



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 16 February 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 JP

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 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 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 this meeting.

4. Disclosure of any Conflict of Interest of any Councillor

- *Cr Hayes declared a Direct Conflict of Interest in Item 10.2 on the agenda, given that he resides in a property on St Kilda Street which is within Route 33.*
- *Cr Russell declared an Indirect Conflict of Interest by close association in Item 10.5 on the agenda, as a neighbour of the applicant is an employee of Cr Russell's wife.*
- *Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.7 on the agenda as Cr Hayes mother uses the HACC services.*

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 15 December 2009

Moved: Cr Norris

Seconded: Cr Frederico

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 15 December 2009 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

There were 8 public questions submitted to the Meeting.

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

1. Mr Peter Boyle

Item 10.13 - Financial report for six months to December, 2009.

Operating Expenses show for Employee costs an overspend against budget of \$229.2 thousand for the six months and a forecast of an overspend against budget for the year of \$43.8 thousand. So for the six months January to June there is a forecast overspend of \$273 thousand. As the Organization Chart on the website shows that there are five senior management positions vacant (14 February) and the report refers to savings from other vacant staff positions, will Council please advise how such an overspend can occur in the second half of the financial year, and why Council is not taking action so that it does not exceed its budget for the second half of the year?

Response

The salary forecast additional expenditure of \$273 thousand mainly relates to the delivery of the National Respite for Carers Programme of \$101 thousand, that is offset by the receipt of grant income. The nominated vacancies reflect changes to existing positions with newly defined roles which are currently being filled.

2. Mr Peter Boyle

Item 10.13 - Financial report for six months to December, 2009.

Operating Expenses show for Materials and services an underspend of \$369.1 thousand for the six months to December. A comment is made that this is due to later than expected payments. As Council works on an accruals basis will you please confirm that this in fact is because less work has been carried out in the period than budgeted and is not a deferment of payment. Forecast expenditure for the year is for an overspend of \$490.9 thousand, so an overspend against budget of \$860 thousand is forecast for the six months January to June.

- a) What is the reason for the additional \$1.713 million in costs that is expected to be incurred in the second half of the year than was incurred in the first half?
- b) Why is such a large overspend of \$490.9 thousand forecast for materials and services rather than keeping costs to budget?

Response

- a) *The amount of \$1.7m is due to later than profiled progress of some projects and higher than budgeted year end forecast expenditure.
The later than expected expenditure is mainly in the areas of materials and services.*
- b) *The \$490.9 thousand overspend mainly relates to \$250 thousand for the supply of non potable water at sportsgrounds, previously approved by Council, additional costs for the delivered meals contract, also approved by Council, higher than expected software maintenance costs and increased costs for the Metropolitan Fire and Emergency Services Board annual levy.*

These items are to be the subject of a mid year budget review report in March.

3. Mr George Reynolds

In the recent matter of seeking to have the Minister for Planning remove 10 year old Interim Heritage controls (where the Minister sent the matter back because of failure to follow proper procedure) and, where recently, Council's planners gave notice of a decision of Council at a meeting held on Monday 18th January 2010 (which meeting could not have taken place)

- (a) Does Council have a system of Quality Control in place to ensure that all statutory communications are third party checked for correctness before being sent, and
- (b) Does council have a procedure for advising all those affected by the fault, of any faulty documents released and the intended corrective action?

Response

It is assumed Mr Reynolds is referring to Council's decision taken in December 2009 to remove interim heritage controls. Council has not yet received any communication from either the Minister for Planning or the Department of Planning and Community Development in response to a request made for removal of those controls. Council is not aware of any failure to follow proper procedures as asserted by Mr Reynolds.

3. Mr George Reynolds (Continued)

Council's planning staff hold delegated authority to determine planning applications in accordance with the Instrument of Delegation. Council's planning delegate on Monday 18 January did consider 34 planning matters including 6 relating to heritage overlay controls, with the applicants being subsequently informed of the decision.

In response to Mr Reynold's specific queries I advise that:

- a) *there are systems in place to ensure accuracy of communications before they are sent*
- b) *Council does not believe there has been any faulty communication. Where any fault in communication is drawn to our attention steps are immediately taken to correct the fault and notify relevant parties.*

4. Mr George Reynolds

Will Council please provide the following information in relation to the financial years 2006/7, 2007/8, 2008/9 and 2009 to date:

- (a) staff turnover rates as a % of new appointments per establishment number for each of the two planning departments, Statutory Planning and City Futures, and
- (b) The number of casual and consulting planners employed in each of the nominated years.

Response

This data is not readily available and will require a significant amount of research. We will advise you in writing once the information is available.

5. Mr Kevin Spencer

With the State Government continued intervention into local council's planning powers and council's being criticised for lengthy delays with planning applications. In the matter of Secondary Consent Application. The community has no right of objection and the process through council is mostly by way of rubber stamping the application. To be considered is the needless costly time wasting and excessive paper work for planning staff when they could be more beneficially employed on other matters, at a cost saving to the ratepayers, and freeing up time for councillors to engage with the community. Will council give serious consideration to leaving Secondary Consent Applications to the delegated authority of Planning Staff where such application meet VCAT's principle test and any specific requirements of Bayside Council.

Response

Council in May 2008 reviewed delegations with respect to secondary consents. Many secondary consents remain delegated to council staff to determine. Those which relate to permits issued at the direction of VCAT, or where the consent is being sought retrospectively are subject to council determination.

6. Mr Kevin Spencer

With the current four story residential development at 16-20 Warleigh Grove and the nearby proposed massive development on the former Croquet Club site, the large five story supermarket, retail and resident proposal currently with council, corner Male and Bay streets, and the residential development on the former Brighton Bowling Club site, Male Street to Willansby Avenue. Given this increased traffic stream that will saturate the Bay Street shopping precinct. Will council consider removing the trees from the recently reconstructed Willansby Avenue, including the light weight concrete bollards, many of which have been knocked down. (Could install them on footpath if necessary.) virtually a one lane street, as the trees have caused chaos for shoppers and delivery trucks, currently and more so in the future with further development to the area.

Response

Council has no plans to remove trees from Willansby Avenue. Council will continue to monitor the traffic in Willansby Avenue.

7. Mr Tom Hast

With the large grant announced recently for upgrading the area of a group of shops at Brighton Beach and the recent serious falls by three people on the uneven surfaces of Hampton Street footpaths, when does the Council intend to activate its plans for regenerating footpath, road and general upgrading of the commercial are of Hampton Street?

Response

Council is currently in the process of developing a Streetscape Master Plan for Hampton Street, which is programmed to be finalised before the end of the financial year. Council has recently applied for funding for the upgrade of the Hampton Street shopping strip under the Federal Regional and Local Community Infrastructure Program and is awaiting the result of this application.

Upgrading of the footpaths will be considered for funding in future financial years should this application be unsuccessful.

Footpaths in all shopping strips in Bayside are inspected on a six monthly basis to ensure that the footpaths are in a safe condition.

8. Mr Tom Hast

What action has the Council taken against the property owners of the Village section of Hampton Street shops (427-435 Hampton St) for the serious damage and neglect on the concrete paved driveway and carpark, (which are cracked and damaged to the point of being dangerous), under provisions of Work and Safety Regulations.

Response

The car park in question forms part of the individual properties abutting the car park. These property owners are therefore responsible for the maintenance of the car park. Council has recently been in contact with all the property owners offering to coordinate the repair of the car park and will keep on working with the owners to ensure that its condition is kept to an acceptable level in future.



7. Petitions to Council

There were no petitions submitted to the Council for consideration.

8. Minutes of Advisory Committees

There were no minutes of 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

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- 10.13 Financial Report for six (6) months to 31 December 2009
- 10.14 Council Action Pending

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 10.2 – Route 33: Beach Road Weekend 'No Stopping' restrictions

1. Mr Michael Forbes
2. Mr David Doyle
3. Mr Robin Boyle
4. Mrs Julianne Tan
5. Mr Larry Smart
6. Mr Jim Cook
7. Mrs Olga Cook
8. Dr Vernon Cook
9. Mr Rendo Poci
10. Ms Diana Whaley
11. Mr Pete Dowe
12. Mr Jason den Hollander
13. Mrs Alistair Murray
14. Mr Stuart Cunningham
15. Mr Richard Storr
16. Mr Mark Appleford
17. Mr Andrew Kerr
18. Mr Maurice Papaspiros
19. Mr Alan Sherlock
20. Ms Judith Kirwood
21. Mr Michael Maguire
22. Mr Michael Kinnon
23. Mrs Barbara Latham
24. Mr Trevor Smith (Vic Roads)
25. Mr Glen Pearsall
26. Mr Chris Sutton
27. Mrs Julianne Tan (speaking on behalf of Anna Catalfamo,
Mr & Mrs van den Dungen)
28. Dr James Taylor
29. Mr Graham Hansen

