



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Brighton Town Hall
corner Wilson and Carpenter Streets Brighton
on Tuesday 8 February 2011

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

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

The Chairman declared the meeting open at 7.00pm 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 Hayes 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 an Indirect Conflict of Interest by close association in Item 10.8 as his mother owns a house adjacent to the property in question.
- Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.12 as his mother owns a property in the Bay Street Major Activity Centre.
- Cr Frederico declared an Indirect Conflict of Interest by close association in Item 10.14 as her father owns a property within the Hampton Street Major Activity Centre.
- Cr Norris declared an interest in Item 10.14 Cr Norris declared a Direct Conflict of Interest in Item 10.14 as he is a part owner of a property within the boundaries of the Hampton Street Major Activity Centre.
- Cr Russell declared an Indirect Conflict of Interest in Item 7.1 where residential amenity may be altered as he lives in Bluff Road, which is in close proximity to the area which the partition refers to.
- Cr del Porto declared an interest in Item 10.13 Cr del Porto declared a Direct Conflict of Interest in Item 10.13 as he owns a property in Well Street which is in the Church 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 13 December 2010

Moved: Cr Frederico

Seconded: Cr Hayes

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 13 December 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 George Reynolds

- a) Will Council acknowledge that it has overcharged its citizens by approximately 5% of the rate burden during the 2009-10 year, and
- b) How does it propose to refund this and previous years of overcharging for the benefit of ratepayers?

Response

- a) *Council sets rates at a level appropriate to generate enough cash to pay for the operating cost of Council services for the year and to fund the capital asset renewal and new capital assets programs.*

This accounting treatment may result in an accounting surplus in accordance with Australian Accounting Standards. Council's annual cash surplus from operations is used to fund the capital works program. This helps to avoid the need for Council to borrow funds for this purpose.

- b) *There is no proposal to refund as income generated from rates is used to:*
 - *Fund the capital program,*
 - *Adjust future budgets; and*
 - *Reduce any debt.*

2. Mr George Reynolds

In late 2010 Premier Brumby wrote to all citizens of Bayside exhorting them to prepare themselves and their properties for the bushfire season.

- a) Has council updated its bushfire response plan within its Emergency Management Plan to take account of the current state of knowledge resulting from the Bushfire Royal Commission and
- b) If so, why is essential information in the plan not being widely distributed so that individual property owners can take the necessary action to participate in a city wide effort to combat bushfire?

Response

- a) The Bayside City Council Municipal Fire Plan was adopted by Council in October 2009. The Plan is to be reviewed annually by the Bayside Municipal Fire Management Plan Committee, with a major review after 3 years and report to the Emergency Management Committee on a regular basis. The plan aims to identify fire risks and establish programs and treatments to reduce risk and strategies for the management of fire risks.
- b) Every year Council officers work closely with the Metropolitan Fire Brigade inspecting Council bushland and foreshore reserves. The majority of actions recommended by the MFB are implemented.

3. Mr Kevin Spencer

A few years ago Bayside Council demolished a public convenience block to the south of the Middle Brighton Baths when constructing the extended car park in the area. Council stated at the time that it would construct a new convenience facility in the nearby area. As the popular locality is frequented by broad numbers of the community members, oversea visitors, many cyclists, joggers and walkers and on special occasions, large numbers of marathon runners and cycling competitors. There being no public conveniences between Dendy street beach and North Road foreshore, there is a dire need for a public toilet and washroom facility in the vicinity of the Middle Brighton foreshore.

- a) Will council now give this matter urgent attention and get on with the construction of the promised convenience, which will give relief to those caught short and forced to use the foreshore tea tree plantation.

Response

The decision to remove the public toilets in the Middle Brighton Baths was made on the basis that the toilets within the Middle Brighton Baths Cafe Bar & Restaurant are made available and accessible to the public. This is a requirement of the current management lease.

The following is contained within the lease:

- *The Tenant must provide on the Premises male and female public toilet facilities for use by the public consisting of two cubicles in each and a urinal in the male toilet facilities during the following minimum hours :*
 - *1 November – 3- April: 8am – 9pm; and*
 - *1 May – 31 October: 8am – 6pm.*

4. Mr Kevin Spencer

As I understand, various organisations sponsored some of the cost of Bayside Councils recent popular Bayside Carols in the Park.

- a) What was the total cost to Bayside Council for this advent.
- b) Were any performers paid for their appearance and what was the full cost of the additional fire works, and the resulting amount of money donated to the nominated charitable organization.

Response

Bayside Carols in the Park attracted around 17,000 people

- a) *The total cost for the event is around \$54,000, with expenditure of \$82,000 and income of \$28,000 (these are rounded figures).*
- b) *Yes some performers were paid. The cost of the fireworks was \$11,142. Bayley House received \$10,000 as a direct donation from Council arising from proceeds of fundraising, and two exhibitors at the event contributed additional donations.*

5. Sue Hardiman

For the Period December 2008 to November 2010 inclusive what is the meeting attendance record by percentage for each Councillor?

- Ordinary Meetings
- Special Meetings
- General Committee
- Planning Committee
- Section 223 Special Committee Meetings
- Assembly of Councillors
- Councillor only meetings
- Total

Response

The response requires detailed research to provide the information requested. The information will be provided to you in due course.

6. Sue Hardiman

- a) Can Council explain why correspondence from me to Mr Terry Callant dated 16 November 2010 with copies by way of reminders dated 17 December, 7 January and 12 January 2011) has not been answered as of 10.30 am on 7 February AND
- b) My letter to Angela Meinke of 2 December 2010 remains unanswered (as of 10.30 am on 7 February 2011. (Copies and reminders sent to Ms Meinke on 24 December and 7 January 2011.

Response

- a) *This is the second request for information on Council catering, and a significant amount of research and time is required to provide such detailed information on this matter. The organisation is not able to provide this information as and when required given workload of Council officers undertaking their duties.*
The information will be provided in due course, however in the meantime you are welcome to discuss the matter and purpose of your request with me at anytime.
- b) *A response was delayed due to technical difficulties experienced with our electronic document management system which has recently been undergoing major development work. A response has now been prepared. Council apologises for this delay.*

7. Peter Boyle

The 2010/11 Budget papers provided the net cost of Council's services budget. This advised that Statutory Planning had a forecast net cost for 2009/10 of \$2,000 and a budget for 2010/11 of \$643,000.

Please advise the budget and actual amounts for the six months to December, 2010 ; the actual net cost for the year ended June, 2010, and the forecast for the year ending June, 2011.

Response

The budget for the 6 month period to December 2010 was favourable \$60,138 the actual for the same period was negative \$580,172. The actual net cost for the year ended June, 2010 was favourable \$545,662 and the forecast for the year ending June, 2011 is favourable \$353,395.

The favourable variation relates to income resulting from the Resort and Recreation Levy which achieves greater than budget results in both years.

7. Petitions to Council

7.1 Petition – Retail and parking in the Sandringham Hospital Precinct

Corporate Services - Governance
File No: COR/1234

Cr Russell declared an Indirect Conflict of Interest where residential amenity may be altered as he resides in Bluff Road, which is in close proximity to the area which the petition refers.

Cr Russell vacated the hall at 7.16pm prior to consideration of Item 7.1.

Petition - Petition against inappropriate retail with inadequate parking in the Sandringham Hospital Precinct. (10 signatures)

“We the undersigned hereby petition Bayside City Council to reject the above application on the grounds that it will have detrimental effects on the amenity of the surrounding area due to an increase in traffic and parking congestion.”

Moved: Cr Norris

Seconded: Cr Frederico

That:

- 1) the petition be received, and it be noted that this petition was considered in conjunction with Item 4.5 of the Planning Committee Meeting held on Tuesday 1 February 2011; and
- 2) the head petitioner be advised accordingly.

CARRIED

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

It is recorded that Cr Russell entered the hall at 7.17pm.

7.2 Petition – Proposed development at 16 Plunket Street Brighton East

Corporate Services - Governance
File No: COR/1234

**Petition against the proposed two townhouses at 16 Plunket Street Brighton East
(20 signatures)**

"We the undersigned residents and/or owners of properties in Plunket and Lysander Streets oppose a permit being granted by the Bayside City Council for Application Reference No 2010/514/1 for the construction of two townhouses (attached) both with basements (including two car garages for each property) and ground and upper floors. Our concerns are based on the grounds that the application is not in agreement with: -."

