
See Pages 5 and 6 for CEO's answers to two questions about the application by Beaumaris Motor Yacht Squadron Ltd. for a marina proposal at its site.

Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 22 September 2009

The Meeting commenced at 7.00pm

PRESENT:

Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr Clifford Hayes
Cr James Long (Mayor)
Cr Michael Norris
Cr Simon Russell

OFFICERS IN ATTENDANCE:

Adrian Robb	Chief Executive Officer
Heather Johnson	Group Manager Community Services
Michael Top	Group Manager Sustainability
Sharon van Ruyven	Group Manager Corporate Services
Guy Wilson-Browne	Group Manager Infrastructure Services
Terry Callant	Governance Manager

The Chairman declared the meeting open and invited Cr Cooper-Shaw read the prayer.

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*

ACKNOWLEDGEMENT OF THE ORIGINAL INHABITANTS

Cr Hayes read the acknowledgement of the original inhabitants of this land.

- ◆ *We acknowledge that the original inhabitants of this land that we call Bayside were the Boonwerung people of the Kulin nation.*
- ◆ *They loved this land, they cared for it, and considered themselves to be part of it.*
- ◆ *We acknowledge, that we have a responsibility to nurture the land, and sustain it for future generations.*

1. **APOLOGIES:** An apology from Cr Alex del Porto was submitted to the meeting.

Moved: Cr Norris

Seconded: Cr Russell

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

CARRIED

2. **DECLARATIONS OF INTEREST:**

- Cr Hayes declared an Indirect Interest in relation to Item 4.10 of the General Committee Meeting held on 15 September 2009 relating to Access Class Australian Championships, as he is a member of the Royal Brighton Yacht Club.

3. **CONFIRMATION OF MINUTES:**

3.1 **Confirmation of the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 25 August 2009**

Moved: Cr Frederico

Seconded: Cr Hayes

That the minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 25 August 2009 as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4.0 PRESENTATIONS

4.1 Presentation of Grants from the Mayor's Community Chest

There were no presentations made at the meeting.

4.2 Other Presentations

There were no presentations made at the meeting.

5.0 PUBLIC QUESTION TIME:

There were 12 public questions submitted to the Meeting.

In accordance with Section 59 of Council's Meeting Procedure Local Law, the following individuals submitted public questions to the Meeting:

1. Mr Tom Hast (present in the Chamber)

How much is paid to the Council by the shopkeepers and others in Hampton Street and adjacent streets annually, in rent for the right to have display signs and other furniture and displays on the footpath adjacent to their business?

Response

115 permits were issued in Hampton Street between Beach Road and South Road including one shop at the corner of Thomas Street Hampton. These permits generated \$38,402. in fees.

2. Mr Tom Hast (present in the Chamber)

The Council is purportedly 'in dispute' with Connex who illegally and unilaterally closed the New St level crossing about 22 months ago, resulting in the Ministers of Transport & Roads appointing a panel to resolve the alleged dispute:

- a) Does the Council accept that there is a dispute, or rather is it simply trying to get this illegal act annulled and the roadway re-opened in its' residents interests? and
- b) Does the Council feel obliged to spend money on engaging an expert consultant to assist with the preparation of a pointless written submission on the costing of automatic gates, when it is not the Council's responsibility?

Response

- a) *Council resolved at its Ordinary meeting 25 August 2008 that "Council forms the opinion that there is dispute under the Road Management Act 2004 between Council (a road authority), Connex Melbourne Pty Ltd, the Victorian Rail Track Corporation and the Department of Infrastructure (providers of public transport)."*
- b) *The Panel has stated that its decision will primarily be based on expert reports and written submissions from the parties hence these documents are critical to the outcome.*

5.0 PUBLIC QUESTION TIME (continued):

3. Mr Chris Carroll (present in the Chamber)

Concerning repeated statements by the Council and the CEO, of commitment to consultation with the community, would Council please provide details of all public consultation undertaken in relation to:

- a) the proposed revision of the Local Law relating to meeting procedures, which has been extensively canvassed amongst Councillors; and
- b) the matters that might profitably be included in the agenda for the forthcoming conclave to discuss Council plans to be held in October at an as yet undisclosed location?

Response

- a) *The community consultation to be undertaken in regards to the revision of Local Law No. 1 will be in accordance with Section 223 of the Local Government Act 1989. Public notice will be given in the Age Newspaper, Government Gazette, Leader Newspaper and Council's website inviting submissions on the proposed local law.*
- b) *It is not intended for the proposed agenda items for the Councillor workshop to be the subject of community consultation. It is anticipated that Councillors will determine the matters for discussion at the workshop, intended to be held at the University of Melbourne Mt Eliza Business School.*

4. Mr Chris Carroll (present in the Chamber)

While acknowledging the disparity between the predominant political preferences of the people of Bayside and those of its Council, I ask Council to state the basis or criteria for its decision;

- a) to have a Council sponsored petition relating to planning powers presented to the State Parliament by a member of the Greens Party; and
- b) to provide on the Council website video footage of the renaming of the Tulip Street Reserve via link to a site associated with the ALP?

Response

Bayside City Council is elected by the local community and works with all local state and federal members of Parliament who represent a broad spectrum of local views.

- a) *With regard to part (a) of the question. The petition referred to is that collected as part of Council's Our Villages, Our Plan campaign. That petition was given to Ms Sue Pennicuik, member for Southern Metropolitan Region to present to the Legislative Council of the Victorian State Parliament. Ms Pennicuik has been active on Council's behalf in pursuing in the Parliament planning issues of concern to Council, in particular Council's ground breaking Amendment C44 for clean storm water controls, and Amendment C58 relating to controls to reflect the vision of council's structure plans for its four major activity centres.*
- b) *A member of the community recorded the formalities of the renaming of the reserve event. The video was linked to Council's website specifically relating to the news item regarding the renaming. It was not clear apparent that the recording was associated with any political body. The link to Council's website has now been removed. We thank Mr Carroll for bringing this matter to our attention.*

5.0 PUBLIC QUESTION TIME (continued):

5. Mr Geoffrey Goode (present in the Chamber)

Why, and by what authority, did Bayside City Council include itself, or allow itself to be included, in any 'Planning Committee' or similar committee set up to consider matters relating to the application by Beaumaris Motor Yacht Squadron Ltd, for its BMYS – Safe Harbour Project?

Response

Council actively encourages permit applicants, especially for large and complex projects, to undertake pre-application discussion prior to lodging of applications.

The nature of Council staff involvement in what the Beaumaris Motor Yacht Squadron has called a "Planning Committee" was to provide advice on all regulatory provisions, the documentation that would be required in responding to those provisions, and to provide feedback on issues that any proposal was likely to raise. It was made clear at all times during this pre-application phase that officers comments at the meetings were in the nature of advice only, that only council could make a decision on the application, and that nothing said during pre-application could be construed as indicating a council position or be binding on council in its role as responsible authority. As part of the discussions officers also stressed the desirability of the BMYS developing and implementing a community communication strategy, separate from any statutory notification procedures.

This process of pre-application discussion and review is identical with that successfully undertaken by council in relation to redevelopment by Royal Brighton Yacht Club some 2-3 years ago, and the Sandringham Yacht Club for its recently completed redevelopment of its facilities.

6. Mr Geoffrey Goode (present in the Chamber)

This question relates to the completed EES Referral Form dated 13 May 2009 entitled 'Referral of a Project for a Decision on the Need for Assessment under the Environment Effects Act 1978' lodged for the proponent, Beaumaris Motor Yacht Squadron Ltd, with the Department of Planning and Community Development in 2009 and allocated the Reference Number 2009-09 by the DPCD, which Form is about the application by BMYS Ltd, to the Minister for Planning seeking a decision on whether its BMYS – Safe Harbour Project needs an EES.

The question is which of the five statements below that appear in that document truly and correctly describe the participation of Bayside City Council to date in the consideration of the above project, specifically in its Part 1 Section 3 the statements,

- a) 'September 2008, BMYS – Safe Harbour Project – Planning Committee established, consisting of representatives from: DS&E, BCC, BMYS and Leisure Corp',
- b) 'Assuming a positive response (to the EES Referral) the Club will then proceed with confidence to a Planning Permit Submission with the support of both the Bayside City Council (BCC) and the Public Land Managers being the Department of Sustainability and Environment (DSE)',
- c) 'BMYS has undertaken a long, intensive and consultative pre-planning process for this project including both DSE (as the public land managers) and the Bayside City Council (BCC) in the Planning Committee', and
- d) 'This membership approved plan has since undergone rigorous review by the Planning Committee (BMYS/DSE/BCC)', and in its Part 2 Section 20 the statement,
- e) 'A Planning Committee has been established for over 6 months including the principle (sic) stakeholders of DSE and BCC. Throughout this process active input and consultation has been sought and received from these stakeholders and are now reflected in the design.

5.0 PUBLIC QUESTION TIME (continued):

Response

- a) *Correct. Whilst Beaumaris Motor Yacht Squadron has referred to the meetings as a "Planning Committee" these were meetings with representatives of statutory bodies undertaking their duties to provide advice to BMYS on its proposals during the pre-application phase.*
- b) *Incorrect. Council representatives at all times during the pre-application meetings have made it clear that advice was provided on the documentation required to be submitted with any permit application and that nothing said during meetings could or would bind council. That council as the responsible authority would not have any position until a formal application had been made and reported to council for determination.*
- c) *Correct*
- d) *Correct*
- e) *Unsure, as Council has yet to see the final design. It is however correct that many changes were made to the design arising from issues raised by council and other authorities during the course of the pre-application discussions.*

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

Regarding the provision over the past 12 months of councillor support would Council provide;

- a) for Councillors collectively, the costs for each of the following: refreshments provided, legal advice furnished, entertainment and Council retreats or workshops or the like; and
- b) in respect of each Councillor for each month, the costs for each of the following; fixed phone, mobile phone, expenses reimbursed and training courses attended.

Response

A comprehensive spreadsheet will be provided to Mr Atkinson with the information as requested.

5.0 PUBLIC QUESTION TIME (continued):

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

Would Council advise:

- a) what is the anticipated total cost of the proposed residential planning workshop; and
- b) of what academic or scientific evidence can it adduce in support of the contention that better outcomes can be achieved by such activities being conducted at an external venue rather than within its own facilities?

Response

- a) *The cost of the proposed residential planning workshop to be held on the weekend 23 - 25 October 2009, is expected to be in the vicinity of \$18,000, this includes the cost of the venue and a workshop facilitator.*
- b) *Most Councils undertake a Councillor workshop as part of their Council planning cycle, and most workshops are held off-site which are considered to be very productive, focused and informative and provide an environment for Councillors to interact without distraction.*

At the previous residential planning workshop, also held at the Melbourne Business School at Mount Eliza, the Councillors and Senior Management were able to complete a significant amount of work on a number of key strategic issues, including the development of the four year Council Plan and they now wish to build on this work. The venue provides the appropriate facilities to enable this to occur.

It is difficult to provide academic or scientific evidence that indicate better outcomes are achieved by conducting such a workshop at an external venue.

9. Mr George Reynolds (present in the Chamber)

A likely response to the introduction by the Victorian Government of the '10/30 right' in selected municipalities (not including Bayside) is that the fire protection standard established in this document is now available for universal adoption. Will Council please advise when it will:

- a) seek to alter the standard for unregulated removal of tree vegetation in the Vegetation Protection Overlay from the present 2.0 metres standard distance from a building to the 10.0 metres standard established in the '10/30 right', and
- b) add guidelines to Local Law No 2, Clause 36, to make mandatory the issue of a permit to substitute a new tree in a safer location (as allowed under Clause 36(4)) for one which grows within 10 metres of any building or within 2 metres from a property boundary fence?

5.0 PUBLIC QUESTION TIME (continued):

Response

- a) *It is assumed the '10/30' right refers to the provisions of Amendment VC61 which was recently gazetted by the Minister for Planning. VC61 introduces 'Measures for Bushfire Protection' including provisions relating to clearing of trees and vegetation within 10 and 30 meters of buildings used for residential accommodation, and 4 meters of fences. The amendment specifically does not apply to land in Bayside or 20 other planning schemes, and also has an expiry date of 31 August 2010. Council is not considering any alterations to the provisions of the Vegetation Protection Overlay in its planning scheme.*

- b) *Council is not considering making any changes to its current guidelines relevant to Clause 36 of Local Law No.2.*

10. Mr George Reynolds (present in the Chamber)

Given that the Mayor has written a letter on behalf of Council and Councillors, demanding that certain parties withdraw a document distributed to all councillors (and not Council), using threat of legal sanction, would Council please advise why:

- a) *the letter was not issued following, and by, a resolution at a properly constituted meeting of Council, and*

- b) *Council has withdrawn the Register of Assemblies of Councillors from Public access since the letter was issued?*

Response

- a) *The letter responded to a letter addressed to Councillors individually and was not written on behalf of Council itself. The letter did not require a resolution of Council.*

- b) *The Assembly of Councillors register is available for public inspection, and arrangements to view the register can be made through the Governance Department.*

5.0 PUBLIC QUESTION TIME (continued):

11. Mr Kevin Spencer (present in the Chamber)

Council has promoted its Risk Management policy as being a rigorous and effective culture across the organisation, however its exposure to Public Liability is of concern when those responsible for footpath maintenance and community safety are ignorant or negligent with regard to best practice in Risk Management. Two examples:

A fault in footpath in Pine Street East Brighton, pushed up by tree root, the area marked for attention so long ago that the marking has almost faded away.

Warleigh Grove North Brighton. Tree cut down stump left in footpath, danger to pedestrians, nearby a chain wire mesh tree guard with a concrete base on the road way without any warning signs or reflective barrier.

Evidently these highly paid staff members are not taking their responsibilities seriously and placing ratepayers at risk to foot the cost of Public Liability claims. Will Council inquire as to why this neglect of Councils Risk Management Policy is taking place and take appropriate action with those responsible?

Response

I take this opportunity to comment that Bayside City Council's risk management practices are recognised as being industry leaders in the local government sector and this is validated by the assessments regularly undertaken by Council's insurers which have recently again resulted in very low premium ratings for Council.

- a) *The footpath at 73 Pine Street, the tree root damage to the footpath in question is below the Bayside City Council Road Management Plan intervention levels. The defect was identified as part of the annual proactive footpath inspection program and programmed for future repair, which normally occurs within 60 days.*
- b) *In relation to Warleigh Grove Council is awaiting advice from "dial before you Dig" prior to the removal of the stump. It is anticipated this information will be available next week. In the meantime reflective barrier tape has been installed to minimize any risk.*

12. Mr Kevin Spencer (present in the Chamber)

I have received two notices of late with regard to Planning Permit applications and how to comments on them. Both stated that if you wish to speak at the meeting (Councils Approval Committee) you will need to advise Council's Governance Manager in writing by 11am on the day of the meeting. I understood such application had to be by 11am the day before. What is going on here? The same is with Council's correspondence. Response within five working days. I am getting either no response or take the case of a recent letter some five weeks to respond. Will Council get their house in order as it were, and at least adhere to its policies in the interest of good governance and service to the community? Please Explain!

5.0 PUBLIC QUESTION TIME (continued):

Response

Requests to be heard in relation to planning permit applications to be considered at the Planning Committee should be received in writing by 11am on the day of the meeting. In relation to public question time, questions must be received by 11am on the day prior to the meeting.

In relation to your correspondence the organization is expected to provide an acknowledgement within 5 days and a substantive response in 15 days whenever possible. Your comment concerning your correspondence are noted and is currently being addressed with a review of Council's Customer Service Charter.

6. PETITIONS/DEPUTATIONS

- 6.1 A petition was received from residents requesting Bayside City Council consider the proposals for improvements to the Ricketts Point Marine Sanctuary infrastructure. (20 signatories)

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

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

CARRIED

7. REPORTS BY COMMITTEES / OFFICERS / DELEGATES

7.1 REPORTS BY COMMITTEE

7.1.1 GENERAL COMMITTEE MEETING – 15 September 2009

Confirmation of the Report and Recommendation of the General Committee Meeting held on Tuesday 15 September 2009.

Moved: Cr Hayes

Seconded: Cr Norris

That the Report and Recommendations of the General Committee Meeting held on 15 September 2009 relating to items 4.1 to 4.18, 5.1 and 5.2 inclusive (with the exception of item 4.10, 4.12 and 4.16), be adopted.

CARRIED

As a result of the above resolution, which adopts the recommendations of the General Committee of 15 September 2009, the following list provides a summary of those resolutions.

4.1 DENDY PARK TENNIS CLUB LEASE AND REDEVELOPMENT FEASIBILITY

That Council:

1. approve the granting of a lease to Dendy Park Tennis Club for 5 years with a 4 year option to extend at Council's discretion;
2. advises Dendy Park Tennis Club and Tennis Australia that Council is willing to consider and provide feedback on a draft brief for a feasibility study, but is not prepared to contribute financially nor commit to any outcomes from such a study

4.2 NORMANBY STREET BRIGHTON PARKING PETITION

That Council defer this item to the next General Committee meeting to be held on 20 October 2009, allowing the residents to be advised and consulted in relation to this matter.

4.3 BATHING BOX INFILL PROPOSAL DENDY STREET BEACH BRIGHTON

That Council proceed with a proposal to further investigate infill of six bathing boxes at Dendy Street Beach including:

1. Apply for planning and building permits; and
2. Apply for Coastal Management Act consent.

4.4 CERBERUS ANCHOR

That Council:

1. not approve the relocation of the HMVS Cerberus anchor to HMAS Cerberus.
2. commence a community consultation process to determine a suitable location within Bayside for the Cerberus anchor.
3. receive a further report on the outcomes of the community consultation.
4. request that the anchor be returned at naval expense to a secure Council location. The location to be to the satisfaction of the Group Manager Infrastructure Services.

4.5 AMENDMENT C76 – REVIEW OF HERITAGE PRECINCTS

That Council:

1. receive all submissions made in respect to Amendment C76 to the Bayside Planning Scheme
2. note the Response to Submissions relating to proposed Amendment C76, August 2009, prepared by Bryce Raworth
3. adopt all the comments on each submission as set out in Attachment 1 to this report and on the general matters as set out in Attachment 3 to this report
4. refer all submissions to an independent panel for consideration
5. request the Minister for Planning to appoint a panel to consider all submissions on Amendment C76
6. advise all submitters and owners of affected properties accordingly.

4.6 AMENDMENT C84 – REZONING OF RESERVE – BEAUMARIS CONCOURSE

That Council:

1. receive the report on submissions received during the exhibition of Amendment C84 to the Bayside Planning Scheme;
2. noting that no objecting submissions were received, resolve to adopt the amendment in accordance with Section 29(1) of the Planning and Environment Act without referral to an Independent Panel;
3. submit Amendment C84 to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987;
4. upon receipt of approval of the Amendment by the Minister, give notice of approval in accordance with the requirements of Section 36(2) of the Planning and Environment Act 1987;
5. upon receipt of approval of the Amendment by the Minister, initiate an alteration to the status of the reserve on title under Section 24A of the Subdivision Act 1988; and
6. advise all submitters and the first named signatory on the petition accordingly.



4.7 COMMUNITY ENGAGEMENT FRAMEWORK – PRESENTATION FOR ADOPTION

That Council:

1. endorse the community engagement framework and the progressive implementation of the framework; and
2. after 12 months and following further community consultation, receives a report on the framework reviewing its content and its implementation

4.8 BRIGHTON TOWN HALL HERITAGE PRECINCT

That Council:

1. adopt the final version of the *City of Bayside Heritage Review: Brighton Town Hall Heritage Precinct 2009* study.
2. note that no public submissions were received during the consultation period for the *City of Bayside Heritage Review: Brighton Town Hall Heritage Precinct 2009* study.
3. seek authorisation from the Minister for Planning under Section 8A(3) of the *Planning and Environment Act 1987* for the introduction of permanent heritage controls through a planning scheme amendment for the precinct identified in the *City of Bayside Heritage Review: Brighton Town Hall Heritage Precinct 2009* study.
4. advise all affected owners accordingly

4.9 BAYSIDE PLANNING SCHEME NEIGHBOURHOOD CHARACTER POLICY

That Council:

1. receive this report on the need to update Bayside Planning Scheme Clause 22.07 to include new residential land rezoned as a consequence of Planning Scheme Amendment C39 Part 1;
2. resolve to undertake a strategic assessment for the most appropriate preferred character precinct for the residential zoned land.

4.11 GOVERNANCE CODE OF CONDUCT (COUNCILLOR CODE OF CONDUCT)

That Council:

1. having undertaken a review of its Councillors Code of conduct as required under Section 76C of the Local Government Act 1989, hereby adopt the Governance Code of Conduct (Councillor Code of Conduct) as attached to the report; and
2. request the Chief Executive to ensure that a signed copy of the Councillors Code of Conduct is provided to each Councillor and a copy be placed on Council's website and also be available for inspection at the Corporate Centre

4.13 COUNCIL PLANNING WORKSHOP 23-25 OCTOBER 2009

That Council approve a Councillor / Senior Management planning workshop to be held on the weekend 23 –25 October 2009 as outlined in this report.

4.14 BAYSIDE BUSINESS NETWORK ENGAGEMENT

That Council:

1. hold an annual planning summit for all Bayside Business Network members to formulate the most effective activities for the next calendar year, in line with the objectives and action plan of the Economic Development Strategy;
2. appoint at its annual general meeting a Councillor to chair the annual summit;
3. hold the first annual planning summit in October 2009 and that it be chaired by Cr Cooper-Shaw;
4. form a limited period Economic Development Strategy steering group as outlined in this report and seek nominations from persons wishing to participate; and
5. be presented with a report once the nominations have been received to appoint members of the Economic Development Strategy steering group.
6. receive a report on establishing a 'life member' category of membership for the Bayside Business Network, including the criteria on which awarding that membership is based.

4.15 SUSTAINABLE PUBLIC LIGHTING ACTION PLAN

That Council:

1. adopt the Sustainable Public Lighting Action Plan and in particular:
 - a) establish a sustainable street lighting management team
 - b) make provision in the long term financial plan and annual budgets to implement a new sustainable public lighting scheme in the City of Bayside's local street network, which will include:
 - i. replacement 80W MV lights with energy efficient lights over a four year period commencing in 2011 or 2012
 - ii. reduction of over-lighting via the removal of lights at appropriate locations
 - iii. assessment of options for decorative and other street lights
 - iv. review of GreenPower purchase as part of Council's carbon neutrality review.
 - c) advocate to the Victorian Government for funding of the energy efficient lighting installation
 - d) participate in public street lighting forums and processes
 - e) explore renewable energy options for street lighting
2. adopt the following recommendations from Sustainable Public Lighting Spacing Report:
 - a) implementation of a community engagement process for installing a sustainable public lighting scheme, including options for de-lamping
 - b) re-installation five lights that were removed for the Sandringham energy efficient lighting trail
3. note the survey report from the Sandringham energy efficient lighting scheme trial
4. write to residents in Victoria St, Le Fevre St and Kirkwood Avenue Sandringham, to advise them of results from the consultation, thank them for their participation and advise them of Council's measures for establishing a sustainable public lighting scheme in the City of Bayside.

4.17 VICTORIAN GOVERNMENT CLIMATE CHANGE GREEN PAPER SUBMISSION

That Council endorse the attached submission to the Victorian Government's Climate Change Green Paper.

4.18 PROCUREMENT POLICY

That Council adopt the Procurement Policy as per attachment one to this report.

5.1 FINANCIAL REPORT FOR THE TWELVE (12) MONTHS TO 30 JUNE 2009

That Council note the financial report for the twelve month period ended 30 June 2009.

5.2 COUNCIL ACTION PENDING

That Council note the Council action pending report for the period September 2005 to August 2009.

7.1.1 GENERAL COMMITTEE MEETING – 15 September 2009

4.10 Access Class Australian Championships

It is recorded that Cr Hayes declared an Indirect Interest in relation to Item 4.10 – Access Class Australian Championships as he is a member of the Royal Brighton Yacht Club.

Moved: Cr Frederico

Seconded: Cr Norris

That Council:

1. provide the Royal Brighton Yacht Club with sponsorship of \$3,000 for the Access Class Australian Championships 2010;
2. advise the Royal Brighton Yacht Club that the support is subject to the provision of an appropriate sponsorship agreement that specifies the local advertising of the event to be undertaken; and
3. request the Royal Brighton Yacht Club to provide a brief post evaluation report to Council.

CARRIED

It is recorded that Cr Hayes vacated the Chamber immediately prior to the discussion on this item and was absent when the vote was taken.

7.1.1 GENERAL COMMITTEE MEETING – 15 September 2009 **(continued)**

4.12 Governance Local Law No: 1

Moved: Cr Norris

Seconded: Cr Frederico

That Council:

1. Commence the statutory procedures to make a Local Law as outlined as attachment 1 to the report known as Governance Local Law No: 1 as presented to the General Committee meeting.
2. Establish a Special Committee of Council in accordance with Section 223 of the Local Government Act 1989, inviting all Councillors with a quorum being 4 Councillors, to hear submissions in relation to the proposed Local law No: 1 on Monday 9 November 2009 at 6.30pm in the Council Chambers at the Civic Centre, Brighton.

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

DIVISION: **FOR:** Crs Frederico, Norris, Russell and Cooper-Shaw (4)
 AGAINST: Crs Hayes and long (2)

CARRIED

4.16 Annual Report on Operations 2008/2009

Moved: Cr Frederico

Seconded: Cr Hayes

That Council:

1. receive the Annual Report on Operations 2008/2009, as tabled at the Ordinary Meeting of Council (version dated 22 September 2009);
2. submit the Annual Report on Operations 2008/2009 to the Minister for Local Government by 30 September 2009 as required by the *Local Government Act 1989*;
3. give public notice that Council has received an Annual Report for 2008/2009, and that the report may be viewed by the public at Council's Corporate Centre, any of our four branch libraries and via Council's website; and
4. within one month of submitting the Annual Report to the Minister, give public notice and hold a meeting on 20 October 2009 to consider the Annual Report, as required by the *Local Government (Finance and Reporting Regulations) 2004*.

CARRIED

7.2 REPORTS BY OFFICERS

7.2.1 VCAT Decisions

Moved: Cr Norris

Seconded: Cr Cooper-Shaw

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

CARRIED

7.2.2 Audited Financial Statements for the Year Ended 30 June 2009

Moved: Cr Cooper-Shaw

Seconded: Cr Norris

1. That Council adopt the written down value of infrastructure assets (as per attachment 1 – revaluation of infrastructure assets – council valuations) totalling \$137,917,312.
2. That the report on the standard statements, financial statements and the performance statement for the financial year ended 30 June 2009 be received and noted.
3. That Council resolve to give “in principle” approval of the standard statements, financial statements and the performance statement for the 2008/09 financial year and authorise Councillor Felicity Frederico and Councillor Michael Norris, members of the Audit Committee, to certify the statements on behalf of Council.

CARRIED

7.3 REPORTS BY DELEGATES APPOINTED BY THE COUNCIL TO OTHER BODIES

There were no reports by delegates submitted to the meeting.

GENERAL BUSINESS

There were no items of General Business submitted to the meeting

9.0 SUPPLEMENTARY OR URGENT BUSINESS

There were no items of Supplementary or Urgent Business submitted to the meeting.

10.0 NOTICES OF MOTION

There were no Notices of Motion submitted to the meeting.

11.0 CONFIDENTIAL BUSINESS

Moved: Cr Russell

Seconded: Cr Hayes

- A That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve 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.
- B. That the Ordinary Meeting of Council be adjourned to the Mayor's Room for the consideration of Confidential Business.

CARRIED

It is recorded that the meeting was adjourned at 8.02pm to convene in the Mayor's Room for the consideration of confidential business.

It is recorded that the meeting was resumed at 8.03pm in the Mayor's Room for the consideration of confidential business.

Following the consideration of Confidential Business the Chairman declared the meeting closed at 8.06pm.

CONFIRMED THIS 27 DAY OF OCTOBER 2009

CHAIRMAN: