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## **Minutes of the Ordinary Meeting of Bayside City Council**

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Tuesday 20 July 2010

The Meeting commenced at 7.00pm

**PRESENT:**

Cr Clifford Hayes (Mayor)  
Cr Louise Cooper-Shaw  
Cr Alex del Porto  
Cr Felicity Frederico  
Cr James Long BM JP  
Cr Michael Norris  
Cr Simon Russell

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
Michael Top	Director City Strategy
Sharon Pearsons	Director Corporate Services
Guy Wilson-Browne	Director Infrastructure Services
Heather Johnson	Director Community Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman declared the meeting open at 7pm and invited Cr Norris to read the prayer.

## **1. Prayer**

Cr Norris 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 Original Inhabitants**

Cr Frederico read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the original inhabitants of this land that we call Bayside were the Boonwerung people of the Kulin nation.
- ◆ They loved this land, they cared for it and considered themselves to be part of it.
- ◆ We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

## **3. Apologies**

There were no apologies submitted to the meeting.

#### **4. Disclosure of any Conflict of Interest of any Councillor**

- Cr Hayes declared a Direct Conflict of Interest in Items 7.1,7.2, 7.3 and 7.4 given that he resides in a property on St Kilda Street which is within Route 33.
- Cr Hayes declared an Indirect Conflict of Interest for Item 10.6 as his mother owns a property in the boundary of the Bay Street Major Activity Centre.
- Cr del Porto declared a Direct Conflict of Interest in Item 10.7 as he owns a property in Well Street, Brighton which is in the Church Street Major Activity Centre and the item contains a planning scheme amendment for the Major Activity Centre.
- Cr Frederico declared an Indirect Conflict of Interest by close association in item 10.8 as her father lives and owns 2 apartments within the boundaries of the Hampton Street Major Activity Centre.
- Cr Norris declared a Direct Conflict of Interest in Item 10.8 as he is a part owner of a property within the boundaries of the Hampton Street Major Activity Centre.

#### **5. Adoption and Confirmation of the minutes of previous meeting**

##### **5.1 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 22 June 2010 and the reconvened meeting held on 28 June 2010**

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 22 June 2010 and the reconvened meeting held on 28 June 2010 as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 6. Public Question Time

There were 4 public questions submitted to the Meeting.

In accordance with Section 66 of Council's Governance Local Law No 1, the following individual submitted a public question to the Meeting:

### **1. Mr George Reynolds**

Note - the site has no provision for 20th July meeting.

Given that the May accounts show that Council is awash with cash and near cash to the tune of 24.8million,

- (a) Would any Councillor be competent enough to propose a suspension of all borrowing programmes until the June 30th 2011? and
- (b) Is Council prepared to ask the Auditor General to review the competence of its financial management?

### **Response**

*Council's cash position is \$19m at the end of May 2010. This amount is necessary to fund monthly supplier and cash commitments as well as to maintain Council's statutory and other reserves. The projected year-end cash position is necessary in order to achieve the Victorian Auditor General's recommended financial targets.*

- (a) *The 2010/11 Budget includes a reduction in borrowings by \$0.5m to \$17m. The 2010/11 -2020/21 Long Term Financial Plan includes a scheduled program of debt reduction to \$12m by 2020/2021.*
- (b) *Council's finances are audited each year by the Victorian Auditor-General's office before being approved in principal by Council's Audit Committee and Council. The financial statements are forwarded to the Auditor-General for final approval. This provides assurances to Parliament and the community that the information contained in the financial statements of public sector entities is presented fairly, in accordance with Australian accounting standards and applicable legislation. Since the inception of Bayside City Council, the Auditor General has continually provided unqualified audit reports for the annual financial statements.*

### **2. Mr George Reynolds**

Given that Council operating account is currently about \$4 million in surplus and the capital account a similar amount:

- (a) What does Council intend to do with the operating surplus? and
- (b) In the event of an early amalgamation of Councils, how will

Councillors prevent this vast accumulation of wealth being used to subsidise our more frugal neighbours?

**Response**

- (a) *The Operating surplus is forecast to be \$2.5m over budget by 2009/10 year end and Capital is forecast to finish with a \$1.5m surplus over budget. The operating surplus was identified and included in the Long Term Financial Plan, that resulted in formulation of the 2010/11 Budget. The surplus was able to be applied to partly fund Council's future infrastructure replacement program. The capital variance of \$1.5m is committed to capital projects budgeted during 2009/10 and scheduled for completion in the ensuing 2010/11 year.*
- (b) *Council's current and future cash position is consistent with the Long Term Financial Plan and is in accordance with the Victorian Auditor General's recommended financial targets.*

**3. Mr Kevin Spencer**

As it is not in the best interest of Bayside Ratepayers to give away the City's public money to private clubs, especially when these clubs have spent multi millions of dollars on luxury facilities, nor should council be intimidated by apparent biased propositions and promotional material. In the matter of Sail Victoria, will council seek an independent factual report on this matter, before making such extravagant donations to this event. Further still, do these organizations have perpetual use of the Bayside City Logo, whereas council should place a limited time on all agreed uses.

**Response**

*Further to Mr. Spencer's question, Sail Melbourne has requested funding of Council. Sail Melbourne is an organisation part funded by the Victorian Government to promote the sport of sailing. The Sandringham Yacht Club is the venue in which the ISAF Sailing World Cup is to be held. An assessment of the 2009 event has been provided by the Yachting Victoria and the benefits of holding the event in Bayside are outlined in the report to Council forming part of this agenda. The attached assessment is based on modelling provided by Ernst & Young from an independent report undertaken by Sail Melbourne in 2008.*

*It was a requirement of Council's agreement to provide sponsorship for the 2009 event that marketing and merchandising material prominently include Council's logo and / or acknowledgement to recognise Council's sponsorship support. The logo is not permitted to be used beyond the scope of the sponsorship agreement.*

**4. Mr Kevin Spencer**

Will Council explain its apparent add hoc policy of providing what appears to be privileged driveway clearances, by marking the adjoining side of the roadway with a continuous yellow line contrary to what is allowable by the Road Traffic Regulations, and will council now make this yellow line service available to the whole of the Bayside community who also suffer from so called illegal parking and need for improved traffic management, that the privileged few have at present.

**Response**

*Line marking is installed in accordance with Australian Standards and State Guidelines to improve traffic safety. Either yellow edge line marking or no stopping signage can be used to prohibit parking. A yellow edge line has the same meaning to a no stopping sign, and is enforceable under the Victorian Road Rules. Yellow lines are only installed following an assessment by Council's traffic engineers. An example of where yellow edge line marking may be placed is in situations where there is a recorded history of complaints relating to illegal parking of vehicles in the vicinity of crossovers.*

## **7. Petitions to Council**

*It is recorded that Cr Hayes declared a Direct Conflict of Interest in items 7.1, 7.2, 7.3 and 7.4 given that he resides in a property on St Kilda Street which is within Route 33.*

**Moved: Cr Long**

**Seconded: Cr Russell**

That the Deputy Mayor Cr del Porto take the Chair for consideration of items 7.1, 7.2, 7.3 and 7.4.

**CARRIED**

*Cr Hayes vacated the Chamber at 7.12 pm prior to the consideration of items 7.1, 7.2, 7.3 and 7.4.*

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### **7.1 Petition – Route 33 Beach Road – Cyclist Accident Data**

Corporate Services - Governance  
File No: COR1234

*It is recorded that Cr Hayes declared a direct Conflict of Interest in this item given he resides in a property on St Kilda Street Brighton which is within Route 33.*

Consideration of a petition from individuals requesting Bayside City Council explain why relevant road crash data involving cyclists seem not to have been taken into account.

(39 signatories)

*“We the undersigned hereby petition Bayside City Council as a matter of urgency to explain in written detail why relevant road crash data involving cyclists seem not to have been taken into account in Bayside Council reports, and why other data which do not appear to be relevant appear to have been taken into account in findings and recommendations on the ‘no stopping’ proposal for 6am – 10am Saturdays and Sundays. We request that this explanation be made as a publicly issued document. We request that all relevant, objective data be issued to the public in the interests of an evidence based approach to this issue, and that such data be incorporated into future Council reports and recommendations on this issue.”*

**Moved: Cr Long**

**Seconded: Cr Cooper-Shaw**

That the petition be received and a report be submitted to Council on this matter.

