

Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
23 April 2024
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 – Director Corporate Services
Kelly Archibald – Manager Urban Strategy
Anita Johnstone – Manager City Assets and Presentation
Bill Shanahan – Chief Finance Officer
Tom Vercoe – Manager Open Space and Recreation
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.

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The Mayor declared the Council Meeting open at 6.30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Mayor invited Cr Evans to read the prayer.

1. Prayer

Cr Evans 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 del Porto 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 an apology was received from Cr Castelli.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans

That the apology from Cr Castelli be noted for the 23 April 2024 Council Meeting.

CARRIED

4. Disclosure of Conflict of Interest of any Councillor

- Cr Samuel-King declared a General Conflict of Interest in Item 10.4 (Update on Yalukit Willam Wetland concept Designs) given Cr Samuel-King's partner is the Strategic Consultant for Yalukit Willam Nature Reserve.

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 March 2024.

Moved: Cr Martin

Seconded: Cr del Porto (Deputy Mayor)

That the minutes of the Bayside City Council meeting held on 19 March 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, Jo Samuel-King, Fiona Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)
AGAINST: Nil (0)

CARRIED

6. Public Question Time

1. Mr Mathew Lynn (on behalf of Melbourne Zero movement)

Mr Matthew Lyn submitted a question related to affordable housing and ending homelessness and Mr Lynn asked:

Question

What are Council's official plans to increase affordable housing and end homelessness? And how is this coordinated with others, including nearby councils?

Response from the CEO

Council recognises homelessness and insecure housing is a growing issue within the Bayside municipality.

Bayside's Affordable Housing Strategy was adopted by Council in June 2021. The Strategy guides how Council can assist the increase in supply of appropriate and accessible affordable housing in Bayside.

Council works with other councils in south and east metropolitan Melbourne through the Regional Local Government Charter Homelessness and Social Housing Group. This group works to highlight regional issues associated with homelessness and social housing, advocates for systemic reforms to prevent homelessness risks from occurring and works to improve our responses when they do occur.

2. Mr Mathew Lynn (on behalf of Melbourne Zero movement)

Mr Matthew Lyn submitted a question related to homelessness and Mr Lynn asked:

Question

Does Council know how many people are sleeping rough across the LGA? How is Council collecting this vital health information?

Response from the CEO

Council does not have a precise figure on the number of rough sleepers in Bayside, as many people experiencing homelessness or sleeping rough are hidden from sight and are often transient. 147 people were identified as experiencing homelessness in Bayside from the 2021 census data. Bayside is aware of the Melbourne Zero Network and is exploring its capacity to participate in this project.

3. Mr Geoff Leigh

Mr Geoff Leigh submitted a question related to Sandringham Basketball courts at 150 Tulip Street Cheltenham, and Mr Leigh asked:

Question

Provide the total cost of construction Sandringham Basketball courts at 150 Tulip Street Cheltenham

- (1) Show individual total amounts paid by Bayside Council, state or federal government or any other body or group provided funds for the development.
- (2) Provide the details of the ownership of the land for the development and its value or funds paid to acquire the site.

Response from the CEO

- (1) *The total cost of construction of the Sandringham Basketball courts was \$14.559 million of which Bayside City Council contributed \$11.143 million, Sandringham Basketball Association contributed \$3 million and \$0.416 million was recovered from the original builder that went into administration.*
- (2) *The land is owned by Bayside City Council and is currently valued at \$5.7 million.*

4. Mr Geoff Leigh

Mr Geoff Leigh submitted a question related to parking restrictions on Balcombe Road and Mr Leigh asked:

Question

Given Bayside Council's decision to introduce parking restrictions on Balcombe Road South side 8-9am and North side 3-4pm between Reserve and Charman Roads. Will council provide:

- (1) The total numbers of properties that received material setting out council's decision to the letter box, email or some other method to all the affected residents.
- (2) Provide the details of those in favour or against the proposed restrictions by the means mentioned in point (1)

Response from the CEO

Community engagement was undertaken from 28 February 2024 to 26 March 2024 on a proposal to install no stopping restrictions on Balcombe Road between Reserve and Charman Roads during peak school commuting hours to improve safety for students riding to school.

There were 330 local residents and businesses that received a consultation letter and 3000 recipients of a postcard regarding the proposed project throughout Beaumaris.