Item 10.3 – Tree Removal Application – 30 Durrant Street, Brighton

1. Mr George Reynolds
2. Ms Glenda Mickleburgh

REQUESTS TO BE HEARD: (Continued)

Item 10.4 – Tree Removal Application – 29 Tennyson Street, Brighton

1. Mr George Reynolds

Item 10.5 – 4 Frances Street, Highett

1. Mr George Reynolds

Item 14.3 – Commercial Boatsheds – Jetty Road, Sandringham

1. Mr Mike Meyers

10.1 *Proposed honorary naming of the Baseball Diamond, Tjilatjirrin Reserve, Sandringham*

Infrastructure - Properties
File No: COR/173

Moved: Cr Russell

Seconded: Cr Norris

That Council:

1. approve the Sandringham Baseball Club's application to name the baseball diamond at Tjilatjirrin Reserve the Jack Guiliano Field, based on a record of achievement.
2. advises Sandringham Baseball Club that approval of the naming of the baseball diamond in no way guarantees the club rights in perpetuity of retention of the baseball diamond or use of the ground.

CARRIED

10.2 Route 33: Beach Road Weekend 'No Stopping' restrictionsInfrastructure - Engineering
File No: COR/1703

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

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

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

CARRIED

Cr Hayes vacated the Chamber at 7.26pm prior to the consideration of this matter.

It is recorded that Cr Frederico advised the meeting that she has previously declared a Conflict of Interest in this matter given her father owns a property in Beach Road Hampton. Following advice from Local Government Victoria in conjunction with the Municipal Inspector, she is of the view that her interest in this matter is remote, as defined by the Local Government Act 1989 and that the outcome of the tonight's decision will not have an impact on his property or his residential amenity. Accordingly no Conflict of Interest is applicable in this instance.

It is recorded that Mr. Michael Forbes, Mr Robin Boyle, Mrs Julianne Tan, Mr Larry Smart, Mr Jim Cook, Mrs Olga Cook, Mr Rendo Poci, Ms Diana Whaley, Mr Pete Dowe, Mr Jason den Hollander, Mr Alistair Murray, Mr Richard Storr, Mr Mark Appleford, Mr Maurice Papaspiros, Mr Alan Sherlock, Ms Judith Kirwood, Mr Michael Maguire, Mr Michael Kinnon, Mrs Barbara Latham, Mr Trevor Smith, Mr Glen Pearsall, Mr Chris Sutton, Mrs Julianne Tan (speaking on behalf of Anna Catalfamo and Mr & Mrs van den Dungen), Dr James Taylor and Mr Graham Hansen spoke in relation to this item.

It is further recorded that Mr David Doyle, Dr Vernon Cook, Mr Stuart Cunningham and Mr Andrew Kerr were not present in the Chamber.

10.2 *Route 33: Beach Road Weekend 'No Stopping' restrictions (Continued)*

Infrastructure - Engineering
File No: COR/1703**Moved: Cr Russell****Seconded: Cr Long**

That Council:

1. In consideration of:
 - Bayside Bicycle Strategy 2003;
 - recommendations of the Regional Cycling Reference Group;
 - results of the community survey conducted of Bayside residents adjacent to Beach Road in 2006;
 - recommendations of the Monash University Accident Research Centre research report: *Cycling bunch riding: A review of literature*, January 2009;
 - analysis of the two parking surveys through aerial photography conducted by VicRoads on 22 March 2009 and 16 January 2010;
 - results of the community survey conducted by VicRoads of residents and businesses adjacent to Beach Road in 2009; and
 - Kingston City Council's resolution of 8 February 2010 in relation to this matter;

forms the view that the introduction of the "No Stopping" provisions on Beach Road in isolation will not satisfactorily resolve safety consideration for cyclist and other road users.
2. Therefore resolves to only consider the "No Stopping" provisions if the Minister for Roads and Ports supports the following:
 - a. The development of a Corridor Strategy, in conjunction with VicRoads, which could include the analysis of all activity nodes along the route (e.g. shopping precincts) including safety treatments such as improved foreshore car park access and improved pedestrian access. These matters could include but are not be limited to:
 - Improving access to foreshore car parks;
 - Additional pedestrian operated traffic signals;
 - Pedestrian refuges;
 - Indented parking;
 - On road and off road cycling facilities; and
 - Completion of the Bay Trail Shared Path South link (between Comer Road and Charman Road) including investigation into the best use of the existing road space to achieve the desired outcome.
 - Strategies to improve cyclist behaviour as identified and recommended in the Monash University Accident Research Centre report 'Cycling bunch riding: A review of literature,' January 2009; and
 - Strategies to reduce speed limits to improve motorists behaviour.