**CARRIED**

*It is recorded that Cr Hayes was absent from the Chamber whilst this item was considered and was not present in the Chamber whilst the vote was being taken on this matter.*

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**7.2 Petition – Route 33 – No Stopping Proposal**Corporate Services - Governance  
File No: COR1234

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*It is recorded that Cr Hayes declared a direct Conflict of Interest in this item given he resides in a property on St Kilda Street Brighton which is within Route 33.*

Consideration of a petition by residents requesting Bayside City Council to consider Beach Road residents and interested parties views (7 signatories)

*“We the undersigned hereby petition Bayside City Council as a matter of urgency to explain in written detail why the views of Beach Road residents, residents of side streets, and beach and foreshore users have not been taken into account in Bayside Council reports, findings and recommendations on the ‘no stopping’ proposal for 6am – 10am Saturdays and Sundays. We request that this explanation be made as a publicly issued document.”*

**Moved: Cr Long****Seconded: Cr Cooper-Shaw**

That the petition be received and a report be submitted to Council on this matter.

**CARRIED**

*It is recorded that Cr Hayes was absent from the Chamber whilst this item was considered and was not present in the Chamber whilst the vote was being taken on this matter.*

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**7.3 Petition – Route 33 – No Stopping Proposal - Trial**

Corporate Services - Governance  
File No: COR1234

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*It is recorded that Cr Hayes declared a direct Conflict of Interest in this item given he resides in a property on St Kilda Street Brighton which is within Route 33.*

Consideration of a petition by residents requesting an explanation of how a 'trial' will be conducted and evaluated (6 signatories)

*“We the undersigned hereby petition Bayside City Council as a matter of urgency to explain in written detail how a ‘trial’ will be conducted and evaluated regarding the “no stopping” proposal for 6am – 10 am Saturdays and Sundays should such a trial be implemented. We request that this explanation be made as a publicly issued document. The explanation must include baseline measures against which the trial can be objectively and transparently judged, including the objectives of the original ‘no stopping’ proposal and the ‘trial’ itself, as well as the data and metrics to be used in its evaluation.”*

**Moved: Cr Long**

**Seconded: Cr Norris**

That the petition be received and a report be submitted to Council on this matter.

**CARRIED**

*It is recorded that Cr Hayes was absent from the Chamber whilst this item was considered and was not present in the Chamber whilst the vote was being taken on this matter.*

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**7.4 Petition – Route 33 – Road Accident Data**

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Corporate Services - Governance  
File No: COR1234

*It is recorded that Cr Hayes declared a direct Conflict of Interest in this item given he resides in a property on St Kilda Street Brighton which is within Route 33.*

Consideration of a petition by residents identifying data in relation to the safety of cyclists (3 signatories)

*“We the undersigned hereby petition Bayside City Council as a matter of urgency to inform the Minister for roads and Ports, the Hon. Tim Pallas, that VicRoads crash statistics data do NOT demonstrate that parked vehicles are the safety issue in regard to cyclists on Route 33, 6-10am, Saturdays and Sundays and that, in fact, VicRoads crash statistics data show:*

- That the number of accidents classified as cyclists hitting parked vehicles (DCA Code 160) was 4 in the five years 2000-2004 and 4 in the five years 2005-2009, an average of just 0.8 a year, for the last ten years, despite escalating cycling numbers.*
- That this is an extraordinarily small number given the 400,000 or more bike trips per year covering 10,000,000 or more kilometres.*
- That while the ten year data show the number of cyclist accidents involving parked vehicles is not only very small but not changing, the same data show that other cyclist accidents (other than DCA Code 160) in the time period have grown by 275%, while the number of serious accidents in that category grew by 850%.*
- That in the five year period 2005-2009, these other accidents outnumbered ‘parked vehicle’ accidents by a factor of more than 7 to 1 and that these other accidents had a ‘serious accident’ rate 19 times the rate for ‘parked car’ accidents.*

*These data indicate that a ‘no stopping’ ban is not only not justified as it is not critical to improving safety along the route but, on the contrary, that it may significantly reduce safety and significantly increase non-parked car accidents involving cyclists.*

**Moved: Cr Long****Seconded: Cr Cooper-Shaw**

That the petition be received and a report be submitted to Council on this matter.

