



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 28 September 2010

The Meeting commenced at 7.00pm

PRESENT:

Cr Clifford Hayes (Mayor)
Cr Louise Cooper-Shaw
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
Lili James	Acting Director Community Services
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman declared the meeting open at 7.00pm and invited
Cr Cooper-Shaw to read the prayer.

1. Prayer

Cr Cooper-Shaw 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 Norris 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 –

An apology from Cr del Porto was submitted to this meeting.

Moved: Cr Russell

Seconded: Cr Cooper-Shaw

That the apology of Cr del Porto be received and leave of absence be granted.

CARRIED

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Norris declared a Direct Conflict of Interest in Item 10.20, given he is part owner of a property within the boundaries of the Hampton Street Major Activity Centre.
- Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.20 as Cr Frederico's father owns a property within the Hampton Street Major Activity Centre.
- Cr Hayes declared a Direct Conflict of Interest in items 7.2, 10.1 and 10.2 as he owns and lives in a property on St Kilda Street which forms part of Route 33.
- Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.18 as Cr Haye's mother owns a property in the Bay Street Major Activity Centre.
- Cr Long declared an Indirect Conflict of Interest because of conflicting duties in Item 10.12 as he is a member of a Rotary Club.
- Cr del Porto declared a Direct Conflict of Interest in Item 10.19 as he owns a property in Well Street which is within the Church Street Major Activity Centre. As Cr del Porto was an apology for the meeting, Cr del Porto submitted his completed declaration of interest to the Chief Executive Officer at an earlier time.

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 31 August 2010

Moved: Cr Frederico

Seconded: Cr Norris

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 31 August 2010 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

In accordance with Section 66 of Council's Governance Local Law No 1, the following individuals submitted 4 public questions to the Meeting:

1. Mr John Atkinson (not present in the Chamber)

In relation to meetings of councillors only (i.e. with no council staff present) which were conducted in the last 12 months:

- (a) would council provide all relevant particulars of each such occasion including date time and place of meeting, by whom convened, for what purpose, attendance, matters discussed, and total cost; and
- (b) if it is council's contention that any such meeting was not a council meeting, what is the legislative, judicial or other legal authority on which it relies in support of that contention.

Response

- (a) The organisation does not maintain a record of all occasions where Councillors meet alone. Councillors may choose to meet on a number of occasions throughout the year without the Chief Executive Officer or staff present.

Date	Time	Location	Convened by	Purpose	Attendance	Matters Discussed	Cost
23/02/10	6.30pm	Royal Brighton Yacht Club	The Mayor	Councillor only discussion	All Councillors	Various matters at the discretion of councillors	\$583.00
07/06/10	6.30pm	Sandringham Yacht Club	The Mayor	Councillor only discussion	Six Councillors	CEO Performance Appraisal	\$346.00
09/09/10	6.30pm	Sandringham Yacht Club	The Mayor	Councillor only discussion	All Councillors	Various matters at the discretion of councillors	\$432.00

- (b) As these meetings are not Council meetings or assembly of Councillors, there is no specific provision in the legislation or otherwise that covers meetings of Councillors only. These meetings provide an opportunity for Councillors to have an informal conversation amongst themselves, and are not decision making meetings.

2. Mr John Atkinson (not present in the Chamber)

In relation to the second question from Mr John Atkinson, the Mayor disallowed part (a) of the second question in accordance with Council's Local Law 1 Clause 63 (8)(d) as the question is aimed at embarrassing a Councillors or a member of Council staff.

In relation to the recent planning committee meeting which considered the 220-228 Bay Rd development proposal, can Council confirm:

- (b) that no member of the planning committee has any relevant academic or professional qualifications or experience such as would enable a considered judgement as to the level of council representation at VCAT appropriate to the legal complexities inherent in the matter rather than the populist appeal of any such decision.

Response

- (b) *Councillors are elected to govern and make decisions on behalf of the community. There are no academic or professional qualifications or experience specified or required by the Local Government Act to become a Councillor.*

3. Mr Kevin Spencer (present in the Chamber)

Bearing in mind councils somewhat deficient Satisfaction Survey, how is it that in answer to my question at the Ordinary Meeting of Council held on the 20 July 2010, council gave an irrelevant question to an answer. Subsequently, this was confirmed in correspondence to me by council dated 21 July 2010. This unrelated question was later confirmed in The Minutes approved by council on the 10 August 2010. Would council explain this apparent slipshod administration affair with its minutes ?

Response

An inadvertent error was made inserting the incorrect question against the answer in the minutes and correspondence. An apology with the correspondence rectified will be sent to Mr Spencer.

4. Mr Kevin Spencer (present in the Chamber)

Would council explain how many Building Permits are issued by Private Building Practitioners in Bayside in comparison to that of councils own Building Surveyors, and why council fails to make decisions on such a high percentage of Planning Applications within the prescribed time, many of which are subsequently approved by VCAT ?

Response

In the last financial year Council issued 107 building permits, with private building surveyors issuing 1789 building permits in Bayside.

In the last financial year council received 1083 planning permit applications. Of the 106 appeals lodged in that year with VCAT, only 10 or 0.92% of 1% of total applications related to a failure to determine.

7. Petitions to Council

7.1 *Petition to Remove Speed Humps in Cochrane Street between North Road and Orchard Street and between May Street and Cole Street*

Corporate Services - Governance
File No: COR1234

Petition to Council to remove speed humps in Cochrane Street between North Road and Orchard Street and between May Street and Cole Street Brighton (33 signatories)

"We the undersigned hereby petition Bayside City Council to remove the two sets of split speed humps it has installed in Cochrane Street, between North Road and Orchard Street and between May Street and Cole Street. These humps cause:

- *Noise pollution on a significant scale due to the impact of cars, 4 wheel drive vehicles, commercial vehicles and transport vehicles. Noise is caused, not only by the humps themselves as vehicles impact against them, but also by vehicle suspension noise and the noise of items in commercial vehicles moving around and banging against each other. These noises can be very loud and can be heard in our homes in the early hours of the morning causing sleep disturbance/loss on a regular basis. The noise caused by these humps goes on around the clock.*
- *Vibrations which reverberate around our homes and which can be felt in our gardens both front and back.*
- *Increased air pollution / fuel consumption which results from the relatively few vehicles that do slow down to go over these humps and the speed up again on the other side.*

These humps are a significant nuisance to ratepayers and an environmental hazard. They are a poor substitute for proper enforcement of road rules, they are ineffective against motorists determined to speed and they unfairly penalise those residents who live adjacent of them and impact on both the value and amenity of the properties."

Moved: Cr Norris

Seconded: Cr Russell

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

CARRIED

It is recorded that Cr Hayes declared a Direct Conflict of Interest in Item 7.2 given that he resides in a property on St Kilda Street which is within Route 33.

Moved: Cr Russell

Seconded: Cr Norris

That Cr Frederico take the Chair for consideration of Item 7.2.

CARRIED

7.2 Petition to Reject Implementation of 'No Parking' and 'No Stopping' on Route 33 (Beach Road)

Corporate Services - Governance
File No: COR1234

Cr Hayes vacated the Chamber at 7.10pm prior to the consideration of Item 7.2.

Petition to reject implementation of 'no parking' and 'no stopping' on route 33 (Beach Road) (1562 signatories)

"We the undersigned hereby petition Bayside City Council not to implement 'no parking' and 'no stopping' on route 33 (Beach Road) from 6am to 10am Saturdays and Sundays.

A 'no parking' – 'no stopping' ban will involve extreme disruption, hardship and inconvenience for residents of Beach Road and its side streets, and for beach and foreshore users. Parked vehicles calm traffic speeds and provide a buffer for pedestrians crossing the road. A ban will have negligible impact on cyclist accidents with parked vehicles but will increase other cyclist accidents, including those involving pedestrians. A parking ban will increase cyclist numbers, vehicle speed and danger to all. "

Moved: Cr Norris

Seconded: Cr Russell

That the petition be received and referred to the Chief Executive Officer for consideration and response.

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 Russell

Seconded: Cr Cooper-Shaw

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

CARRIED

Cr Hayes entered the Chamber at 7.11pm.

8. Reports by Advisory Committees

There were no minutes from Advisory Committees submitted to the meeting.

9. Reports by Special Committees

9.1 *Minutes of a Special Committee of Council to hear Submissions in relation to the Notice of intention to sell land at the rear of 52 Middle Crescent, Brighton*

Corporate Services - Governance
File No: COR/1234

Moved: Cr Russell

Seconded: Cr Cooper-Shaw

That the Minutes of the Special Committee of Council to hear submissions in accordance with section 223 of the Local Government Act 1989, in relation to the Notice of Intention to sell land at the rear of 52 Middle Crescent, Brighton be adopted.

CARRIED

10. Reports by the organisation

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- 10.29 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 Petition for Removal of 'No Standing' Signs on Route 33

Ms Barbara Latham
Mrs Joan Grochowski

Item 10.2 Petition on the role of Sandringham Hospital in the route 33 Beach Road 'No Stopping' proposal

Mrs Joan Grochowski

Item 10.3 Bay Road Sandringham – Petition for signals at School Crossing

Mrs Angela Mandarino

Item 10.7 Hampton Teahouse

Ms Pauline Luz
Ms Michelle Bentley

Item 10.10 Royal Avenue Municipal Reserve, Sandringham - Masterplan

Ms Elizabeth MacLeod
Ms Liz Dawes

Item 10.16 Annual Report 2009/2010

Mr George Reynolds

Item 10.21 Bayside Planning Scheme Amendment C80 – Neighbourhood Character Review Stage 2

Mr Peter Adams
Mrs Caroline Stanley
Mr Peter Adams on behalf of Ms Michelle Lafferty

It is recorded that Cr Hayes declared a Direct Conflict of Interest in Items 10.1 and 10.2 given he resides in a property on St Kilda Street Brighton which is within Route 33.

Moved: Cr Long

Seconded: Cr Norris

That Cr Cooper-Shaw take the Chair for consideration of Items 10.1 and 10.2 inclusive.

CARRIED

It is recorded that Cr Hayes vacated the Chamber at 7.13pm prior to the consideration of Items 10.1 and 10.2.

10.1 Petitions for Removal of 'No Standing' Signs on Route 33

Infrastructure Services – Asset Management

File No: COR/1703-02

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.

It is recorded that Ms Barbara Latham was not present in the Chamber. It is further recorded that Mrs Joan Grochowski spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr Frederico

That Council advises the head petitioner of each of the petitions described in this report that the removal of the existing 'No Stopping' signage along Route 33 is not supported.

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.

10.2 Petition on the role of Sandringham Hospital in the Route 33 Beach Road 'No Stopping' proposal

Infrastructure Services – Asset Management
File No: COR/1703-02

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.

It is recorded that Mrs Joan Grochowski spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr Norris

That Council provides the head petitioner with a copy of this report and advises the head petitioner that the Sandringham Hospital/MUARC Bicycle Injury Study will provide valuable data and evidence to assist with proposed Route 33 Beach Road Corridor Strategy and performance evaluation of the 12-month trial of the 'No Stopping' proposal.

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 Russell

Seconded: Cr Frederico

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

CARRIED

It is recorded that Cr Hayes entered the Chamber at 7.23pm.

10.3 Bay Road Sandringham – Petition for signals at school crossing

Infrastructure Services – Asset Management
File No: COR/655

It is recorded that Mrs Angela Mandarino spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Russell

That Council:

1. advises the head petitioner that Bay Road is an arterial road under the control and management of VicRoads;
2. notes that the request for pedestrian operated signals at this location does not meet VicRoads criteria;
3. continues to work with VicRoads on improving the safety of the pedestrian crossing in Bay Road just east of Fernhill Road, Sandringham;
4. advocates to the Minister for Roads for amended guidelines for the assessment of pedestrian crossings to take account of latent demand and in recognition of the action commitments in the Victorian Government's recent Pedestrian Access Strategy; and
5. be provided with a further report following the conclusion of the trial of the kerb outstand works.

CARRIED

10.4 *Elsternwick Park – Review of Dog Off – Leash Area*

Infrastructure Services – Amenity Protection
File No: COR/1727

Moved: Cr Frederico

Seconded: Cr Norris

That Council notes the progress of the community consultation.

CARRIED

10.5 *Greenhouse Gas Mitigation and Adaptation Reporting*

City Strategy – Environmental Sustainability & Open Space
File No: COR/5377

Moved: Cr Norris

Seconded: Cr Long

That Council adopts the Planet Footprint reports as a mechanism for communicating to the community and stakeholders about its environmental performance.

CARRIED

10.6 Children's Hub Planning ProposalCommunity Services – Family Services
File No: COR/1560

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

That Council:

1. cooperates with the Sandringham Secondary School to undertake master planning for a Children's Hub on the school site. The Hub will explore the option of consolidating Bayside's Sandringham and Hampton Child Care services, the Sandringham MCH service, a kindergarten service and other related services on the Sandringham Secondary School site;
2. reviews the Children's Hub planning proposal, including its impact on sporting facilities, at a subsequent Council meeting prior to submission by Sandringham Secondary School to the State Government for master plan funding; and
3. commences discussions with relevant services to ascertain potential interest in the Children's Hub concept.

CARRIED

10.7 Hampton TeahouseCity Strategy
File No: COR/296

It is recorded that Ms Pauline Luz and Ms Michelle Bentley spoke in relation to this matter.

Moved: Cr Russell**Seconded: Cr Frederico**

That Council:

1. notes this report on proposal for a Hampton Teahouse and that no further action be taken; and
2. informs the persons who addressed the Council meeting of 15 December 2009 on this matter accordingly.

CARRIED

10.8 Request to Purchase Land Occupied by Bayley HouseCorporate Services – Commercial Services
File No: COR/5212

Moved: Cr Russell**Seconded: Cr Frederico**

That Council:

1. having considered submissions received in accordance with Section 223 of the Local Government Act 1989 in relation to the proposed sale of land abutting 52 and 54 Middle Crescent, Brighton to Bayley House Inc, determines that the subject land be sold based on the following reasons:
 - The Subject Land is no longer required for Council use;
 - Council acknowledges the ongoing valuable service provided by Bayley House to the bayside and wider community; and
 - The sale of the Subject Land at market value is considered to be appropriate in order to achieve the best community benefit for Bayside residents and ratepayers.
2. signs and seals the contract of sale for the land at the rear of 52-54 Middle Crescent Brighton to Bayley House for \$1,950,000 plus GST with a 10% deposit on signing of the contract and conditional upon Bayley House Inc. obtaining a planning permit for the development of an educational and community facility for intellectually disabled persons on the Subject Site within 18 months after the day of sale of the contract. Settlement must occur 30 days after the issue of the planning permit.
3. delegates authority to the Director Corporate Services to sign all other documentation associated with the sale of the land at the rear of 52-54 Middle Crescent Brighton;
4. appoints a probity auditor to oversee the sale process; and
5. advises submitters of the decision of Council.

CARRIED

10.9 Rezoning – Willis Lane Hampton

City Strategy – Urban Strategy
File No: COR/6829

Moved: Cr Frederico

Seconded: Cr Norris

That Council:

1. supports the rezoning of Lot 7A on Title Plan 72033R, Willis Lane, Hampton from Schedule 4 to the Public Use Zone (PUZ4) to Business 1 Zone (BZ1); and
2. requests a Ministerial Amendment for the rezoning in accordance with Section 20(4) of the Planning and Environment Act 1987.

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

DIVISION: **FOR:** Crs Frederico, Norris, Russell and Cooper-Shaw (4)

AGAINST: Crs Long and Hayes (2)

CARRIED

10.10 Royal Avenue Municipal Reserve, Sandringham - Masterplan

Infrastructure Services – Asset Management
File No: COR/ 3440

It is recorded that Ms Elizabeth MacLeod and Ms Liz Dawes spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Norris

That this item be deferred for 3 cycles for further consultation.

CARRIED

10.11 Application for Proposed use of Public Land for SkydivingCorporate Services – Commercial Services
File No: COR/1285

Moved: Cr Frederico**Seconded: Cr Norris**

That Council:

1. refuse the request to allow skydiving on public land within Bayside as requested by F R Perry and Associates; and
2. notify F R Perry and Associates of the decision.

CARRIED

It is recorded that Cr Long vacated the Chamber at 8.31pm prior to consideration of this matter.

10.12 Hampton Rotary Farmers MarketCity Strategy – Urban Strategy
File No: COR/1116

It is recorded that Cr Long declared an Indirect Conflict of Interest by conflicting duties in Item 10.12 as he is a member of a Rotary Club.

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

That Council provides in principle support for the commencement of the Hampton Rotary Farmers' Market on a monthly basis at Trey Bit Reserve for a trial period of 12 months subject to the consent of the Department of Sustainability and Environment under the Coastal Management Act 1995 and an appropriate Memorandum of Understanding being entered into, including the specific traffic management recommendations outlined in the report.

CARRIED

It is recorded that Cr Long 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.

It is recorded that Cr Long entered the Chamber at 8.37pm.

It is recorded that Cr Norris vacated the Chamber at 8.37pm.

10.13 Bayside / Kingston Bus ReviewInfrastructure Services - Asset Management
File No: COR/707

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

That Council notes the outcomes of the Bayside/Kingston Bus Service Review announced by the Minister for Public Transport on 4 August 2010.

It is recorded that Cr Norris entered the Chamber at 8.41pm.

CARRIED

10.14 Middle Brighton Baths Assignment of LeaseCorporate Services – Commercial Services
File No: COR/1149

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

That Council:

1. chooses not to exercise its right to accept an assignment of the lease to Council on the same terms and conditions as Rayners Pty Ltd and advises the Tenant accordingly;
2. chooses not to take up a sub-lease of the gymnasium and sea baths on the same terms and conditions as the Middle Brighton Sea Baths and Gymnasium Pty Ltd and advises the Tenant accordingly;
3. provides landlord consent to the assignment of the Restaurant Lease and Sea Baths Lease to Raynors Pty Ltd, subject to the Tenant satisfying full payment of all outstanding rent;
4. provides landlord consent to the sub-lease of the gymnasium and sea baths to the Middle Brighton Baths Sea Baths and Gymnasium Pty Ltd subject to Ministerial approval and subject to the Tenant satisfying full payment of all outstanding rent;
5. signs and seals an assignment of lease of the Middle Brighton Baths Restaurant and Sea Baths with Raynors Pty Ltd; and
6. signs and seals a sub-lease of the gymnasium and sea baths with the Middle Brighton Sea Baths and Gymnasium Pty Ltd.

CARRIED

10.15 *Asset Management Policy*Infrastructure Services – Asset Management
File No: COR/3310

Moved: Cr Norris**Seconded: Cr Long**

That Council adopt the revised Asset Management Policy as outlined in the report.

CARRIED

10.16 *Annual Report 2009/2010*Corporate Services - Governance
File No: COR/1234

It is recorded that Mr George Reynolds spoke in relation to this matter.

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

That Council:

1. receive the Annual Report on Operations 2009/2010, as provided in Attachment 1;
2. authorises the Chief Executive Officer to make minor editorial changes to the document;
3. submits the Annual Report on Operations 2009/2010 to the Minister for Local Government by 30 September 2010 as required by the *Local Government Act 1989*;
4. gives public notice that Council has received an Annual Report for 2009/2010, and that the report may be viewed by the public at Council's Corporate Centre, any of our four branch libraries and on Council's website; and
5. within one month of submitting the Annual Report to the Minister, give public notice and hold a meeting on 26 October 2010 to consider the Annual Report, as required by the *Local Government (Finance and Reporting) Regulations) 2004*.

CARRIED

10.17 Major Activity Centre Controls – Sandringham C100 and Interim Controls for the Major Activity Centres C91City Strategy – Urban Strategy
File No: COR/6309/5790

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

That Council:

1. receives the response of the Department of Planning and Community Development in respect to Council's request for authorisation to introduce permanent and interim controls for the Sandringham Major Activity Centre;
2. defers this matter for one meeting cycle for further consideration.

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

That Cr Frederico take the Chair for consideration of item 10.18.

CARRIED

10.18 Major Activity Centre Controls – Bay Street C101 and Interim Controls for the Major Activity Centres C91City Strategy – Urban Strategy
File No: COR/6310/5790

It is recorded that Cr Hayes declared an Indirect Conflict of Interest by close association in this Item, as Cr Hayes mother owns a property in the Bay Street Activity Centre Cr Hayes vacated the Chamber prior to discussion on this item.

It is recorded that Cr Hayes vacated the Chamber at 9pm prior to the consideration of this item

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

That Council:

1. receives the response of the Department of Planning and Community Development in respect to Council's request for authorisation to introduce permanent and interim controls for the Bay Street, Brighton Major Activity Centre; and
2. defers this matter for one meeting cycle for further consideration.

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 Russell

Seconded: Cr Norris

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

CARRIED

10.19 Major Activity Centre Controls – Church Street C102 and Interim Controls for the Major Activity Centres C91

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

It is recorded that Cr del Porto submitted a completed declaration of interest to the Chief Executive Officer prior to the meeting given he would not be attending the meeting. Cr del Porto owns a property in Well Street which is within the Church Street Major Activity Centre.

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council:

1. receives the response of the Department of Planning and Community Development in respect to Council's request for authorisation to introduce permanent and interim controls for the Church Street, Brighton Major Activity Centre;
2. defers this matter for one meeting cycle for further consideration.

CARRIED

**10.20 Major Activity Centre Controls – Hampton Street C103 and
Interim Controls for the Major Activity Centres C91**

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

It is recorded that Cr Norris declared a Direct Conflict of Interest in Item 10.20, given he is part owner of a property within the boundaries of the Hampton Street Major Activity Centre.

It is recorded that Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.20 as Cr Frederico's father owns a property within the Hampton Street Major Activity Centre.

It is recorded that Crs Norris and Frederico vacated the Chamber at 9.02pm prior to consideration of this item.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council:

1. receives the response of the Department of Planning and Community Development in respect to Council's request for authorisation to introduce permanent and interim controls for the Hampton Street Major Activity Centre
2. defers this matter for one meeting cycle for further consideration.

CARRIED

It is recorded that Crs Norris and Frederico were absent from the Chamber whilst this item was considered and were not present in the Chamber whilst the vote was being taken on this matter.

Crs Norris and Frederico entered the Chamber at 9.03pm

**10.21 Bayside Planning Scheme Amendment C80 – Neighbourhood
Character Review Stage 2**City Strategy – Urban Strategy
File No: COR/4373-03

It is recorded that Mr Peter Adams and Mrs Caroline Stanley spoke in relation to this matter. It is further recorded that Mr Peter Adams spoke on behalf of Ms Michelle Lafferty in relation to this matter.

Moved: Cr Norris**Seconded: Cr Frederico**

That Council:

1. receives all submissions made in response to the statutory exhibition of Bayside Planning Scheme Amendment C80 – Neighbourhood Character Controls;
2. adopts the position on the submissions as set out in Attachment 1 to this report;
3. refers submissions 1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 20 in Attachment 1 to an independent panel for consideration;
4. requests the Minister for Planning to appoint a panel to consider the submissions received in response to exhibition of Amendment C80; and
5. advises all submitters accordingly.

CARRIED

10.22 *Amendment C90 – Black Rock Structure Plan*City Strategy – Urban Strategy
File No: COR/2832

Moved: Cr Norris**Seconded: Cr Russell**

That Council:

1. notes the conditional authorisation for preparation of Amendment C90 to the Bayside Planning Scheme to implement the recommendations of the Black Rock Village Neighbourhood Activity Centre Structure Plan (2009);
2. agrees to remove the commercial/office car parking rate from Clause 22.12-3 (the proposed local policy);
3. agrees to rename 'retail/shop' to 'shop (excluding supermarket)' to better align with the land use terms and nesting;
4. agrees to commission an economic analysis of the planning controls proposed in amendment C90 to demonstrate that they are commercially viable and will support development as envisaged within the centre prior to exhibition of the amendment;
5. following completion of the economic analysis and the provision of this analysis to the Department of Planning and Community Development, commences exhibition of Amendment C90; and
6. advises the Minister for Planning accordingly.

CARRIED

10.23 *Bayside Charitable Trust*Community Services – Recreation & Social Development
File No: COR/1722

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

That Council:

1. endorses in principle the establishment of an independent Bayside Community Fund as a sub-fund of the Melbourne Community Foundation;
2. commences a community engagement process to determine the level of support to establish a board for the proposed Bayside Community Fund;
3. receives a report in February/March 2011 that presents the results of the community engagement process to establish a board for the Bayside Community Fund; and
4. considers a proposed Governance Charter including Council's ongoing role in and representation to the Bayside Community Fund Board in February/March 2011.

CARRIED

10.24 *International Cadet National Championships 2010*

City Strategy – Urban Strategy
File No: COR/1805

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council:

1. agrees to provide the Sixth Fleet of Australia Inc with sponsorship of \$2,500 for the 49th International Cadet 2010 Australian Championships subject to the provision of an appropriate sponsorship agreement that specifies the advertising of the event to be undertaken; and
2. requests the Sixth Fleet of Australia Inc provide a brief post event evaluation report.

CARRIED

10.25 *Sustainable Buildings Policy*

City Strategy – Environmental Sustainability & Open Space
File No: COR/3310

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council:

1. adopts the Sustainable Buildings Policy as attached to the report; and
2. refers appropriate financial provision to implement the policy when developing the 2011/12 Annual Budget, and Long Term Financial Plan.

CARRIED

10.26 *Major Cases List - VCAT*

City Strategy – Statutory Planning
File No: COR/1625-02

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council makes a submission to VCAT providing feedback on the Major Case List based on the context of this report.

CARRIED

10.27 VCAT Decisions

City Strategy – Statutory Planning
File No: COR/1269-66

Moved: Cr Norris

Seconded: Cr Frederico

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

CARRIED

10.28 Financial report for two (2) months to 31 August 2010

Corporate Services - Finance
File No: COR/20686

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council notes the financial report for the two month period ended 31 August 2010.

CARRIED

10.29 Council Action Awaiting Report

Corporate Services - Governance
File No: COR/1234

Moved: Cr Russell

Seconded: Cr Frederico

The Council notes the Council Action Awaiting Report for the period to September 2010.

CARRIED

11. Reports by Delegates

Association of Bayside Municipalities – Cr Norris

No report was submitted to the meeting

MAV Strategic Environment Advisory Group – Cr Hayes

No report was submitted to the meeting

Victorian Local Sustainability Network – Cr Norris

Cr Norris reported that the Victorian Local Sustainability Network was part of the Municipal Association of Victoria, accordingly they have discontinued the Network therefore there is nothing further to report.

Metropolitan Transport Forum – Cr Russell

No report was submitted to the meeting

Municipal Association of Victoria – Cr Long

Crs Long and Frederico indicated that they will be attending the MAV Annual Conference and Dinner to be held in October.

Victorian Local Governance Association – Cr Norris

No report was submitted to the meeting

Inner South Metropolitan Mayors' Forum – Cr Hayes

Cr Hayes reported on his attendance at the Inner South Metropolitan Mayors' Forum

Metropolitan Waste Management Forum – Cr Long

No report was submitted to the meeting

Moved: Cr Cooper-Shaw

Seconded: Cr Russell

That the Councillors' reports be received and noted.

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 for consideration.

14. Confidential Business

Moved: Cr Russell

Seconded: Cr Norris

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 Built Environment Awards – Judging Panel Recommendations 2010

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 9.42pm.

CONFIRMED THIS 26 DAY OF OCTOBER 2010

CHAIRMAN:

