

## 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 8 August 2006 at 7:00pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R D C Edwards
Councillors	R M Bouchée (7:10pm)
	P N Crutchett
	J L Deakin
	P W Dixon
	J Donaldson
	P L Holt
	C J Lush
	P L Macaskill
	A C Norton
Chief Executive Officer	R T Donaldson
General Manager Environment and Engineering	C A Sheffield
General Manager Social and Organisation	C E Umapathysivam
Acting General Manager Strategy and Development	R A Thomas
Executive Manager Finance and Corporate	I S Walker

### 1. OPENING

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

### 2. PRESENTATION

**His Worship the Mayor welcomed visitors from Hayama, Mr Yorishige Uchida and Mrs Kaoru Hosono and thanked them for the gifts from Mayor Moriya.**

**The Chief Executive Officer also presented a gift received from Mayor Moriya.**

### 3. APOLOGIES

**3.1 For Absence** Councillor D J Swiderczuk

**3.2 Leave of Absence** Councillor S K Tilley

### 4. CONFIRMATION OF MINUTES

**Councillor Mcaskill moved and Councillor Donaldson seconded that the minutes of the Ordinary Meeting of Council held on 25 July 2006 be taken as read and confirmed.**

**CARRIED**

### 5. QUESTIONS BY MEMBERS

**5.1 Without Notice** Nil

**5.2 With Notice** Nil

**6. REPORTS BY DELEGATES OR REPRESENTATIVES**

Councillor Lush reported that she had attended the Glenelg Brass Band Annual General Meeting. Thanks were conveyed for the assistance of Council Officers Glen Millar, Steve Watson, Rodger Baker, Trevor McGuinness and Depot Staff.

**7. PETITIONS AND DEPUTATIONS** Nil

**8. NOTICES OF MOTION** Nil

**9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:05PM)**

**Councillor Holt moved and Councillor Deakin 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 Deakin seconded that Council resume at 7:50pm.**

**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 Deakin 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 Deakin 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**

**12.1 Councillor Lush moved and Councillor Edwards seconded that the minutes of the Development Assessment Panel held on Wednesday 26 July 2006 be received.**

**CARRIED**

**12.2** The Presiding Member, Councillor Macaskill reported that the Development Assessment Panel had processed the business contained in the agenda documents on Wednesday 26 July 2006 and had made certain recommendations to Council in relation to the following DAP Item.

**7.2 APPEAL– 29 ORASTON AVENUE, BRIGHTON (REPORT NO: 374/06)**

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 two amended plans. A third amended plan has now been submitted for the further consideration of the Panel. The latest amendments comprise construction of single rather than double garages, and together with those previously proposed have merit for the Panel's support.

**The Development Assessment Panel recommends to Council that the Environment Resources and Development Court be advised that Council supports the amended plan for application 110/791/05, dated 29 June, 2006 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 amended plans dated 29/06/06 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 the applicants or other persons, for the time being, making use of the development now approved, shall cultivate, tend and nurture the trees or, shrubs or lawns intended to be established upon the subject land, replacing from time to time, any trees, shrubs or lawns which shall die or become diseased with others of the same respective varieties or of such varieties as the Council shall approve in writing.**
- 5. All new residential dwellings shall comply with Council's Policy on stormwater retention.**
- 6. 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.**

7. That dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of Council.
8. 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.
9. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
10. That no solid or liquid trade wastes be discharged to the stormwater system.
11. 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.
12. Prior to the removal of any street trees to facilitate entry to the property, the owner shall liaise with the General Manager, Environment & Engineering to organise suitable replacement trees at the applicant's expense.

**C080806/216** Councillor Deakin moved and Councillor Holt seconded that the recommendations of the Development Assessment Panel held on Wednesday 26 July 2006 for Item No:7.2 be adopted.

**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: 390/06)**

Report No: 390/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C080806/217** Councillor Edwards moved and Councillor Donaldson seconded that the report be noted and items of interest be discussed.

**CARRIED**

**16. URGENT BUSINESS****16.1 Glenelg Jetty Incident involving a Vehicle**

The General Manager Environment and Engineering advised Council of a possible future report on the risk assessment and responses as a result of the recent Glenelg Jetty incident.

**C080806/218** Councillor Crutchett moved and Councillor Macaskill seconded that Administration prepare a report on the recent Glenelg Jetty incident, involving a vehicle being driven off the Jetty, and issues of risk arising from it.

**CARRIED**

**16.2 New Years Eve Celebrations**

Councillor Holt moved and Councillor Donaldson seconded that the Internal Memorandum and attachments, dated 8 August 2006, as tabled, be received.

**CARRIED**

**C080806/219** Councillor Lush moved and Councillor Norton seconded:

1. That Council reaffirms its approach to New Years Eve 2006 as set out in part 1.2 of Resolution No: 230506/057.
2. That the Premier be thanked for the offer of support and advised of Council's resolution in (1) above.

A division was called.

Voted For	Voted Against
Councillor Dixon	Councillor Edwards
Councillor Norton	Councillor Crutchett
Councillor Macaskill	Councillor Bouch�e
Councillor Deakin	
Councillor Donaldson	
Councillor Lush	
Councillor Holt	

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

**17. ITEMS IN CONFIDENCE****17.1 POSSIBLE LITIGATION INVOLVING THE CITY OF HOLDFAST BAY – UPDATE (REPORT NO: 394/06)**

Council officers remaining: Mr R T Donaldson, Mr I S Walker, Mr C S Sheffield, Mrs C E Umapathysivam and Ms R A Thomas

**C080806/220** 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.

**Possible Litigation involving the City of Holdfast Bay – Update  
(Report No: 394/06)**

**C080806/221 Councillor Lush moved and Councillor Macaskill seconded:**

1. That the information be received.
2. That the CEO again write to the Minister for State/Local Government Relations the Hon Ms Jennifer Rankine requesting clarification and direction in regard to the role of an Elected Member's spouse as the Minister's response has neither addressed the specific issues raised, nor answered the specific questions.
3. That the CEO convey to the Minister that Council does understand that an Elected Member's spouse does accompany and support an Elected Member in the role at various functions, and needs to be insured, however should that support extend to being involved in policy making and decisions and the day to day communications that occur between Elected Members and administration, whereby the spouse is 'doing' the Elected Member's work, because the Member is too busy?

A division was called.

Voted For  
Councillor Dixon  
Councillor Norton  
Councillor Macaskill  
Councillor Deakin  
Councillor Donaldson  
Councillor Lush  
Councillor Holt  
Councillor Edwards

Voted Against  
Councillor Crutchett  
Councillor Bouchèe

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

**ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE**

**C080806/220 Councillor Bouchèe moved and Councillor Crutchett seconded that the Council orders that the report and minutes relating to Report No: 394/06 not be kept confidential.**

**Councillor Lush moved and Councillor Deakin seconded that the motion be put.  
CARRIED**

**THE MOTION WAS PUT AND CARRIED**

**18. RESUMPTION**

**Councillor Lush moved and Councillor Donaldson seconded that Council resume as an open meeting of Council at 8:33pm.**

**CARRIED**

COUNCIL

08.08.2006

**19. CLOSURE**

**The Meeting closed at 8:33pm**

**CONFIRMED Tuesday 22 August 2006.**

**MAYOR**