Council has received 327 contributions via 'Have Your Say' to the engagement process and is currently in the process of reviewing the feedback, prior to making a decision.

All project subscribers and impacted residents will be contacted by Council once a decision is made on the proposed project.

5. Mr Dean Varndell

Mr Dean Varndell submitted a question related to the site currently occupied by Woolworths in Hampton Street and Mr Varndell asked:

Question

Is council aware of, or in discussions/negotiations with, a prospective purchaser of the Hampton Street (Woolworths) site and is Council able to impose conditions on the prospective sale to ensure a supermarket is retained with public parking?

Response from the CEO

Council Officers are aware that the Woolworths site on Hampton Street is currently for sale. The sale of the property and the conditions placed on the sale is not something Council has jurisdiction over.

6. Mr George Reynolds

Mr George Reynolds submitted a question related to the Bayside Community Sports Centre, and Mr Reynolds asked:

Question

I ask a question about the Bayside Netball Centre and its place in the 2024-2025 budget.

- (a) As Council shows an entry in Note 4,2,4 of the budget document of \$18.864 million for right of use assets, how much of this sum is attributable to the Bayside Netball Centre, AND
- (b) How much revenue is to be collected from the Beneficial Enterprise, now brought into existence, to offset the operating and amortizing cost that this venture incurs, so that the venture meets the requirement of section 111(1)(a) of the Local Government Act 2020?

Response from the CEO

- a) *The total value of Right of Use Assets forecast as at 30 June 2024 is \$18.640 million. Of this value, \$17,733 relates to the Netball Centre (\$18,050 total contribution less \$317k depreciation during 2023–24). The remaining \$907k relates to right of use leased vehicle and equipment assets.*
- b) *Council has a license agreement with The Bayside & District Netball Association Inc. which pays \$13,608.10 per year inc. GST. Council is not liable for any operating costs for the centre.*

7. Mr George Reynolds

Mr George Reynolds submitted a question related to Item 10.9 on the Agenda, and Mr Reynolds asked:

Question

I ask a question in relation to Item 10.9 on the meeting agenda.

- (a) As the agenda item seeks that Council delegates authority directly to a staff member or position, yet section 11 of The Act limits delegation to the CEO only (or alternatively to a delegated committee) has this proposed on-delegation been shown to be as unlawful as it appears, AND
- (b) Have any councillors sought legal advice independently of that claimed by the CEO and staff, in the support documents, on the legality of the proposal?

Response from the CEO

- a) *Council may delegate duties and powers to specific officers relating to various pieces of legislation, which is provided for within the legislation. This process is not unlawful and is a statutory process undertaken by the entire local government sector.*
- b) *The instrument of Delegation has been prepared in conjunction with Council's lawyers to ensure all legislation is currently effective.*

8. Mr Leigh Funston

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

Question

What is the forecast cost for Bayside City Council's total re-development of Yalukit Willam park (formerly known as Elsternwick Park)?

Response from the CEO

Council has forecast that it will cost approximately \$23.7M to deliver the Elsternwick Park Masterplan. Council has so far secured \$16.85M in grant funding to deliver the Yalukit Willam Nature Reserve. Therefore, the forecast cost to Council is \$6.85M.

9. Mr Leigh Funston

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

Question

What is Bayside City Council's forecast annual maintenance costs for Yalukit Willam park (formerly known as Elsternwick Park)?

Response from the CEO

Council has allocated \$84, 000 to maintain the Yalukit Willam Nature Reserve in the 2024–25 financial year. The ongoing annual maintenance cost for the remainder of the site will be informed by the scope of future projects at the site.

10. Mr Paul Langley

Mr Paul Langley submitted a question related to the Bayside Community Sports Centre, and Mr Langley asked:

Question

My question is about the Bayside Netball Centre.

1(a) As the Mayor has indicated that the Centre is jointly owned by the Minister of Education, Sandringham Secondary College and Bayside Council, the Centre appears to be owned by a joint venture in which Bayside Council (ACN 163 566 621) participates, what financial benefit accrues to Council from the investment of \$18.05 million which was paid to the Victorian School Building Authority in order to participate?

AND (b) where is the Council resolution recorded that approves the terms of the investment?

Response from the CEO

- (A) *Council's financial investment into the Bayside Community Sports Centre results in a net community benefit, including allowing increased participation in community sport at the site.*
- (B) *Council has had several reports relating to the Bayside Community Sports Centre, including its decision at its 25 February 2021 Special Meeting of Council which sets out the framework for Council to fund the facility and execute the necessary agreements to facilitate the use of the site.*

11. Mr Paul Langley

Mr Paul Langley submitted a question related to the Bayside Community Sports Centre, and Mr Langley asked:

Question

My question concerns the Bayside Netball Centre

(a) As the meeting of 25 February 2021 resolved to delegate authority to the CEO to negotiate and sign a "Community Joint Use Agreement" for the Bayside Netball Centre, but the outcome was a Beneficial Enterprise agreement, has the unauthorised agreement any legitimacy?

AND (b) Will Council now seek the return of the \$18.05 million on the grounds that no benefit will ever return to the wider Bayside Community as there is no access allowed to the site for the wider community?

Response from the CEO

- (A) *Council entered into a Community Joint User Agreement in relation to the Bayside Community Sports Centre at Holloway Road.*
- (B) *Council will not be seeking the State government to 'return' the investment from Bayside City Council into the Bayside Community Sports Centre.*

12. Mr Philippe Charluet

Mr Philippe Charluet submitted a question related to planning activity in Willis Street, Hampton, and Mr Charluet asked:

Question

The current sale of Woolworths and the six shops next to it, up to Willis St in Hampton, is currently under offer; coincidentally, it is proposed that the car park at 20-22 Willis St should also be put on sale at the same time to be considered by this Council meeting. The state government has put in place the Development Facilitation Program (DFP) to expedite faster planning approvals for larger commercial/ residential projects with construction costs worth at least \$50 million (that have 10% affordable housing) - DFP being the decision maker and thus avoiding the normal Council planning permit process, and any risk attributed to third party community objectors' reviews to VCAT.

If this goes ahead, are we the community, right to expect this scenario will give the new owners the opportunity to potentially build a development beyond the current height controls currently in place in Hampton?

Response from the CEO

While the future intention for the redevelopment of land at 355-375 Hampton Street, Hampton is speculative at this point in time, it is noted that the Minister for Planning has introduced a number of planning provisions which enable an applicant to seek the Minister to intervene where applications meet certain requirements (construction cost and inclusion of affordable housing). In the event the owner were to seek Ministerial intervention, the Minister has the ability to waive or vary building and setback requirements.

7. Petitions to Council

7.1 PETITION FOR COUNCIL TO REVIEW ITS HERITAGE AND NEIGHBOURHOOD CHARACTER STUDIES

City Planning and Amenity - Urban Strategy
File No: PSF/24/100 – Doc No: DOC/24/109342

Moved: Cr Martin

Seconded: Cr Evans OAM

That the petition be received and a report be submitted no later than the June 2024 Council Meeting considering the options associated with the request.

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

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/24/89585

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Martin

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:

- 12 March 2024 Budget Briefing
- 26 March 2024 Strategic Issues Discussion
- 9 April 2024 Councillor Briefing.

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

8.2 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 26 FEBRUARY 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/96114

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 26 February 2024 (Attachment 1)
2. adopts the following recommendations of the Disability Access and Inclusion Advisory Committee meeting held on 26 February 2024:

Item 6.1 Draft Public Toilet Strategy

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 be updated as follows:

(remove reference to) "there is no other Changing Places facility within 2km."

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

8.3 MINUTES OF THE BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE MEETING HELD ON 28 FEBRUARY 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/96117

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

That Council:

- 1. notes the minutes of the Bayside Arts and Gallery Advisory Committee meeting held on 28 February 2024 (Attachment 1)
- 2. adopts the following recommendations of the Bayside Arts and Gallery Advisory Committee meeting held on 28 February 2024:

Item 6.4 Bayside Arts and Heritage Collection - Deaccessioning proposal

That the Bayside Arts and Gallery Advisory Committee recommends to Council the formal deaccessioning of the following items from the Bayside Art and Heritage Collection:

- 1. *Basil Byrne, Reduce Reuse, Recycle or Regret (0000-1081) located at the Transfer Station Sandringham.*
- 2. *Pair of murals in skateboard bowls at Elsternwick Park (0000-938).*

Item 6.5 2024–25 Public Art Commission Cheltenham Park

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

- 1. *Council officers commence the Public Art procurement process to commission a public artwork for Cheltenham Park with a budget of \$100,000 to \$120,000*
- 2. *the Committee nominates Adrian Spurr and Louise Doyle as its representatives from the Bayside Arts and Gallery Advisory Committee to participate on the Public Art Procurement Panel for 2024–25.*

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

8.4 MINUTES OF THE BILLILLA ADVISORY COMMITTEE HELD ON 14 MARCH 2024

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/96120

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr El Mouallem

That Council:

1. notes the minutes of the Billilla Advisory Committee meeting held on 14 March 2024
2. adopts the following recommendations of the Billilla Advisory Committee meeting held on 14 March 2024:

Item 6.3 Billilla Gardens Activation: 2024–25 Proposed Program

That the Billilla Advisory Committee recommends that Council:

1. *approves the 2024–25 arts and culture program for the gardens at Billilla as outlined in this report*
2. *endorses the forward planning of the 2025–26 arts and culture program for the gardens at Billilla program.*

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

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:

Item 10.1		For (F) Against (A)
Proposed Annual Budget 2024–25		
Written Statements		
1.	Mr George Reynolds	(A)
Requests to Speak		
1.	Ms Monica Kerlin	(A)
2.	Mr Geoff Leigh	(A)

Item 10.2		For (F) Against (A)
Hampton Hub - Funding and Timing		
Requests to Speak		
1.	Ms Felicity Frederico OAM	(A)
2.	Dr Jonathan Nightingale (for Hampton Neighbourhood Association)	(A)
3.	Mr Evan Packer (for Hampton Street Traders Association)	(A)

Item 10.3		For (F) Against (A)
Draft Economic Development Tourism and Placemaking Strategy 2024–29		
Requests to Speak		
1.	Mr Evan Packer (for Hampton Street Traders Association)	(A)

Item 10.4		For (F) Against (A)
Update on Yalukit Willam Wetland concept Designs		
Requests to Speak		
1.	Mr Geoff Leigh	(A)

Item 10.5		For (F) Against (A)
Wangara Road Masterplan Update		
Requests to Speak		
1.	Ms Felicity Frederico OAM	(A)
2.	Ms Amanda Levi (for Bayside Dog Alliance)	(F)

10.1 PROPOSED ANNUAL BUDGET 2024–25

Corporate Services - Finance
File No: PSF/24/99 – Doc No: DOC/24/93354

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

It is recorded that Ms Monica Kerlin, and Mr Geoff Leigh spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

That Council:

1. formally prepares the proposed Annual Budget 2024–25 (including the Schedule of Fees and Charges) for the purpose of community consultation
2. invites submissions on the proposed Budget 2024–25 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect any minor administrative changes which may be required to the proposed Budget 2024–25
4. notes that the proposed Annual Budget 2024–25 be presented for adoption as Council's Budget 2024–25, in accordance with section 94 of the *Local Government Act 2020*.

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 Mouallem (1)

CARRIED

10.2 HAMPTON HUB - FUNDING AND TIMING

City Planning and Amenity - Urban Strategy
File No: FOL/24/351 – Doc No: DOC/24/106825

It is recorded that Ms Felicity Frederico OAM (for Hampton Community Centre), Dr Jonathan Nightingale (for Hampton Neighbourhood Association), and Mr Evan Packer (for Hampton Street Traders Association) each spoke for 2 minutes in relation to this item.

Cr del Porto left the Meeting at 8:14 pm and returned to the Meeting at 8:17 pm.

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. notes the report
2. reaffirms its in principle support for Option B as the preferred model for the Hampton Hub, as resolved at the February 2024 Council Meeting
3. explores the opportunities to use the land at 6a Willis Street, Hampton for passive open space and receives a report by no later than the July 2024 Council Meeting
4. continues to explore all options for funding the Hampton Hub development as outlined in the report, with a particular emphasis on:
 - a. quarantining budget surpluses when those funds are available
 - b. exploration of public private partnerships, with particular consideration to long-term leasing/sale opportunities of Council land holdings including 20–22 Willis Street, Hampton with all income allocated to the Hampton Hub delivery
 - c. the use of some of the restricted funds from the Open Space levy as legally permitted for use for any resort and recreation elements of the project
 - d. any available grant funding
 - e. the replacement of (at a minimum), or an increase in, the total public car parking
 - f. an overall height of any building not exceeding the maximum height of approved buildings in the Hampton Activity Centre(noting that with all these potential funding streams being exhausted, that the delivery of the project is likely to commence in 2030 at the earliest, though if it can be done sooner with one or more of these options, Council resolves to do so)
5. receives updates from Council officers on any developments associated with the delivery of the Hampton Hub project.