**CARRIED**

*It is recorded that Cr Hayes was absent from the Chamber whilst this item was considered and was not present in the Chamber whilst the vote was being taken on this matter.*

**Moved: Cr Long****Seconded: Cr Russell**

That Cr Hayes take the Chair for the remainder of the meeting.

**CARRIED**

*It is recorded that Cr Hayes returned to the Chamber at 7.14pm.*

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**7.5 Petition – Proposed development at 220-228 Bay Road, Sandringham**

Corporate Services - Governance  
File No: COR1234

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Consideration of a petition objecting to the proposed development at 220-228 Bay Road Sandringham (36 signatories)

*“We the undersigned object to the proposed development in 220-228 Bay Road Sandringham.”*

**Moved: Cr Norris**

**Seconded: Cr Long**

That the petition be received and a report be submitted to Council on this matter.

**CARRIED**

**8. Reports by Advisory Committees**

There were no reports from Advisory Committees submitted to Council for consideration.

**9. Reports by Special Committees**

There were no reports by Special Committees submitted to Council for consideration.

## **10. Reports by the organisation**

### **Table of Contents**

- 10.1 Youth Strategy and Action Plan 2010-2013
- 10.2 East Sandringham Boys Cricket Club Liquor Licence Request
- 10.3 Eco Living Centre
- 10.4 Proposed Bayside Planning Scheme Amendment C92 – Jack Road Development Precinct, Cheltenham – Jack Road and Charlton Avenue Development Precinct, Cheltenham
- 10.5 Update: Major Activity Centre Amendments – Sandringham Major Activity Centre
- 10.6 Update: Major Activity Centre Amendments – Bay Street Major Activity Centre
- 10.7 Update: Major Activity Centre Amendments – Church Street Major Activity Centre
- 10.8 Update: Major Activity Centre Amendments – Hampton Street Major Activity Centre
- 10.9 Update: Review of Heritage Precincts in Activity Centres
- 10.10 Bayside Electronic Gaming Machines Policy Review
- 10.11 Sport and Recreation Victoria Grants – Community Facility Funding Program 2011/2012 Minor Facilities
- 10.12 HMVS Cerberus Gun Recovery and Restoration
- 10.13 Sail Melbourne – Yachting Victoria Inc – ISAF Sailing World Cup
- 10.14 Economic Development Strategy
- 10.15 The Regional and Local Community Infrastructure Program
- 10.16 VCAT Decisions
- 10.17 Financial Report for the Eleven (11) Months to 31 May 2010
- 10.18 Council Action Awaiting Report

**REQUESTS TO BE HEARD:**

In accordance with Council's Governance Local Law No.1 Clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

**Item 10.1 – Youth Strategy and Action Plan 2010 - 2013**

Mr Robbie Nyaguy

**Item 10.2 – East Sandringham Boys Cricket Club Liquor Licence Request**

Mr Tony Balestra  
Mr Heath McLeod

**Item 10.3 – Eco Living Centre**

Mr Ken Blackman

**Item 10.9 – Update – Review of Heritage Precincts in Activity Centres**

Ms Michelle Bentley  
Mr Chris Parks

**Item 10.11 – Sport and Recreation Victoria Grants – Community Facility Funding Program 2011/2012 Minor Facilities**

Mr Ian McDonald  
Mr Alan Hunt

**Item 10.12 – HMVS Cerberus Gun Recovery and Restoration**

Mr Graeme Disney OAM

**Item 10.13 – Sail Melbourne – Yachting Victoria Inc – ISAF Sailing World Cup**

Mr Mark Turnbull OAM

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**10.1 Youth Strategy and Action Plan**Community Services – Youth Services  
File No: COR/1970-02

*It is recorded that Mr Robbie Nyaguy spoke in relation to this item.*

**Moved: Cr Frederico****Seconded: Cr Long**

That Council:

1. adopt the Youth Strategy and Action Plan 2010-2013 as tabled;
2. thank the key stakeholders for their contribution in the preparation of the Youth Strategy and Action Plan 2010-2013; and
3. launch the Strategy formally with an event and invite key stakeholders involved in the consultation.

