

See Page 14 for resolution approving distribution for public comment of 4 alignment options for bicycle road extension.

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## Minutes of the Ordinary Meeting of Bayside City Council

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The Meeting was held in the Council Chambers  
Civic Centre, Brighton  
on Tuesday 24 June 2008

The Meeting commenced at 7pm

**PRESENT:** Cr Alex del Porto  
Cr Clifford Hayes  
Cr John Knight  
Cr James Long  
Cr Andrew McLorinan (Mayor)  
Cr Michael Norris  
Cr Terry O'Brien  
Cr Kristin Stegley  
Cr Derek Wilson

**OFFICERS IN ATTENDANCE:**

Adrian Robb	Chief Executive Officer
David Powell	Group Manager Infrastructure Services
Michael Top	Group Manager Sustainability
Malcolm Lewis	Acting Group Manager Corporate Services
Carolyn McClean	Group Manager Community and Leisure Services
Terry Callant	Governance Manager

The Chairman declared the meeting open and invited Cr del Porto to read the prayer.

**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 Stegley 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.*

### **1. APOLOGIES:**

There were no apologies submitted to the meeting.

### **2. DECLARATIONS OF INTEREST:**

- There were no declarations of interest submitted to the meeting.

### **3. CONFIRMATION OF MINUTES**

#### **3.1 Confirmation of the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 May 2008**

Moved: Cr del Porto

Seconded: Cr Wilson

That the Minutes of the Ordinary Meeting of Bayside City Council held on Tuesday 27 May 2008 be confirmed as an accurate record of proceedings.

**CARRIED**

## **4.0 PRESENTATION OF REPORTS BY DELEGATES APPOINTED BY THE COUNCIL TO OTHER BODIES**

### **4.1 Mayors' Community Chest Presentations**

There were no Community Chest presentations made at the meeting.

### **4.2 Other Presentations**

There were no further presentations submitted to the meeting.

## **5.0 PUBLIC QUESTION TIME:**

There were 9 public questions submitted to the Meeting.

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

### **1. Mr Michael Nugent**

Bearing in mind that almost all foods derived from animals cause substantial ecological damage (e.g., with respect to water: it takes about 50,000 litres of water to produce a kilogram of beef in Australia, compared with 50 to 150 litres to produce a kilogram of potatoes; and around 2,300 litres to produce a kilogram of rice; and with respect to emissions: more than 31% of the total greenhouse gases that Australia produces are caused by animal industries), can Councillors please tell me:

- (a) Whether catering for Council events is determined by seeking environmentally sustainable options? and
- (b) What other action, if any, Council is taking with respect this matter?

### **Response**

*No. Catering for events is determined by the nature of the event, the number of participants, the cost, and the location of the event ie: outdoors etc.*

*At this stage no action has been taken in seeking environmentally sustainable options. However the most significant impact of Council activities on greenhouse gases is through street lighting which Council is currently addressing.*

## **5.0 PUBLIC QUESTION TIME (continued):**

### **2. Mr George Reynolds**

Whereas: I wrote to Council and hand delivered a letter addressed to the proper officer, the Manager Governance, in mid April 2008, and

The proper officer stated that, on enquiry in mid June 2008, he had not seen the letter, and this followed an earlier incident where the mayor's secretary had to ask me to resend an email letter because it had not been received. My question is: What audit process has council conducted into the proper handling of and non interference with correspondence, and What is the result of the latest audit?

(This question has been previously asked; it was replied to but the question was not answered)

#### **Response**

*The letter was referred to the Manager Urban Strategy and Culture and there is no evidence of any inappropriate behaviour in regard to the matter in which it was dealt with. No audit is conducted into the non-interference with correspondence; however business rules dealing with correspondence have been established. Council has recently upgraded its records management system to an electronic management system. Once the system is implemented across the organisation it will provide a reporting module to monitor all correspondence. Once the reporting module is in place regular auditing will occur.*

### **3. Mr George Reynold**

Whereas: I wrote a letter to the Manager, Governance in mid April 2008 seeking documents to give information needed to advise protesters wishing to object to the Rayworth study into Heritage Precincts, and The letter has not been received by the Manager Governance. and the letter appeared to be intercepted by the Manager Urban Strategy and Culture (MUSC) and MUSC held and/or concealed the letter for two months.

My question is:

Will Council now defer consideration of all reports into the current study by Rayworth and others until at least two months after a reply to my request has been dispatched, and Is the CEO prepared to isolate the Manager, Urban Strategy and Culture from all further association with activity related to heritage issues because of a widely perceived conflict of duty and demonstrated bias?

#### **Response**

*The letter was appropriately referred to the Manager Urban Strategy and Culture and not intercepted or held or concealed.*

*The correspondence has no direct impact on the current heritage issues. The correspondence is requesting onerous information which will be made available once it has been collated.*

## **5.0 PUBLIC QUESTION TIME (continued):**

### **4. Mr Peter Boyle**

At the General Committee Meeting on 22 April 2008, Council delegated authority to the Acting Chief Executive Officer to accept the most favourable tender for a \$2 million interest only loan for the purpose of the part funding of the 2007/8 Capital Projects Budget. In regard to the loan will Council please advise :

- a) Details of the loan (such details should include date upon which this loan was taken out ; the name of the financial institution involved ; the interest rate applicable ; the term of the loan ; any other relevant information).
- b) Details of the destination of the \$2 million (such details should include the financial institution involved ; the interest rate for any deposit ; the term of any deposit ; any other relevant information).

#### **Response**

- a) *The loan was taken up on 2 June 2008.  
The name of the financial institution is National Australia Bank.  
The interest rate applicable 8.146%.*
- b) *The loan of \$2M will assist in the part funding of the Capital Works program.*

### **5. Mr Peter Boyle**

In regard to the 2008 annual Community Satisfaction Survey conducted on behalf of the Department of Planning and Community Development, the results of which Council has received some time ago, will Council please advise:

- a) The date on which it received the results of the survey
- b) Details of the release of those results:- such as the reasons why it has not made public such results (as at 7.30p.m. on 22 June 2008); when Council intends to release the results; the form of the release ; the publicity of the release so ratepayers are aware of such ; any other relevant information.

#### **Response**

- a) *Council received the results of the Annual Community Satisfaction survey on Tuesday 17 June 2008.*
- b) *It is proposed that the results of the survey will be made available to the public once Councillors have been briefed on the results.*

## **5.0 PUBLIC QUESTION TIME (continued):**

### **6. Mr Chris Carroll**

Concerning the Reconciliation Week flag raising ceremony held on May 31, and in particular regard to the much promoted indigenous afternoon tea provided on that occasion, will Council advise:

- a) Why was authentic local (Boonwerung) indigenous food not provided and,
- b) Had such food been on offer, what dishes might have been included?

#### **Response**

- a) *Indigenous afternoon tea was provided at the Flag Raising Ceremony, although not promoted as such on this occasion.*
- b) *Indigenous food was provided and included chicken and mushroom pies, Kangaroo and burgundy pies, emu and vegetable pies.*

### **7. Mr Chris Carroll**

Would Council provide comprehensive details of any claim by Bunurong People to the foreshore and/or adjacent waters to which Council is a party, and it would be appreciated if the answer could contain all relevant details, including:

Council's position in relation to that claim

The position of the Boonwerung People and the name of their spokesperson

Whether the firm of Maddocks is acting for the applicants, notwithstanding that the Bayside Council has been and remains a client of that firm

The total amount of costs incurred to date

The date on which that the matter is expected to be concluded

In the event of the application being successful the consequences or implications for Council as regards the following aspects:-

- o environmental
- o social
- o financial

In the event of the application being successful, the effect on the rights of citizens who are not of the Bunurong People

Given the undoubted public interest in the fact that such a claim having been made, the reason for Council's failure to inform its community

#### **Response**

*Council is not aware of any claim by Bunurong people over Bayside foreshore and/or adjacent waters.*

## **5.0 PUBLIC QUESTION TIME (continued):**

### **8. Mr Ian Larsen**

Why has Council resolved to abandon heritage controls on the grounds that the report is faulty and incompetent yet some properties have not been removed?

#### **Response**

*Council has yet to make a decision on heritage controls. Council has before it on tonight's agenda a recommendation from the Special General Committee meeting held 12 June 2008, to take no further action with the exception of three precincts. The recommendation does not record any reasons for the decision, and was made having considered all submissions received, and having heard from submitters who exercised their rights to address the committee meeting.*

### **9. Mr Ian Larsen**

Can we ever be sure that our own freehold properties will ever be permanently removed from the possibility of a heritage overlay in the future?

#### **Response**

*Nothing prevents a future Council, again considering the appropriateness of heritage controls.*

## **6.0 PETITIONS/DEPUTATIONS**

### **6.1 Consideration of a petition from residents requesting Bayside City Council to undertake research into the need of families with children aged 0-4 years in the Black Rock area. 243 signatories.**

*"We the undersigned, hereby petition Bayside City Council to conduct research into the needs of families with children aged 0-4 years in the Black Rock area. We request that particular attention be paid to problems of isolation felt by the primary carers in these families and how these might be overcome. Should needs emerge that require built facilities, it is requested that Council investigate options in the local area."*

**Moved: Cr Wilson**

**Seconded: Cr Norris**

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

**CARRIED**

## **6.0 PETITIONS/DEPUTATIONS (continued)**

- 6.2 Consideration of a petition from residents of Mariemont Avenue Beaumaris requesting Bayside City Council not to include Mariemont Beaumaris in the heritage overlay (precinct). 22 signatories.

*"We the undersigned, hereby petition Bayside City Council not to include Mariemont Avenue Beaumaris in the heritage overlay (precinct) as proposed in the recommendation at the Special Committee held on June 12 2008."*

**Moved: Cr Knight**

**Seconded: Cr Norris**

That the petition be received and noted and be dealt with in conjunction with item 4.1 of the Special General Committee Meeting held on 12 June 2008.

**CARRIED**

## **7. REPORTS BY COMMITTEES / OFFICERS / DELEGATES**

### **7.1 REPORTS BY COMMITTEE**

#### **7.1.1. SPECIAL GENERAL COMMITTEE MEETING – 12 June 2008**

Confirmation of the Report and Recommendations of the Special General Committee Meeting held on Thursday 12 June 2008.

### **4.1 Inter-war and Post-war Heritage Study – Review of Submissions**

**Moved: Cr Stegley**

**Seconded: Cr Wilson**

1. That the report on the public submissions received during the consultation period on the Inter-war and Post-war Heritage Study 2008 be noted.
2. That Council adopts the final version (Attachment 4 to this report) of the Inter-war and Post-war Heritage Study with the changes proposed following review of the public submissions as a basis for exhibition of a planning scheme amendment, subject to the deletion of the properties and precincts identified in part 6 of this motion.



#### 4.1 Inter-war and Post-war Heritage Study – Review of Submissions (continued)

3. That the Group Manager Sustainability be given the delegation to authorise any minor editorial changes to the Study for the purposes of final printing.
4. That Council 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 on the basis of the final Inter-war and Post-war Heritage Study *excluding the properties and precincts listed in part 6 of this motion.*
5. That Council seek authorisation from the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 for the introduction of interim heritage controls through a planning scheme amendment on the basis of the final Inter-war and Post war Heritage Study *excluding the properties and precincts listed in part 6 of this motion;* the interim controls to operate for a two year period whilst the planning scheme amendment referred to in 4 above completes statutory procedures.
6. That the planning scheme amendments include all the properties identified individually and within the eight precincts in Volumes 1 & 2 except for properties at:

14 Wells Street, Beaumaris	47 Third Street, Beaumaris
15 Thomas Street, Brighton East	47 Service Street, Hampton
16 and 18 Berwick Street, Brighton	16 Mulgoa Street, Brighton
49 Murphy Street, Brighton	20 Edward Street, Sandringham
10 Hardinge Street, Beaumaris	46 Bay Street, Brighton
191 Bluff Road, Sandringham	207 Bluff Road, Sandringham
1&3 Burston Place, Brighton	10-14 Boxshall Street, Brighton
60 Centre Road and 2a Billson Street, Brighton	8 Cole Street, Brighton
33 Fifth Street, Black Rock	1 Hutchison Avenue, Beaumaris
39 Lonsdale Avenue, Hampton East	132 Marriage Road, Brighton East
9 Martin Street, Brighton	9 Merton Avenue, Brighton
17 Middleton Street, Black Rock	19 Olympic Avenue, Cheltenham
14 Pasadena Avenue, Beaumaris	390 St Kilda Street, Brighton
21 Summerhill Road, Beaumaris	28 Towers Street, Beaumaris
24 Wellington Street, Brighton	9a Wickham Road, Hampton East
1 Wishart Street, Hampton East	

and with the deletion of the following precincts:

Green Parade Precinct, Sandringham  
 Heath Crescent Precinct, Hampton East  
 Lynch Crescent Precinct, Brighton  
 Valanne Street Precinct, Brighton East  
 Leith Crescent Precinct, Hampton East

#### **4.1 Inter-war and Post-war Heritage Study – Review of Submissions (continued)**

7. That the draft citation for property at 29-31 Haldane Street, Beaumaris be noted, and that no further action be taken to pursue controls in relation to this property.
8. That all submitters and owners are advised of the Council decision and provided with a copy of the corrected citation, where relevant.
9. That the consultants complete their commission on the 120 properties in the appendix to the Study currently being researched for heritage significance and that on completion of the research that no further action be taken to pursue heritage controls with respect to these properties and that the consultants report be placed on file for research purposes only.

#### **Procedural Motion**

**Moved: Cr Wilson**

**Seconded: Cr O'Brien**

That Cr del Porto be granted a further one minute to speak in relation to this item.

**CARRIED**

The **MOTION** was **PUT** and a **DIVISION** called

**DIVISION**

**FOR**

Crs Hayes, Stegley, Norris and Wilson (4)

**AGAINST**

Crs del Porto, Long, O'Brien, Knight and McLorinan (5)

**LOST**

**Moved: Cr del Porto**

**Seconded: Cr O'Brien**

1. That the report on the public submissions received during the consultation period on the Inter-war and Post-war Heritage Study 2008 be noted.
2. That Council receive and note the final version (Attachment 4 to this report) of the Inter-war and Post-war Heritage Study with the changes outlined following review of the public submissions.
3. That Council 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 following precincts only, as identified in the Inter-war and Post-war Heritage Study:

#### **4.1 Inter-war and Post-war Heritage Study – Review of Submissions (continued)**

- Hayball Court Precinct, Brighton
  - Palmer Avenue Precinct, Brighton East
  - Mariemont Avenue Precinct, Beaumaris
4. That Council seek authorisation from the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 for the introduction of interim heritage controls through a planning scheme amendment for the precincts only as listed in part 3 of this motion; the interim controls to operate for a two year period whilst the planning scheme amendment referred to in 3 above completes statutory procedures.
  5. That Council resolve to take no further action in respect of heritage overlay controls for the 69 individual properties, remaining five precincts and the remaining 120 properties identified in the Appendix to the study.
  6. That all submitters and owners are advised of the Council decision and the owners of the properties in the Mariemont Precinct are informed of the revision to the status of 13 and 17 Mariemont Avenue and provided with a copy of the corrected citation.
  7. That Council cease the suspension of demolition permits under Section 29a of the Building Act 1993 for all properties and precincts within the Inter-war and Post-war Heritage Study with the exception of the properties in the Hayball Court Brighton, Palmer Avenue Brighton East and Mariemont Avenue Beaumaris precincts and that the Minister for Planning, the owners, and the relevant Building Surveyors be advised accordingly.
  8. That Heritage Alliance be advised that no further work is required with respect to the remainder of the 120 properties.

#### **AMENDMENT**

**Moved Cr Knight**

**Seconded Cr McLorinan**

1. That the report on the public submissions received during the consultation period on the Inter-war and Post-war Heritage Study 2008 be noted.
2. That Council receive and note the final version (Attachment 4 to this report) of the Inter-war and Post-war Heritage Study with the changes outlined following review of the public submissions.
3. That Council 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 following precincts only, as identified in the Inter-war and Post-war Heritage Study:

#### **4.1 Inter-war and Post-war Heritage Study – Review of Submissions (continued)**

- Hayball Court Precinct, Brighton
  - Palmer Avenue Precinct, Brighton East
4. That Council seek authorisation from the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 for the introduction of interim heritage controls through a planning scheme amendment for the precincts only as listed in part 3 of this motion; the interim controls to operate for a two year period whilst the planning scheme amendment referred to in 3 above completes statutory procedures.
  5. That Council resolve to take no further action in respect of heritage overlay controls for the 69 individual properties, remaining five precincts and the remaining 120 properties identified in the Appendix to the study.
  6. That all submitters and owners are advised of the Council decision and the owners of the properties in the Mariemont Precinct are informed of the revision to the status of 13 and 17 Mariemont Avenue and provided with a copy of the corrected citation.
  7. That Council cease the suspension of demolition permits under Section 29a of the Building Act 1993 for all properties and precincts within the Inter-war and Post-war Heritage Study with the exception of the properties in the Hayball Court Brighton, Palmer Avenue Brighton East and Mariemont Avenue Beaumaris precincts and that the Minister for Planning, the owners, and the relevant Building Surveyors be advised accordingly.
  8. That Heritage Alliance be advised that no further work is required with respect to the remainder of the 120 properties.

**LOST**

#### **AMENDMENT**

**Moved: Cr Hayes**

**Seconded: Cr Stegley**

1. That the report on the public submissions received during the consultation period on the Inter-war and Post-war Heritage Study 2008 be noted.
2. That Council receive and note the final version (Attachment 4 to this report) of the Inter-war and Post-war Heritage Study with the changes outlined following review of the public submissions.
3. That Council 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 following precincts only, as identified in the Inter-war and Post-war Heritage Study:



**Moved: Cr del Porto**

**Seconded: Cr Knight**

That the meeting be adjourned for 5 minutes.

**CARRIED**

*It is recorded that the meeting was adjourned at 8.15pm for a period of 5 minutes.*

**Moved: Cr Wilson**

**Seconded: Cr Hayes**

That the Meeting be resumed

**CARRIED**

*It is recorded that the meeting was resumed at 8.20pm.*

### **7.1.2. GENERAL COMMITTEE MEETING – 17 June 2008**

Confirmation of the Report and Recommendations of the General Committee Meeting held on Tuesday 17 June 2008.

**Moved: Cr Stegley**

**Seconded: Cr Wilson**

That the Report and Recommendations of the General Committee Meeting held on 17 June 2008 relating to items 4.2 to 4.4, 4.6, 4.8 to 4.17 and 5.1 to 5.2 inclusive, (with the exception of items 4.1, 4.5, 4.7), be adopted.

**CARRIED**

### **4.1 SHARED PATH SOUTH – COMPLETION OF THE BAY TRAIL IN BAYSIDE**

**Moved: Cr Knight**

**Seconded: Cr Wilson**

That Council approve the distribution of three alignment options for the Shared Path South ("back-of-kerb", "meandering" and "cliff-top path") including key attributes of each, for public comment.

**7.1.2. GENERAL COMMITTEE MEETING – 17 June 2008 (continued)****4.1 SHARED PATH SOUTH – COMPLETION OF THE BAY TRAIL IN BAYSIDE (continued)****AMENDMENT****Moved: Cr Norris****Seconded: Cr del Porto**

That Council approve the distribution of four alignment options for the Shared Path South ("mainly on the road reserve", "back-of-kerb", "meandering" and "clifftop path") including key attributes of each, and alternatives of a concrete or granitic sand surface for the last two options, subject to any final comments by the Shared Path South Steering Committee on the 'clifftop' option.

**CARRIED**

The **AMENDMENT** then became the **MOTION**

The **MOTION** was Put and

**CARRIED**

*It is recorded that given the Ordinary Meeting was going to extend past 8.30pm, it was necessary for a procedural motion to adjourn the meeting to enable the Approvals Committee to be open within the 30 minutes time frame from 8.00pm and then adjourn the Approvals Committee meeting until the conclusion of the Ordinary Meeting of Council.*

**Procedural Motions****Moved: Cr Wilson****Seconded: Cr del Porto**

That the Ordinary Meeting be adjourned to enable a procedural motion to occur.

**CARRIED**

*It is recorded that the Meeting was adjourned at 8.29pm for a period of 30 seconds to enable a procedural motion to occur in relation to the Approvals Committee Meeting.*

**Moved: Cr Wilson****Seconded: Cr del Porto**

That the Meeting be resumed.

**CARRIED**

It is recorded that the Ordinary Meeting of Council was resumed at 8.30pm.

## **7.1.2. GENERAL COMMITTEE MEETING – 17 June 2008 (continued)**

### **4.5 DOG OFF-LEASH REVIEW FOR ELSTERNWICK PARK AND CHISHOLM RESERVE**

**Moved: Cr Norris**

**Seconded: Cr del Porto**

1. That Order No. 3 made by Council at its meeting on 24 October 2006 in accordance with Section 26 of the *Domestic (Feral and Nuisance) Animals Act 1994* be repealed.
2. That an Order in the form of the draft Order attached as Appendix A of the Report be made, in accordance with Section 26 of the *Domestic (Feral and Nuisance) Animals Act 1994*, subject to an alteration of the wording of the Schedule attached to the Order in dot point 20 to read:

Elsternwick Park, the southern and eastern areas of Elsternwick Park, Brighton, bounded by Head Street, New Street and Bent Avenue, and a line commencing from the western boundary of the eastern Bent Avenue off street car park, heading 20 metres south, then west to the footway by the lake and following the footway to the south-western corner of the park abutting St Kilda Street, is a **Designated Area**.

3. That Council staff be authorised to undertake the necessary public notice process to give effect to the order referred to in recommendation 2.

**CARRIED**

### **4.7 THE FUTURE OF BLACK ROCK HOUSE**

**Moved: Cr Wilson**

**Seconded: Cr del Porto**

That this item be deferred to enable further consultation with the Friends of Black Rock House.

**CARRIED**

## **7.2 REPORTS BY OFFICERS**

### **7.2.1 VCAT DECISIONS**

**Moved Cr del Porto**

**Seconded Cr Wilson**

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

**CARRIED**



## **7.2 REPORTS BY OFFICERS (continued)**

### **7.2.2. Council Plan 2008-2012**

**Moved: Cr del Porto**

**Seconded: Cr Wilson**

1. That having considered submissions received in accordance with section 223 of the *Local Government Act 1989* in relation to the Council Plan 2008-2012, that Council adopt the Council Plan as presented for the period 1 July 2008-30 June 2012, as amended. The reasons for the decision are as follows:
  - To set the strategic direction for Council and the organisation for the next four years
  - To inform development of Council's annual budget
  - To drive business planning for the organisation
2. That a copy of the Council Plan 2008-2012 be forwarded to the Minister by 30 June 2008 in accordance with legislative requirements
3. That the Chief Executive Officer respond to all submitters under section 223 of the *Local Government Act 1989* advising them of the reasons for adoption of the Council Plan 2008-2012.

**CARRIED**

### **7.2.3. Proposed budget for the 2008/09 financial year ending 30 June 2009**

**Moved: Cr Knight**

**Seconded: Cr Norris**

1. That having considered submissions received pursuant to Section 223 of the Local Government Act 1989, Council adopt the proposed budget for the financial year ending 30 June 2009. The reasons for adoption are as follows:
  - To deliver the recurrent service program to community expectation for 2008/09
  - To continue investment in replacement and new capital works over the next five years
  - To ensure overall financial sustainability over the next five years
2. That public notice be given of Council's decision to adopt the Budget, in accordance with Section 130 of the Local Government Act 1989.
3. That a copy of the 2008/09 Budget be forwarded to the Minister in accordance with the Local Government Act 1989.
4. That submitters be thanked for their submissions and advised of the reasons for the adoption of the 2008/09 budget.

**CARRIED**

**7.2 REPORTS BY OFFICERS (continued)**

**7.2.4. Declaration of Rates and Charges for 2008/2009**

**Moved: Cr Wilson**

**Seconded: Cr Knight**

That Council formally adopts and declares the Rates and Charges for the 2008/09 Rating Year.

**1. Amount Intended To be Raised**

That an amount of \$53,630,925 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	\$44,389,490
Municipal Charge	\$4,219,215
Annual Service Charge (Waste)	\$4,800,030
Amount in lieu of rates in accordance with Cultural and Recreational Lands Act	<u>\$222,190</u>
TOTAL	<u><u>\$53,630,925</u></u>

**2. General Rates**

- 2.1 That a General Rate of 0.119602 cents for each dollar of Capital Improved Value be declared in respect of the 2008/09 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 2008/09 Financial Year for all land to which that Act applies.

**3. Municipal Charge**

- 3.1 That a Municipal Charge be declared in respect of the 2008/09 Financial Year.
- 3.2 That the Municipal Charge be declared for the purpose of covering some of the administrative costs of Council.
- 3.3 That the Municipal Charge be in the sum of \$105 for each rateable land (or part) in respect of which a municipal charge may be levied.
- 3.4 That it be 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:

## **7.2 REPORTS BY OFFICERS (continued)**

### **7.2.4. Declaration of Rates and Charges for 2008/2009 (continued)**

4.1.1 The Annual Service Charge be levied on each rateable property (excluding Domestic Use Bathing Boxes) in the sum of \$120 for a 140-litre mobile garbage bin and \$105 for a 80-litre mobile garbage bin.

4.1.2 The Annual Service Charge be declared in respect of the 2008/09 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 be declared on each non-rateable property where the service is provided:

4.2.1 The Annual Service Charge be levied on each non-rateable property in the sum of \$120 for a 140-litre mobile garbage bin and \$105 for a 80-litre mobile garbage bin.

4.2.2 The Annual Service Charge be declared in respect of the 2008/09 Financial Year.

#### **5. Incentives**

An incentive be 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 1 September 2008.

#### **6. Rate Payments**

6.1 Rates are payable in four equal instalments due by 30 September 2008, 1 December 2008, 2 March 2009 and 1 June 2009.

6.2 Where no instalment has been paid by 30 September 2008, rates are due in a lump sum and payable by 16 February 2009.

#### **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.

**7.2 REPORTS BY OFFICERS (continued)****7.2.4. Declaration of Rates and Charges for 2008/2009 (continued)****Cultural and Recreational Lands Summary**

<b>Description</b>	<b>Amount Payable</b>
Basterfield Park Tennis Club	\$1,258.36
Beaumaris Bowls Club	\$3,016.50
Beaumaris Community Centre Tennis Club	\$1,844.65
Beaumaris Lawn Tennis Club	\$4,069.95
Beaumaris Motor Yacht Squadron	\$3,404.01
Beaumaris Yacht Club	\$657.72
Black Rock Bowling & Tennis Club	\$3,915.31
Black Rock Yacht Club	\$1,208.13
Brighton Angling Club	\$429.52
Brighton Beach Bowling Club	\$1,839.62
Brighton Croquet Club	\$2,372.81
Cheltenham Golf Club	\$1,098.87
Cheltenham Golf Club	\$11,922.04
Dendy Park Bowls Club Inc.	\$3,577.67
Dendy Park Lawn Tennis Club	\$5,001.41
Elsternwick Park Bowling Club	\$3,269.10
Elsternwick Park Tennis Club	\$1,973.82
Gray Court Reserve P/L	\$890.94
Hampton Bowls Club	\$3,985.28
Hampton Sailing Club	\$998.58
Hampton Tennis Club	\$1,562.63
Highett Bowls Club	\$1,625.77
Hurlingham Park Tennis Club	\$2,005.39
Royal Brighton Yacht Club	\$8,818.20
Royal Melbourne Golf Club	\$73,780.03
Royal Melbourne Golf Club	\$20,676.89
Sandringham Angling Club	\$666.33
Sandringham Athletic Club Inc.	\$528.55
Sandringham Bowls Club	\$2,346.26
Sandringham Club	\$4,807.23
Sandringham Croquet Club	\$1,329.40
Sandringham Football Club Beach Oval	\$1,523.87
Sandringham Yacht Club	\$5,032.99
Sandringham Youth Club	\$820.62
St Stephens Tennis Club	\$799.09
Stella Maris Tennis Club	\$2,194.84
Victoria Golf Club	\$38,509.49
Victorian Amateur Football Association	\$955.53
West Brighton Club	\$6,247.90

**CARRIED**

## **7.2 REPORTS BY OFFICERS (continued)**

### **7.2.5 51-53 Bluff Road Black Rock**

**Moved: Cr Wilson**

**Seconded: Cr del Porto**

1. That having considered the submissions received in relation to the proposed sale of part of 51-53 Bluff Road, Black Rock and the minutes of the Special Committee of Council held on 16 June 2008, Council decides to not proceed with the sale of that land for the reason that the land may be needed for community purposes.
2. That further investigations in relation to the community's needs for this building be undertaken.
3. That the submitters be advised of Council's decision and the reason for that decision.

**CARRIED**

## **7.3 REPORTS BY DELEGATES APPOINTED BY THE COUNCIL TO OTHER BODIES**

There were no reports by delegates submitted to the meeting.

## **8.0 GENERAL BUSINESS**

### **8.1 Special General Committee Meeting – Monday 21 July 2008 – Bayside Neighbourhood Character Review**

**Moved: Cr Stegley**

**Seconded: Cr del Porto**

1. That a Special Meeting of the General Committee be held commencing at 6.30pm on Monday 21 July 2008 to consider the Bayside Neighbourhood Character Review – Stage 2 Study Report, and submissions received to it.
2. That the recommendations from the Special Meeting of the General Committee be reported to the Council Meeting on 28 July 2008.
3. That the owners of all affected properties and all parties who made submissions in relation to Bayside Neighbourhood Character Review – Stage 2 Study be advised accordingly, and offered the opportunity to address the meeting for up to three minutes

**CARRIED**

## **9.0 SUPPLEMENTARY OR URGENT BUSINESS**

There were no items of supplementary or urgent business matters submitted to the meeting.

## **10.0 NOTICES OF MOTION**

There were no Notices of Motions submitted to the meeting.

## **11.0 CONFIDENTIAL BUSINESS**

**Moved: Cr del Porto**

**Seconded: Cr Wilson**

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 categories listed in Section 89(2) of the Act.

**CARRIED**

**Moved: Cr del Porto**

**Seconded: Cr Wilson**

That the Ordinary Meeting of Council be adjourned to the Mayor's Room in order to consider confidential Business.

**CARRIED**

*It is recorded that the Meeting was adjourned 9.05pm in order for the Council to adjourn to the Mayor's for the consideration of Confidential Business.*

Following the consideration of Confidential Business the Chairman declared the Meeting closed at 9.09pm.

The Chairman declared the meeting closed at 9.09pm.

**CONFIRMED THIS 29 DAY OF JULY 2008**

**CHAIRMAN: .....**