

11.1 Confidential Report – Enforcement Issues

Cr Erwin MOVED

1. *That*

under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public with the exception of Asset Planner, Acting Manager Property, General Manager City Projects, Manager Infrastructure, General Manager City Services, Group Manager Economic Development, Chief Financial Officer, General Manager Corporate Services, Chief Executive Officer, Group Manager Governance, Minute Secretary and Solicitor, Norman Waterhouse be excluded from attendance at the meeting in order to consider in confidence this item.

the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:

(h) *legal advice;*

That accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

Seconded by Cr Ferguson.

CARRIED

Cr Nash resumed her seat in the chamber at 10.40pm.

Cr de Jonge resumed his seat in the chamber at 10.41pm.

Cr Fletcher MOVED

2. *That Council note the report and legal opinion received in relation to enforcement options for control of dust on development sites.*

3. *That in noting the legal advice received, Council acknowledges the potential for challenge to Council's process under the Development Act to impose conditions relating to dust control on development sites, and other environmental nuisance/harm issues related to development activities.*

4. *That Council note the discussions initiated with the Environment Protection Authority regarding limited delegation of powers to Council under the Environment Protection Act, with update reports to Council on the progress of discussions being reported via Weekly News and/or the Council agenda as appropriate.*

Seconded by Cr Manson.

CARRIED

Cr Mazzachi MOVED

5. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(h) for review after 12 months.*

Seconded by Cr Arbon

CARRIED

RELEASED