

**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 13 June 2006 at 7:00pm.**

**PRESENT**

His Worship the Mayor  
Councillors

A K Rollond  
R M Bouchée  
P N Crutchett  
P W Dixon  
J Donaldson  
C J Lush  
P L Macaskill  
A C Norton  
D J Swiderczuk  
S K Tilley  
R T Donaldson  
C A Sheffield  
C E Umaphysivam  
S L Ditter  
C M Bates

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

**1. OPENING**

His Worship the Mayor, declared the meeting open with prayer at 7:01pm.

His Worship the Mayor congratulated Glen Millar on his recent award of the Order of Australia Medal 2006.

**2. PRESENTATION**

His Worship the Mayor made a presentation to Rosemarie Thomasson in acknowledgement of her retirement as a Council employee for the past thirty-one years.

Councillor Tilley entered the meeting at 7:05pm

**3. APOLOGIES**

**3.1 For Absence** Councillor J L Deakin

**3.2 Leave of Absence** Councillor R D C Edwards and Councillor P L Holt

**Councillor Macaskill moved and Councillor Norton seconded that Leave of Absence be granted to Councillor Edwards for the meeting on 13 June 2006.**

**CARRIED**

**4. CONFIRMATION OF MINUTES**

**Councillor Norton moved and Councillor Donaldson seconded that the minutes of the Ordinary Meeting of Council held on 23 May 2006 be taken as read and confirmed.**

**CARRIED**

## 5. QUESTIONS BY MEMBERS

### 5.1 Without Notice

#### 5.1.1 Somerton Coast Park

Councillor Bouchée asked the following questions:

1. Has Council made a decision regarding the design of Somerton Coast Park?
2. Has Administration sent out any circulars to residents along Somerton Coast Park?
3. Do we have a copy of a circular issued by any Elected Members of Council?

**The General Manager Environment and Engineering provided an answer.**

#### 5.1.2 Somerton Coast Park

Councillor Tilley asked the following questions:

1. Is it normal for individual Councillors to send out circulars to residents?

**The Chief Executive Officer provided an answer.**

2. Is it appropriate for such a circular to be copied to other Elected Members?

**The General Manager Environment and Engineering provided an answer.**

### 5.2 With Notice Nil

## 6. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

## 7. PETITIONS AND DEPUTATIONS

His Worship the Mayor advised the Council that he had received a petition from Mr J J Messenger of Maturin Road, Glenelg, regarding the Broadway Kiosk redevelopment. The Chief Executive Officer advised that the petition would be included formally in the next Council agenda papers.

## 8. NOTICES OF MOTION

### 8.1 Rescission Motion – Brighton Surf Life Saving Club

**In accordance with his notice of motion Councillor Crutchett moved and Councillor Bouchée seconded that Council rescind motion EC240106/023 part 3 *“That if necessary as a result of securing an earlier than predicted allocation from the State Government for the completion of the BSLSC redevelopment from the State Government, this amount will be provided by Council in the 2006/2007 financial year.”***

A division was called.

Voted For

Councillor Bouchée  
Councillor Crutchett  
Councillor Tilley

Voted Against

Councillor Dixon  
Councillor Donaldson  
Councillor Lush  
Councillor Macaskill  
Councillor Norton  
Councillor Swiderczuk

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

## **8.2 Rescission Motion – Elected Member Benefits and Entitlements**

**Councillor Lush declared a conflict of interest due to her intention to be a Mayoral candidate in the next Council Elections and left the meeting at 7:20pm.**

**In accordance with his notice of motion Councillor Crutchett moved and Councillor Tilley seconded that Council remove from its policy number 1.4 Elected Member - Benefits and Entitlements the provision of a Motor Vehicle, equivalent to a Holden Statesman/Ford Fairlane; for the Mayor in performing and discharging his/her official duties.**

A division was called.

Voted For

Councillor Bouchée  
Councillor Crutchett  
Councillor Tilley

Voted Against

Councillor Dixon  
Councillor Donaldson  
Councillor Macaskill  
Councillor Norton  
Councillor Swiderczuk

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

**Councillor Lush returned to the meeting at 7:35pm.**

## **9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:35PM)**

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

**CARRIED**

**Councillor Donaldson left the meeting at 10.26pm.**

## **10. RESUMPTION**

**Councillor Lush moved and Councillor Swiderczuk seconded that Council resume at 10:27pm.**

**CARRIED**

## **EXTENSION OF TIME**

**Councillor Crutchett moved and Councillor Tilley seconded that the Standing Orders be suspended until 10:45pm to allow all business within the agenda papers to be completed.**

**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 Donaldson 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**

It was noted that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Swiderczuk 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**

**Councillor Donaldson returned to the meeting at 10:27pm.**

**12. DEVELOPMENT ASSESSMENT PANEL**

**C130606/147 Councillor Dixon moved and Councillor Tilley seconded that the minutes of the Development Assessment Panel held on Wednesday 24 May 2006 be received.**

**CARRIED**

The Presiding Member, Councillor Macaskill reported that the Development Assessment Panel had processed the business contained in the agenda documents on Wednesday 24 May 2006 and had made certain recommendations in relation to the following DAP Items.

Item 7.2 APPEAL – 29 ORASTON AVENUE, BRIGHTON (Report No: 248/06)

Following the Panel's refusal of an application to construct two single storey detached dwellings with associated garages, an appeal has been lodged with the ERD Court. The Panel has previously resolved not to support amended plans which proposed to increase road set backs and provide more front yard landscaping. A second amended plan has been submitted for the further consideration of the Panel. The latest amendments comprise significant alterations to the number, design and materials of the garage doors and together with those previously proposed have merit for the Panel's support.

**It was the consensus of the Development Assessment Panel that the Environment Resources and Development Court be advised that Council does not support the amended plan for all the previous reasons for refusal, being that it is contrary to Council Wide Objectives 34 and 83 and Principles 49, 189, 191 and Residential B Zone Objective 4 and Principles 3 and 16 of the City of Holdfast Bay Development Plan. More specifically the application does not meet the intent of the Development Plan in relation to:**

- **The proposal will detract from the character and appearance of the zone; and**
- **The proposal will detract from the character and appearance of the streetscape.**

Item 7.3 APPEAL – 20 BALMORAL AVENUE, NORTH BRIGHTON (Report No: 249/06)

Following the lodgement of an appeal against the Panel's refusal of an application for demolition of an existing building, removal of two significant trees and erection of two detached dwellings and four group dwellings, the applicant has submitted an amended proposal for further consideration. It is considered that the amended proposal, while not addressing all reasons for refusal, adequately addresses those issues dealing with site areas, front yard landscaping and character, and has merit for the Panel's support.

**It was the consensus of the Development Assessment Panel that the Development Assessment Panel recommends to Council that the Environment Resources and Development Court be advised that Council supports the amended plans subject to the following conditions of provisional development Plan Consent.**

1. **That the design and siting of all buildings and structures and site works shall be as shown on the drawings numbered 05390SK01 and 02 dated 9 May 2006 unless varied by any subsequent conditions imposed herein.**
2. **That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.**
3. **That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.**
4. **That letterboxes shall be provided of the same materials as the exterior walls of the building and at least 1 metre in height in a location and of a type and height to the reasonable satisfaction of Council.**
5. **That landscaping as detailed in the application for development shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**
6. **That the landscaping shall comprise semi mature trees and shrubs. The trees shall have a minimum height of 1500mm and the shrubs a minimum height and breadth of 300mm when planted.**
7. **That all plants shall be watered through the installation of an underground drip feed irrigation system.**
8. **That all of the car parking, driveway and vehicle manoeuvring area shall be constructed and finished in permeable paving, which is to Council's satisfaction, and in accordance with sound engineering practice prior to the occupation or use of the development herein approved.**
9. **That the central driveway shall be lit during the hours of darkness, and lights shall be directed and screened so that unreasonable overspill of light into nearby dwellings is avoided and drivers are not distracted, and movement sensitive security lights shall be installed at the portico of each dwelling.**

Item 7.3 APPEAL – 20 BALMORAL AVENUE, NORTH BRIGHTON (Report No: 249/06) cont'd

10. Storm water from each dwelling shall be collected and connected to a 1000 litre rainwater tank, in a location that is to Council's satisfaction, and each tank is to have a sealed system over flow connection to the street water table.
11. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
12. That dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of Council.
13. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
14. That the provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
15. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.

C130606/148 Councillor Macaskill moved and Councillor Norton seconded that the recommendations of the Development Assessment Panel held on Wednesday 24 May 2006 for Item No: 7.2 and Item No: 7.3 be adopted.

**CARRIED**

### 13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

#### 13.1 Jetty Road Mainstreet Board

Minutes of the Jetty Road Mainstreet Board Meeting held Wednesday 3 May 2006.

C130606/149 Councillor Tilley moved and Councillor Donaldson seconded that the minutes of the Jetty Road Mainstreet Board Committee held on Wednesday 3 May 2006 be received.

**CARRIED**

### 14. REPORTS OF REGIONAL SUBSIDIARIES

Nil

**15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 283/06)**

Report No: 283/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C130606/150 Councillor Swiderczuk moved and Councillor Bouchée seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**Councillor Peter Holt – Withdrawal from some Ancillary Council Responsibilities (Item 15.1.3)**

**C130606/151 Councillor Norton moved and Councillor Macaskill seconded that the resignation of Councillor Holt from his positions as listed in Attachment 3 to Report No: 283/06 be noted, and that Councillor Holt be acknowledged and thanked for his contribution to the respective Committees and the Development Assessment Panel.**

**CARRIED**

**Economic and Corporate Committee**

Purpose:

To consider and report to Council on the Financial Plan, budgets and accounts, rating and other charges and loan borrowing, as well as tourism and economic development.

**C130606/152 Councillor Swiderczuk moved and Councillor Norton seconded that Councillor Deakin be nominated for appointment to replace Councillor Holt as Chairman of the Economic and Corporate Committee.**

A division was called.

Voted For

Councillor Dixon  
Councillor Donaldson  
Councillor Lush  
Councillor Macaskill  
Councillor Norton  
Councillor Swiderczuk  
Councillor Tilley

Voted Against

Councillor Bouchée  
Councillor Crutchett

**HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**

**C130606/153 Councillor Macaskill moved and Councillor Norton seconded that Councillor Donaldson be nominated for appointment as Deputy Chairman of the Economic and Corporate Committee.**

**CARRIED**

**Rating Review Committee.**

Purpose:

Review Council's Rating Policy annually and make recommendations for any changes to Council no later than 31 May each year.

Monitor the Local Government Act as it impacts on Council's Rating Policy.

Investigate the appropriateness of special rates (such as Patawalonga Marina Separate Rate) and any others, from time to time.

- C130606/154** Councillor Norton moved and Councillor Macaskill seconded that Councillor Donaldson be nominated for appointment to replace Councillor Holt as a Member of the Rating Review Committee.

**CARRIED**

#### **Kingston House Management Committee**

- C130606/155** Councillor Lush moved and Councillor Bouchée seconded that Councillor Deakin be nominated for appointment to replace Councillor Holt as a Member of the Kingston House Management Committee (external appointment).

**CARRIED**

#### **Development Assessment Panel**

Purpose and Role:

- 1.1 The City of Holdfast Bay Development Assessment Panel (DAP) is the body established by Council to be the relevant authority appointed pursuant to Section 56A of the Development Act 1993 for the purpose of administering certain powers, functions and duties delegated to it by the Council.
- 1.2 The creation and operation of the DAP shall occur in a manner which confirms and reinforces its independence from the functions of the Elected Council.
- 1.3 The DAP shall exercise, perform and discharge the following responsibilities on behalf of the Council:-
  - The consideration of matters submitted by the Administration relating to assessment and determination of applications for planning consent.
  - The provision of comment or advice to the Development Assessment Commission on major matters submitted to the Council by the Commission.
  - The consideration of proposals for compromise on matters subject to appeal to the Environment, Resources and Development Court.
  - The consideration of such other assessment matters as may be referred to the DAP by the Administration or as may be initiated by the DAP on its own volition.

- C130606/156** Councillor Macaskill moved and Councillor Lush proposed that Councillor Norton be appointed to replace Councillor Holt as a Member of the City of Holdfast Bay Development Assessment Panel.

**CARRIED**

- C130606/157** Councillor Tilley moved and Councillor Crutchett proposed that Councillor Bouchée be appointed to replace Councillor Holt as a Member of the City of Holdfast Bay Development Assessment Panel.

**CARRIED**

There being more than one nomination, Mrs C Umapathysivam, General Manager Social and Organisation performed the role of Returning Officer, conducted a secret ballot, and after counting votes advised that Councillor Norton had received the majority of votes.

- C130606/158** Councillor Macaskill moved and Councillor Donaldson seconded that Councillor Norton be appointed to replace Councillor Holt as a Member of the City of Holdfast Bay Development Assessment Panel.

**CARRIED**



**15.2 Alwyndor Board of Management – Retirement of Long-serving Council Appointed Member (Report No: 289/06)**

Report No: 289/06 was presented and advised that correspondence was received advising that Ms Bernadette Stockwell, long serving member of the Alwyndor Board of Management, tendered her resignation from the Board at its meeting held on 22 May 2006.

**C130606/159 Councillor Swiderczuk moved and Councillor Macaskill seconded:**

1. That Council acknowledge and record its appreciation to Ms Bernadette Stockwell for her valuable contribution to the Alwyndor Board of Management between 2001 and 2006.
2. That an appropriate gift be arranged by His Worship the Mayor and the Chief Executive Officer, together with the General Manager Alwyndor Aged Care, for presentation to Ms Stockwell at a future meeting of Council.

**CARRIED**

**15.3 Rating Review Committee Recommendations (Report No: 300/06)**

Report No: 300/06 was presented advising that the Rating Review Committee met on 25 May 2006. A number of recommendations for the 2006/2007 rate setting process were made at this meeting. This report lists those recommendations for Council consideration to enable rate setting prior to adoption of the rating policy and declaration of the 2006/2007 rates.

**C130606/160 Councillor Crutchett moved and Councillor Bouchée seconded that Council for the purpose of the 2006/2007 rate setting and rates determination:**

1. Receives and notes the minutes of the Rating Review Committee held on 25 May 2006.
2. Apply a differential rate to Commercial, Industrial and Vacant land properties with the City of Holdfast Bay being 135% of the residential rate.
3. Set the residential rate cap at 14% comprising 8% plus the approved budgeted Council rate increase.
4. Set the residential minimum rate at \$620.
5. Include the above factors in further 2006/2007 rates declaration and rating policy reports to be presented to the Economic and Corporate Committee on 27 June 2006.

**AMENDMENT****C130606/161 Councillor Lush moved and Councillor Macaskill seconded that Council for the purpose of the 2006/2007 rate setting and rates determination:**

1. Receives and notes the minutes of the Rating Review Committee held on 25 May 2006.
2. Apply a differential rate to Commercial, Industrial and Vacant land properties with the City of Holdfast Bay being 135% of the residential rate.
3. Set the residential rate cap at 14% comprising 8% plus the approved budgeted Council rate increase of 6%.
4. Set the residential minimum rate at \$620.

6. **Include the above factors in further 2006/2007 rates declaration and rating policy reports to be presented to the Economic and Corporate Committee on 27 June 2006.**

**CARRIED  
THE AMENDMENT BECAME THE MOTION**

A division was called.

Voted For

Voted Against

Councillor Dixon  
Councillor Donaldson  
Councillor Lush  
Councillor Macaskill  
Councillor Norton  
Councillor Swiderczuk  
Councillor Tilley

Councillor Bouchée  
Councillor Crutchett

**HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**

#### **EXTENSION OF TIME**

**Councillor Crutchett moved and Councillor Dixon seconded that the Standing Orders be suspended until 11:00pm to allow all business within the agenda papers to be completed.**

**CARRIED**

#### **16. URGENT BUSINESS**

##### **16.1 Councillor Holt**

**Councillor Crutchett moved and Councillor Macaskill seconded that Council extends to Councillor Holt leave of absence to enable him the opportunity to attend Council meetings when he is able to, up to the time of the Local Government Elections in November 2006.**

**CARRIED**

#### **17. ITEMS IN CONFIDENCE**

##### **17.1 LIBERTY TOWERS ENCROACHMENT (REPORT NO: 280/06)**

**C130606/162 Councillor Macaskill 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**

**Liberty Towers Encroachment (Report No: 280/06)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C130606/164** 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: 280/06 with the exception of Resolution No: C130606/163 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 31 December 2006 by the Council.

**CARRIED**

**17.2** **HOLDFAST SHORES STAGE 2B – COSTS TO COUNCIL (REPORT NO: 281/06)**

**C130606/165** Councillor Macaskill 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**

**Holdfast Shores Stage 2B – Costs to Council (Report No: 281/06)**

**C130606/167** **ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

Councillor Lush moved and Councillor Donaldson 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: 281/06 with the exception of Resolution No: C130606/166 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 31 December 2006 by the Council.

**CARRIED**

**18. RESUMPTION**

Councillor Bouchée moved and Councillor Lush seconded that Council resume as an open meeting of Council at 10:59pm.

**CARRIED**

**19. CLOSURE**

**The Meeting closed at 10:59pm.**

**CONFIRMED**

**Tuesday 27 June 2006**

**MAYOR**