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

10.3 DRAFT ECONOMIC DEVELOPMENT TOURISM AND PLACEMAKING STRATEGY 2024–29

City Planning and Amenity - Urban Strategy
File No: FOL/24/351 – Doc No: DOC/24/102753

It is recorded that Mr Evan Packer (for Hampton Street Traders Association) spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor) Seconded: Cr Evans OAM

That Council:

- 1. notes the extensive community and stakeholder engagement process undertaken in development of the draft Economic Development Tourism, and Placemaking Strategy (2024–29)
- 2. endorses the draft Economic Development Tourism, and Placemaking Strategy (2024–29) for the purposes of community consultation
- 3. notes the completion of the Bayside Business Monitor which reviewed the five (5) designated Major Activity Centres across Bayside (Church Street, Hampton Street, Bay Street, Sandringham Village and Moorabbin-Hampton East), as well as the Bayside Business District
- 4. receives a report at the 18 June 2024 Council Meeting to consider outcomes of the community engagement; any subsequent changes to the strategy; and the adoption of the Economic Development Tourism, and Placemaking Strategy (2024–29).

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

Cr Samuel-King returned to the meeting at 8:56 pm.

10.5 WANGARA ROAD MASTERPLAN UPDATE

Environment, Recreation and Infrastructure - Open Space and Recreation
File No: PSF/24/102 – Doc No: DOC/24/77846

It is recorded that Ms Felicity Frederico OAM (for Sandy and Bruce Green), and Ms Amanda Levi (for Bayside Dog Alliance) each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Samuel-King

That Council:

1. notes the feedback received
2. reinforces its position that the site be used for passive open space purposes
3. requests that Council officers explore the re-use of the existing buildings on-site
4. receives a report at the July 2024 Council Meeting with engagement feedback and the final Wangara Road Masterplan.

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 DRAFT GRAFFITI MANAGEMENT POLICY 2024-28

Environment, Recreation and Infrastructure - City Assets and Presentation
File No: PSF/24/80 – Doc No: DOC/24/86742

Moved: Cr Martin**Seconded: Cr Samuel-King**

That Council:

1. endorses the draft Graffiti Management Policy 2024–28 for the purpose of community consultation for the period 24 April 2024 to 19 May 2024
2. receives a further report at the 18 June 2024 Council meeting detailing the outcomes of the community consultation and presenting the final Graffiti Management Policy 2024–28 for adoption.

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

10.7 NAMING OF ROADWAY FROM BEACH ROAD TO THE BEAUMARIS MOTOR YACHT SQUADRON

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/91312

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. approves the naming of the access roadway from Beach Road through to the Beaumaris Motor Yacht Squadron as 'Pelican Quays'
2. advises the Registrar of Geographical Names of Council's resolution in this matter to progress the approvals process by the Registrar
3. advises the Beaumaris Motor Yacht Squadron of Council's decision in this matter
4. installs appropriate street signage once advice has been received from the Registrar of Geographical Names indicating that the roadway has been formally gazetted.

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

10.8 APPOINTMENT OF MEMBERS TO THE RECONCILIATION ACTION PLAN ADVISORY COMMITTEE

Community and Customer Experience - Family, Youth and Wellbeing
File No: PSF/24/100 – Doc No: DOC/24/93648

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council appoints the following individuals to the Reconciliation Action Plan Advisory Committee for a period of 2 years, commencing 23 April 2024 and concluding 23 April 2026:

- Aunty Katrina Amon
- Mr Richard Bowen
- Ms Jill Orr-Young
- Mr Marcus Tehan
- Mr Bertan Mackali
- Ms Laura Stewart.

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 Moullem (6)

AGAINST: Nil (0)

CARRIED

10.9 INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/96134

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

That Council adopts the revised Instrument of Delegation from Council to Members of Council Staff (S6) dated 23 April 2024.

