

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
19 March 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Fiona Stitfold (Mayor)

Councillors: Cr Sonia Castelli
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 – Director Corporate Services
Kelly Archibald – Manager Urban Strategy
Terry Callant – Manager Governance
Keryn Fisher – Manager Communication, Engagement and Customer Experience
Bill Shanahan – Chief Finance Officer
Anthony Jacobs – Economic Development Coordinator
Rachael Hudson – Strategic Planning Coordinator
Ryan Cooray – Economic Development Officer
Robert Lamb – Council Business Lead

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 no less than (5) 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
- 8. Minutes of Advisory Committees
 - 8.1 Records of meetings held under the auspices of Council..... 16
 - 8.2 Minutes of the Billilla Advisory Committee held on 13 December 2023 17
 - 8.3 Minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 8 February 2024..... 19
 - 8.4 Minutes of the Reconciliation Action Plan Advisory Group meeting held on 14 February 2024 20
- 9. Reports by Special Committees
- 10. Reports by the Organisation
 - 10.1 Year 4 Review of Council Plan (2021–25) and Year 4 Annual Action Plan 22
 - 10.2 Submission to the Suburban Rail Loop Draft Precinct Vision for Cheltenham..... 23
 - 10.3 Planning Scheme Amendment C199bays..... 24
 - 10.4 Dendy Beach Visitor Management Plan 25
 - 10.5 Review of Christmas Decoration Program 2023 - Recommendations for future implementation 26
 - 10.6 Proposal for Council to rejoin the Municipal Association of Victoria 27
 - 10.7 Review of Advisory Committee Charters..... 29

- 10.8 Naming of laneway between Clive and Hornby Streets, Brighton East (Running North to South) 31
- 10.9 Proposed Discontinuance and Sale of Road adjoining 113 Male Street, Brighton 32
- 10.10 2023–24 2nd Quarter Performance Report (October to December 2023) 33
- 10.11 Council Action Awaiting Report 34

- 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 Castelli to read the prayer.

1. Prayer

Cr El Moullem read the prayer at the commencement of the meeting.

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

2. Acknowledgement of Country

Cr Evans read the acknowledgement of the original 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

Cr Castelli declared a General Conflict of Interest in Item 10.4 (Dendy Beach Visitor Management Plan) given Cr Castelli’s partner owns a bathing box at Dendy Street Beach.

Cr Samuel-King declared a General Conflict of Interest in Item 8.3 (Minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 8 February 2024), Item 8.4 (Minutes of the Reconciliation Action Plan Advisory Group meeting held on 14 February 2024), Item 10.3 (Planning Scheme Amendment C199bays) and 10.7 (Review of Advisory Committee Charters) given Cr Samuel-King’s partner is the Strategic Consultant for Yalukit Willam Nature Reserve.

Cr Samuel-King also declared a General Conflict of Interest in Item 10.4 (Dendy Beach Visitor Management Plan) given Cr Samuel-King owns a property in the vicinity of Green Point..

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside City Council meeting held on 20 February 2024.

Moved: Cr Evans OAM

Seconded: Cr Castelli

That the minutes of the Bayside City Council meeting held on 20 February 2024, 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 (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (7)

AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. Mrs Victoria Smtih

Mrs Victoria Smith submitted a question related to the North Brighton Childrens Centre, and Mrs Smith asked:

Question

What is proposed for the space which was used as Brighton Playroom at the North Brighton Childrens Centre? Will another occasional care facility be provided in this space?

Response from the CEO

Plans for future utilisation of the space previously used by Brighton Playroom at the North Brighton Children's Centre are currently being considered, including conversations with interested community groups and members. This is being undertaken within the broader context of the Early Years Infrastructure Plan which is currently in review.

2. Mr George Reynolds

Mr George Reynolds submitted a question regarding Council's 2021–22 accounting statement, and Mr Reynolds asked:

Question

I ask a question in relation to an \$18.05 million payment to the Victorian School Building Authority.

(a) As Council, in Note 5.2(b) of its 2021-22 accounting statement, recorded that the pre-payment was to be recorded as a right-of-use asset, when complete, why was the asset not delivered to Council as contracted?

AND

(b) As the asset has now been delivered to a newly formed entity named the Bayside and District Netball Association, has Council demanded the return of the pre-payment?

Response from the CEO

- a. *The project was delivered in accordance with the Joint Use Agreement between the Minister for Education, Sandringham College, and Bayside City Council.*
- b. *Bayside District Netball Association continue to operate under the same ABN, just registering a new business name that better reflects the community it serves.*

3. Mr George Reynolds

Mr George Reynolds submitted a further question. The question is regarding enforcement of Council's Local Law, and Mr Reynolds asked:

Question

I ask a question about Council officers' enforcement of Local Law No 2. for claimed infringements related to events which take place on private land.

(a) As section 86 of the Local Government Act 2020, and s124 of the Local Government Act 1989 (now revoked) both state that a Local Law must be considered to be a by-law (and not enforceable by the Supreme Court), why do Council staff continue to issue infringement notices?

AND

(b) Will Councillors now seek to identify those residents and ratepayers improperly treated by false enforcement procedures, served during the past four years of their Council stewardship, and ensure that adequate reparation and compensation is paid.?

Response from the CEO

Council's Neighbourhood Amenity Local Law 2021 (the Local Law) is the current local law since 1 July 2021; made under the provisions of the Local Government Act 1989.

A local law made under the Local Government Act 1989 continues in force and may be amended or revoked by a local law made under the new Act.

Section 86 of the Local Government Act 2020 carries over the provisions from section 124 of the Local Government Act 1989, setting out that a person can dispute the validity of a Local Law at the Supreme Court.

Both Acts enable infringements to be issued for alleged offences against local laws as an alternative to prosecution. Infringements issued for alleged offences of the Local Law are legally enforceable.

4. Mr Geoff Leigh

Mr Geoff Leigh submitted a question related to viewership of Bayside Council Meetings, and Mr Leigh asked:

Question

For each of the Bayside Council meeting dates listed below 21/02/23, 21/03/23, 18/04/23, 16/05/23, 27/06/23, 18/07/23, 15/08/23, 19/09/23, 17/10/23, 21/11/23, 19/12/23

(a) To provide the total number of those watching the council meetings listed dates online each month.

(b) To include a breakdown of the numbers of Bayside staff or contractors watching with a separate list for any other person watching online each month.

Response from the CEO

There were 933 live views for the period in question. Detailed statistics have been compiled for the 11 months of data requested which will be sent in the formal response to this question. However, no specific data is available to differentiate the various IP addresses for staff, contractors and the public.

5. Mr Geoff Leigh

Mr Geoff Leigh submitted a further question. The question relates to personnel matters, and Mr Leigh asked:

Question

Excluding the salary that the Chief Executive Officer (CEO) received in the financial years 2022 & 2023, provide full details of any and all other monies paid to the CEO by Bayside Council in the financial years of 2022 & 2023

(a) the item claimed and the amount paid

(b) In the event the CEO is provided with a car list type and cost paid by Bayside Council.

Response from the Mayor

Part A) The CEO has not claimed any reimbursement of costs for the 2023 financial year.

Reimbursement of costs in the 2022 financial year of \$72.45 was paid for a breakfast for 5 staff.

Part B) The CEO was provided with a Mazda CX-5 vehicle during 2021/22 and 2022/23 and the council contribution for this vehicle including FBT was \$24,069.40 for 2021/22 and \$24,033.97 for 2022/23.

6. Mr Leigh Funston

Mr Leigh Funston submitted a question regarding personnel matters, and Mr Funston asked:

Question

- a) Approximately what percentage of Bayside City Council's directors and executive managers who report to the CEO live in the Bayside local government area?
- b) Approximately what percentage of all other Bayside City Council staff live in the Bayside local government area?

Response from the CEO

- a) *20% of Bayside City Council's Executive Team live in the municipality.*
- b) *27.5% of all Bayside City Council staff reside in the municipality.*

7. Mr Leigh Funston

Mr Leigh Funston submitted a further question regarding expenditure on maintenance of public parks, gardens and open space, and Mr Funston asked:

Question

- a) In the last financial year, how much did Bayside City Council spend on the maintenance of public parks, gardens and open space areas?
- b) How does that expenditure level compare to the amount spent by Bayside City Council on the maintenance of public parks, gardens and open spaces ten years ago?

Response from the CEO

- a) *The cost of maintenance of public parks, gardens and open space for 2022–23 was \$13,715,551.00.*
- b) *The cost of maintenance of public parks, gardens and open space for 2013–14 was \$9,327,150.00.*

8. Mr Paul Langley

Mr Paul Langley submitted a question regarding the Bayside Netball Centre, and Mr Langley asked:

Question

My question is about the Bayside Netball Centre and the Council's resolution of the meeting of 25 February 2021.

- (a) As the resolution of 25 February 2021 was not complied with by Council staff, particularly in relation to item 8, which authorised the CEO to sign a Community Joint Use Agreement, and item 10, to provide the Sandringham and District Netball Association (now defunct) with a license for community use, why was the venture allowed to proceed to completion in the second half of 2023?
- (b) Why has the CEO entered into a tripartite agreement with the school and the Bayside and District Netball Association without any resolution from Council?

Response from the CEO

- a. *Consistent with Council's decision at its 25 February 2021 Special Meeting, the Chief Executive Officer has signed a Community Joint Use Agreement on behalf of Council in relation to the Bayside Community Sports Centre at Holloway Road with the Minister for Education, Sandringham College and Bayside City Council. The question is somewhat misleading in that it indicates the Sandringham and District Netball Association is 'defunct'. That is not correct. In reality the entity name has changed to better representative that it serves of Bayside. The change in entity name no bearing on the project delivery or Council's decision to enter into an agreement in relation to the site.*
- b. *The agreements entered into in relation to the Bayside Community Sports Centre at Holloway Road are consistent with Council's adopted position. A change of business name for the same entity does not require a report to Council.*

9. Mr Robert Telling

Mr Robert Telling submitted a question regarding Council's Reconciliation Action Plan Advisory Group and Mr Telling asked:

Question

My question relates specifically to the Charter relating to the Reconciliation Action Plan (RAP) Advisory Committee. 2 of the 9 stated objectives of The RAP Advisory Group's are the following items:

- assist in planning community engagement to achieve reconciliation goals and outcomes.
- support Council to engage with local Aboriginal and Torres Strait Islander organisations and community members, to achieve reconciliation goals and outcomes.

- A) Can Council please clarify exactly what are these stated, "reconciliation goals and outcomes"?
- B) Could Council outline how these "reconciliation goals and outcomes" would be measured?

Response from the CEO

- A. Council's Innovate Reconciliation Action Plan (RAP) is based on Reconciliation Australia's RAP Program. This aims to advance the five dimensions of reconciliation – race relations, equality and equity, institutional integrity, unity, and historical acceptance.*

Council's Innovate RAP focuses on four key goals in order to progress these dimensions of reconciliation in Bayside. The key goals focus on relationships, respect, opportunities, and governance.

The Bayside Reconciliation Action Plan is published on the Council website.

- B. The four goals of the RAP are measured through the implementation of deliverable actions that are tracked quarterly against progress indicators, as well as an independent bi-annual assessment process, conducted by Reconciliation Australia.*

10. Ms Lindsey Joffe

Ms Lindsey Joffe submitted a question regarding Yalukit Willam Nature Reserve and Ms Joffe asked:

Question

- A) Why does the YW Nature Reserve need to be re-zoned if the current zoning (PPRZ) together the Masterplan would adequately enable the protection and conservation of those areas of significance that are outlined in the Masterplan?
- B) On what basis is the re-zoning being sought by the Council given that the Masterplan which proposes to partially or completely exclude the public from certain areas of the YW Nature Reserve is inconsistent with both the purpose for which this Crown Land is permanently reserved and the Council's role as committee of management to manage, improve, maintain and control the reserve for the purposes for which it is reserved?

Response from the CEO

- A) *The rezoning of Yalukit Wilam Nature Reserve from Public Park and Recreation Zone to Public Conservation Resource Zone was identified as an action in the adopted Bayside Urban Forest Strategy 2022–40.*
- B) *Rezoning the Yalukit Willam Nature Reserve from Public Park and Recreation Zone to Public Conservation and Resource zone does not propose any changes to public access and use.*

11. Mr Angus Morrison

Mr Angus Morrison submitted a question regarding Yalukit Willam Nature Reserve and Mr Morrison asked:

Question

What are the specific changes to the public access and use including on-leash dog-walking at Yalukit William Reserve and the Highbett Grassy Woodland as a result of the proposed rezoning, as the rezoning must serve a purpose with associated actions and implications?

Response from the CEO

Rezoning the Yalukit Willam Nature Reserve from Public Park and Recreation Zone to Public Conservation and Resource zone does not propose any changes to public access and use of the reserve.

12. Mr Angus Morrison

Mr Angus Morrison submitted a further question. The question is regarding a recommendation of Council's Reconciliation Action Plan Advisory Group and Mr Morrison asked:

Question

Where does the Council's procurement process and policy stand on the recommendation of the RAP Advisory Group to work with First Nations suppliers as soon as possible, actively discriminating in favour of First Nations suppliers for the Yalukit William Reserve

Response from the CEO

The Reconciliation Action Plan Advisory Group encouraged Council to work with First Nations suppliers as early as possible through the procurement process, where appropriate.

Council's current Procurement Policy 2021–25 states that:

- *Council will seek to advance economic, environmental and social objectives to benefit the community: directly, by purchasing from for-social benefit entities.*
- *At its discretion, Council may apply a preference of up to 10% in the evaluation of proposals that:*
 - i. are from Social Enterprises or include Social Enterprises in their supply chain; and/or*
 - ii. are from Indigenous Suppliers or include Indigenous Suppliers in their supply chain.*
- *Council seeks to address disadvantage by encouraging diversity, acceptance, fairness, compassion, inclusiveness and access for people of all abilities in its purchasing by seeking to:*
 - create new jobs and opportunities for people who may be struggling to find work*
 - target cohorts that may be experiencing economic exclusion*
 - reinvigorate depressed or marginalised communities*
 - improve equity of access to opportunities.*

The Mayor noted that given the maximum of 15 minutes allocated for Public Question Time had been reached, the remaining 11 questions (from Ms Joanne Byrant, Mr David Orford, Mr Delano Pikart, Mrs Lotte Pikart, Mr Kevin Howard, Mr Chris Sutton, Mr Andrew Hockley, and Mr Dean Hurlston) that were not answered in the allotted time will be responded to in writing; however, in accordance with Governance Rules, will not appear in the Minutes.

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/24/100 – Doc No: DOC/24/69387

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

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:

- 27 February 2024 Strategic Issues Discussion
- 5 March 2024 Budget Briefing
- 5 March 2024 Councillor Briefing.

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

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

AGAINST: Nil (0)

CARRIED

8.2 MINUTES OF THE BILLILLA ADVISORY COMMITTEE HELD ON 13 DECEMBER 2023

Corporate Services - Governance
 File No: PSF/24/100 – Doc No: DOC/24/69457

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Mouallem

That Council:

1. notes the minutes of the Billilla Advisory Committee meeting held on 13 December 2023
2. adopts the following recommendations of the Billilla Advisory Committee meeting held on 13 December 2023:

Item 6.2. Billilla Gardens Activation – Program Report

That the Billilla Advisory Committee

1. *noted the Billilla Gardens Activation Progress report*
2. *recommends that Council approves the donation of the work by artist, Anne Ross ‘She gave me a daisy’ and accepts the significant donation by Anne Ross*
3. *approves the current siting of the work ‘She gave me a daisy’ at Billilla for a minimum of 2 years after which time the location will be reviewed and a recommendation as to the permanent location will be submitted to Council.*

Item 6.4 Billilla Strategic Business Plan

That the Billilla Advisory Committee endorses the updated draft Billilla Strategic Business Plan, subject to the following inclusion relating to Section 3.8.1. – Table 3 to read:

<i>Direct Management</i>	<i>Outsourced/arms length</i>
<ul style="list-style-type: none"> • <i>Council line management</i> • <i>Council supported by the Billilla Advisory Committee</i> • <i>Business Unit of Council</i> 	<ul style="list-style-type: none"> • <i>Wholly-owned subsidiary (as at Ballarat Art Gallery, Brisbane Powerhouse and Gold Coast Arts Centre, with Council as sole member or shareholder.</i> • <i>New, customised non-profit (as at City Recital Hall, Sydney and Shepparton Art Museum), with Council having control over some or all board appointments.</i> • <i>Existing non-profit (as at Wollongong, where Murrumbidgee Theatre was contracted to operate Illawarra Performing Arts Centre).</i>

And that the Billilla Advisory Committee recommends to Council that the operational approach outlined in this plan is used to inform subsequent capital and operational planning for the site, subject to Council’s budget considerations and processes.

Item 7.1 Foundation proposal

That the Billilla Advisory Committee recommends Council obtains a legal opinion on the legal implications and obligations associated with establishing a Foundation for Billilla to provide general philanthropic support and a Deductible Gift Recipient endorsement by the ATO.

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

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

CARRIED

8.3 MINUTES OF THE YALUKIT WILLAM NATURE RESERVE COMMITTEE OF MANAGEMENT MEETING HELD ON 8 FEBRUARY 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/69436

It is recorded that Cr Samuel-King declared a General Conflict of Interest in this item given Cr Samuel-King's partner is the Strategic Consultant for Yalukit Willam Nature Reserve. Cr Samuel-King left the Meeting at 6.56 pm.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Moullem

That Council:

1. notes the minutes of the Yalukit Willam Nature Reserve Committee of Management meeting held on 8 February 2024
2. adopts the following recommendations of the Yalukit Willam Nature Reserve Committee of Management meeting held on 8 February 2024:

Item 7.1 Proposed rezoning of Yalukit Willam Nature Reserve

That the Yalukit Willam Nature Reserve Committee recommends that Council seeks legal advice regarding the uses allowed under the rezoning from a 'Public Park and Recreation Zone (PPRZ)' to a 'Public Conservation and Resource Zone (PCRZ)'.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Moullem (6)

AGAINST: Nil (0)

CARRIED

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

8.4 MINUTES OF THE RECONCILIATION ACTION PLAN ADVISORY GROUP MEETING HELD ON 14 FEBRUARY 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/69424

It is recorded that Cr Samuel-King declared a General Conflict of Interest in this item given Cr Samuel-King's partner is the Strategic Consultant for Yalukit Willam Nature Reserve.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. notes the minutes of the Reconciliation Action Plan Advisory Group meeting held on 14 February 2024
2. adopts the following recommendation of the Reconciliation Action Plan Advisory Group meeting held on 14 February 2024:

Item 6.1 Update on Yalukit Willam Nature Reserve Wetland Concept Designs and Gateway Building Design Intent

That the Reconciliation Action Plan Advisory Group:

1. *notes the presentation regarding the Yalukit Willam Nature Reserve Gateway Building and Wetland Concept Design*
2. *endorses the architect's intention to explore opportunities for First Nations art and storytelling throughout the design of the Gateway Building*
3. *receives regular reports on the reserve progress and the First Nations interpretative approach.*

That the Reconciliation Action Plan Advisory Group recommends that Council:

1. *be encouraged to work with First Nations suppliers as early as possible through the procurement process related to the design, delivery and activation of the site, where appropriate*
2. *engages with local First Nations artists in relation to possible collaborations for art at the site.*

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Moullem (6)

AGAINST: Nil (0)

CARRIED

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

Cr Samuel-King returned to the Meeting at 7:01 pm

9. Reports by Special Committees

There were no reports by Special Committees submitted to the meeting.

10. Reports by the Organisation

The following individuals registered to speak in relation to items on the agenda:

Item 10.2		For (F) Against (A)
Submission to the Suburban Rail Loop Draft Precinct Vision for Cheltenham		
Requests to Speak		
1.	Mr Geoff Leigh	(A)
2.	Ms Una Steele	(A)
3.	Mr Andrew Hockley (for Highett Progress Association)	(F)
4.	Mr Derek Screen (for Pennydale Residents Action Group)	(F)

Item 10.6		For (F) Against (A)
Proposal for Council to rejoin the Municipal Association of Victoria		
Requests to Speak		
1.	Mr Geoff Leigh	(A)

Item 10.10		For (F) Against (A)
2023–24 2nd Quarter Performance Report (October to December 2023)		
Written Statements		
1.	Mr George Reynolds	(A)
2.	Mr Andrew Hockley (for Highett Progress Association)	(F)
Requests to Speak		
1.	Ms Kate Quennell	(A)
2.	Mr George Reynolds	(A)

10.1 YEAR 4 REVIEW OF COUNCIL PLAN (2021–25) AND YEAR 4 ANNUAL ACTION PLAN

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/69476

Moved: Cr Martin

Seconded: Cr Samuel-King

That Council:

1. endorses the revised Council Plan 2021-25 (Attachment 1) and Draft Annual Action Plan 2024-25 (Attachment 2), prior to community consultation
2. authorises Council officers to make editorial changes specifically relating to the title of the Hihett Grassy Woodland.

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

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

CARRIED

10.2 SUBMISSION TO THE SUBURBAN RAIL LOOP DRAFT PRECINCT VISION FOR CHELTENHAM

City Planning and Amenity - Urban Strategy
File No: PSF/24/105 – Doc No: DOC/24/69093

It is recorded that Mr Geoff Leigh, Ms Una Steele, and Mr Andrew Hockley (for Highett Progress Association) spoke for 2 minutes in relation to this item. Mr Derek Screen (for Pennydale Residents Action Group) requested to speak though later withdrew the request.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council endorses the Council officers' submission to the Suburban Rail Loop draft Precinct Vision Paper subject to the following inclusions:

1. That Council requests that the State Government urgently provides Bayside City Council with a clear program outlining the planning responsibility and a detailed timeline for the structure plan.
2. That Council highlights the community's strong objections to the Suburban Rail Loop draft Precinct Vision for Cheltenham, including: building heights, density and lack of open space.
3. That Council requests that the Suburban Rail Loop Authority facilitates the purchase of the Laminex site buffer area on Jack Road for the provision of additional open space.
4. That No support is provided for the narrowing of Bay Road.

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Clarke Martin, Sonia Castelli, Jo Samuel-King, Fiona Stitfold (Mayor) and Laurence Evans OAM (6)
AGAINST: Cr Hanna El Moullem (1)

CARRIED

10.3 PLANNING SCHEME AMENDMENT C199BAYS

City Planning and Amenity - Urban Strategy
File No: PSF/23/162 – Doc No: DOC/24/52660

It is recorded that Cr Samuel-King declared a General Conflict of Interest in this item given Cr Samuel-King's partner is the Strategic Consultant for Yalukit Willam Nature Reserve. Cr Samuel-King left the Meeting at 7:58 pm.

Moved: Cr El Mouallem

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. splits Amendment C199bays into two parts
2. adopts Amendment C199bays Part 1 as it relates to the rezoning of Highett Grassy Woodland and submits to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment act 1987
3. abandons Amendment C199bays Part 2, as it relates to Yalukit Willam Nature Reserve
4. writes to all submitters to Amendment C199bays to advise them of Council's decision.

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

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

AGAINST: Nil (0)

CARRIED

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

10.4 DENDY BEACH VISITOR MANAGEMENT PLAN

City Planning and Amenity - Urban Strategy
File No: FOL/24/351 – Doc No: DOC/24/62089

It is recorded that Cr Samuel-King declared a General Conflict of Interest in this item given Cr Samuel-King owns a property in the vicinity of Green Point.

It is recorded that Cr Castelli declared a General Conflict of Interest in this item given Cr Castelli's partner owns a bathing box at Dendy Street Beach. Cr Castelli left the Meeting at 8.05 pm.

Moved: Cr El Mouallem

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. endorses the draft Dendy Beach Visitor Management Plan (VMP) for the purpose of community consultation, subject to the following editorial changes:
 - addition of "Section 3.2 – Foreshore Anchors and Attractions" (Page 16)
 - addition of "Section 3.3, Sub-section 3.3.2 – Improved connectivity to Green Point" (Page 18)
 - revision of "Section 4.3 – Tourism Merchandise (in particular, list of proposed items)" (Page 28)
 - revision of "Section 10 - Environmental Sustainability" (Page 62)
2. receives the final VMP for adoption at its 18 June 2024 meeting.

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

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

CARRIED

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

It is recorded that Cr Castelli and Cr Samuel King returned to the meeting at 8.15 pm.

10.5 REVIEW OF CHRISTMAS DECORATION PROGRAM 2023 - RECOMMENDATIONS FOR FUTURE IMPLEMENTATION

City Planning and Amenity - Urban Strategy
File No: FOL/24/351 – Doc No: DOC/24/62068

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Castelli

That Council:

- 1) continues to support the principles of the Christmas Decoration program, being:
 - a) *Decorations should be placed in activity centres that have a good mix of hospitality and convenience retailing that facilitates an existing degree of footfall from residents and visitors.*
 - b) *Appropriate Council infrastructure is available for the placement of decorations such as Council owned light poles and wide footpaths.*
 - c) *Have good exposure so that the decorations have high impact and are highly visible to pedestrians and vehicular traffic to attract visitation and expenditure into our local economy.*
- 2) focuses its Christmas Decoration program, with increased quantity of decorations, in the four Major Activity Centres (MACs) and the Neighbourhood Activity Centres (NACs) of Hightett, Martin Street, Black Rock Village, and the Beaumaris Concourse
- 3) continue to place decorations in the Seaview Village and Hawthorn Road East shopping centre
- 4) expands the shops on Show competition to include a category judged by a professional judging panel
- 5) introduces a \$50 Christmas voucher for businesses in all other activity centres to support Christmas decoration of shop fronts in Bayside with an encouragement to source sustainable decorations
- 6) supports the Christmas vouchers initiative, with an expression of interest process, for up to four (4) businesses to have their shop window professionally decorated.

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

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

CARRIED

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

DIVISION: **FOR:** Crs Clarke Martin, Jo Samuel-King, Fiona Stitfold (Mayor) and
 Laurence Evans OAM (4)

AGAINST: Crs Alex del Porto (Deputy Mayor), Sonia Castelli and Hanna El
Mouallem (3)

CARRIED

10.7 REVIEW OF ADVISORY COMMITTEE CHARTERS

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/69471

It is recorded that Cr Samuel-King declared a General Conflict of Interest in this item given Cr Samuel-King's partner is the Strategic Consultant for Yalukit Willam Nature Reserve. Cr Samuel-King left the Meeting at 9.13 pm.

Moved: Cr del Porto (Deputy Mayor)**Seconded: Cr Martin**

That Council:

1. renames the Yalukit Willam Nature Reserve Advisory Committee of Management to 'Yalukit Willam Nature Reserve Advisory Committee' and the Reconciliation Action Plan Advisory Group to 'Reconciliation Action Plan Advisory Committee'
2. adopts the revised Advisory Committee Charters as follows:
 - Disability Access and Inclusion Advisory Committee (Attachment 1)
 - Yalukit Willam Nature Reserve Advisory Committee (Attachment 2)
 - Billilla Advisory Committee (Attachment 3)
 - Bayside Arts and Gallery Advisory Committee (Attachment 4)
 - Reconciliation Action Plan Advisory Committee (Attachment 5)
3. rescinds the previous Terms of Reference or Charters for the above Committees
4. appoints the following individuals to Advisory Committees for a term of two years commencing 19 March 2024:

Disability Access and Inclusion Advisory Committee:

Ms Amanda Blohm	Ms Emily Costello
Mr Ade Djajamihardja	Ms Bell Fantasia
Mr Mark Glascodine	Ms Jo Levett
Ms Emma Olivier	Mr Sam Seoud
Mr Andrew Turner	Ms Tara Webb

Yalukit Willam Nature Reserve Advisory Committee:

Ms Stephanie Convery	Ms Alicia Darvall
Mr Patrick Honan	Mr Stephen le Page
Mr Sam Murray	Ms April Seymore (representing Port Phillip EcoCentre)
Dr Tricia Wevill	Yalukit Willam Nature Association Committee Member

Billilla Advisory Committee:

Margot Burke	Louise Cooper-Shaw
Adam Dunning	Kate Harman
Craig Jackett	Theodora Jenkin
Peter Kharsas	Charles Reis
Barry Smith	Thomas Stamp
Gayle Wilson	

Bayside Arts and Gallery Advisory Committee:

Ms Louise Doyle	Mr Brian Hewitt
Mr Brian Long	Ms Sarah Morris
Ms Bo Rutecki	Mr Adrian Spurr
Ms Lyn Stephens	

Reconciliation Action Plan Advisory Committee:

Mr Josh Toscano (co-Chair)	Mr Jeremy Abbott
Ms Gulay Cevik	Ms Allyson Craigie-Parsons
Mr Matt Perfect	Ms Jillian West

5. notes that at the end of the 2-year period, half of the respective Committee may not be re-appointed to enable renewal of membership to create a staggered term of appointment of members to ensure continuity of knowledge.

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

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

CARRIED

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

It is recorded that Samuel-King returned to the Meeting at 9.18 pm.

10.8 NAMING OF LANEWAY BETWEEN CLIVE AND HORNBY STREETS, BRIGHTON EAST (RUNNING NORTH TO SOUTH)

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/45331

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Moullem

That Council:

1. approves the use of the name 'Otley Lane' for the laneway between Clive and Hornby Streets, Brighton East (running north to south), fronting 633A Nepean Highway Street, abutting 3/2A and 2 Clive and 1 Hornby Street, and at the rear of 22/2A and 4A Clive Street, 769 to 771 Hawthorn Road, 631 to 675 Nepean Highway and 3 to 7 Hornby Street, Brighton East
2. advises the Registrar of Geographical Names of Council's decision
3. advises abutting owners within the laneway once advice has been received from the Registrar of Geographical Names and the laneway has been formally gazetted
4. erects appropriate street name signage once the laneway name has been formally gazetted.

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

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

AGAINST: Nil (0)

CARRIED

10.9 PROPOSED DISCONTINUANCE AND SALE OF ROAD ADJOINING 113 MALE STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/24/88 – Doc No: DOC/24/60503

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. in accordance with the Local Government Act 1989 and the Local Government Act 2020, resolves to discontinue the Subject Road adjoining 113 Male Street, Brighton outlined in red in Attachment 1, and sells the Subject Road to the adjoining owners of 113 Male Street, Brighton for \$43,000 plus GST
2. authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the Subject Road via private treaty and retain all easements on title as required in favour of the appropriate Authority
3. directs a public notice to be published in the Victoria Government Gazette.

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

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

CARRIED

NOTE: Item 10.9 was **CARRIED** as part of a block motion.

10.10 2023–24 2ND QUARTER PERFORMANCE REPORT (OCTOBER TO DECEMBER 2023)

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/62236

It is recorded that Mr George Reynolds, and Mr Andrew Hockley (for Highett Progress Association) each submitted a written statement in relation to this item.

It is recorded that Ms Kate Quennell, and Mr George Reynolds each registered to speak in relation to this item; however, Ms Quennell and Mr Reynolds were each not present in the Chamber when their names were read out to speak.

Moved: Cr del Porto (Deputy Mayor) Seconded: Cr Martin

That Council notes the 2023–24 Quarter 2 Performance Report for the period October to December 2023 and that the Chief Executive Officer confirms in accordance with S97(3) of the Local Government Act 2020 that a revised budget is not required.

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

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

CARRIED

10.11 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/69460

Moved: Cr Castelli

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, Sonia
Castelli, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence
Evans OAM and Hanna El Mouallem (7)
AGAINST: Nil (0)

CARRIED

NOTE: Item 10.11 was **CARRIED** as part of a block motion.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Martin indicated that he attended a recent meeting of the Association of Bayside Municipalities where a presentation was provided by a recently retired leading scientist in rising sea levels from the CSIRO. A UK scientist also gave a presentation on the ‘risk engine of rising sea levels’ providing advice on the risk of inundation to low-lying land. It was discussed that this is a serious concern by 2040 and that all levels of government need to listen and assist coastal-fronting councils in dealing with this issue. There was also a presentation from an advisor to the Insurance Council of Australia discussing current insurance levels and a presentation from another scientist around maintenance of floating swell meters and tide gauges in the ocean. The Deputy Secretary for Planning was also present.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure advised that the Metropolitan Transport Forum (MTF) held a meeting on 6 March and metro trains executive director for network integration shared a presentation on metro trains covering themes including passenger demand recovery following covid with greater volumes of passengers now using weekend services. There was also a report on the executives meeting with the opposition transport spokesman with the MTF advocating for improved bus efficiency and cycle improvements, and transport access issues with parts of the network failing DDA requirements. Banyule and Boroondara councils also provided an update on transport matters within their municipalities.
3. **Inner South Metropolitan Mayors’ Forum** – The Mayor, Cr Fiona Stiffold indicated that an initial meeting was held between Glen Eira, Boroondara, Kingston and Bayside councils and there are many common issues to be explored.
4. **South East Councils Climate Change Alliance** –The Mayor, Cr Fiona Stiffold advised that she and Council’s CEO attended an initial meeting where they met the newly appointed CEO of the South East Councils Climate Change Alliance, Helen Steel.

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 Sonia Castelli, Alex del Porto (Deputy Mayor), Clarke Martin, Jo Samuel-King, Fiona Stiffold (Mayor), Laurence Evans OAM and Hanna El Mouallem (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.

The Mayor declared the meeting closed at 9.32pm.