



**Minutes of a Special Meeting of Council**  
**held on Tuesday 27 April 2010**  
**at 6.30pm**  
**Council Chamber, Civic Centre Brighton**

**PRESENT:**

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

**OFFICERS IN ATTENDANCE**

Michael Top	Director City Strategy
Angela Meinke	Manager Planning
Terry Callant	Governance Manager
Janice Pouw	Governance Officer

The Chairman declared the Meeting opened at 6.30pm.

**PRAYER**

Cr del Porto 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

## **ACKNOWLEDGMENT OF THE ORIGINAL INHABITANTS**

Cr Frederico read the acknowledgment 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.

**APOLOGIES:** An apology from Cr Louise Cooper-Shaw was submitted to this meeting.

**Moved Cr del Porto**

**Seconded Cr Russell**

That the apology from Cr Cooper-Shaw be received and leave of absence be granted.

**CARRIED**

It is recorded that the Chief Executive Officer, Mr Adrian Robb submitted his apologies to the meeting.

## **DECLARATIONS OF INTEREST:**

There were no Declarations of Interest submitted to the meeting.

*It is recorded that Cr Long entered the Chamber at 6.32pm.*

**Item 1.            Newbay Hotel Gaming Licence – Consideration of the Victorian Gaming Commission determination**

*It is recorded that Mrs Gillian Lelah, Mr Daryl Reilly, Mr Cieran Kayes, Father Roger Prowd, Mr Steve Hill, Mr Noel Pullen, Mr Trevor McTaggart, Mr Mark Jacobson, Mr Andrew Taylor, Mr Kevin Maher, Mr Matthew Ryan and Mr Barry Brooker spoke for three minutes each in relation to this matter.*

**Moved Cr del Porto**

**Seconded Cr Russell**

That Council having considered the decision of the Victorian Commission for Gambling Regulation to approve the Newbay Hotel premises at 329 New Street, Brighton as being suitable for gaming, Council resolves to accept that decision and take no further action in respect of that decision.

The Motion moved by Cr del Porto and seconded by Cr Russell was PUT and a **DIVISION** was called

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

The Mayor used his casting vote against and the Motion and was **LOST.**

**Procedural Motions**

**Moved Cr Long**

**Seconded Cr Norris**

That the Special Meeting of Council be adjourned for 30 seconds for a procedural motion to commence the Planning Committee.

**CARRIED**

*It is recorded that the Special Meeting of Council was adjourned at 7.29pm.*

**Moved Cr Norris**

**Seconded Cr del Porto**

That the Special Meeting of Council be resumed.

**CARRIED**

*It is recorded that the Special Meeting of Council was resumed at 7.29pm.*

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

That Council:

1. having considered the decision of the Victorian Commission for Gambling Regulation to approve the Newbay Hotel premises at 329 New Street, Brighton as being suitable for gaming, appeal against that decision to the Victorian Civil and Administrative Tribunal on the following grounds:
  - a) In finding that the premises was suitable for the installation of electronic gaming machines, the Victorian Commission for Gaming Regulation was incorrect in finding that the net economic and social impact of the approval will not be detrimental to the well-being of the community of the municipal district in which the premises are located in that:
    - i) It failed to properly define the community which would be affected;
    - ii) It failed to properly determine the detrimental factors to the well-being of the community; and
    - iii) It gave inadequate weight to the detrimental impacts of a large electronic gaming machine venue on a prominent corner site in the local neighbourhood.
  - b) The Victorian Commission for Gaming Regulation wrongly found that the premises would be suitable for the management and operation of electronic gaming machines in that it failed to consider the disproportionate scale of the proposed gaming use in the context of a range of facilities that should be provided in a Hotel with gaming.
2. request the Victorian Civil and Administrative Tribunal to join this appeal with the Planning List Appeal (VCAT reference P3510/2009), to be heard at the same time.

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

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

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

The Chairman declared the Meeting closed at 7.37pm.

**Confirmed this 4<sup>th</sup> Day of May 2010**

**Chairman .....**