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

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

10.10 CONTRACT CON/23/83 BRIGHTON TOWN HALL HVAC UPGRADE AND WORKS

Environment, Recreation and Infrastructure - Project Services
File No: PSF/24/104 – Doc No: DOC/24/71920

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

That Council:

1. awards Contract CON/23/83 Brighton Town Hall HVAC Upgrade and Works to Entire Mechanical Services Pty Ltd (ABN) for the lump sum price of \$1,600,270 excl. GST which is inclusive of \$30,000 as a provisional sum
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/23/83 Brighton Town Hall HVAC Upgrade and Works
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 Stitfold (Mayor), Laurence Evans OAM and Hanna El Mouallem (6)

AGAINST: Nil (0)

CARRIED

10.11 CONTRACT CON/24/7 SUPPLY OF DELIVERED MEALS

Community and Customer Experience - Community Care
File No: PSF/24/94 – Doc No: DOC/24/91598

Moved: Cr del Porto (Deputy Mayor)**Seconded: Cr Evans OAM**

That Council:

1. awards Contract CON/24/7 Supply of Delivered Meals to Choice Fresh Meals Pty Ltd (ABN 28 792 550 753) from 1 July 2024 to 30 June 2027 in accordance with the Schedule of Rates submitted
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/24/7 Supply of Delivered Meals
3. authorises the Manager Community Care to exercise the contract extension option/s of either 1 x 2 years or 2 x 1 year, subject to satisfactory performance
4. advises the unsuccessful tenderers accordingly.

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

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

10.12 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/24/100 – Doc No: DOC/24/96127

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

That Council notes the Council Action Awaiting Report.

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

NOTE: Item 10.12 was **CARRIED** as part of a block motion.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – The Mayor, Cr Fiona Stitfold indicated that no meeting of the Association has been held since the last Council meeting.
2. **Metropolitan Transport Forum** – The Director Environment, Recreation and Infrastructure advised that the Metropolitan Transport Forum held its monthly meeting on 3 April 2024.

Ms Rachel Carlisle – Senior Project and Policy Officer at Road Safety Victoria introduced the safe system approach for roads and the principle that road safety is a shared responsibility.

The MTF is focused on engaging with Public Transport Victoria on increasing access for all, ensuring DDA black spots where communities have poor DDA access to public transport can be improved. Bayside's Transport Planning Lead will look at these issues and engage with relevant internal Council teams for their input.

MTF elections closed with two casual vacancies on the Executive filled by Cr Jodi Jackson (Hume) and Mr Simon Stainsby (Merri-bek).

3. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Fiona Stitfold indicated that no meeting of the Forum has been held since the last Council meeting.
4. **South East Councils Climate Change Alliance** – The Mayor, Cr Fiona Stitfold indicated that no meeting of the Alliance has been held since the last Council meeting.

Moved: Cr Martin

Seconded: Cr del Porto (Deputy Mayor)

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 Muallem (6)

AGAINST: Nil (0)

CARRIED

12. Urgent Business

The Mayor noted that there was an item of urgent business for consideration concerning the Minister for Planning's intervention in the planning applications for 47 South Road, Brighton. The Mayor called for a motion that the item be admitted as Urgent Business and that this be considered in Confidential Business pursuant to Section 66(2)(a) of the Local Government Act 2020 and specifically Section 3(1)(a) of the Act – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Moved: Cr del Porto

Seconded: Samuel-King

That the matter relating to the Minister for Planning intervention in the planning applications at 47 South Road, Brighton be admitted as Urgent Business and considered in Confidential Business, pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), and Section 3(1)(a) of the Act as it involves – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

CARRIED

13. Notices of Motion

13.1 NOTICE OF MOTION - 333 - HOMELESSNESS PROTOCOL

Community and Customer Experience - Community and Customer Experience
File No: PSF/24/100 – Doc No: DOC/24/112240

Moved: Cr El Moullem

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. commences work on a homelessness protocol to ensure that those experiencing homelessness in Bayside are monitored, proactively engaged and supported to transition from living and sleeping in public places such as activity centres, parks and open spaces to access suitable support organisations and accommodation
2. until the homelessness protocol is adopted, undertakes work to identify the number and needs of people experiencing homelessness in the municipality; and in partnership with community, Victoria Police and government agencies, provides the support needed to help them transition from staying and sleeping in public spaces into more suitable accommodation and to access other support services.

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

14. Confidential Business

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matter/s coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;**
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

CARRIED

14.1 **MINISTER FOR PLANNING INTERVENTION IN PLANNING APPLICATIONS AT 47 SOUTH ROAD, BRIGHTON**

(LGA 2020 Section 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Following consideration of Confidential Business, the Mayor declared the meeting closed at 9.55pm.