

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 11 April 2006 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R D C Edwards
Councillors	R M Bouchée
	P N Crutchett
	J L Deakin
	J Donaldson
	P L Holt
	C J Lush
	P L Macaskill
	A C Norton
	D J Swiderczuk
	S K Tilley
Chief Executive Officer	R T Donaldson
General Manager Economic and Corporate	D G Chamberlain
General Manager Environment and Engineering	C A Sheffield
General Manager Social and Organisation	C E Umapathysivam
Executive Manager Strategy and Development	S L Ditter

1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:00pm.

2. PRESENTATION Nil

3. APOLOGIES

3.1 For Absence Councillor P W Dixon

3.2 Leave of Absence Nil

4. CONFIRMATION OF MINUTES

Councillor Macaskill moved and Councillor Tilley seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 28 March 2006 be taken as read and confirmed.

CARRIED

5. QUESTIONS BY MEMBERS**5.1 Without Notice****5.1.1 Record of Complaints**

Councillor Bouchée asked for advice as to whether a complaint regarding a Hotel, received by Council staff via telephone contact, is recorded.

The Executive Manager, Strategy and Development took the question on notice.

5.2 With Notice Nil

6. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

7. PETITIONS AND DEPUTATIONS Nil

8. NOTICES OF MOTION Nil

**9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:04PM)**

Councillor Swiderczuk moved and Councillor Norton seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

10. RESUMPTION

Councillor Donaldson moved and Councillor Tilley seconded that Council resume at 9:27 pm.

CARRIED

**Councillor Norton left the meeting at 9:27pm
Councillor Norton returned to the meeting at 9:30pm**

11. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**11.1 Social and Organisation Committee**

The Chairperson, Councillor Lush reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Lush moved and Councillor Tilley seconded that the report of the Social and Organisation Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED**11.2 Strategy and Development Committee**

The Chairperson, Councillor Edwards reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Edwards moved and Councillor Macaskill seconded that the report of the Strategy and Development Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED**12. DEVELOPMENT ASSESSMENT PANEL**

C110406/079 Councillor Deakin moved and Councillor Holt seconded that the minutes of the Development Assessment Panel held on Wednesday 29 March 2006, circulated to Elected Members under separate cover on 30 March 2006, be received.

CARRIED

C110406/080 Councillor Holt moved and Councillor Edwards seconded that the recommendations of the Development Assessment Panel held on Wednesday 29 March 2006 for Item No: 7.1 be adopted.

CARRIED**13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**

Nil

14. REPORTS OF REGIONAL SUBSIDIARIES

Western Region Waste Management Authority Meeting held 24 March 2006.

C110406/081 Councillor Bouchée moved and Councillor Tilley seconded that the minutes of the Western Region Waste Management Authority Meeting held on 24 March 2006 be received.

CARRIED

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 184/06)**

Report No: 184/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C110406/082 Councillor Deakin moved and Councillor Edwards seconded that the report be noted and items of interest be discussed.

CARRIED

**Councillor Edwards left the meeting at 9:30pm
Councillor Edwards returned to the meeting at 9:35pm**

15.2 City of Holdfast Bay Long Term Financial Strategy (Report No: 185/06)

Report No: 185/06 was presented advising that a Long Term Financial Strategy was received by Council at the Economic and Corporate meeting held on 28 March 2006. Administration is now seeking the endorsement of the economic indicators and financial strategies contained within this document. In addition, Administration also seeks Council's direction in regard to the different rating scenarios presented in the Long Term Financial Strategy, so that preparatory work on the Draft Budget 2006-2007 can continue.

C110406/083 Councillor Holt moved and Councillor Macaskill seconded that Council:

- 1. Endorses the Financial Indicators as contained in Report No 185/06;**
- 2. Notes that Administration will commence preparation of the Draft Budget 2006-2007 process including an initial total 5% general rate revenue increase (exclusive of the value of new development in the City) and that the final 2006-2007 rate revenue setting will be determined by Council at future budget meetings.**
- 3. Directs the inclusion of an additional component of rate revenue for 2006/2007, in the Draft Budget documents being 0.7%, in order to establish a long term commitment of 1% of rate revenue to the Infrastructure Maintenance Reserve Fund for the purposes of medium to long term funding of infrastructure replacement and renewal.**

CARRIED

16. URGENT BUSINESS**16.1 Platinum Building and Pier Hotel Balconies**

Councillor Tilley asked a question relating to the Platinum and Pier Hotel Balconies.

The Chief Executive Officer took the question on notice.

16.2 Council or Development Assessment Commission

Councillor Crutchett sought clarification about Council's jurisdiction in the matter raised in 16.1.

The Chief Executive Officer took the question on notice.

17. ITEMS IN CONFIDENCE**17.1 CONFIDENTIAL COUNCIL DOCUMENTS REGARDING LAND ACQUISITION AND DISPOSAL FOR CAR PARKING IN THE JETTY ROAD, GLENELG PRECINCT (REPORT NO: 159/06)**

C110406/084 Councillor Lush moved and Councillor Holt seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Confidential Council Documents Regarding Land Acquisition And Disposal For Car Parking In The Jetty Road, Glenelg Precinct (Report No: 159/06)

C110406/085 Councillor Donaldson moved and Councillor Bouchée seconded that the late item tabled advising of a further review of the list of confidential reports be received.

CARRIED

Report No: 159/06 was presented advising that on 24 January 2006 Council endorsed the release of the Jetty Road Glenelg Urban Design Framework for public consultation. Council concurrently resolved that Administration seek legal advice regarding the implications of releasing all confidential minutes, reports and documents associated with land acquisition or disposal for car parking within the Jetty Road Glenelg precinct and report back to Council.

The purpose of this report is to advise Council of the legal implications relating to the release of the relevant confidential items.

C110406/086 Councillor Holt moved and Councillor Edwards seconded that the Council:

1. **Releases Reports 750/99, 11/00, 105/00, and 533/05 from confidentiality; and**
2. **Retains Reports 47/01, 447/01, 509/01, 466/02, 88/03 and 559/05 in confidentiality.**

A Division was called.

Voted For

Voted Against

Councillor Deakin
Councillor Donaldson
Councillor Edwards
Councillor Holt
Councillor Lush
Councillor Macaskill
Councillor Norton
Councillor Swiderczuk

Councillor Bouchée
Councillor Crutchett
Councillor Tilley

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

C110406/087 ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Councillor Lush moved and Councillor Tilley seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the report document but not the minutes relating to Report No: 159/06 be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which:**
 - (i) **could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and**
 - (ii) **would, on balance, be contrary to the public interest**

under Section 90(2) and 90(3)(d) of the Act.
2. **This resolution will be reviewed on or before 31 December 2006 by the Council.**

CARRIED

17. ITEMS IN CONFIDENCE (Cont'd)**17.2 ELECTED MEMBERS' ACCESS TO INFORMATION (REPORT NO: 176/06)**

C110406/088 Councillor Holt moved and Councillor Lush seconded that, pursuant to Section 90(2) and 90(3)(h) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- legal advice.

CARRIED**Elected Members' Access to Information (Report No: 176/06)**

Report No: 176/06 was submitted advising that Council has previously considered a draft policy on the matter of Elected Members' Information Requests, and in November 2005 referred the draft policy to external parties for advice. A revised draft policy and procedure is now recommended for adoption, together with revised policies and procedures on related Policy Manual content.

C110406/089 Councillor Swiderczuk moved and Councillor Deakin seconded that Council recommends:

1. That the new Policy and Procedure included at Attachment 2 to Report Number 176/06, "Elected Members Access to Council Documents", be adopted and included in Council's Policy Manual.
2. That revised Policies and Procedures included at Attachment 3 to Report Number 176/06, "Elected Member Communications with Council Employees" and "Questions from Elected Members", be adopted and included in Council's Policy Manual.
3. That the Council's decisions and related reports on this matter be released from confidential status.

A Division was called.

Voted For

Voted Against

Councillor Donaldson
Councillor Edwards
Councillor Dixon
Councillor Holt
Councillor Lush
Councillor Macaskill
Councillor Norton
Councillor Swiderczuk

Councillor Bouchée
Councillor Crutchett
Councillor Tilley

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE**

C110406/090 Councillor Lush moved and Councillor Macaskill seconded that pursuant to Section 90(2), 90(3)(h) and 91(7) of the Local Government Act 1999, the Council orders that the documents and minutes relating to Report No: 176/06 not be kept confidential and be made available for public inspection.

CARRIED

18. RESUMPTION

Councillor Lush moved and Councillor Macaskill seconded that Council resume as an open meeting of Council at 9:58pm.

CARRIED

19. CLOSURE

The meeting closed at 9:58pm.

CONFIRMED

Wednesday 26 April 2006

MAYOR