



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 22 June 2010

The Meeting commenced at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Michael Top	Director City Strategy
Sharon Pearsons	Director Corporate Services
Heather Johnson	Director Community Services
Charles Turner	Manager Asset Management
Samantha Krull	Manager City Works
Malcolm Lewis	Manager Finance
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman declared the meeting open at 7pm 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

There were no apologies submitted to the meeting.

4. Disclosure of any Conflict of Interest of any Councillor

- Cr Hayes declared a Direct Conflict of Interest in Items 7.1 and 10.1 given that he resides in a property on St Kilda Street which is within Route 33.
- Cr Russell declared an Indirect Interest in Part B of Item 10.12 given Cr Russell's wife is sole trader in a business that holds a Local Laws Permit for tables and chairs on footpaths.
- Cr del Porto declared a Direct Conflict of Interest in Part B of Item 10.5 as he lives in a street that fronts onto Hurlingham Park. Cr del Porto has a Direct Conflict of Interest as his residential amenity may be affected by the loan guarantee request from the Hurlingham Park Tennis Club.
- Cr del Porto declared a Direct Conflict of Interest in Part B of Item 10.14 as he lives in a street that fronts onto Hurlingham Park. Cr del Porto has a Direct Conflict of Interest as his residential amenity will be directly affected in the Hurlingham Park refurbishment.
- Cr del Porto declared a Direct Conflict of Interest in Part B of Item 10.14 as he owns a property in Well Street Brighton which is in the Church Street Major Activity Centre. Cr del Porto has a Direct Conflict of Interest in both the Church Street Major Activity Centre footpath refurbishment and the Well Street development and new car park reconstruction.
- Cr Long declared a Direct Conflict of Interest in Part C of Item 10.14 as he is a resident and ratepayer of Binnie Street Brighton East.
- Cr Russell declared an Indirect Interest by close association in Item 14.6 given Cr Russell's wife is sole trader in a business that is one of the tenderers for the catering contract.
- Cr Norris declared a Direct Conflict of Interest in Item 10.7 as he part owns a property that is adjacent to a Council property that may be affected by this item.
- Cr Frederico declared a Direct Conflict of Interest in Item 14.9 as she is a representative on the Steering Committee of the Hampton Bendigo Bank.

5. Adoption and Confirmation of the minutes of previous meeting**5.1 Confirmation of the Minutes of the Special Meeting of Council held on Tuesday 27 April 2010.****Moved Cr del Porto****Seconded Cr Norris**

That the minutes of the Special Meeting of Bayside City Council held on Tuesday 27 April 2010 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED**5.2 Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 25 May 2010****Moved: Cr Frederico****Seconded: Cr Cooper-Shaw**

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 25 May 2010 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Public Question Time

There were 4 public questions submitted to the Meeting.

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

1. Mr Michael Nugent

Agenda Item 10.14 of this meeting notes that eleven submissions were received on Council's draft budget. The agenda paper does not appear to indicate what changes, if any, were made to the draft. Could Councillors please inform me:

- (a) what changes were made as a result of Council's consideration of submissions received, or if no such changes were made, confirm that none of the points raised in the submissions were, in Councillors' collective opinion, worthy of any change; and
- (b) whether a summary of submissions with Council's comments thereon is available as has been the practice in previous years, or if not, why not?

Response

- a) *While Council considered each of the submissions there are no proposed changes to the 2010/11 Budget.*
- b) *A summary of the submissions is attached to the budget report and included in the papers.*

2. Mr Michael Nugent

Agenda Item 10.13 of this meeting notes that two submissions were received on Council's draft Plan. The agenda paper does not appear to indicate what changes, if any, were made to the draft. Could Councillors please inform me:

- (a) what changes were made as a result of Council's consideration of submissions received, or if no such changes were made, confirm that none of the points raised in the submissions were, in Councillors' collective opinion, worthy of any change; and
- (b) whether a summary of submissions with Council's comments thereon is available as has been the practice in previous years, or if not, why not?

Response

- (a) *A Special Committee of Council was held on 9 June 2010 to hear the submissions. No amendments to the proposed Council Plan 2009-2013 - Revised 2010 are proposed*
- (b) *A summary of the submissions is attached to the Council Plan report.*

6. Public Question Time continued

3. Mr Kevin Spencer

Whereas Federal and State politicians make themselves available to the community, Council has been somewhat negligent with its Community Engagement. The Community Satisfaction Survey is at an all-time low in this regard and is indicative of Councillors failure to engage proactively with their community. If Councillors are fair dinkum with communication with the community, will Council give serious consideration to holding bi-monthly meetings between councillors and their respective Ward community members, as is practised by many open and democratic local councils

Response

It is not Council's intention to conduct bi-monthly meetings. Councillors are freely available for contact by members of the community and are involved in many interactions with individuals and organisations. Council is increasing its formal community engagement through various means including the development of Bayside's first Community Plan.

4. Mr Kevin Spencer

What is the total cost to the City of Bayside Ratepayers for advertising, staff wages, refreshment catering and private yacht club venue for Climate Change forum as advertised in local paper. More importantly, why is this meeting being held in a private club when Council has its own facilities such as Brighton town Hall, Civic Centre Boxshall Street, Corporate Centre Sandringham and many Council owned venues. Further still, will Council be holding a similar forum for Climate Change sceptics?

Response

The Climate Change Forum is funded through the South East Councils' Climate Change Alliance Project which received a government grant to trial community engagement approaches to help the community prepare and respond to the impacts of climate change.

Cost of the event is \$1,944.00 not including staff time. Many of these costs would have been incurred regardless of the venue location.

A number of Council venues were considered, but were either not available on the particular day or did not suit the needs of the Forum. The Forum is to be held tomorrow evening and has been extensively advertised and all members of the community are most welcome to attend.

7. Petitions to Council

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

Moved: Cr Long

Seconded: Cr Norris

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

CARRIED

Cr Hayes vacated the Chamber at 7.11 pm prior to the consideration of this matter.