- a) *The generally established and preferred residential property character features for this neighbourhood, including building form;*
- b) *Predominantly, the long established low density, single story detached dwelling pattern of development in this neighbourhood with some of the modern developments being single two story detached dwellings;*
- c) *Approval of the proposed construction would set a precedent for the proliferation of this double story attached development which is not appropriate in the 'Character D4' as defined in 22.07 of the Bayside Planning Scheme; and*
- d) *Reduce the range of the potential purchasers for neighbouring properties."*

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

That the petition be received and be dealt with in conjunction with planning application 2010/0514.

CARRIED

8. Reports by Advisory Committees

8.1 *Assembly of Councillors Records*

Corporate Services - Governance
File No: COR/1234

Moved: Cr Frederico

Seconded: Cr Long

That Council notes the Assembly of Councillor records submitted as required by the Local Government Act.

CARRIED

9. Reports by Special Committees

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

10. Reports by the organisation

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- 10.3 Request for 50 km/h electronic speed signs – Cochrane Street, Brighton
- 10.4 Royal Avenue Municipal Reserve, Sandringham - Masterplan
- 10.5 Elsternwick Park – Review of Dog Off-leash area
- 10.6 Elsternwick Park Water Management Project
- 10.7 Draft Housing Strategy
- 10.8 Petition – Warleigh Grove: Proposed North Brighton Park
- 10.9 Southern Basketball Association Revised Community Engagement plan
- 10.10 Sandringham Golf Links Water Management Project
- 10.11 Amendment C100 – Sandringham Major Activity Centre: Authorisation to prepare an amendment and Amendment C91 Interim Controls for the Major Activity Centres
- 10.12 Amendment C101 – Bay Street Major Activity Centre: Authorisation to prepare an amendment and Amendment C91 Interim Controls for the Major Activity Centres
- 10.13 Amendment C102 – Church Street Major Activity Centre: Authorisation to prepare an amendment and Amendment C91 Interim Controls for the Major Activity Centres
- 10.14 Amendment C103 – Hampton Street Major Activity Centre: Authorisation to prepare an amendment and Amendment C91 Interim Controls for the Major Activity Centres
- 10.15 Community Engagement Program for Strategic Planning in Bayside: Summary Sheets
- 10.16 Council's 2009/2010 Greenhouse Gas Report
- 10.17 Transfer of roads from ASIC to Council
- 10.18 Re-appointment of External Audit Committee Members
- 10.19 Strengthening the World Game Grant Program – Shipston Reserve Pavilion
- 10.20 Financial Report for the Six (6) Months to 31 December 2010
- 10.21 VCAT Decisions
- 10.22 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 – Hedge Application – 23 David Street, Hampton

1. Mr Simon Hare

Item 10.4 – Royal Avenue Municipal Reserve, Sandringham - Masterplan

1. Mr George Reynolds
2. Ms Elizabeth MacLeod

Item 10.8 – Petition - Warleigh Grove: Proposed North Brighton Park

1. Ms Elizabeth Jensen
2. Mr David Langmead

Item 10.9 – Southern Basketball Association Revised Community Engagement plan

1. Mr Steven Lunardon

Item 10.19 – Strengthening the World Game Grant Program – Shipston Reserve Pavilion

1. Miss Jennifer McNish

Item 10.20 – Financial Report for the Six (6) Months to 31 December 2010

1. Mr George Reynolds

10.3 Request for 50 km/h electronic speed signs – Cochrane Street, Brighton

Infrastructure Services – Asset Management Services
File No: FOL/11/9

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council:

1. not support, at this stage, the removal of the speed cushions in Cochrane Street, between North Road and Orchard Street and between May Street and Cole Street;
2. evaluates overall support from all residents of Cochrane Street for the removal of the speed cushions by conducting a survey of all relevant properties from Bay Street to Nepean Highway;
3. receives a further report on the outcomes of the survey; and
4. advises the head petitioner accordingly.