10.2 *Route 33: Beach Road Weekend 'No Stopping' restrictions (Continued)*

- b. The State Government committing to contribute funding toward the cost of the installation of safety treatments identified in the development of the Corridor Strategy.
- c. Support for increased enforceability of current road regulations that require cyclists to ride no more than 2 abreast;
3. Write to the Hon Tim Pallas, Minister for Roads and Ports and the Hon Bob Cameron, Minister for Police and Emergency Services requesting a joint response regarding:
 - ◆ The enforceability of current road regulations that require cyclists to ride no more than 2 abreast;
 - ◆ The history of enforcement of the current regulations on Route 33; and
 - ◆ Advice regarding how the current road regulations regarding cycling behaviour can be better enforced and improved in the interests of improved cyclist and wider community safety.
4. Write to the Minister for Roads and Ports and Minister for Police and Emergency Services advising of Council's decision in this matter.

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

That Council:

1. In consideration of:
 - Bayside Bicycle Strategy 2003;
 - recommendations of the Regional Cycling Reference Group;
 - results of the community survey conducted of Bayside residents adjacent to Beach Road in 2006;
 - recommendations of the Monash University Accident Research Centre research report: *Cycling bunch riding: A review of literature*, January 2009;
 - analysis of the two parking surveys through aerial photography conducted by VicRoads on 22 March 2009 and 16 January 2010;
 - results of the community survey conducted by VicRoads of residents and businesses adjacent to Beach Road in 2009; and
 - Kingston City Council's resolution of 8 February 2010 in relation to this matter;

forms the view that the introduction of the "No Stopping" provisions on Beach Road in isolation will not satisfactorily resolve safety consideration for cyclist and other road users.

10.2 *Route 33: Beach Road Weekend 'No Stopping' restrictions (Continued)*

2. Therefore resolves to only consider the “No Stopping” provisions if the Minister for Roads and Ports supports the following:
 - a. The development of a Corridor Strategy, in conjunction with VicRoads, which could include the analysis of all activity nodes along the route (e.g. shopping precincts) including safety treatments such as improved foreshore car park access and improved pedestrian access. These matters could include but are not be limited to:
 - Improving access to foreshore car parks;
 - Additional pedestrian operated traffic signals;
 - Pedestrian refuges;
 - Indented parking;
 - On road and off road cycling facilities; and
 - Completion of the Bay Trail Shared Path South link (between Comer Road and Charman Road) including investigation into the best use of the existing road space to achieve the desired outcome.
 - Strategies to improve cyclist behaviour as identified and recommended in the Monash University Accident Research Centre report ‘Cycling bunch riding: A review of literature,’ January 2009; and
 - Strategies to reduce speed limits to improve motorists behaviour
 - Dedication of the left hand lane of the carriageway to bikes during non stopping restriction
 - Baseline figures on behaviour for comparative purposes on a later trial.
 - b. The State Government committing to contribute funding toward the cost of the installation of safety treatments identified in the development of the Corridor Strategy.
 - c. Support for increased enforceability of current road regulations that require cyclists to ride no more than 2 abreast;
3. Write to the Hon Tim Pallas, Minister for Roads and Ports and the Hon Bob Cameron, Minister for Police and Emergency Services requesting a joint response regarding:
 - ◆ The enforceability of current road regulations that require cyclists to ride no more than 2 abreast;
 - ◆ The history of enforcement of the current regulations on Route 33; and
 - ◆ Advice regarding how the current road regulations regarding cycling behaviour can be better enforced and improved in the interests of improved cyclist and wider community safety.
4. Write to the Minister for Roads and Ports and Minister for Police and Emergency Services advising of Council’s decision in this matter.

LOST

10.2 *Route 33: Beach Road Weekend 'No Stopping' restrictions (Continued)*

The original Motion was **PUT** and a **DIVISION** was called.