**CARRIED**

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**10.2 East Sandringham Boys Cricket Club Liquor Licence Request**Corporate Services – Commercial Services  
File No: COR/1760

*It is recorded that Mr Tony Balestra and Mr Heath McLeod spoke in relation to this item.*

**Moved: Cr Long****Seconded: Cr Russell**

That Council:

1. having considered submissions received in relation to the request to apply for a variation to its liquor licence by the East Sandringham Boys Cricket Club, Council's seasonal tenant of the Chisholm Reserve provides its consent to the Club to apply for a liquor licence from the Department of Justice; and
2. notifies submitters of the decision.
3. as a condition of Council's consent request the applicant write to neighbouring residential properties providing and maintaining a current club contact person(s) for the use at the time of any disturbance or breach of liquor licensing impacting on local amenity.

The **MOTION** was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Frederico, Norris, Russell, Cooper-Shaw and Long (5)

**AGAINST:**   Crs del Porto and Hayes (2)

**CARRIED**

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**10.3 Eco Living Centre**

City Strategy – Environmental Sustainability & Open Space  
File No: COR/726-02

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*It is recorded that Mr Ken Blackman spoke in relation to this item.*

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Long**

That Council:

1. endorses the Discussion Paper as outlined in the report on Eco Living for the purposes of engagement and consultation;
2. commences an engagement process with the Bayside Climate Change Action Group and other leading community proponents of ecologically sustainable living to provide input on direction regarding the potential roles and approaches that Council could take in supporting provision of a facility that encourages environmental behaviour change. The attached discussion paper (Attachment 1) has been prepared as a basis for discussion; and
3. receives a further report on completion of the engagement process, including review by the Eco Living Centre Working Group.

**CARRIED**

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**10.4 Proposed Bayside Planning Scheme Amendment C92 – Jack Road Development Precinct, Cheltenham – Jack Road and Charlton Avenue Development Precinct, Cheltenham**

City Strategy – Urban Strategy  
File No: COR/6176

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**Moved: Cr Cooper-Shaw**

**Seconded: Cr Russell**

That Council:

1. agrees to proceed with Amendment C92 of the Bayside Planning Scheme, to rezone part of the site known as the Jack Road Development Precinct in Cheltenham from the Business 3 Zone (B3Z) to a Mixed Use Zone (MUZ), and apply a Development Plan Overlay (DPO) as per Attachment 3, and an Environmental Audit Overlay (EAO) to the part of the site that is to be rezoned;
2. seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C92) to the Bayside Planning Scheme to rezone part of the site known as the Jack Road Development Precinct from Business 3 Zone (B3Z) to the Mixed Use Zone (MUZ) and apply a Development Plan Overlay (DPO1) and an Environmental Audit Overlay (EAO); and
3. authorises the Director City Strategy to make any minor changes to the schedule to the DPO.

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**10.4 Proposed Bayside Planning Scheme Amendment C92 – Jack Road Development Precinct, Cheltenham – Jack Road and Charlton Avenue Development Precinct, Cheltenham (Continued)**

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**Amendment****Moved: Cr Norris****Seconded: Cr del Porto**

That Council:

1. agrees to proceed with Amendment C92 of the Bayside Planning Scheme, to rezone part of the site known as the Jack Road Development Precinct in Cheltenham from the Business 3 Zone (B3Z) to a Mixed Use Zone (MUZ), and apply a Development Plan Overlay (DPO) as per Attachment 3, and an Environmental Audit Overlay (EAO) to the part of the site that is to be rezoned;
2. seeks authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment (C92) to the Bayside Planning Scheme to rezone part of the site known as the Jack Road Development Precinct from Business 3 Zone (B3Z) to the Mixed Use Zone (MUZ) and apply a Development Plan Overlay (DPO1) and an Environmental Audit Overlay (EAO); and
3. authorises the Director City Strategy to make any minor changes to the schedule to the DPO;
4. insert within the schedule to the proposed DPO under the environmental design guidelines at the end of dot point 3 be added the words 'and consider the potential for diverting surplus stormwater for reuse off site'; in relation to the fifth dot point be worded to read 'incorporation of rainwater tanks into the design to capture the store rain water for use in private gardens within the development and in public open space'.

**CARRIED**The **AMENDMENT** became the **MOTION** before the Chair.

With the consent of the meeting the Mover and Seconder withdrew the motion.

**Mover: Cr del Porto****Seconded: Cr Long**

That this item be deferred for one meeting cycle to enable further consideration of the item and include consultation options.

The Motion was Put and a **DIVISION** was called.**DIVISION:**   **FOR:**           Crs del Porto, Norris, Long and Hayes (4)  
                  **AGAINST:**       Crs Frederico, Russell and Cooper-Shaw (3)**CARRIED**

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**10.5 Update: Major Activity Centre Amendments Sandringham Major Activity Centre**

City Strategy – Urban Strategy  
File No: COR/6309 - 5790

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**Moved: Cr del Porto****Seconded: Cr Cooper-Shaw**

That Council:

1. agree to redraft amendments C91 and C100 relating to the Sandringham Village Major Activity Centre into a revised Local Planning Policy Framework and Schedules to the Design and Development Overlay based on current zonings;
2. undertake further work to justify the Parking Precinct Plan; and
3. progress the Parking Precinct Plan in a separate amendment should the further work not be completed in time for inclusion in C100.

**CARRIED**

*It is recorded that Cr Norris vacated the Chamber at 8.52pm.*

**Moved: Cr Long****Seconded: Cr Russell**

That Cr del Porto take the Chair for consideration of this item.

**CARRIED**

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**10.6 Update: Major Activity Centre Amendments Bay Street Major Activity Centre**

City Strategy – Urban Strategy  
File No: COR/6310 - 5790

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*It is recorded that Cr Hayes declared an Indirect Conflict of Interest for Item 10.6 as his mother owns a property in the boundary of the Bay Street Major Activity Centre.*

*Cr Hayes vacated the Chamber at 8.52pm*

**Moved: Cr Frederico****Seconded: Cr Long**

That Council:

1. agree to redraft amendments C91 and C101 relating to the Bay Street Major Activity Centre into a revised Local Planning Policy Framework and Schedules to the Design and Development Overlay based on current zonings;
2. undertake further work to justify the Parking Precinct Plan; and
3. progress the Parking Precinct Plan in a separate amendment should the further work not be completed in time for inclusion in C101.

**CARRIED**

*It is recorded that Cr Hayes was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was taken on this item.  
Cr Hayes entered the Chamber at 8.53pm.*

**Moved: Cr Long**

**Seconded: Cr Russell**

That Cr Hayes take the Chair for the remainder of the meeting.

**CARRIED**

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**10.7 Update: Major Activity Centre Amendments Church Street Major Activity Centre**

City Strategy – Urban Strategy  
File No: COR/6311 - 5790

*Cr del Porto declared a Direct Conflict of Interest in Item 10.7 as he owns a property in Well Street, Brighton which is in the Church Street Major Activity Centre and the item contains a planning scheme amendment for the Major Activity Centre.*

*Cr del Porto vacated the Chamber at 8.54pm.*

*Cr Long vacated the Chamber at 8.54pm.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council:

1. agree to redraft amendments C91 and C102 relating to the Church Street Major Activity Centre into a revised Local Planning Policy Framework and Schedules to the Design and Development Overlay based on current zonings;
2. undertake further work to justify the Parking Precinct Plan; and
3. progress the Parking Precinct Plan in a separate amendment should the further work not be completed in time for inclusion in C102.

**CARRIED**

*It is recorded that Cr del Porto was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was taken on this item.*

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**10.8 Update: Major Activity Centre Amendments Hampton Street  
Major Activity Centre**

City Strategy – Urban Strategy  
File No: COR/6312 - 5790

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*Cr Frederico declared an Indirect Conflict of Interest by close association in item 10.8 as her father lives and owns 2 apartments within the boundaries of the Hampton Street Major Activity Centre.*

*Cr Norris declared a Direct Conflict of Interest in item 10.8 given he is a part owner of a property within the boundaries of the Hampton Street Major Activity Centre.*

*Both Cr Frederico and Cr Norris vacated the Chamber.*

**Moved: Cr Cooper-Shaw**

**Seconded: Cr del Porto**

That Council:

1. agree to redraft amendments C91 and C103 relating to the Hampton Street Major Activity Centre into a revised Local Planning Policy Framework and Schedules to the Design and Development Overlay based on current zonings;
2. undertake further work to justify the Parking Precinct Plan; and
3. progress the Parking Precinct Plan in a separate amendment should the further work not be completed in time for inclusion in C103.

**CARRIED**

*It is recorded that Cr Frederico was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was taken on this item.*

*Cr Frederico entered the chamber at 8.55pm.*



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**10.10 *Bayside Electronic Gaming Machines Policy Review***

City Strategy – Urban Strategy  
File No: COR/ 1846-02

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**Moved: Cr Norris**

**Seconded: Cr del Porto**

That Council:

1. adopt the Bayside Gaming Machines Policy 2010 (attachment 1);
2. adopt the Bayside Gaming Policy Review and Implementation Report (attachment 2);
3. adopt the list of Bayside Strip Shopping Centres where electronic gaming machines are prohibited (attachment 3);
4. seek authorisation from the Minister for Planning under Section 8A(3) of the Planning and Environment Act 1987 to prepare an amendment to the Bayside Planning Scheme to insert the provisions of the Bayside Gaming Machines Policy 2010 and the adopted list of Bayside Strip Shopping Centres where electronic gaming machines are prohibited into the relevant sections of the Bayside Planning Scheme; and
5. authorise the Director City Strategy to make minor editorial changes to the amendment prior to seeking authorisation from the Minister for Planning.

**CARRIED**

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**10.11 Sport and Recreation Victoria Grants – Community Facility  
Funding Program 2011/2012 Minor Facilities**

Community Services – Service Development  
File No: COR/1202

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*It is recorded that Mr Ian McDonald and Mr Alan Hunt spoke in relation to this item.*

*It is recorded that Cr Russell entered Chamber at 9.16pm.*

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council:

1. support the submission of three applications to Sport and Recreation Victoria for funding under the Community Facility Funding Program, 2011/2012 Minor Facilities, in the following priority order:
  - a. Chisholm Reserve replacement and upgrade of sports light towers with Sport and Recreation grant of \$60,000 and a contribution of \$70,000 from the East Sandringham Junior Football Club towards the total estimated project of \$130,000;
  - b. Beaumaris Reserve pavilion second storey addition to include an accessible multipurpose/ social room with a Sport and Recreation Victoria grant of \$60,000 and a contribution of \$189,500 from the Beaumaris Soccer Club towards the total estimated project cost of \$249,500;
  - c. Donald MacDonald Reserve cricket practice nets redevelopment with Sport and Recreation Victoria grant of \$29,750 towards total estimated project cost of \$59,500;
2. supports in principle the \$29,750 funding (or part thereof) required, should the applications be successful, being referred to Council's 2011/2012 draft budget;
3. advise the Black Rock Football Club that their proposal for the installation of two further sports light towers at Donald MacDonald Reserve has not been submitted to the Sport and Recreation Victoria Community Facility Funding Program, 2011/2012; and
4. requires consultation in relation to the proposed projects at the Beaumaris and Chisholm Reserves should the applications, which are to be made without prejudice to Council's final decision, be successful.

**CARRIED**

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**10.12     *HMVS Cerberus Gun Recovery and Restoration***

City Strategy – Environmental Sustainability & Open Space  
File No: COR/102

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*It is recorded that Mr Graeme Disney OAM spoke in relation to this item.*

**Moved: Cr Long**

**Seconded: Cr Frederico**

That Council take no further action to recover and restore one of the HMVS Cerberus guns.

**CARRIED**

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**10.13     *Sail Melbourne – Yachting Victoria Inc – ISAF Sailing World Cup***

City Strategy – Urban Strategy  
File No: COR/1116

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*It is recorded that Mr Mark Turnbull OAM spoke in relation to this item.*

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That Council agrees to sponsor the ISAF – Sailing World Cup for 2010/11 at \$25,000 subject to:

1. a requirement that a post evaluation report be prepared by Sail Melbourne, which details the economic impact of the event on the local Bayside economy and that this be reported to Council by April 2011;
2. the funding be provided for this financial year and that any future funding be subject to Council being satisfied that sufficient local economic benefit has been achieved from the additional sponsorship.

**CARRIED**

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**10.14 Economic Development Strategy**City Strategy – Urban Strategy  
File No: COR/1116

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**Moved: Cr Cooper-Shaw****Seconded: Cr del Porto**

That Council:

1. endorses the Draft Bayside Economic Development Strategy for the purpose of community consultation;
2. releases the Strategy for four weeks inviting comment from key stakeholders and the community;
3. requests the Economic Development Strategy Steering Group to assist in the evaluation of any community responses received to the Draft Economic Development Strategy following the consultation period; and
4. receives a further report in October 2010 outlining any recommended changes from the Economic Development Strategy Steering Group and community feedback prior to final adoption of the Strategy.

**CARRIED**

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**10.15 The Regional and Local Community Infrastructure Program**Infrastructure Services – Asset Management Administration  
File No: COR/123

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*Cr del Porto vacated the Chamber at 10.00pm.***Moved: Cr Norris****Seconded: Cr Frederico**

That Council:

1. approves the amount of \$137,000 to be allocated to Bayside City Council through Round 3 of the Federal Regional and Local Community Infrastructure Program (RLCIP), for the Picnic Point Jetty Road Car Park reconstruction; and
2. given Council's endorsement of this funding allocation, approves the amount of \$58,000 Council contribution in the 2011/12 capital works budget.

**CARRIED**

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**10.16**     ***VCAT Decisions***

City Strategy – Statutory Planning  
File No: COR/1234

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*Cr Cooper-Shaw vacated the Chamber at 10.04pm.*

**Moved: Cr Russell**

**Seconded: Cr Frederico**

That the report on VCAT decisions on planning applications handed down since the last Council Meeting be received and noted.

**CARRIED**

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**10.17**     ***Financial report for eleven (11) months to 31 May 2010***

Corporate Services - Finance  
File No: COR20686

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**Moved: Cr Norris**

**Seconded: Cr Frederico**

That Council notes the financial report for the eleven month period ended 31 May 2010.

**CARRIED**

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**10.18**     ***Council Action Awaiting Report***

Corporate Services - Governance  
File No: COR/1234

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**Moved: Cr Russell**

**Seconded: Cr Norris**

That Council notes the Council Action Pending report for the period to June 2010.

**CARRIED**

## 11. Reports by Delegates

There were no reports submitted to the meeting.

## 12. Urgent Business

There were no items of Urgent Business submitted to Council for consideration.

## 13. Notices of Motion

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### 13.1 *Notice of Motion 192 – Planning Delegations – Secondary Consents*

Corporate Services - Governance  
File No: COR/1234

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*Cr del Porto entered the Chamber at 10.07pm.*

*Cr Cooper-Shaw entered the Chamber at 10.10pm.*

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That a report be presented to Council within 2 meeting cycles reviewing the operation of Town Planning Delegations with a view to considering delegation to staff of decisions related to secondary consents for permits issued at the direction of VCAT, or applied for retrospectively.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Frederico, Norris and Russell (3)  
                  **AGAINST:**   Crs del Porto, Cooper-Shaw, Long and Hayes (4)

**LOST**

**14. Confidential Business****Moved: Cr del Porto****Seconded: Cr Long**

*That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.*

- (a) Personnel matters;*
- (b) The personal hardship of any resident or ratepayers;*
- (c) Industrial matters;*
- (d) Contractual matters;*
- (e) Proposed developments;*
- (f) Legal advice;*
- (g) Matters affecting the security of Council property;*
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;*
- (i) A resolution to close the meeting to members of the public.*

**CARRIED****Table of Contents**

- 14.1 Hard Waste Collection Contract Extension
- 14.2 Contract 0910146X – Construction of Meals Distribution Centre
- 14.3 Telecommunications Contract
- 14.4 South Road / Barr Street Redevelopment

*It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.*

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 10.30pm.*

**CONFIRMED THIS 10 DAY OF AUGUST 2010****CHAIRMAN: .....**