CARRIED

10.4 Royal Avenue Municipal Reserve, Sandringham - Masterplan

Infrastructure Services – Asset Management Services
File No: COR/3440

It is recorded that Mr George Reynolds and Ms Elizabeth MacLeod spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council:

1. endorses the Royal Avenue Reserve Masterplan as attached;
2. notes that the purpose of the Masterplan is to provide a long-term guide to the future needs and uses of the Royal Avenue Municipal Reserve and is not necessarily a decision to proceed with all identified opportunities;
3. notes the response to Petition – Royal Avenue Master Plan, and advise the head petitioner accordingly; and
4. notes the response to Petition – Royal Avenue Tennis Facility Lights Proposal, and advise the head petitioner accordingly.

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

DIVISION: **FOR:** Crs Hayes, Norris, Cooper-Shaw, Long and del Porto (5)
AGAINST: Crs Frederico and Russell (2)

CARRIED

10.5 Elsternwick Park – Review of Dog Off-leash AreaInfrastructure Services – Amenity Protection
File No: COR/1727

Moved: Cr Hayes**Seconded: Cr Long**

That Council:

1. approves a revision to draft Dog Order Number 4 (Attachment 1) to incorporate the proposed on-leash space around the existing Elsternwick Park northern play ground and picnic area (as delineated at Attachment 5 to this report) and that this area be delineated with fencing and planting;
2. approves the partial planting around the southern playground and picnic areas (zone 3A as delineated at Attachment 3 to this report); and
3. approves that revised Dog Order Number 4 be gazetted and advertised within six weeks of this decision.

CARRIED

10.6 Elsternwick Park Water Management ProjectInfrastructure Services – City Works
File No: COR/5675

Moved: Cr Hayes**Seconded: Cr Norris**

That Council:

1. notes the successful Federal and State grant applications in relation to the Elsternwick Park Water Management Project;
2. approves a capital contribution to the project in the 2012/13 financial year of \$403,000; and
3. authorises the Chief Executive Officer to sign on behalf of Council for all matters relating to the funding agreements with the Federal and State governments, and the partnering agreement with Port Phillip City Council.

CARRIED

10.7 Draft Housing StrategyCity Strategy – Urban Strategy
File No: FOL/11/404

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

That Council:

1. endorses the draft Housing Strategy (attached) for community engagement as part of the *Future Planning of Bayside* engagement program (28 February 2011 - 13 May 2011) subject to the inclusion of two additional alternative options within Chapter 3;
 - based on option 7 (page 41) varied by the exclusion of small neighbourhood activity centres without supermarkets;
 - based on option 7 (page 41) varied by the inclusion of allotments fronting the sections of the Nepean Highway with service lanes and zoned residentially, with the exclusion of small neighbourhood activity centres;
2. authorises the Director City Strategy to make any minor editorial changes to the draft Housing Strategy; and
3. having endorsed the Bayside Housing Strategy for consultation, authorises the Mayor to initiate and lead discussions with relevant State Government Ministers and members of State Parliament about the Bayside Housing Strategy and the potential application of the Residential 3 Zone and other details.

CARRIED

10.8 Petition – Warleigh Grove: Proposed North Brighton Park

City Strategy – Urban Strategy
File No: FOL/10/223348

Cr Hayes declared an Indirect Conflict of Interest by close association as his mother owns a house adjacent to the property in question.

Cr Hayes vacated the hall at 8.50pm prior to consideration of Item 10.8.

Cr Norris vacated the hall at 8.51pm and re-entered at 8.52pm.

It is recorded that Ms Elizabeth Jensen and Mr David Langmead spoke in relation to this matter.

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

That Council:

1. notes that the site has been sold;
2. considers the other points made in the petition relative to providing opportunities for open space in the North Brighton area in considering the draft Bayside Open Space Strategy; and
3. advises the head petitioner accordingly.

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

That Council:

1. notes that the site has been sold;
2. considers the other points made in the petition relative to providing opportunities for open space in the North Brighton area in considering the draft Bayside Open Space Strategy;
3. advises the head petitioner accordingly; and
4. officers investigate and report on the relative deficiencies of open space by suburb within Bayside.

The Amendment Moved by Cr Long and Seconded by Cr Cooper-Shaw was Put.

The Mayor used his casting vote in favour of the Amendment and was **CARRIED**

The Amendment then became the Motion before the Chair.

The Motion Moved by Cr Long and Seconded by Cr Cooper-Shaw was Put.

The Mayor used his casting vote in favour of the motion and was **CARRIED**

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

It is recorded that Cr Hayes entered the hall at 9.13pm.

10.9 Southern Basketball Association Revised Community Engagement plan

Community Services – Recreation & Social Development
File No: COR/123

It is recorded that Mr Steven Lunardon spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Norris

That Council endorse the community engagement plan, version three, for the Southern Basketball Association's proposed extension of the stadium within the land surrounding the Sandringham Family Leisure Centre, as presented in Attachment B of this report.

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

DIVISION: **FOR:** Crs Hayes, Frederico, Norris, Russell,
Cooper-Shaw, Long and del Porto (7)
 AGAINST: Nil

CARRIED

Moved: Cr Norris

Seconded: Cr Russell

That Items 10.19 and 10.20 be brought forward and dealt with at this stage of the meeting.

CARRIED

It is recorded that Cr Cooper-Shaw vacated the hall at 9.28pm.

10.19 *Strengthening the World Game Grant Program – Shipston Reserve Pavilion*

Community Services – Recreation & Social Development
File No: FOL/10/216875

It is recorded that Miss Jennifer McNish and Mr Paul Mantas spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Russell

That Council:

1. endorses the submission of the grant application to the Department of Planning and Community Development's Strengthening the World Game funding program that requests partnership funding of \$100,000 towards the redevelopment of the pavilion at Shipston Reserve, Cheltenham; and
2. refers the allocation of Council funding to redevelop the pavilion at Shipston Reserve to the 2011/2012 budget process.

CARRIED

It is recorded that Cr Cooper-Shaw entered the hall at 9.39pm.

10.20 *Financial report for six (6) months to 31 December 2010*

Corporate Services – Finance
File No: COR/20686

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

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council notes the financial report for the six month period ended 31 December 2010.

CARRIED

10.10 Sandringham Golf links Water Management ProjectInfrastructure Services – City Works
File No: COR/6681

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

That Council:

1. notes the successful federal grant application in relation to the Sandringham Golf Links Water Management Project;
2. approves a capital contribution to the project in the 2011/2012 financial year of \$290,000; and
3. authorises the Chief Executive Officer to sign for the all matters relating to the funding agreement with the Federal Government.

CARRIED

**10.11 Amendment C100 – Sandringham Major Activity Centre:
Authorisation to prepare an amendment and Amendment C91
Interim Controls for the Major Activity Centres**City Strategy – Urban Strategy
File No: COR/0006309

*It is recorded that Cr Long vacated the hall at 9.53pm.***Moved: Cr Norris****Seconded: Cr Cooper-Shaw**

That Council:

1. notes the conditional authorisation for Planning Scheme Amendment C100 - Sandringham Major Activity Centre;
2. agrees to make the change to Amendment C100 - Sandringham Major Activity Centre required by the conditional authorisation (as per Attachment 1);
3. exhibits Amendment C100 to the Bayside Planning Scheme in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Strategy to make any required minor editorial changes to the amendment prior to exhibition.

*It is recorded that Cr Cooper-Shaw left the hall at 9.59pm.***CARRIED**

10.12 Amendment C101 – Bay Street Major Activity Centre: Authorisation to prepare an amendment and Amendment C91 Interim Controls for the Major Activity Centres

City Strategy – Urban Strategy
File No: COR/0006310

Cr Hayes declared an Indirect Conflict of Interest by close association as his mother owns a property in the Bay Street Major Activity Centre.

Cr Hayes vacated the hall at 10pm prior to consideration of Item 10.12.

Moved: Cr Frederico

Seconded: Cr Russell

That Council:

1. notes the conditional authorisation for Planning Scheme Amendment C101 – Bay Street Major Activity Centre;
2. agrees to make the change to Amendment C101 – Bay Street Major Activity Centre required by the conditional authorisation (as per Attachment 1);
3. exhibits Amendment C101 to the Bayside Planning Scheme in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Strategy to make any required minor editorial changes to the amendment prior to exhibition.

CARRIED

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

It is recorded that Cr Hayes entered the Hall at 10.01pm.

Moved: Cr Hayes

Seconded: Cr Russell

That Cr Cooper-Shaw take the Chair for consideration of Item 10.13.

CARRIED

**10.13 Amendment C102 – Church Street Major Activity Centre:
Authorisation to prepare an amendment and Amendment C91
Interim Controls for the Major Activity Centres**

City Strategy – Urban Strategy
File No: COR/0006311

It is recorded that Cr Cooper-Shaw entered the hall at 10.01pm.

It is recorded that Cr Frederico vacated hall at 10.01pm and re-entered at 10.02pm.

Cr del Porto declared a Direct Conflict of Interest as he owns a property in Well Street which is in the Church Street Major Activity Centre.

Cr del Porto vacated the hall at 10.01pm prior to consideration of Item 10.13.

Moved: Cr Russell

Seconded: Cr Hayes

That Council:

1. notes the conditional authorisation for Planning Scheme Amendment C102 – Church Street Major Activity Centre;
2. agrees to make the change to Amendment C102 – Church Street Major Activity Centre required by the conditional authorisation (as per Attachment 1);
3. exhibits Amendment C102 to the Bayside Planning Scheme in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Strategy to make any required minor editorial changes to the amendment prior to exhibition.

CARRIED

It is recorded that Cr del Porto was absent from the Hall whilst this item was considered and was not present in the hall whilst the vote was being taken on this matter.

Moved: Cr Hayes

Seconded: Cr Norris

That Cr del Porto resume the Chair for the remainder of the meeting.

CARRIED

It is recorded that Cr del Porto entered the hall at 10.03pm.

**10.14 Amendment C103 – Hampton Street Major Activity Centre:
Authorisation to prepare an amendment and Amendment C91
Interim Controls for the Major Activity Centres**

City Strategy – Urban Strategy
File No: COR/0006312

Cr Frederico declared an Indirect Conflict of Interest by close association as her father owns a property within the Hampton Street Major Activity Centre.

Cr Norris declared a Direct Conflict of Interest as he is a part owner of a property within the boundaries of the Hampton Street Major Activity Centre.

Crs Frederico and Norris vacated the hall at 10.03pm prior to consideration of Item 10.14.

Moved: Cr Russell

Seconded: Cr Cooper-Shaw

That Council:

1. notes the conditional authorisation for Planning Scheme Amendment C103 – Hampton Street Major Activity Centre;
2. agrees to make the change to Amendment C103 – Hampton Street Major Activity Centre required by the conditional authorisation (as per Attachment 1);
3. exhibits Amendment C103 to the Bayside Planning Scheme in accordance with the Planning and Environment Act 1987; and
4. authorises the Director City Strategy to make any required minor editorial changes to the amendment prior to exhibition.

CARRIED

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

It is recorded that Cr Frederico entered the hall at 10.04pm.

It is recorded that Cr Long entered the hall at 10.04pm.

**10.15 Community Engagement Program for Strategic Planning in
Bayside: Summary Sheets**

City Strategy – Urban Strategy
File No: COR/6946

It is recorded that Cr Norris entered the hall at 10.07pm.

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

That Council:

1. endorses the content of the summary sheets (attachment 2) for the *Future Planning of Bayside* consultation; and
2. authorises the Director City Strategy to make minor editorial changes as necessary.

CARRIED

10.16 Council's 2009/2010 Greenhouse Gas Report

City Strategy – Environmental Sustainability & Open Space
File No: COR/00005377

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

That Council:

1. notes the 2009/2010 Greenhouse Gas Emissions Report; and
2. communicates the results of the 2009/2010 Greenhouse Gas Emissions Report to the community through the Council website, 'Let's Talk Bayside', a media release and the Banksia Bulletin in accordance with the attached communication plan.

CARRIED

10.17 Transfer of road from ASIC to Council

Corporate Services – Commercial Services
File No: COR/808

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

That Council:

1. delegates to the Director Corporate Services the authority to sign the following transfers of land documentation on behalf of Council with the exclusion of the proposed indemnity:
 - Volume 5709 Folio 681
 - Volume 4762 Folio 228
 - Volume 5422 Folio 306
 - Volume 5429 Folio 657
 - Volume 5442 Folio 268
 - Volume 5495 Folio 924
 - Volume 5590 Folio 822; and
2. any other transfers of land in favour of Bayside City Council of real property (roads) registered in the name of deregistered companies within the Bayside municipality.

CARRIED

10.18 Re-appointment of External Audit Committee Members

Corporate Services – Governance
File No: COR/1234

Moved: Cr Frederico

Seconded: Cr Hayes

That Council:

1. re-appoints Mr John Mulcahy as External Member of the Audit Committee for a period of six months to conclude on 30 June 2011;
2. re-appoints Mr John Thomson as External Member of the Audit Committee for a period of 12 months to conclude on 31 December 2011; and
3. commences the expression of interest process for the appointment of two External Audit Committee members noting the appointment of members will be staggered to commence 1 July 2011 and 1 January 2012.

CARRIED

10.21 ***VCAT Decisions***

City Strategy – Statutory Planning
File No: FOL/10/215916

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

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

CARRIED

10.22 ***Council Action Awaiting Report***

Corporate Services – Governance
File No: COR/1234

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council notes the Council Action Awaiting Report for the period to December 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

Cr Hayes reported on a recent meeting where awards such as ‘Keep Australia Beautiful’ and ‘Tidy Towns’ were discussed.

Metropolitan Transport Forum – Cr Russell

No report was submitted to the meeting.

Municipal Association of Victoria – Cr Long

No report was submitted to the meeting.

Victorian Local Governance Association – Cr Norris

No report was submitted to the meeting.

Inner South Metropolitan Mayors’ Forum – Cr del Porto

No report was submitted to the meeting.

Metropolitan Waste Management Forum – Cr Long

No report was submitted to the meeting.

Cr del Porto advised that Council was recently presented with a replica yacht in appreciation for its contribution to the Dragon Class Yacht World Championships held at the Royal Brighton Yacht Club.

Cr del Porto recently met with a student from Turkey who is studying Women in Local Government. As a gesture of appreciation, Council was presented with a Turkish tea bowl.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That the Councillors’ reports be received and noted.

CARRIED

12. Urgent Business

12.1 *Roof decks in the Design and Development Overlay Schedule 2 (DDO2)*

Moved: Cr Hayes

Seconded: Cr Long

That the matter relating to the inclusion of roof decks in the Design and Development Overlay Schedule 2 (DDO2) be considered as an item of Urgent Business.

CARRIED

Moved: Cr Hayes

Seconded: Cr Long

That a report be provided to Council to consider the merits of seeking authorisation from the Minister for Planning to prepare an amendment to the Bayside Planning Scheme to vary the Design and Development Overlay, Schedule 2 (DDO2) by including a planning permit requirement for a roof deck, including design and siting requirements for a roof deck and include the definition of a roof deck, similar to the requirements that currently form part of the Design and Development Overlay, Schedule 1 (DDO1).

CARRIED

12.2 *Disposal of Green Waste for Residents*

Moved: Cr Hayes

Seconded: Cr Long

That the matter relating to disposal of green waste by residents affected by the recent storm and flood damage considered as a matter of urgent business.

CARRIED

Moved: Cr Hayes

Seconded: Cr Cooper-Shaw

The Council offer all Bayside residents affected by storm and flood damage the opportunity to dispose of any broken branches and plant debris by delivery to the Bayside Waste Transfer and Recycling centre in Talinga Road where it will be accepted at no charge until Sunday 20 February 2011.

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

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

CARRIED

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

Moved: Frederico

Seconded :Cr Cooper-Shaw

That the Ordinary Meeting of Council be extended for a 30 minute period to be finished no later than 11.30pm.

CARRIED

14. Confidential Business**Moved: Cr Russell****Seconded: Cr Frederico**

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 Purchase of land from the Victoria Scouts Association of Australia – Livingston Street Highett
- 14.2 ReCreation King club Pty Ltd Assignment of Lease request

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 11.11pm.

CONFIRMED THIS 8 DAY OF MARCH 2011**CHAIRMAN:**