DIVISION

FOR: Crs Russell, Long and del Porto (3)

AGAINST: Crs Frederico, Norris and Cooper-Shaw (3)

The Acting Chairperson used his casting vote in favour of the Motion.

The Motion was **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 being taken on this item.

Moved: Cr Russell

Seconded: Cr Frederico

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

CARRIED

Following consideration of Item 10.2, Cr Hayes returned to the Chamber at 9.23pm.

*Cr Norris vacated the Chamber at 9.18pm and reentered the Chamber at 9.21pm.
Cr Long vacated the Chamber at 9.20pm and reentered the Chamber at 9.23pm.*

10.3 *Tree Removal Application – 30 Durrant Street, Brighton*

Infrastructure Services - Local Laws & Investigations
File No: COR/4266

It is recorded that Mr. George Reynolds and Ms Glenda Mickleburgh spoke in relation to this item.

Moved: Cr del Porto

Seconded: Cr Cooper-Shaw

That Council approve the removal of the two *Eucalyptus nicholii* (Narrow-leaved Black Peppermint) trees at 30 Durrant Street Brighton and that suitable replacement trees be planted to the satisfaction of Council's arborist.

CARRIED

10.4 *Tree Removal Application – 29 Tennyson Street, Brighton*

Infrastructure Services – Local Laws & Investigations
File No: COR/47

It is recorded that Mr. George Reynolds did not pursue his right to speak.

Moved: Cr Norris

Seconded: Cr Frederico

That Council:

1. approve removal of the *Ulmus glabra* 'Pendula' (Weeping Elm), listed on Council's Register of Significant Trees, located at 29 Tennyson Street Brighton,
2. notify the applicant and surrounding residents in writing of Council's decision.

CARRIED

10.5 *Tree Removal Application – 4 Frances Street, Highett*

Infrastructure Services – Local Laws & Investigations
File No: COR/4266

It is recorded that Cr Russell declared an Indirect Conflict of Interest by close association in Item 10.5 on the agenda, as a neighbour of the applicant is an employee of Cr Russell's wife.

It is recorded that Mr George Reynolds was not present in the Chamber.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council allow removal of a *Corymbia citriodora* (Lemon-scented Gum) at 4 Frances Street Highett and that a Local Law permit be issued to remove the tree, on the condition that a replacement tree is planted on the subject site in consultation with a Council Arborist.

CARRIED

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

Following consideration of Item 10.5, Cr Russell returned to the Chamber at 9.36pm.

10.6 *Update on Fairway Hostel Request for Council Land*

Community Services
File No: COR/1035-02

It is recorded that Cr Cooper-Shaw vacated the Chamber at 9.36pm.

Moved: Cr del Porto

Seconded: Cr Long

That Council

1. confirm the resolution of 25 November 2008;
2. not agree to the Sandringham Aged Care Association's request to acquire a further portion of Council owned land adjoining the existing premises at 195 Bluff Road.

CARRIED

It is recorded that Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.7 on the agenda as Cr Hayes mother uses the HACC services.

Moved: Cr Norris

Seconded: Cr Long

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

CARRIED

It is recorded that Cr Hayes vacated the Chamber at 9.38pm.

It is recorded that Cr Cooper-Shaw reentered the Chamber at 9.38pm.

10.7 HACC Garden Maintenance Service

Community Services- Aged and Disability Services
File No: COR/1493

It is recorded that Cr Hayes declared an Indirect Conflict of Interest by close association in Item 10.7 on the agenda as Cr Hayes mother uses the HACC services.

Moved: Cr Norris

Seconded: Cr Frederico

That Council

1. approve an increase in the provision of safety related gardening assistance to residents who are assessed as HACC eligible commencing 1 July 2010, to be funded through a Victorian Department of Health grant.
2. approve the provision of the service to be undertaken either through an employee based model, or through negotiation with Council's contracted parks contractor.

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 being taken on this item.

Moved: Cr Frederico

Seconded: Cr Long

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

CARRIED

Following consideration of Item 10.7, Cr Hayes returned to the Chamber at 9.40pm.

10.8 *Wilson Recreation Reserve – Partnership Opportunity with Brighton Grammar School*Infrastructure Services
File No: COR/1313

Moved: Cr del Porto**Seconded: Cr Frederico**

That Council:

1. Not support the proposal from Brighton Grammar School at this point in time;
2. Consider the outcomes of the Open Space Strategy and a review of sportsgrounds allocations before considering any changes to the existing usage arrangements for Wilson Recreation Reserve.

CARRIED

10.9 *Beach cleaning and Seaweed Removal*Infrastructure Services - Properties
File No: COR/3913

Moved: Cr del Porto**Seconded: Cr Frederico**

That Council:

1. consider the proposal as part of the 2010/2011 budget process to increase the beach cleaning service levels in the current Amenities, Bins and Beach Cleaning Contract (Contract Number 080908) to include approximately 10 wrack seaweed removals per annum (\$70,000 per annum), to coincide with major events; and
2. endorse the following criteria, to be exercised by the Contract Manager or Director Infrastructure Services, for the removal of seaweed:
 - to provide improved community amenity, particularly for major events;
 - when it is highly contaminated;
 - when it results in a severe beach odour; and /or
 - when it restricts access in and out of the water.
3. promote the opportunity for members of the community to collect the dried seaweed resulting from wrack removals via Council's website, signage and other publications.

CARRIED

**10.10 *Modernising Victoria’s Planning Act: Planning and Environment
Amendment (General) Bill 2009***

City Strategy – Urban Strategy
File No: COR/1265-02

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council’s response to “Modernising Victoria’s Planning Act: Planning and Environment Amendment (General) Bill 2009” (Attachment 2 as substituted) be endorsed.

CARRIED

10.11 *Planning Delegation*City Strategy/Executive
File No: COR/6022

Moved: Cr Frederico**Seconded: Cr del Porto**

That Council:

1. vary the Instrument of Delegation with respect to the Planning and Environment Act 1987 to extend delegation to the Chief Executive, Director City Strategy and Manager Statutory Planning to make decisions on planning permit applications to which one only objection has been received, subject to there being no Councillor call-in following notification of the delegate's intention, noting that multiple objections from persons residing at one address shall be considered a single objection for the purpose of the delegation instrument.
2. receive a further report after twelve months operation of the amended delegation.

It is recorded that Cr Frederico withdrew the motion with leave of Council.

Moved: Cr del Porto**Seconded: Cr Long**

That Council:

1. vary the Instrument of Delegation with respect to the Planning and Environment Act 1987 to extend delegation to the Chief Executive, Director City Strategy and Manager Statutory Planning to make decisions on planning permit applications to which one only objection has been received, subject to there being no Councillor call-in following notification of the delegate's intention, noting that multiple objections from persons residing at one address shall be considered a single objection for the purpose of the delegation instrument.
2. receive a further report after twelve months operation of the amended delegation.

CARRIED

10.12 ***VCAT Decisions***

City Future - Planning
File No: COR/1234

Moved: Cr del Porto

Seconded: Cr Long

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

CARRIED

10.13 ***Financial report for the six (6) months to 31 December 2009***

Corporate Services - Finance
File No: COR/20686

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council note the financial report for the six month period ended 31 December 2009.

CARRIED

10.14 ***Council Action Pending***

Corporate Services - Governance
File No: COR/1234

Moved: Cr del Porto

Seconded: Cr Long

That Council notes the Council Action Pending report for the period September 2005 to December 2009.

CARRIED

11. Reports by Delegates

Cr Norris reported on his attendance at a meeting hosted by the Port Phillip and Westernport Catchment Management Authority on 13 January to discuss matters including the proposed merger of Melbourne Water, the CMA, and the Central Coastal Board. The meeting was on board Pelican 2 which also toured Westernport Bay. Cr Norris was invited to attend as President of the Association of Bayside Municipalities.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council receive and note this report.

CARRIED

12. Urgent Business

There were no items of urgent business submitted to this meeting.

13. Notices of Motion

There were no Notices of Motion submitted to this meeting.

It is recorded that Mr Mike Meyers spoke for three minutes in relation to confidential business Item 14.3 – Commercial Boatsheds – Jetty Road, Sandringham prior to Council resolving that the meeting be closed to members of the public.

14. Confidential Business

Moved: Cr Russell

Seconded: Cr del Porto

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

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- 14.1 Contract No 091084X – Reid Street Drainage Stage 1 Beaumaris
- 14.2 Contract 091076X – Highett Road Reconstruction from Sargood Street to Wales Street
- 14.3 Commercial Boatsheds – Jetty Road Sandringham
- 14.4 Contract 091044 – Graphic Design and Printing Services
- 14.5 Community Plan Tender

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 10.20pm.

CONFIRMED THIS 16 DAY OF MARCH 2010

CHAIRMAN:

