes the findings from the community engagement process for the development of a Warm Water Pool (WWP) at Brighton Golf Course
2. endorses the concept plans to proceed to schematic design and to a planning permit process
3. updates stakeholders and community engagement participants of its decision.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

10.2 PROPOSED LEASES BRIGHTON GOLF COURSE

Corporate Services - Commercial Services
File No: PSF/23/175 – Doc No: DOC/23/301562

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. commences the statutory procedures under Section 115 of the Local Government Act 2020 (the Act), to enter into 3 new Lease with BlueFit Pty Ltd, on the following terms:

- a) Site A) Golf course - Brighton Golf course as identified in the attached lease plan titled the demised area approximately 320,000m² between Dendy & South roads Brighton, plus a new pro shop in the attached lease plan titled the demised area approximately of 120m² located in the proposed Warm Water Pool building (included in Site B). (subject to final design)

Permitted Use: 18 hole golf course and related golf activities

Commencement Date: Date of surrender of current lease over Brighton Golf Course

Rent free period: 2 years in Term 1

Term: 10 years

Options for further terms: 10 years

Commencing annual rental: Market rent review including 1.5% turnover rental

Turnover rental: 1.5% turnover rental disregarding any rent free period

Rent escalation: CPI

Capital Investment: \$1,000,000 in Term 1

- b) Site B) Warm Water Pool & Allied Services as identified in the attached lease plan titled The Demised Area approximately 2,225m² east of the current car park plus area for pumphouse and utilities. (Subject to final design)

Permitted Use: Warm Water pool, café and associated allied services

Rent Commencement Date: date of issue of certificate of occupancy

Rent free period: 8 years

Term: 10 years

Options for further terms: 10 years

Commencing annual rental: \$60,000 plus GST

Turnover rental: 1.5% turnover rental disregarding any rent free period

Rent escalation: CPI

Capital Investment: contribution towards the Pro Shop estimated \$495,000
contribution towards the WWP Facility \$1,000,000

- c) Site C) Wellness Centre as identified in the attached lease plan titled The Demised Area approximately 14,000m² adjacent to Dendy Street boundary and area adjacent to 13th hole (Subject to final design)

Permitted Use: Wellness Centre, hot bathing pools & associated health facilities, food and beverage service and infrastructure

Rent Commencement Date: date of issue of certificate of occupancy.

Rent free period: 10 years

Term: 15 years

Options for further terms: 2 x 15 years

Commencing annual rental: \$250,000 plus GST

Annual Turnover Rental: 7.5% of the amount by which gross sales exceed 12.5 x the base rent payable plus GST disregarding any rent free period.
Subject to a cap of double the base rent.

Rent escalation: CPI

Capital Investment: fully funded by tenant subject to final design original estimate \$25M

2. authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 115 of the Act in relation to the Lease proposed and in accordance with Council's Community and Stakeholder Engagement Policy 2021
3. gives Public Notice on Council's website outlining the proposal in accordance with Section 115 of the Act
4. commences a community engagement process in accordance with Section 115(4) of the Act
5. following the consideration of any submissions, receives a further report at a future Council meeting.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor) and Laurence Evans OAM (5)
AGAINST: Cr Hanna El Moullem (1)

CARRIED

10.3 BEAUMARIS CONCOURSE PERMANENT SHELTER AND GATEWAY SIGN

City Planning and Amenity - Urban Strategy
File No: PSF/23/162 – Doc No: DOC/23/325743

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes the community consultation outcomes for the proposed Beaumaris Concourse permanent shelter and gateway sign
2. endorses the concept design for the permanent shelter
3. endorses the wooden option as the preferred concept design for the gateway sign
4. refers the project to the four-year capital works program for further consideration, prioritisation, and funding
5. refers \$30,000 per annum to the 2024–25 budget discussions for the continuation of the temporary marquee until the permanent structure is built.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

10.4 URBAN FOREST STRATEGY ANNUAL REPORT 2022–23

City Planning and Amenity - Urban Strategy
File No: PSF/23/162 – Doc No: DOC/23/331432

It is recorded that Mr Derek Screen spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

Seconded: Cr Martin

That Council notes the Bayside Urban Forest Strategy Annual Report 2022–23.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)

AGAINST: Nil (0)

CARRIED

10.5 LOCAL LAW POLICY REVIEW - MANAGEMENT OF TREE PROTECTION ON PRIVATE PROPERTY

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/333071

It is recorded that Mr Derek Screen spoke for 2 minutes in relation to this item.

It is recorded that Cr del Porto (Deputy Mayor) left the Meeting at 7.53 pm. Cr del Porto (Deputy Mayor) returned to the Meeting at 7.56 pm.

Moved: Cr Martin

Seconded: Cr Samuel-King

That Council:

1. notes the Community Engagement Summary Report – Tree Protection on Private Property 2023
2. adopts the proposed Local Law Guideline (Attachment 3 to this report)
3. rescinds the Management of Tree Protection on Private Property Policy 2015.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

10.6 DOMESTIC ANIMAL MANAGEMENT PLAN 2022–26 ANNUAL UPDATE

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/333079

Moved: Cr El Moullem

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. notes this report
2. continues the Lights on for Dogs program on ongoing basis, with locations for the program being selected having regard to ground availability, condition and lighting
3. considers as part of the 2024–25 budget an allocation to offset sportsground lighting utility costs for participating sports clubs
4. identifies potential opportunities for designated dog off-leash areas in reserves containing sportsgrounds, in consultation with the Bayside Dog Alliance and sports clubs as part of the Open Space Strategy review
5. prepares a report on the ability to introduce a permit scheme for dog walkers, with a particular focus on walkers with four (4) or more dogs, who utilise council reserves. The report is to be presented to Council at or before the February 2024 Council Meeting.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Moullem (6)
AGAINST: Nil (0)

CARRIED

10.7 PROPOSED BICYCLE ROUTE CONNECTING CHELTENHAM AND SANDRINGHAM

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/328916

It is recorded that Mr Paul Hendrick submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. notes the outcomes of community engagement on the proposed east-west bicycle route connecting Cheltenham and Sandringham
2. postpones the delivery of Stage 1, Section 2 of the project until the 2025–26 financial year
3. implements the interventions for Section 1 of the alignment, being Sandringham Station to Royal Avenue, Sandringham.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

10.8 CAR SHARE TRIAL

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/328843

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. supports the implementation of a car share services trial utilising dedicated car share parking spaces at suitable locations across Bayside
2. delegates authority to the Director Environment, Recreation and Infrastructure to finalise and execute a Memorandum of Understanding with Carshare Australia Pty Ltd (trading as GoGet) to undertake a car share services trial in Bayside
3. investigates opportunities for utilising electric vehicles as part of the car share fleet and potentially co-locating allocated car share spaces with electric vehicle charging infrastructure.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

**10.9 CONTRACT 2020/23 - PROVISION OF LANDFILL SERVICES -
CONTRACT EXTENSION**

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/325618

Moved: Cr del Porto (Deputy Mayor)**Seconded: Cr El Mouallem**

That Council:

1. authorises the Chief Executive Officer to execute a two-year extension of Contract 2020/23 for landfill services commencing on 1 April 2025 with Cleanaway Pty Ltd (ABN 79 00 164 938)
2. authorises the Chief Executive Officer to execute a two-year extension of Contract 2020/23 for landfill services commencing on 1 April 2025 with Hanson Landfill Services Pty Ltd (ABN 59 006 299 832).

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

**10.10 CONTRACT CON/23/73 CONSTRUCTION OF STORMWATER
DETENTION SYSTEM IN THIRD STREET, BLACK ROCK**

Environment, Recreation and Infrastructure - Project Services
File No: PSF/23/163 – Doc No: DOC/23/199468

Moved: Cr Evans OAM**Seconded: Cr Martin**

That Council:

1. awards Contract CON/23/73 Construction of Stormwater Detention System in Third Street, Black Rock to Entracon Civil Pty Ltd (ABN 35 118 370 077) for the lump sum price of \$4,678,234.77 (excl. GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/23/73 Construction of Stormwater Detention System in Third Street, Black Rock
3. advises the unsuccessful tenderers accordingly.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

10.11 2023–24 QUARTER 1 PERFORMANCE REPORT (JULY TO SEPTEMBER 2023)

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/321215

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes the 2023–24 Quarter 1 Performance Report for the period July to September 2023
2. removes the following listed projects from the 2023–24 capital works program and approves the projects to be carried forward into 2024–25 capital works program:
 - a. Boss James Reserve Pavilion
 - b. Sandringham Hub (Masonic Hall Redevelopment)
 - c. Dendy Park Athletic Pavilion Renewal
 - d. Brighton Town Hall Air Handling Unit
 - e. Red Bluff to Half Moon Bay Masterplan Implementation Stage 3, 2021–22
 - f. Warm Water Pool
 - g. Hampton Beach Access Elevator
 - h. Head Street Drain Brighton - Design & Construct
 - i. Brighton Town Hall Clocktower Renewal Works
 - j. Southern Carpark at Tjilatjirrin Reserve
 - k. Paul Street Minor Road Reconstruction
 - l. Upgrade of Drainage System along Kinane Street
 - m. Thomas Street Car Park Toilet Replacement
 - n. Green Point Tram Shelter Refurbishment
 - o. Sandringham Beach & Gardens Masterplan Path Closure
 - p. Customer Relationship Management System
 - q. Authority Improvements and Upgrade to Altitude
 - r. Contemplative Garden at Higinbotham Hall

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)

AGAINST: Nil (0)

CARRIED

10.12 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/23/167 – Doc No: DOC/23/341023

Moved: Cr del Porto (Deputy Mayor)

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 (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Mayor, Cr Fiona Stitfold reported that the ABM has recently seconded a new Executive Officer for the Association whilst a full recruitment process is undertaken.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure reported on the recent Forum held on 1 November 2023
 1. The MTF Loves Buses seminar was held on 24 October with a number of important topics discussed, including:
 - service standards in network and infrastructure and how they have not moved with changing lives
 - the Victorian Government’s Transition to electric buses program
 - the case study of Auckland’s significant bus route reform program
 - creating bus networks that are a future fit.
 2. There was discussion regarding Department of Transport and Planning “tip sheets” which will be applied in planning processes to improve design outcomes, in response to 45% of female transport users not feeling safe. The DTP “tip sheets” will be released before Christmas.
 3. Manningham, Merri-bek, Monash and Moonee Valley City Council’s provided the monthly update on transport matters in their municipalities.
3. **Inner South Metropolitan Mayors’ Forum** – The Mayor, Cr Fiona Stitfold indicated that no meeting has been held.
4. **South East Councils Climate Change Alliance** – Cr Clarke Martin advised that a meeting of SECCA was held recently in the presence of the Minister Lily D’Ambrasio - Minister for Climate Action and the Parliamentary Secretary to hear firsthand from the member councils of some of the challenges and opportunities that exist on local government.

Moved: Cr del Porto

Seconded: Cr Evans

That the Reports by Delegates be received and noted.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
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 Chairperson declared the meeting closed at 8.37pm.