

## 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 9 May 2006 at 7:00pm.**

### PRESENT

His Worship the Mayor  
Deputy Mayor  
Councillors

A K Rollond  
R D C Edwards  
P N Crutchett  
J L Deakin (7:06pm)  
P W Dixon  
J Donaldson  
P L Holt  
C J Lush  
P L Macaskill  
A C Norton  
D J Swiderczuk  
S K Tilley  
R T Donaldson  
D G Chamberlain  
C A Sheffield  
C E Umapathysivam  
S L Ditter

Chief Executive Officer  
General Manager Economic and Corporate  
General Manager Environment and Engineering  
General Manager Social and Organisation  
Executive Manager Strategy and Development

### 1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:00pm and spoke to the Beaconsfield mine tragedy and Gladstone munitions explosion today.

### 2. PRESENTATION Nil

### 3. APOLOGIES

#### 3.1 For Absence Councillor R M Bouchée

#### 3.2 Leave of Absence Nil

### 4. CONFIRMATION OF MINUTES

**Councillor Swiderczuk moved and Councillor Macaskill seconded that the amended minutes of the Ordinary Meeting of Council held on Tuesday 11 April 2006, as circulated, reflecting the amendment to Resolution No. C110406/086 be taken as read and confirmed, and replace those Minutes endorsed at the Council meeting held 26 April 2006.**

**CARRIED**

**Councillor Holt moved and Councillor Edwards seconded that the minutes of the Ordinary Meeting of Council held on Wednesday 26 April 2006 be taken as read and confirmed.**

**CARRIED**

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

At the meeting of Council held on Tuesday 11 April 2006, 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 provided an answer.**

**When telephone complaints relating to licenced premises are received by Council, the general practice is to request the caller put the complaint in writing and forward a copy to both Council and the Office of the Liquor and Gambling Commissioner (OLGC). This is the preferred method of recording complaint issues rather than to accept anecdotal statements via telephone. This also ensures that the OLGC is made aware of the complaint.**

**If sufficient information is given by telephone regarding the complaint, an electronic memo is also placed on either 'Trim' (Council's Records Management System) or 'Proclaim' (Council's Property Management System). Previously a written memo would have been placed on the relevant property file(s).**

**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)  
(7:05PM)**

**Councillor Macaskill moved and Councillor Edwards seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.**

**CARRIED**

**10. RESUMPTION**

**Councillor Macaskill moved and Councillor Tilley seconded that Council resume at 8:44pm.**

**CARRIED**

**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 Macaskill 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 Tilley 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**

**C090506/109 Councillor Swiderczuk moved and Councillor Deakin seconded that the minutes of the Development Assessment Panel held on Wednesday 12 April 2006 be received.**

**CARRIED****13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil****14. REPORTS OF REGIONAL SUBSIDIARIES Nil****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 225/06)**

Report No: 225/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C090506/110 Councillor Macaskill moved and Councillor Swiderczuk seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**16. URGENT BUSINESS Nil**

- 16.1** Councillor Dixon spoke of the resignation of Mr Norm Key, Manager Works and of Council's appreciation of his service.

**17. ITEMS IN CONFIDENCE****17.1 STREET TREES - LIBERTY TOWERS (REPORT NO: 221/06)**

**C090506/111** Councillor Holt moved and Councillor Donaldson 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**

Street Trees – Liberty Towers (Report No: 221/06)

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C090506/113** 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:

1. The Council orders that the documents and minutes relating to Report No: 221/06 with the exception of Resolution No: C090506/111 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with legal advice, under Section 90 (2) and 90(3)(h) of the Act.
2. This resolution will be reviewed on or before 30 June 2007 by the Council.

**CARRIED**

**C090506/114** **17.2 HOLDFAST SHORES STAGE 2B DEVELOPMENT BONDING AGREEMENT (REPORT NO: 228/06)**

Councillor Macaskill moved and Councillor Donaldson seconded that, pursuant to Section 90(2) and 90(3)(g) 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:

- information or matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

**CARRIED**

**Holdfast Shores Stage 2B Development Bonding Agreement (Report No: 228)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C090506/118 Councillor Lush moved and Councillor Holt seconded that pursuant to Section 90(2), 90(3)(g) and 91(7) of the Local Government Act 1999:**

- 1. The Council orders that the documents and minutes relating to Report No: 228/06 with the exception of Resolution No: C090506/114 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information or matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty under Section 90(2) and 90(3)(g) of the Act.**
- 2. This resolution will be reviewed on or before 31 December 2006 by the Council.**

**CARRIED**

**18. RESUMPTION**

**Councillor Lush moved and Councillor Deakin seconded that Council resume as an open meeting of Council at 9:21pm.**

**CARRIED**

**19. CLOSURE**

**The meeting closed at 9:21pm.**

**CONFIRMED**

**Tuesday 23 May 2006**

**MAYOR**