7.1 Petition – Clearway on Route 33 and associated parking fee changes

Corporate Services - Governance
File No: COR1234

Consideration of a petition from individuals requesting Bayside City Council to implement a “No Stopping Zone” on Beach Road from 6am to 10am Saturday and Sunday as a matter of urgency (5 signatories)

“We the undersigned hereby petition Bayside City Council to implement a “No Stopping Zone” on Beach Road from 6am to 10am Saturday and Sunday as a matter of urgency. To facilitate this, the off street parking provided by the Council at select locations on Beach Road should be free during the “No Stopping Zone” period.

A “No stopping Zone” during this time will improve traffic flow for motorists, safety for pedestrians through increased visibility, safety for cyclists and improved visibility for residents entering Beach Road from driveways. Free off-street parking will ensure businesses are not impacted by the restrictions.”

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

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

CARRIED

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

Moved: Cr Russell

Seconded: Cr Long

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

CARRIED

It is recorded that -Cr Hayes returned to the Chamber at 7.14pm and took the Chair for the remainder of the meeting.

8. Reports by Advisory Committees

8.1 *Audit Committee Meeting held on 12 May 2010*

Corporate Services - Governance
File No: COR1234

Moved: Cr Frederico

Seconded: Cr Norris

That Council notes the minutes of the Audit Committee meeting held on 12 May 2010 and endorses the actions of the Audit Committee.

CARRIED

9. Reports by Special Committees

9.1 *Minutes of a Special Committee of Council to hear submissions in relation to the Council Plan 2009-2013 (Revised 2010) on Wednesday 9 June 2010*

Corporate Services - Governance
File No: COR1234

Moved: Cr Norris

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 Proposed Council Plan 2009-2013 (Revised 2010) be adopted.

CARRIED

9.2 *Minutes of a Special Committee of Council to hear submissions in relation to the proposed 2010/11 Budget on Wednesday 9 June 2010*

Corporate Services - Governance
File No: COR1234

Moved: Cr del Porto

Seconded: Cr Frederico

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 proposed 2010/11 Budget be adopted.

CARRIED

10. Reports by the organisation

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- 10.9 Martin Street Brighton Streetscape Masterplan
- 10.12 Schedule of Fees and Charges 2010/2011
- 10.13 Council Plan 2009-2013 – Revised 2010
- 10.14 Budget 2010/2011
- 10.15 Declaration of Rates and Charges for 2010/2011
- 10.16 Stormwater diversion and harvesting at Dendy Park and Brighton Golf Course
- 10.19 VCEC Inquiry into Streamlining Local Government Regulation
- 10.21 Municipal Association of Victoria – Councillor Development Weekend 2010
- 10.5 Hurlingham Park Tennis Club – loan guarantee request

The Ordinary Meeting of Council was adjourned until 6pm, Monday 28 June 2010 where the remaining items will be considered.

- 10.6 HACC Growth Funding – impact on Bayside City Council
- 10.7 Hampton Community Hub Preliminary Scope
- 10.8 Naming of a private road within the subdivision at 298-300 Bay Road Cheltenham
- 10.10 Elsternwick Park Sustainable Water Management Strategy – Progress Report
- 10.11 Appointment of the Community Plan Steering Group
- 10.17 Food Act 1984 – New Provisions and Delegations
- 10.18 Black Rock House Pilot Program
- 10.19 Black Rock Yacht Club – New Lease
- 10.22 VCAT Decisions
- 10.23 Council Action Awaiting Report

REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 Clause 68, the following individuals requested to be heard on the following items:

Item 10.1 – Route33 – Beach Road Corridor Strategy and 'No Stopping' proposal

Mr Ravi Ravichandhira	Mr Ian Boon	Mr Ray Martin
Mr David Doyle	Mr Peter Dowe	Ms Barbara Latham
Mr Darren Eger	Dr Judith Kirwood	Mr Brian Hinton
Ms Heather Stone	Mr Malcolm Fordham	Mr Reg Nicolson
Mr David Grant	Mrs Lynne Kubis	Mr James Taylor
Ms Yvonne Aitken	Mrs Anne Moloney	Mr Glen Pearsall
Ms Jan Garrard	Mr Mark Urban	Mr Robin Boyle
Ms Rhonda Boyle	Mr Peter Francis	Mr Ross Davies
Mr Rex Pirani	Mrs Joan Grochowski	Mr Michael Grochowski
Mr David Pawley	Ms Julianne Tan	Mrs Sue Dedic
Ms Julianne Tan (representing Ms Leonie Greenwood and Mr John Hespe)		
Mr Robert Beattie		

Item 10.2 – Newbay Hotel – Gaming Machines

Mr Michael Scully	Mr Matthew Ryan	Mr Wayne Cox
Mr Stephen Hill	Mr Tasman Tudor	Mr Andrew Taylor
Mr Noel Pullen	Mr Mark Jacobson	

Item 10.3 – Petition – 135 Were Street Brighton

Mr Eljas Laufer	Mrs Helen Armstrong	Mr Richard Rozen OAM
Mrs Helen Armstrong (representing Mrs Elizabeth Maratos)		

Item 10.4 – Beaumaris Theatre Inc – Liquor Licence Request

Ms Janine Chugg	Ms Robyn Morris	Ms Willisa Hogarth
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Item 10.9 – Martin Street Brighton Streetscape Masterplan

Ms Louise Brown

Item 10.14 – Budget 2010/2011

Mr Michael Nugent

Item 10.16 – Stormwater diversion and harvesting at Dendy Park and Brighton Golf Course

Mr Michael Nugent

Item 10.19 – VCEC Inquiry into Streamlining Local Government Regulation

Mr Michael Nugent

Item 10.21 – Municipal Association of Victoria – Councillor Development Weekend 2010

Mr Michael Nugent

10.1 Route 33 – Beach Road Corridor Strategy and ‘No Stopping’ proposalInfrastructure Services
File No: COR/1703

It is recorded that Cr Hayes declared a Direct Conflict of Interest in this item 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 7.16pm prior to the consideration of this matter.

It is recorded that Mr Ravi Ravichandhira, Mr Ian Boon, Mr Ray Martin, Mr David Doyle, Mr Peter Dowe, Ms Barbara Latham, Ms Jacinta Costello on behalf of Darren Eger, Dr Judith Kirwood, Mr Brian Hinton, Ms Heather Stone, Mr Malcolm Fordham, Mr Reg Nicolson, Mr David Grant, Mr James Taylor, Ms Yvonne Aitken, Mrs Anne Moloney, Ms Jan Garrard, Mr Mark Urban, Mr Robin Boyle, Ms Rhonda Boyle, Mr Peter Francis, Mr Ross Davies, Mr Rex Pirani, Mrs Joan Grochowski, Mr Michael Grochowski, Mr David Pawley, Ms Julianne Tan, Mrs Sue Dedic, Ms Julianne Tan on behalf of Leonie Greenwood & John Hespe and Mr Robert Beattie spoke in relation to this matter.

It is further recorded that Mrs Lynne Kubis was not present in the Chamber and Mr Glen Pearsall did not pursue his right to speak.

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

That Council:

1. Reconfirms its previous decision of 13 April 2010 and subsequent advice to the Minister for Roads and Ports that Council remains committed to the development of the Beach Road Corridor Strategy as a priority.
2. Advises the Minister it will reconsider a no-stopping trial for Beach Road, subject to the following assurances being provided to Council:
 - (a) that funding, as described by the Minister in his letter of 8 June, 2010 is confirmed and is allocated to that section of Beach Road/Route 33 within the Bayside municipality; and
 - (b) that the 'back-of-kerb' option for completion of the Bay Trail, Beach Road, south of Cromer Road, receives appropriate support and funding from the Minister.
3. write to all local members of State Parliament for both houses and to the Leader of the Opposition seeking their support.

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

DIVISION: **FOR:** Crs Frederico, Norris, Russell, Cooper-Shaw and del Porto (5)
AGAINST: Cr Long (1)

CARRIED

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

Moved: Cr Long

Seconded: Cr Norris

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

CARRIED

Cr Hayes returned to the Chamber at 9.01pm.

10.2 Newbay Hotel – Gaming MachinesCity Strategy – Statutory Planning
File No: COR/1797

It is recorded that Mr Michael Scully, Mr Matthew Ryan, Mr Wayne Cox, Mr Stephen Hill, Mr Tasman Tudor, Mr Andrew Taylor, Mr Noel Pullen and Mr Euan Abell on behalf of Mr Mark Jacobson spoke in relation to this matter.

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

That Council:

1. having considered correspondence from representatives of the applicant to Council on a without prejudice basis, seeking to reach an agreement with council in relation to the matters in dispute in relation to applications for planning permit and gaming licence to install 50 gaming machines at the New Bay Hotel 329-331 New St, Brighton, with the view to avoiding the need for a full hearing scheduled in August, resolves to:
 - a. withdraw its Application for Appeal of the Victorian Commission for Gambling Regulations decision (B111/2010);
 - b. accept on a without prejudice basis the applicants offers to:
 - i) amend the gaming machine hours of operation to reduce time of commencement from 7am to 11am and retain a closing time of 1am;
 - ii) prepare a Patron Management Plan; and
 - iii) increase the agreed annual community contribution to \$75,000 with a planning permit condition requiring a S173 Agreement which provides that whilst and so long as 50 gaming machines operate at the premises the permit holder will pay a total of \$75,000 annually on the following basis:
 - * \$50,000 by way of donations to community/sporting/welfare groups in the City of Bayside; and
 - * \$25,000 to be used for community/sporting/welfare groups as chosen by Council, subject to review and to the satisfaction of council if the number of gaming machines is reduced below 50
2. considers that the strip shopping centre question is still in dispute and must be determined by VCAT at review, and further that the applicant should formally seek to amend the planning application for gaming machines, and that this needs to occur through VCAT;
3. notify the applicant of this decision; and
4. notify VCAT, the Victorian Commission for Gambling Regulations, and the other remaining party to Application for Review 3510/2009 accordingly.

LOST

10.2 Newbay Hotel – Gaming Machines (Continued)

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

That Council:

1. having considered correspondence from Representatives of the applicant to Council on a without prejudice basis, seeking to reach an agreement with Council in relation to the matters in dispute, with the view to avoiding the need for a full hearing scheduled in August and predicated upon Council withdrawing its application for review in relation to the appeal before the Tribunal against the decision of the VCGR resolves to:
 - a. proceed to a full merits hearing for Application for Review No.3510/2009 (planning application); and Application for Appeal of the VCGR decision (B111/2010) (gaming application)
2. notify the applicant of that outcome of this meeting and that:
 - a. the offer of an additional \$25,000 whilst welcomed, does not fully negate the detrimental impact to the wellbeing of the community;
 - b. the applicant's offer to include conditions in relation to the reduction of trading hours and a Patron Management Plan is supported, but that of themselves these conditions do not negate Council's grounds of refusal;
 - c. Council considers that the strip shopping centre question is still in dispute and must be determined by VCAT at review; and
 - d. the applicant should formally seek to amend the application for gaming machines, and that this needs to occur through VCAT.

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

10.3 Petition: 135 Were Street Brighton

Infrastructure Services – Asset Management
File No: COR/75

It is recorded that Mr Eljas Laufer, Mrs Helen Armstrong on behalf of Mrs Elizabeth Maratos, Mrs Helen Armstrong and Mr Richard Rozen spoke on this matter.

Cr del Porto vacated the Chamber at 9.46pm and re-entered at 9.50pm.

Cr Norris vacated the Chamber at 9.47pm and re-entered at 9.52pm.

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council:

1. commit to installing parking restrictions in the vicinity of 133-135 Were St, Brighton in the event that additional patronage is approved by VCAT for the restaurant at that site, such installation to be subject to Council's normal consultation procedures with relevant property owners;
2. direct that increased parking patrols be undertaken in the vicinity of 133-135 Were St, Brighton following the installation of the parking restrictions;
3. instruct the Barrister presenting Council's case at the appeal hearing on 24 June 2010 to inform VCAT of the above; and
4. advise the head petitioner accordingly.

CARRIED

10.4 Beaumaris Theatre Inc – Liquor Licence RequestCorporate Services – Commercial Services
File No: COR/3929

*Cr del Porto vacated the Chamber at 10.06pm and re-entered at 10.07pm.**It is recorded that Ms Janine Chugg, Ms Robyn Morris and Ms Willisa Hogarth spoke on this matter.***Moved: Cr Russell****Seconded: Cr Cooper-Shaw**

That Council:

1. having considered submissions received in relation to the request to apply for a limited liquor licence by Beaumaris Theatre Inc, Council's tenant of 82 Wells Road Beaumaris provide consent to the tenant to apply for a liquor licence from the Department of Justice.
2. notify submitters of the decision.

CARRIED**Procedural Motion****Moved: Cr del Porto****Seconded: Cr Frederico**

That the agenda be re-ordered to consider the following matters in this order:
Items 10.9, 10.12, 10.13, 10.14, 10.15, 10.16, 10.19 and 10.21 followed by the
consideration of the remaining items in the order listed in the agenda.

CARRIED

10.9 Martin Street Brighton Streetscape MasterplanInfrastructure Services – Asset Management
File No: COR/3392

*It is recorded that Ms Louise Brown spoke on this matter.***Moved: Cr del Porto****Seconded: Cr Norris**

That Council

1. endorse the draft Masterplan for the Martin Street Brighton Activity Centre as a guide for the consideration of future capital work proposals.
2. inform participants in the development of the Masterplan and the Martin Street traders accordingly.

CARRIED

10.12 Schedule of Fees and Charges 2010/11

Corporate Services – Finance
File No: SUB21424

It is recorded that Cr Russell declared an Indirect Interest in Part B of this item given Cr Russell's wife is sole trader in a business that holds a Local Laws Permit for tables and chairs on footpaths.

Part A

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council adopts the Schedule of Discretionary Fees and Charges and the Schedule of Statutory Fees and Charges for the financial year ending 30 June 2011 as attached excluding those relating to goods, signs on footways.

CARRIED

Cr Russell vacated the Chamber at 10.28pm prior to the consideration of this matter.

Part B

Moved: Cr Norris

Seconded: Cr Frederico

That Council adopts the Schedule of Discretionary Fees and Charges for the financial year ending 30 June 2011 as attached relating to goods, signs on footways

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 taken on this item.

It is recorded that Cr Russell entered the Chamber at 10.34pm.

It is recorded that Cr Frederico vacated the Chamber at 10.34pm.

10.13 Council Plan 2009-2013 – Revised 2010

CEO - People & Performance
File No: COR/5226

Moved: Cr del Porto

Seconded: Cr Norris

That Council:

1. having considered submissions received in accordance with section 223 of the Local Government Act 1989 in relation to the Council Plan 2009-2013 – Revised 2010, the Strategic Resource Plan 2010-2014 and the Long term Financial Plan 2010/11-2020/21, adopt:
 - a. The Council Plan 2009-2013 – Revised 2010 for the period 1 July 2010 to 30 June 2013 as presented;
 - b. The Strategic Resource Plan, as presented, for the period 1 July 2010 – 30 June 2014;
 - c. The Long Term Financial Plan as presented for the period 2010/11 – 2020/21
2. forward to the Minister of Local Government a copy of the Council Plan 2009-2013 – Revised 2010 and the Strategic Resource Plan 2010-2014 by 30 June 2010 in accordance with legislative requirements; and
3. thank and advise submitters of the reasons for the adoption of the Council Plan 2009-2013 – Revised 2010, the Strategic Resource Plan 2010-2014 and the Long Term Financial Plan 2010/11-2020/21.

CARRIED

It is recorded that Cr Frederico entered the Chamber at 10.36pm.

10.14 Budget 2010/2011Corporate Services - Finance
File No: COR/1234

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Part B of this item as he lives in a street that fronts onto Hurlingham Park. Cr del Porto has a Direct Conflict of Interest as his residential amenity will be directly affected in the Hurlingham Park refurbishment.

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Part B of this item as he owns a property in Well Street Brighton which is in the Church Street Major Activity Centre. Cr del Porto has a Direct Conflict of Interest in both the Church Street Major Activity Centre footpath refurbishment and the Well Street development and new car park reconstruction.

It is recorded that Cr Long declared a Direct Conflict of Interest in Part C of this item as he is a resident and ratepayer of Binnie Street Brighton East.

It is recorded that Mr Michael Nugent spoke on this matter.

Part A**Moved: Cr Frederico****Seconded: Cr Long**

That Council having considered submissions received pursuant to Section 223 of the Local Government Act 1989, adopt the budget for the financial year ending 30 June 2011 excluding:

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.
4. Binnie Street Drain, East Brighton \$640,000.

The reasons for adoption are as follows:

- To deliver the recurrent service program to community expectation for 2010/11.
- To continue investment in replacement and new capital works in accordance with the Long Term Financial Plan 2010/11 – 2020/21.
- To ensure overall financial sustainability in accordance with the Long Term Financial Plan 2010/11 – 2020/21.

10.14 Budget 2010/2011 (Continued)**AMENDMENT****Moved: Cr del Porto****Seconded: Cr Cooper-Shaw**

That Council having considered submissions received pursuant to Section 223 of the Local Government Act 1989, adopt the budget for the financial year ending 30 June 2011 with the deletion of the \$80,000 for the toilet strategy audit and excluding the following items:

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.
4. Binnie Street Drain, East Brighton \$640,000.

The reasons for adoption are as follows:

- To deliver the recurrent service program to community expectation for 2010/11.
- To continue investment in replacement and new capital works in accordance with the Long Term Financial Plan 2010/11 – 2020/21.
- To ensure overall financial sustainability in accordance with the Long Term Financial Plan 2010/11 – 2020/21.

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

DIVISION: **FOR:** Crs del Porto, Cooper-Shaw and Long (3)

AGAINST: Crs Frederico, Norris, Russell and Hayes (4)

AMENDMENT LOST

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

That Council having considered submissions received pursuant to Section 223 of the Local Government Act 1989, adopt the budget for the financial year ending 30 June 2011 with the deletion of \$50,000 for the Sandringham Golf Course Feasibility Study and excluding the following items:

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.
4. Binnie Street Drain, East Brighton \$640,000.

10.14 Budget 2010/2011 (Continued)

The reasons for adoption are as follows:

- To deliver the recurrent service program to community expectation for 2010/11.
- To continue investment in replacement and new capital works in accordance with the Long Term Financial Plan 2010/11 – 2020/21.
- To ensure overall financial sustainability in accordance with the Long Term Financial Plan 2010/11 – 2020/21.

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

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

AMENDMENT LOST

The **ORIGINAL MOTION** Moved by Cr Frederico and Seconded by Cr Long was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Frederico, Norris, Russell, Cooper-Shaw, Long and Hayes (6)
 AGAINST: Crs del Porto (1)

CARRIED

Procedural Motion

Moved: Cr Long

Seconded: Cr Norris

That the Ordinary Meeting of Council be extended for a further period of 20 minutes to conclude at 11.30pm.

CARRIED

It is recorded that the meeting was extended at 11.10pm to conclude at 11.30pm in accordance with Governance Local Law No: 1.

10.14 Budget 2010/2011 (Continued)

It is recorded that Cr del Porto vacated the Chamber at 11.10pm prior to the consideration of this matter given his conflict on interest in Part B.

Part B**Moved: Cr Norris****Seconded: Cr Frederico**

That Council approve for inclusion into the 2010/11 Budget:

1. Hurlingham Park refurbishments, cricket nets \$90,000, playground \$20,000, lighting \$60,000, sportsground water sustainability \$40,000.
2. Church Street Major Activity Centre footpath refurbishment \$80,000.
3. Well Street Brighton demolition and new car park construction \$30,000.

CARRIED

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

It is recorded Cr del Porto returned to the Chamber at 11.11pm.

It is recorded that Cr Long vacated the Chamber at 11.11pm prior to the consideration of this matter given his conflict of interest in Part C.

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

That Council approves for inclusion into the 2010/11 Budget Binnie Street Drain, East Brighton \$640,000.

CARRIED

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

It is recorded that Cr Long returned to the Chamber at 11.12pm.

Part D**Moved: Cr del Porto****Seconded: Cr Norris**

That Council:

1. give public notice of its decision to adopt the Budget, in accordance with Section 130 of the Local Government Act 1989.
2. forwards a copy of the 2010/11 Budget to the Minister in accordance with the Local Government Act 1989.
3. thanks the submitters for their submissions and advise of the reasons for the adoption of the 2010/11 Budget.

CARRIED

10.15 Declaration of Rates and Charges for 2010/2011Corporate Services - Finance
File No: COR/693**Moved: Cr Frederico****Seconded: Cr Long**

That the following resolution be adopted by Council to formally declare the Rates and Charges for the 2010/11 Rating Year.

1. Amount Intended To be Raised

That an amount of \$61,572,829 be declared as the amount which Council intends to raise by general rates, municipal charge, annual service charge and an amount in lieu of rates (in accordance with the Cultural and Recreational Lands Act 1963) described later in this Resolution, which amount is calculated as follows:-

General Rates	\$50,908,832
Municipal Charge	\$5,729,750
Annual Service Charge (Waste)	\$4,688,895
Amount in lieu of rates in accordance with Cultural and Recreational Lands Act	<u>\$245,352</u>
TOTAL	<u>\$61,572,829</u>

2. General Rates

- 2.1 That a General Rate of 0.126481 cents for each dollar of Capital Improved Value be declared in respect of the 2010/11 Financial Year.
- 2.2 That in accordance with of the Cultural and Recreational Lands Act 1963, the amounts payable as rates be the amounts set out in the attached "Cultural and Recreational Lands Summary" in respect of the 2010/11 Financial Year for all land to which that Act applies.

3. Municipal Charge

- 3.1 That a Municipal Charge is declared in respect of the 2010/11 Financial Year.
- 3.2 That the Municipal Charge is declared for the purpose of covering some of the administrative costs of Council.
- 3.3 That the Municipal Charge is in the sum of \$115 for each rateable land (or part) in respect of which a municipal charge may be levied.
- 3.4 That it is confirmed that the Municipal Charge is declared in respect of all rateable land within the municipal district in respect of which a Municipal Charge may be levied.

4. Annual Service Charges

- 4.1 That pursuant to the provisions of Section 162 of the Local Government Act 1989 an Annual Service Charge relating to Waste Management, less any rates concession, be declared for each rateable property:

- 4.1.1 The Annual Service Charge is levied on each rateable property (excluding Domestic Use Bathing Boxes and Telecommunication Towers) in the sum of \$142 for a 140-litre mobile garbage bin and \$113 for a 80-litre mobile garbage bin.

10.15 Declaration of Rates and Charges for 2010/2011 (Continued)

4.1.2 The Annual Service Charge is declared in respect of the 2010/11 Financial Year.

4.2 That pursuant to the provisions of Section 221 of the Local Government Act 1989 an Annual Service Charge relating to Waste Management is declared on each non-rateable property where the service is provided:

4.2.1 The Annual Service Charge is levied on each non-rateable property in the sum of \$142 for a 140-litre mobile garbage bin and \$113 for a 80-litre mobile garbage bin.

4.2.2 The Annual Service Charge is declared in respect of the 2010/11 Financial Year.

5. Incentives

An incentive is given at the rate of 2.0 percent in relation to the amount payable for the sum of the General Rate, Municipal Charge and the Annual Service Charges if full payment is received by 31 August 2010.

6. Rate Payments

6.1 Rates are payable in four equal instalments due by 30 September 2010, 30 November 2010, 28 February 2011 and 31 May 2011.

6.2 Where no instalment has been paid by 30 September 2010, rates are due in a lump sum and payable by 15 February 2011.

7. Consequential

7.1 It be recorded that Council requires any person to pay interest on any amounts of rates and charges which:

- That person is liable to pay; and
- Have not been paid by the date specified for their payment.

7.2 The Revenue Coordinator is authorised to levy and recover the general rates, municipal and annual service charges described earlier in this Resolution in accordance with the Local Government Act 1989.

10.15 Declaration of Rates and Charges for 2010/2011 (Continued)**Cultural & Recreational Lands Summary**

2010/2011	
DESCRIPTION	TOTAL CHARGE
Basterfield Tennis Club	\$1,395.34
Beaumaris Bowls Club	\$3,627.23
Beaumaris Community Centre Tennis Club	\$2,102.62
Beaumaris Lawn Tennis Club	\$4,596.33
Beaumaris Motor Yacht Squadron	\$3,850.34
Beaumaris Yacht Club	\$719.92
Black Rock Bowling & Tennis Club	\$4,438.48
Black Rock Yacht Club	\$1,429.49
Brighton Beach Bowling Club	\$2,131.46
Brighton Croquet Club	\$2,642.95
Cheltenham Golf Club	\$1,238.81
Cheltenham Golf Club	\$12,399.24
Dendy Park Bowls Club Inc.	\$4,116.71
Dendy Park Lawn Tennis Club	\$5,040.28
Elsternwick Park Sports Club	\$3,481.52
Elsternwick Tennis Centre	\$2,287.03
Gray Court Reserve P/L	\$968.46
Hampton Bowls Club	\$4,274.56
Hampton Sailing Club	\$1,128.21
Hampton Tennis Club	\$1,695.25
Highett Bowls Club	\$1,871.92
Highett Tennis Club	\$886.88
Hurlingham Park Tennis Club	\$2,221.77
Royal Brighton Yacht Club	\$9,538.22
Royal Melbourne Golf Club	\$81,579.65
Royal Melbourne Golf Club	\$23,213.42
Sandringham Angling Club	\$719.16
Sandringham Athletic Club Inc.	\$622.78
Sandringham Bowls Club	\$2,712.01
Sandringham Club	\$5,478.92
Sandringham Croquet Club	\$1,520.55
Sandringham Football Club Beach Oval	\$1,759.60
Sandringham Yacht Club	\$6,005.67
Sandringham Youth Club	\$963.53
Scouts Association	\$484.67
Stella Maris Tennis Club	\$2,352.30
Victoria Golf Club	\$41,783.46
Victorian Amateur Football Association	\$1,167.67
West Brighton Club	\$6,929.16

10.19 VCEC Inquiry into Streamlining Local Government Regulation

City Strategy - Executive
File No: COR/2143

It is recorded that Mr Michael Nugent spoke in relation to this item.

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

That Council endorse the attached submission responding to the Draft Report and Recommendations of the Victorian Competition and Efficiency Commission report 'An Inquiry into Streamlining Local Government Regulation' and forward it to the Victorian Competition and Efficiency Commission.

CARRIED

**10.21 Municipal Association of Victoria – Councillor Development Weekend
2010**

Corporate Services – Governance
File No: COR/1234

It is recorded that Mr Michael Nugent spoke in relation to this item.

Moved: Cr Frederico

Seconded: Cr del Porto

That Council approve the attendance of the Mayor Cr Hayes and Cr Frederico, Cr Cooper-Shaw, Cr Norris and Cr Long at the MAV Councillor Development Weekend to be held in Creswick from 23 – 25 July 2010.

CARRIED

10.5 Hurlingham Park Tennis Club loan guarantee request

Community Services – Service Development
File No: COR/1235

It is recorded that Cr del Porto declared a Direct Conflict of Interest in this item as he lives in a street that fronts onto Hurlingham Park. Cr del Porto has a Direct Conflict of Interest as his residential amenity may be affected by the loan guarantee request from the Hurlingham Park Tennis Club.

It is recorded that Cr del Porto vacated the Chamber at 11.25pm prior to the consideration of this matter given his conflict of interest in this matter.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council:

1. act as loan guarantor for the Hurlingham Park Tennis Club for up to \$40,000 for a maximum period of five years, to assist with the replacement of four en-tout-cas tennis courts with synthetic grass on the proviso that Hurlingham Park Tennis Club:
 - i) fully meets Council's Loan Guarantee Policy (2009) requirements; and
 - ii) negotiates and signs a new 9-year lease with Council.
2. advise the Hurlingham Park Tennis Club that the approval for the \$40,000 (maximum) loan guarantee is subject to the club authorising necessary loan documentation by 30 June 2011
3. sign and affix the common seal of Bayside City Council to the necessary loan guarantee documentation.

CARRIED

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

It is recorded that Cr del Porto returned to the Chamber at 11.27pm.

12. Urgent Business

Moved: Cr Norris

Seconded: Cr Russell

That the matter relating to the increase of gaming machines under the gaming licence at Marine Hotel, 207 New Street Brighton, be considered as a matter of urgent business.

CARRIED

12.1 Marine Hotel Gaming Machines

Moved: Cr Frederico

Seconded: Cr del Porto

That Council having regard to the findings and decision of VCAT in relation to application for installation of 10 additional gaming machines at the Marine Hotel, 207 New Street, Brighton, resolve to withdraw its opposition to the granting of a gaming licence under the Gambling Regulation Act 2003, and advise the Victorian Commission for Gambling Regulations and the applicant, accordingly.

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

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

CARRIED

Moved Cr del Porto

Seconded Cr Russell

That the matter relating to the appointment of a Councilor representative to the 2010 Bayside Film Festival judging panel be considered as a matter of urgent business.

CARRIED

12.2 Appointment of a Councillor representative to the 2010 Bayside Film Festival Judging Panel

Moved Cr del Porto

Seconded Cr Russell

That Council appoint Cr Frederico or in her absence the Mayors delegate to the 2010 Bayside Film Festival judging panel.

CARRIED

Procedural Motion**Moved: Cr Russell****Seconded: Cr del Porto**

That the Ordinary Meeting of Council be adjourned at 11.30pm and be reconvened on Monday 28 June 2010 at 6pm at the Council Chambers Boxshall Street Brighton to consider the remainder of items on the agenda dated 22 June 2010.

CARRIED

It is recorded that the meeting was adjourned at 11.30pm

The items to be considered at the reconvened meeting on Monday 28 June 2010 are as listed below:

10. Reports by the organisation

- 10.6 HACCC Growth Funding – impact on Bayside City Council
- 10.7 Hampton Community Hub Preliminary Scope
- 10.8 Naming of a private road within the subdivision at 298-300 Bay Road Cheltenham
- 10.10 Elsternwick Park Sustainable Water Management Strategy – Progress Report
- 10.11 Appointment of the Community Plan Steering Group
- 10.17 Food Act 1984 – New Provisions and Delegations
- 10.18 Black Rock House Pilot Program
- 10.20 Black Rock Yacht Club – New Lease
- 10.22 VCAT Decisions
- 10.23 Council Action Awaiting Report

11. Reports by Delegates**13. Notices of Motion**

- 13.1 Notice of Motion 191 – Jack Road Rezoning

14. Confidential Business

- 14.1 Contract 091019X – Footpath reconstruction works for 2010-11 and 2011-12
- 14.2 Contract 0910120X – Pavement resurfacing program for 2010-11 and 2011-12 at various locations
- 14.3 Contract 080959X – Merindah Park Remediation Works to Greenbelt Area variations
- 14.4 Insurance Services Tender
- 14.5 Contract 0910123X – Annual Kerb and Channel replacement works 2010-11 at various locations
- 14.6 Provision of Council and Corporate Catering Services – Contract 091081
- 14.7 Procurement Australia contract – supply of Fuels at Retail Outlets
- 14.8 Provision of Internal audit Services – Extension of Contract
- 14.9 Banking and Payment Transaction Solutions Tender
- 14.10 Chief Executive Officer Annual Performance Review 2010
- 14.11 Chief Executive Officer Annual Review of Remuneration Package



**Minutes of the Reconvened Ordinary Meeting
of Bayside City Council
held on Monday 28 June 2010
at 6.00pm**

PRESENT:

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

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Michael Top	Director City Strategy
Sharon Pearsons	Director Corporate Services
Heather Johnson	Director Community Services
Terry Callant	Governance Manager

The Chairman declared the meeting open at 6.02pm.

Apologies: There were no apologies submitted to the meeting.

Declarations of Interest

The Mayor requested Councillors to declare their conflict of interest in the matters yet to be considered by Council at the reconvened meeting.

- Cr Russell declared an Indirect Interest by close association in Item 14.6 given Cr Russell's wife is sole trader in a business that is one of the tenderers for the catering contract.
- Cr Norris declared a Direct Conflict of Interest in Item 10.7 as he part owns a property that is adjacent to a Council property that may be affected by this item.
- Cr Frederico declared a Direct Conflict of Interest in Item 14.9 as she is a representative on the Steering Committee of the Hampton Bendigo Bank.

The following listed items were considered at the Reconvened Ordinary Meeting of Council.

10. Reports by the organisation

- 10.6 HACC Growth Funding – impact on Bayside City Council
- 10.7 Hampton Community Hub Preliminary Scope
- 10.8 Naming of a private road within the subdivision at 298-300 Bay Road Cheltenham
- 10.10 Elsternwick Park Sustainable Water Management Strategy – Progress Report
- 10.11 Appointment of the Community Plan Steering Group
- 10.17 Food Act 1984 – New Provisions and Delegations
- 10.18 Black Rock House Pilot Program
- 10.20 Black Rock Yacht Club – New Lease
- 10.22 VCAT Decisions
- 10.23 Council Action Awaiting Report

11. Reports by Delegates

13.1 Notice of Motion 191 – Jack Road Rezoning

Confidential Items

- 14.1 Contract 0910119X – Footpaths reconstruction works for 2010-11 and 2011-12
- 14.2 Contract 0910120X – Pavement resurfacing program for 2010-11 and 2011-12 at various locations
- 14.3 Contract 080959X – Merindah Park Remediation Works to Greenbelt Area Variations
- 14.4 Insurance Services Tender
- 14.5 Contract 0910123X – Annual Kerb and Channel replacement works for 2010-11 at various locations
- 14.6 Provision of Council and Corporate Catering Services – Contract 091081
- 14.7 Procurement Australia Contract – Supply of Fuels at Retail Outlets
- 14.8 Provision of Internal Audit Services – Extension of contract
- 14.9 Banking and Payment Transaction Solutions Tender
- 14.10 Chief Executive Officer Annual Performance Review 2010
- 14.11 Chief Executive Officer Annual Review of Remuneration Package

10.6 HACCC Growth Funding – Impact on BaysideCommunity Services – Aged & Disability Services
File No: COR/1493-02**Moved: Cr Norris****Seconded: Cr Long**

That Council

1. consult with the five Councils previously impacted by the Relative Resource Equity Formula (RREF) to seek their views on mounting a joint campaign to seek an immediate review of the formula, prior to the allocation of 2010/11 growth funding; and
2. endorse the commencement of a public campaign for a fairer allocation of Home and Community Care (HACC) resources for the Bayside community.

CARRIED

10.7 Hampton Community Hub Preliminary ScopeCommunity Services
File No: COR/1764

It is recorded that Cr Norris declared a Direct Conflict of Interest in Item 10.7 given he is a part owner of a property that may be affected by the development of the Hampton Community Hub.

Cr Norris vacated the Chamber at 6.10pm whilst this matter was being considered.

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

That Council:

1. note that previous investigation indicated development of a community hub at Hampton was not considered viable as a stand-alone Council project, and that a further report be provided to Council if other financially viable opportunities are identified; and
2. consider at the time any new opportunities which arise for the development of a community hub in Hampton and consult key stakeholders.

CARRIED

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

Cr Norris re-entered the Chamber at 6.14pm.

**10.8 Naming of a private road within the subdivision at 298-300 Bay Road
Cheltenham**Infrastructure Services – Asset Management
File No: COR/173

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

That Council:

1. endorse the naming of the privately-owned road constructed at the subdivided property at 298-300 Bay Road, Cheltenham, as '*Melaleuca Drive*' and seek approval from the Registrar of Geographic Names in this regard;
2. on approval from the Registrar of Geographic Names, arrange for appropriate signage to be installed; and
3. advise all stakeholders, authorities and services accordingly.

CARRIEDProcedural Motion**Moved Cr del Porto****Seconded Cr Norris**

That Council adopt the recommendations contained in items 10.10, 10.17, 10.18, 10.20, 10.22, 10.23

CARRIED

**10.10 Elsternwick Park Sustainable Water Management Strategy – Progress
report**Infrastructure Services – City Works
File No: COR/5662

That Council notes this progress report on the Elsternwick Park Sustainable Water Management Strategy.

Note: the above recommendation was **CARRIED** as part of the single motion.

10.11 Appointment of the Community Plan Steering GroupCEO – Communications & Engagement
File No: COR/2195

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

That Council:

1. appoint the following 13 nominees as members of the Community Plan Steering Group for the duration of the development of the Community Plan:

Ms Olivia Nakiwala	Dr Sally Cockburn
Ms Pam Morris	MsTerry O'Brien
Ms Vicki Mitchell	Ms Elisabeth Jensen
Mr Robbie Nyaguy	Mr Michael Nugent
Mr Gary Allan	Mr Tim Marshall
Mr David Stewart	Mr Suresh Sutrave
Mr Ron Stark	
2. appoint Cr Frederico, Cr Cooper-Shaw and The Mayor to the Community Plan Steering Group;
3. advise all nominees of their membership on the Community Plan Steering Group; and
4. thank all persons who offered their services to assist the Community Plan via participation in the Community Plan Steering Group and encourage those individuals not selected to engage in the Community Plan consultation process through alternative means

CARRIED

10.17 *Food Act 1984 – New Provisions and Delegations*Corporate Services - Governance
File No: COR/1234

That Council:

1. pursuant to the powers conferred by section 58A of the Food Act 1984 the Council delegates to its officers and members of staff in the manner and to the extent specified in the Instrument of Delegation presented to this Council meeting and attached to this resolution (“Instrument of Delegation”) the powers and discretions conferred on Council under the relevant provisions of the Act also specified in the Instrument of Delegation;
2. affix the common seal to the Instrument of Delegation noting that the delegations come into force on 1 July 2010
3. notes the delegations remain in force until the Council resolves to vary or revoke same; and
4. notes that on 1 July 2010 amendments to the Food Act 1984 made by Part 2 of the Food Amendment (Regulation Reform) Act 2009 will come into operation. It is necessary to delegate in the Instrument of Delegations attached to this resolution the powers and discretions of Council under the Food Act 1984, as the Act will operate on and from 1 July 2010.

Note: the above recommendation was **CARRIED** as part of the single motion.

10.18 *Black Rock House Pilot Program*Community Services – Libraries & Culture
File No: COR1864

That Council:

1. Enter a 12 month agreement with the Friends of Black Rock House to open the house to the public and conduct community events;
2. Enter a 12 month agreement with the Fellowship of Australian Writers to provide a range of low cost writing workshops on Wednesday evenings to local writers and the community;
3. Delegate to the Director of Corporate Services a delegation to execute an appropriate agreement with both parties; and
4. Receive a report at the end of the 12 month pilot regarding the outcome of the pilot.

Note: the above recommendation was **CARRIED** as part of the single motion.

10.20 *Black Rock Yacht Club – New Lease*

Corporate Services – Commercial Services
File No: COR/5072

That Council:

1. commence the statutory procedures to lease the premises for use as a yacht club and associated activities for a period of 21 years at a commencing rental of \$6,200.00 per annum (plus GST) with annual rent reviews of 5% or CPI whichever is the higher and a further rent review at the start of year 10 in accordance with Council's Leasing Policy.
2. establish a Special Committee of Council in accordance with section 223 of the *Local Government Act 1989* consisting of all Councillors or a quorum of four Councillors to consider any submissions received pursuant to section 223 of the *Local Government Act 1989* at a meeting to be held on Monday 16 August 2010 at 6.30 pm in the Council Chambers, Boxshall Street, Brighton in relation to the proposed lease to the Black Rock Yacht Club.
3. in the event that no submissions are received, and subject to Ministerial approval, Council sign and seal a lease with the Black Rock Yacht Club for a period of 21 years at a commencing rental of \$6,200.00 per annum (plus GST) with annual rent reviews of 5% or CPI whichever is the higher and a further rent review at the start of year 10 in accordance with Council's Leasing Policy.

Note: the above recommendation was **CARRIED** as part of the single motion.

10.22 *VCAT Decisions*

City Strategy – Statutory Planning
File No: COR/1234

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

Note: the above recommendation was **CARRIED** as part of the single motion.

10.23 *Council Action Awaiting Report*

Corporate Services - Governance
File No: COR/1234

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

Note: the above recommendation was **CARRIED** as part of the single motion.

11. Reports by Delegates

Reports by Delegates from the following organisations

Association of Bayside Municipalities – Cr Norris

Cr Norris reported on his attendance at the ABM General Meeting held on 17 June 2010. It was also noted that Bayside will be hosting the Annual Dinner for the ABM on Wednesday 30 June 2010.

MAV Strategic Environment Advisory Group – Cr Hayes

No report submitted

Victorian Local Sustainability Network – Cr Norris

Cr Norris attended the meeting held on 24 June 2010 and reported on the activities of the meeting..

Metropolitan Transport Forum – Cr Russell

No report submitted

Municipal Association of Victoria – Cr Long

Cr Long attended the State Council Meeting held on 28 May 2010, and indicated that the two motions submitted by Bayside City Council were adopted by the State Council meeting.

Victorian Local Governance Association – Cr Norris

No report submitted.

Inner South Metropolitan Mayors' Forum – Cr Hayes

The Mayor reported on the activities of the ISMMF meeting held on 25 June 2010 held at Bayside.

Metropolitan Waste Management Forum – Cr Long

No report submitted

Australian Local Government Association Conference

Cr Long reported on the attendance of Crs Frederico, Cooper-Shaw and The Mayor at the ALGA Conference held in Canberra on 17 June 2010. that Mayor advised the meeting that a report would be submitted to Council at the next meeting.

Moved Cr del Porto

Seconded Cr Cooper-Shaw

That the Councillors' reports be received and noted.

CARRIED

13. Notices of Motion

13.1 *Notice of Motion 191 – Jack Road Rezoning*

Corporate Services - Governance
File No: COR/1234

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That a further report be provided to Council to again consider the merits of seeking authorisation from the Minister for Planning to exhibit a planning scheme amendment to rezone part of the site known as the Jack Road Development Precinct in Cheltenham, and that the report have particular regard to the recommendations of the Amendment C39 Panel in relation to this land.

It is recorded that Cr Long vacated the Chamber at 6.36pm and did not return for the remainder of the meeting.

*The **MOTION** was Put and **CARRIED***

14. Confidential Business

Moved: Cr del Porto

Seconded: Cr Russell

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.*

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 7.06 pm.

CONFIRMED THIS 20 DAY OF JULY 2010

CHAIRMAN: