

Council Minutes – 10 May 2004

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 10 May 2004 at 6.00 pm

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CLOSURE OF MEETING

MINUTES

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING OPEN AT 6.00 PM AND WELCOMED MEMBERS OF THE PUBLIC TO THE MEETING

ATTENDANCE AND APOLOGIES

Present: The Mayor, Mr Peter Tagliaferri in the Chair and Councillors

East Ward

Cr Kathy Anketell; Cr Rose Pinter

Beaconsfield Ward

Cr Shirley Mackay; Cr John Alberti

Hilton Ward

Cr Tony Miosich JP; Cr Bob Smith

City Ward

Cr Phil Douglas (entered Chamber at 6.03 pm); Cr Steve Gorman (entered Chamber at 6.06 pm)

South Ward

Cr Helen Hewitt; Cr Geoff Graham

North Ward

Cr Doug Thompson;

Chief Executive Officer, Mr Ray Glickman; Director Urban Management, Mr Jayson Miragliotta; Manager Strategic Planning and Corporate Development, Ms Jill Hanna; Manager Finance and Administration, Mr Alan Carmichael; Media Relations Officer; Mr Chris Thomas and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill.

LEAVE OF ABSENCE

Cr Bob Williams

APOLOGIES

Nil

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

1. **Mr Lawrie Bugeja**
89 Watkins Street
Fremantle
Not on Agenda

Summary of Question

- a) Mr Bugeja spoke of his concerns with water flooding his property and water damage to vehicles. He advised the problem goes from house numbers 89 to 95 Watkins Street. He has had this problem for four years and would like his concerns addressed. He received a letter from the Council advising it would be addressing early 2004 but still nothing has been done.
- b) Mr Bugeja spoke of his concerns with no bus service running after 10.45 pm out of Fremantle and would like his concerns addressed. He spoke of problems whilst waiting at taxi ranks and would like to see a bus service running to accommodate members of public getting home after 10.45 pm after a night out in Fremantle.

CR P DOUGLAS ENTERED THE CHAMBER AT THIS JUNCTURE BEING 6.03 PM

Summary of Response by Director Urban Management, Mr Jayson Miragliotta

Mr Miragliotta explained that some problems are caused by the houses built lower than the road level and the water is going down to the lower point. We have appointed a Consultant to address 10 residential hot spots around the City and are doing a similar exercise in the CBD together with a 22 point plan on drainage to take a more strategic approach to address issues of drainage, analysis our catchment, analyse the extent of our infrastructure provision at this point in time. In the immediate term we are looking at some sand bagging in readiness for the coming stormy season in the upcoming months. A report will be referred to Council in the next month to address all issues with regard to hot spots.

CR S GORMAN ENTERED THE CHAMBER AT THIS JUNCTURE BEING 6.06 PM

Summary of Response by Mayor Peter Tagliaferri

Mayor Tagliaferri advised Council that there is a commitment by the City to address those concerns and yours in particular has been seen as one of the hot spots and will be addressed shortly. There are after hours numbers to contact around the clock and we will provide those numbers to you.

Summary of Response by Chief Executive Officer, Mr Ray Glickman

Mr Glickman advised he met recently with the Public Transport Authority where this was raised and they pointed out the patronage has got so low it is uneconomical and not viable to run these bus services. He spoke of concerns of antisocial behaviour around the taxi ranks and around town and advised he has met several times with Department of Planning and Infrastructure Taxi Group, the Chamber of Commerce, the Taxi Industry and the Public Transport Authority and we are looking through a range of solutions such as lobbying for more peak hour taxi plates to be issued, more service vehicle licences and looking at whether the buses can come back in some manner, lighting, security and experimenting changing the location of the taxi rank to put it into a position where the taxi flow can work better and also taking it away from the immediate vicinity where people are gathering to get a late night snack.

2. **Mr Jon Strachan**
Daly Street
South Fremantle
Not on Agenda

Summary of Question

Mayor Tagliaferri do you support high density on Sealanes site and do you support the Structure Plan on the Sealanes site as the community thinks your views are very important?

Summary of Response by Mayor P Tagliaferri

Mayor Tagliaferri will take the question on notice but advised he does not support high density anywhere.

3. **Ms Cathy Hall**
South Fremantle
Not on Agenda

Summary of Question

Ms Hall addressed her question to the Chief Executive Officer, Mr Ray Glickman through Mayor Tagliaferri regarding the Sealanes proposal and Scheme Amendment No. 64 and Structure Plan put out for public comment in early April however Ms Hall believes as other members of the South Fremantle community, that the mechanism put in place to inform the community required in general that participants should have access to computer or get themselves physically into view the limited number of documents at the Service and Information counter and if you wanted to make written comment on the submission form you needed the Service and Information Counter staff to print them out for you at the counter.

Do you believe this is best practice in public participation for the City and its residents? Also in relation to the fact that the public information session for this major proposal was almost halfway through the process on 4 May.

Summary of Response by the Manager Strategic Planning and Corporate Development, Ms Jill Hanna

I may need to take some of that on notice but with regard to the presentation that was given to the public in South Fremantle and its timing I believe it was relying on the consultants and architects coming over from the Eastern States but they did have a special session at the South Fremantle Precinct last fortnight Friday night. The information was advertised it was available on telephone request and advertised in the Herald and people need only have telephoned and it would have been sent to them.

4. **Mr Arnaud Soirat**
105 Attfield Street
Fremantle
Not on Agenda

Summary of Question

Mr Soirat spoke of his concerns with regard to the Sealanes project and in particular the height and density of the project. He stated it was very clear from the community input that they do not want to see high rise and the rezoning of this site. If it is so clear through the community consultation, why is it the Council would consider changing the zoning of this area?

Summary of Response Director of Urban Management, Mr Jayson Miragliotta

The rezoning itself ties into an approved Structure Plan and that is what is being advertised along with the rezoning application as they both work parrel together. The existing zoning on the property at the moment does not have that requirement and if people are happy with the Structure Plan, the rezoning will reflect that Structure Plan and vice versa. You are being asked to comment not only on the rezoning and the density but the form this development takes.

DISCLOSURE OF INTERESTS BY MEMBERS

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

ITEM NUMBERED C0405-06 WAS MOVED AND CARRIED UNANIMOUSLY EN BLOC LATER IN THE COUNCIL MEETING

C0405-06 **Leave of Absence – Cr Helen Hewitt**

DataWorks References – Cr Helen Hewitt
Administration Officer

Decision Making Authority

Council decision required. Simple Majority.

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Purpose

To approve Leave of Absence for Cr Helen Hewitt for the period Tuesday 8 June 2004 to Thursday 8 July 2004 inclusive.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Helen Hewitt for the period Tuesday 8 June 2004 to Thursday 8 July 2004 inclusive.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 27 APRIL 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 12/0

For

The Mayor, Peter Tagliaferri
Cr Helen Hewitt
Cr Bob Smith
Cr Shirley Mackay
Cr John Alberti
Cr Kathy Anketell
Cr Geoff Graham
Cr Tony Miosich
Cr Phil Douglas
Cr Steve Gorman
Cr Doug Thompson
Cr Rose Pinter

Against

ANNOUNCEMENTS BY THE MAYOR

Mayor P Tagliaferri congratulated Cr Helen Hewitt for chairing the very successful sold out event of the International Cities, Town Centres and Communities Conference 2004 held in Fremantle.

Mayor P Tagliaferri congratulated Mrs Betty McGeever the City of Fremantle's Librarian for her success in gaining funding from the Government for the City of Fremantle Library and thanked all people involved.

QUESTIONS BY ELECTED MEMBERS

Cr Geoff Graham asked for an accurate report on the most recent negotiations with Mr Ter Horst.

Response by Mayor Peter Tagliaferri

There are no negotiations happening at all.

Cr Bob Smith spoke of Principle Activities Plan and two items on page 31 indicate there is a reduction in expenditure from Service and Information to \$1,076,000 and Commercial Properties to \$1,082,000. Is this correct?

Response by Chief Executive Officer, Mr Ray Glickman

Without being given notice of that question, I will have to take the question on notice and I will research the matter and let Elected Members know the answers.

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RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

N0405-01

Briefing on N0405-01

Minute Extract from Council Meeting 22 September 2003

GLOSSARY OF FREQUENTLY USED ACRONYMS

<i>Acronym:</i>	<i>Details:</i>
A&I	Assets & Infrastructure
ACC	Anti-Corruption Commission
BLIMP	Bottom Line Improvement Management Project
CAT	Central Area Transit
COF	City of Fremantle
CPS	City Planning Scheme
DCD	Director Community Development
DCS	Director Corporate Services
DUM	Director Urban Management
DW	DataWorks
EM	Elected Members
FAB	Fremantle Artillery Barracks
FEB	Fremantle Eastern Bypass
FP	Fremantle Ports
HR	Human Resources
IT	Information Technology
LGMA	Local Government Managers Australia
LRA	Long Range Agenda
MG	Management Group
S&I	Service & Information
SMG	Senior Management Group
SoN	State of the Nation
SP&CD	Strategic Planning & Corporate Development
TPS	Town Planning Scheme
UE&C	Urban Environment & Control
UNDA	University of Notre Dame Australia
WALGA	Western Australian Local Government Association
WOW	Wipe Out Waste

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred to Council from the Development Assessments Committee
held in the Council Chambers, Fremantle City Council
3 May 2004 at 6.00pm

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 3 MAY 2004 FORESEE ANY OBJECTIONS TO THE MINUTES AS PRINTED AND PRESENTED

Nil

DAC0405-222 Deletion of Council's Policy D.C.8 'Infill Development in Residential Areas' deletion of Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings' deletion of Council's Policy D.C.10 'Visual Privacy for Dwellings' (RM) (Council Decision) (Attachment: Att0405-222)

Purpose

Consent to formally adopt rescission of local planning policies.

Relevant Background

October 4th 2002, The Minister for Planning and Infrastructure recommended the adoption of the Residential Design Codes.

The Residential Design Codes form the basis for residential development assessment policy for Western Australia. Council's Local Planning Policies in many cases are inconsistent with the new Codes and in some cases now irrelevant.

This report identifies the need to revise Council's Policies and in some instances delete policies that either conflict with the Codes or that is no longer applicable.

Comment

Deletion of Council's Policy D.C.8 'Infill Development in Residential Areas'

The existing policy for infill development in residential areas is outdated and in many cases duplicated in content by other planning policies and the R Codes.

Urban Infill development is guided by the same means as any other development in terms of assessment including the requirements for the protection of neighbour amenity, privacy and including neighbour notification. Local planning area policies give guidance in terms of desirable development and restrictions accordingly where applicable to each location, in the absence of such a policy the R Codes give guidance on visual privacy, site levels, streetscape, building height and solar access.

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Council's Policy D.A.15 'Policy And Procedures For The Dedication, Upgrade Or Closure Of Rights Of Way' and Council's Policy D.B.M4 'Subdivision' adequately provide policy guidance for infill development, in conjunction with the Residential Design Codes and Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines' providing greater detailed assessment tools for the development of infill housing. It is assessed that the existing policy duplicates the assessment requirements of these policies and the R Codes and should therefore be deleted.

Deletion of Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings'

Council's policy was adopted in 1989 prior to the adoption of the previous 1991 Residential Planning Codes. The policy provides guidance in terms of location and setbacks for additional dwellings on corner lots. This policy was adopted before the creation of Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines' which provides thorough guidance for streetscape / setbacks and detailed urban design issues. With the introduction of the new Residential Design Codes and provisions for streetscape assessment, the need for Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings' is minimal as it duplicates the Codes and Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines'.

In summary Council should delete the above mentioned policy where the policy duplicates the provisions of Council's policy for urban design and the Codes provisions for streetscape.

Deletion of Council's Policy D.C.10 'Visual Privacy for Dwellings'

Element 8, Clause 3.8 of the Residential Design Codes provide an effective assessment tool for the assessment and measurement of visual privacy, with the primary prevention of windows and outdoor living areas being overlooked by neighbouring properties.

Privacy is, to a large degree, a subjective and changing concept. Consequently, it must be understood that absolute privacy cannot be expected in all cases, although often a high level of privacy can be achieved through adequate design principles.

The R Codes provide for a greater level of assessment and provisions for measurement of acceptable standards for visual privacy. Through the measurement tool of the cone of vision (see pages 77 & 78 of the Codes) Council can adequately measure an acceptable standard for privacy separation distances and provide for a range of privacy screening options.

Council's existing policy does not provide for the same degree of assessment as the current R Code provisions. It is recommended that Council's policy be deleted and that the provisions of the R Codes be used in assessment of development applications, providing a consistent approach to visual privacy. Applications which seek variation to the R Code provisions shall be advertised in accordance with Council's Policy D.A.5 'Advertising and Notification of Development Applications'.

Policy Implications

Preparation of the policy is required to conform to the provisions of *Council's Policy D.A.13 'Application of procedures for making and amending Development Land Use Policies'*. The policy requires draft policies to be advertised for a minimum period of 28 days.

Advertising

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The proposed amendments to Council's policy were adopted for consent to advertise to the community on the 30th September 2003. The period of advertising was originally open until the 30th December 2003, but was however extended until the 30th March 2004 to allow the North Precinct an opportunity to comment in accordance with their meeting schedule.

The proposed policy has been advertised in accordance with Council's Policy D.A.13 'Application of procedures for making and amending Development Land Use Policies', which has included internet webpage access, policies available at the Service and Information Counter, letter of notification to key stakeholders which has included architects, surveyors and building companies. The notification has been sent to each precinct for their comment.

South Precinct Comment

Council's Policy D.C.10 'Visual Privacy for Dwellings' The precinct supports the deletion of this policy.

The precinct could form no opinion that Council's Policy D.C.8 'Infill Development in Residential Areas' and Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings' should be deleted and therefore do not support the deletion.

Comment on submission

As outlined above the deletion of policies is consistent with the revision and review of the policy manual and the duplication of provisions in the R D Codes and Council's policies which are over ten years old and outdated. Proposed Policy DBH1 Residential Design Guidelines makes provision for assessment of multi- unit and infill type development. The Residential Design Codes also provide sufficient assessment policy for the assessment of development which has potential impact.

The existing policy for corner lots is no longer functional, and the R D Codes provide, in conjunction with the existing Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines' an adequate guide for the community in regards to setbacks for corner lots.

Conclusion

The draft policies have been prepared by Ross Minett and are consistent with the statutory changes to state government policy, in specific the Residential Design Codes. The deletion and amendment to Council's policies seek to update the existing policies and delete those which are duplicated or no longer applicable. It is recommended that the proposed changes to policy will simplify the assessment of associated applications and demonstrate an easier to understand guideline for the City and its residents.

Officer's Recommendation

That the Development Assessments Committee, acting under authority delegated by the Council, ADOPT:

- (i) The proposed deletion of Council's Policy Council's Policy D.C.8 'Infill Development in Residential Areas'
- (ii) The proposed deletion of Council's Policy Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings'

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(iii) The proposed deletion of Council's Policy D.C.10 'Visual Privacy for Dwellings'

Recommendation to Council

That the Council, ADOPT:

a) **The proposed deletion of Council's Policy D.C.8 'Infill Development in Residential Areas'**

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. Doug Thompson Cr. Shirley Mackay	

CARRIED: 6/0

b) **The proposed deletion of Council's Policy D.C.5 'Corner Lots - Street Setbacks for Additional Dwellings'**

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. Doug Thompson Cr. Shirley Mackay	

CARRIED: 6/0

c) **Council's Policy D.C.10 'Visual Privacy for Dwellings' be reviewed to consider whether there may be reasons for retaining it to accommodate topography and laneway issues and/or including these issues in more comprehensive Residential Policies.**

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Moved by: Cr. Doug Thompson

For	Against
Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. Doug Thompson Cr. Shirley Mackay	

CARRIED: 6/0

CR H HEWITT MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED DAC0405-222 BE ADOPTED

SECONDED BY CR KATHY ANKETELL

PUT AND CARRIED UNANIMOUSLY 12/0

For	Against
Mayor Peter Tagliaferri Cr. Helen Hewitt Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. Doug Thompson Cr. Shirley Mackay Cr John Alberti Cr Steve Gorman Cr Geoff Graham Cr Rose Pinter Cr Bob Smith	

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

N0405-01 Publication "Old Fremantle" To Be Held as Protocol Gifts.

DataWorks Reference: 013/001
Author: Cr Helen Hewitt

DECISION MAKING AUTHORITY

Council Decision – ABSOLUTE MAJORITY REQUIRED

Reasons For Change To Recommendation

The original recommendation from the protocol committee had been to pre purchase \$20,000 worth of books, over 200 copies. The actual sponsorship/pre purchase was halved and so Council will be in receipt of 120 books only. Given that this year is a special celebration year for the City it would be appropriate for presentations to be made to every school in the District as well as other important public institutions, and at this years Pioneers Day Celebrations. The book has been very well received and is unlikely to be bettered as a top quality protocol gift. It would be shortsighted of the City to allow any of these copies to be sold.

Recommendation to Council

That Council resolves to hold all copies of the book Old Fremantle as protocol gifts.

CR H HEWITT MOVED THE FOREGOING RECOMMENDATION N0405-01 BE ADOPTED

SECONDED BY CR G GRAHAM

PUT AND CARRIED 7/5 AND BY AN ABSOLUTE MAJORITY

<u>For</u>	<u>Against</u>
Cr. Helen Hewitt	Mayor Peter Tagliaferri
Cr. Tony Miosich	Cr Phil Douglas
Cr. Kathy Anketell	Cr Bob Smith
Cr. Doug Thompson	Cr John Alberti
Cr. Shirley Mackay	Cr Steve Gorman
Cr Geoff Graham	
Cr Rose Pinter	

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS 10 May 2004

C0405-01 **Abbreviated Statements of Financial Position at 31 March 2004
Financial Statements Book**

**DataWorks Reference: 087/002;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a summary of financial information for the month ending 31 March 2004.

EXECUTIVE SUMMARY

The abbreviated statements of financial position for the month are contained within the attached Financial Booklet and the item is to receive the statements.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Abbreviated Statements of Financial Position for the period ending 31 March 2004 be received.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0405-01 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

<u>For</u>	<u>Against</u>
Mayor Peter Tagliaferri	
Cr. Helen Hewitt	
Cr. Tony Miosich	
Cr. Kathy Anketell	
Cr. Phil Douglas	
Cr. Doug Thompson	
Cr. Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Geoff Graham	
Cr Rose Pinter	
Cr Bob Smith	

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MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING RECOMMENDATIONS NUMBERED C0405-02, C0405-03, C0405-04, C0405-05, C0405-06, C0405-07, C0405-10 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

<u>For</u>	<u>Against</u>
Mayor Peter Tagliaferri	
Cr. Helen Hewitt	
Cr. Tony Miosich	
Cr. Kathy Anketell	
Cr. Phil Douglas	
Cr. Doug Thompson	
Cr. Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Geoff Graham	
Cr Rose Pinter	
Cr Bob Smith	

C0405-02 Confirmation of Accounts for Payment March 2004 Financial Statements Book

**DataWorks Reference: 087/002;
Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present the listing of payments made during March 2004.

EXECUTIVE SUMMARY

The list of payments made during the month is contained within the attached Financial Booklet and the item is to receive the information.

REPORT

Comment

Where a creditor is GST registered, the value of the payment is inclusive of GST. Note: The Council budget figures are exclusive of GST and figures quoted in Council items are taken as GST exclusive unless otherwise stated.

STRATEGIC & POLICY IMPLICATIONS

Efficient and Effective Local Government

- Our financial planning and performance are transparent to the community.
- All statutory and legal requirements are met.
-

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Information provided in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the listing of payments of accounts within the Financial Statements Book for the month of March 2004 amounting to \$9,416,177.34 be received.

ITEM NUMBERED C0405-03 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0405-03 Sundry Debtors Report March 2004 Attachment No. 2

DataWorks Reference: 089/004;
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on outstanding sundry debtors as requested by Council.

EXECUTIVE SUMMARY

The attached report summaries the outstanding sundry debtors and the item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for March 2004 be received.

ITEM NUMBERED C0405-04 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0405-04 Investment Report March 2004 Attachment No. 3

DataWorks Reference: 089/004
Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Present a monthly report on investments as required by Council.

EXECUTIVE SUMMARY

The attached report summaries the investments and earnings from those investments. The item is to receive the information.

STRATEGIC & POLICY IMPLICATIONS

The item has a general connection to the City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Guidelines on Delegated Authority Item 3.2 (Investment of Surplus Cash Funds) require a monthly report to be submitted to Council.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for March 2004 be received.

ITEM NUMBERED C0405-05 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0405-05 Applications for Crossovers by City of Fremantle for March 2004

DataWorks Reference: Crossover Applications
Technical Assistant – Street Management

DECISION MAKING AUTHORITY

Information only no decision required.

PURPOSE

Report on the number of crossovers approved by the Manager Physical Services (under delegated authority) to be constructed by the City of Fremantle for the month of March 2004.

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of March 2004 – 8 crossovers constructed.

STRATEGIC & POLICY IMPLICATIONS

Strategy 3 – a Beautiful and accessible place, item 5 Facilities and infrastructure

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

Not applicable

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This matter has not been referred to Precincts.

This matter does not come under the guidelines of an Advisory Committee.

OFFICER'S RECOMMENDATION

The information be received.

GENERAL COUNCIL ITEMS – 10 May 2004

ITEM NUMBERED C0405-06 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0405-06 **Leave of Absence – Cr Helen Hewitt**

DataWorks References – Cr Helen Hewitt
Administration Officer

Decision Making Authority Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Helen Hewitt for the period Tuesday 8 June 2004 to Thursday 8 July 2004 inclusive.

City Plan Linkages

This item has a general connection to the City Plan.

Policy Implications

Not applicable.

Triple Bottom Line Implications

a)Economic

Not applicable

b)Environmental

Not applicable

c)Social

Not applicable

Budget Implications

Not applicable.

Legislative and Legal Considerations

Section 2.25 of the Local Government Act 1995 refers.

Precincts and other Committees Recommendations plus other Consultation

- (a) This matter has not been referred to Precincts because it is a Council matter.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation of relevance undertaken.

Officer's Recommendation

That Council approve Leave of Absence for Cr Helen Hewitt for the period Tuesday 8 June 2004 to Thursday 8 July 2004 inclusive.

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ITEM NUMBERED C0405-07 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0405-07 Status Report on Council Resolutions – Attachment No. 4

DataWorks Reference: 231/001
Author: Manager Finance & Administration
Actioning Officer: Director Corporate Services

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To present a report to Council that tracks resolutions of Council that have not been actioned to completion.

EXECUTIVE SUMMARY

The report is provided for information on the status of resolutions of Council that have not been actioned to completion. It excludes development assessment approvals.

REPORT

Background

The report has been requested by elected members and the format is similar to the report WALGA uses for its State Council resolutions.

Comment

The attached report is the first in this format. The report presents items outstanding from the meeting date of 5 April 2004 to the meeting date of 27 April 2004.

Only items that have not been actioned or completed are included in the status report. If a resolution does not appear as outstanding it means, by default, that it has been actioned.

Once an item appears on the status report as outstanding, it will require a council resolution to remove it which acknowledges that the resolution of council has been actioned.

Development Assessment items will generally not appear as most recommendations are either approval, approval with conditions, refusal, or deferral. The Development Assessment Committee already has a status report system in place for those items.

Development Assessment items that are policy items are included in the attached council status report.

STRATEGIC & POLICY IMPLICATIONS

- Our governance results in well considered decisions being made in timeframes acceptable to the community.
- Our progress is regularly measured and reported.
- Our information and records support and enable the business of the city.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable, as the attachment is a status report on council resolutions.

OFFICER'S RECOMMENDATION

That the report be received.

C0405-08 **Advertising of Objects and Reasons for Differential Rates 2004/2005
Attachment No. 5**

DataWorks Reference: 152/008, 091/007
Author: **Manager Finance & Administration**
Actioning Officer: **Manager Finance & Administration**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To obtain Council approval to advertise the objects and reasons for differential rates as per the attached report.

EXECUTIVE SUMMARY

The report outlines the historical situation plus the proposed budgetary strategy for differential rates in 2004/2005 along with rating issues that Council has flagged for consideration in and beyond 2004/2005.

REPORT

Background

- Council currently has two (2) differential rates.
- Before adopting the 2004/2005 Budget, Council is required to advertise for public comment the Objects and Reasons for its Differential Rates.
- The minimum advertising period is 21 days.

Comment

Council had previously resolved to phase out differential rates over a five (5) year period. The 2004/2005 financial year will be the third year of the phasing out period and no change is proposed to that strategic position.

The draft Principal Activities Plan 2004-2008 approved by Council on 27 April 2004 (Item C0404-03 refers) for public advertising, contained a 2.5% rate increase. The same increase is shown in the Objects document. Note: Due to the phasing out of differential rates, the actual increase or decrease will vary for the different differential categories.

Conclusion

The document does not add any new information to that already included in the Principal Activities Plan 2004-2008. It is recommended the document be publicly advertised for comment.

STRATEGIC & POLICY IMPLICATIONS

- The document does not introduce any new strategic direction for differential rating.
- The item has a general connection to the City Plan

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

The document is advertising our intent of the level and type of differential rates that will be levied in 2004/2005.

LEGISLATIVE AND LEGAL CONSIDERATIONS

There is a statutory requirement to advertise the Objects and Reasons for Differential Rates and then consider any submissions prior to formally adopting the 2004/2005 Budget. After advertising and consideration of public submissions, Council may amend the rates used in the annual budget without further public advertising.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Rates have been considered as part of the 2004/2004 Budget development process and Principal Activities Plan 2004 - 2008 formulation.

OFFICER'S RECOMMENDATION

That the Objects and Reasons for Differential Rates as per Attachment no. 5 be advertised for public comment.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0405-08 BE ADOPTED INCLUSIVE OF AN AMENDMENT TO THE RECOMMENDATION IN ITALICS AS FOLLOWS:

OFFICER'S RECOMMENDATION

That the Objects and Reasons for Differential Rates as per Attachment no. 5 be advertised for public comment *as amended by the Chief Executive Officer to reflect comments made at the Council Meeting held 10 May 2004.*

SECONDED BY CR D THOMPSON

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PUT AND CARRIED UNANIMOUSLY 12/0

For	Against
Mayor Peter Tagliaferri	
Cr. Helen Hewitt	
Cr. Tony Miosich	
Cr. Kathy Anketell	
Cr. Phil Douglas	
Cr. Doug Thompson	
Cr. Shirley Mackay	
Cr John Alberti	
Cr Steve Gorman	
Cr Geoff Graham	
Cr Rose Pinter	
Cr Bob Smith	

C0405-09

Date of Future Local Government Elections

DataWorks Reference:

WALGA; 099/011;

Author:

Graeme Mackenzie, Director Corporate Services

Actioning Officer:

Graeme Mackenzie, Director Corporate Services

DECISION MAKING AUTHORITY

Council Decision

SIMPLE MAJORITY REQUIRED

PURPOSE

Provide a response to the WA Local Government Association State Council survey as to Council's preferred timing for the Local Government Elections.

EXECUTIVE SUMMARY

Response to State Council survey on whether the biennial elections should continue being held in May or change to September/October to allow for newly elected members to participate in the budget process. Alternative dates can be suggested together with comments and reasons to support it. Staff support the suggested change to September/October. Council to make a decision on the preferred choice.

REPORT

Background

Advice has been received from the WA Local Government Association that several of the Association's Zones have requested that consideration be given to changing the date for the conduct of biennial Local Government Elections. Currently all elections are held in May every two years, with the next Election due in May 2005.

Under Section 4.7 of the *Local Government Act 1995*, Elections for Mayor or President are to be held on the first Saturday in May every four years; and Elections for Councillors on the first Saturday in May every two years for a four year term.

The Zones suggested they preferred a date later in the year, possibly September or October to enable newly elected members to participate in the budget process for the following financial year, rather than being elected in May when a large number of councils have already established their budget parameters.

Comment

The State Council at its April meeting decided to survey all member councils to determine the level of support for suggested change in date for biennial Local Government Elections from May to September/October. It was felt that this change would enable Elected Members to be better informed before having to vote on the adoption of the Council's annual budget. A response from Council is required by Monday 31 May 2004.

Should an alternative date prove more favourable at Fremantle, we can forward our suggestions to state council together with comments and reasons to support that date.

Council Minutes – 10 May 2004

It is up to council to determine the preferred time for holding local government elections. However, from an officer viewpoint, a move to another date in late September or October is strongly supported. In addition to the reasons outlined in the WALGA circular, it is Corporate Services and Finance staff that are generally involved in conducting or supporting the conduct of elections, and at the same time trying to run a smooth budget process. In the alternate year when there are elections this puts a significant strain on staff resources. It would be far better to have elections after the budget has been finalised.

Conclusion

Staff support holding local government elections in late September/early October rather than the existing time on 1st Saturday in May for staff resource reasons. Staff also support the suggested change to allow elected members time to become more familiar with the council's operations before having to make multi-million dollar decisions about finance allocations.

STRATEGIC & POLICY IMPLICATIONS

Fremantle City Plan:

Efficient & Effective Local Government: Part 9: Statutory & Legal Requirements (Monitor changes to statutory and legal requirements and implement processes to meet them; and Constantly monitor adherence to requirements and make changes where necessary.)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Will affect timing for participation by Elected Members in the budget process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Section 4.7 *Local Government Act 1995* referring to the election of Mayor and Councillors.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the City of Fremantle respond, by Monday 31 May 2004, to the WA Local Government Association State Council survey by advising that Council supports:

1. to continue with Elections being conducted in May.

OR

2. a change to the date of future Local Government Elections to be held in September/October.

OR

3. an alternative date being: _____, together with comments and reasons for supporting the alternative: " _____

_____."

MAYOR P TAGLIAFERRI MOVED THE FOREGOING PART 1 OF THE RECOMMENDATION AS FOLLOWS:

That the City of Fremantle respond, by Monday 31 May 2004, to the WA Local Government Association State Council survey by advising that Council supports:

1. to continue with Elections being conducted in May.

SECONDED BY CR G GRAHAM

PUT AND CARRIED 7/5

For	Against
Mayor Peter Tagliaferri	Cr Tony Miosich
Cr. Kathy Anketell	Cr Rose Pinter
Cr. Doug Thompson	Cr Steve Gorman
Cr. Shirley Mackay	Cr Phil Douglas
Cr John Alberti	Cr Helen Hewitt
Cr Geoff Graham	
Cr Bob Smith	

C0405-10 53 MORAN COURT (Lot 502), Beaconsfield - Sale –

Dataworks Reference: Property Working Group, Property Review 053/001, 53 Moran Court (Lot 502)

David Duncanson – Economic Development Officer

COUNCIL DECISION

Pursuant to section 5.23 (2) (e) (ii) of the Local Government Act 1995, Council can deem an item confidential where a matter, if disclosed, would reveal information that has a commercial value to a person.

The item contains information relating to a property valuation and two offers to purchase the property which if disclosed to the general public could be of commercial value to a person.

Recommendation:

That any discussion of the item relating to the sale of 53 Moran Court (Lot 502) be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (e) (ii) of the Local Government Act 1995, where a matter, if disclosed, would reveal information that has a commercial value to a person.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION C0405-10 TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

For

Mayor Peter Tagliaferri
Cr Doug Thompson
Cr Helen Hewitt
Cr Geoff Graham
Cr Phil Douglas
Cr Steve Gorman
Cr Bob Smith
Cr Tony Miosich
Cr Shirley Mackay
Cr John Alberti
Cr Rose Pinter
Cr Kathy Anketell

Against

COUNCIL'S DECISION IN RELATION TO ITEM NUMBERED C0405-11 IS AS FOLLOWS:

OFFICER'S RECOMMENDATION

That:

1. lot 502 be sold to the Moltoni Clough Joint Venture for the sum of \$560,000 + GST;
2. in order to comply with the Local Government Act, the proposed sale is advertised statewide and that a report be brought back to Council containing any comments received and for final acceptance of the sale by Council;
3. settlement to take place 6 months from the final date of acceptance of the offer by the City of Fremantle, following advertising; and
4. a legal agreement be entered into with the purchaser to ensure that on the subdivision of the land, a two metre wide strip on the northern boundary of Lot 502 be ceded for possible future road widening.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0405-11 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

For

Mayor Peter Tagliaferri
Cr Doug Thompson
Cr Helen Hewitt
Cr Geoff Graham
Cr Phil Douglas
Cr Steve Gorman
Cr Bob Smith
Cr Tony Miosich
Cr Shirley Mackay
Cr John Alberti
Cr Rose Pinter
Cr Kathy Anketell

Against

ITEM NUMBERED C0405-10 WAS MOVED AND CARRIED UNANIMOUSLY EN BLOC EARLIER IN THE MEETING

**C0405-10 Investment of Funds under Policy SG14 Property and Other Non-Current Assets
Confidential Attachment No. 6**

DataWorks Reference: 039/029
Author: Manager Finance & Administration
Actioning Officer: Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To update Council on the deliberations of the Investment Committee and seek Council support to move forward in line with the recommendations of Council's Investment Advisors for the portfolio.

EXECUTIVE SUMMARY

As the investment of cash funds into growth assets like property trusts and shares is new territory for Council, the Investment Committee is looking for confirmation from Council that it is prepared to proceed with implementation of the transition strategy recommended by the investment advisors.

REPORT

Background

Pursuant to section 5.23 (2) (e) (ii) of the Local Government Act 1995, Council can deem an item confidential where a matter, if disclosed, would reveal information that has a commercial value to a person.

The attachment to this item contains intellectual work and information which if disclosed to the general public could be of commercial value to a person.

Council had previously adopted Policy SG14 Investments – Property and Other Non- Current Assets. The objective of the policy was to maximise the return on investments for the assets that came under the policy. The policy also created an Investment Committee to manage the portfolio.

Comment

The journey to where we are now at has been long and slow, but that should be seen as a positive, as officers have taken a careful and prudent approach to the matter. The approach involved

- making sure we had the right specification when seeking an investment advisor
- evaluation of the quotations received from investment advisors
- briefing the appointed advisor on our portfolio, local government and Fremantle, plus the objectives set out under the Council policy
- consideration of the options and strategies identified by the advisor
- Consideration of the advisor's recommended approach

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The outcome of this careful and prudent approach is believed to be a sound investment strategy with a slow implementation timeframe to help Council become accustomed to a new approach, whilst at the same time having the potential to deliver increased returns on investments, but at a low risk to ratepayer funds.

The Investment Committee met in April 2004 with the independent investment advisors from Pricewaterhouse Coopers to consider an investment strategy including a transition strategy. Attachment 6 is the report that was considered and Section 5 contains the recommended strategy and transition strategy.

The Investment Committee generally supported the strategy and transition strategy recommended by the advisors, but due to the newness of this approach for Council, considered it prudent to seek confirmation from Council that they endorse the Investment Committees view that the investment strategy be implemented in line with the advisors recommendations (Section 5 refers). Initial implementation of the strategy will revolve around the \$2 million in cash funds (called Investment Pool) that are currently covered by policy SG14. Future changes in the relative value of Property Assets and Investment Pool will be dependent on future direct property sales by Council.

In order to familiarise all Elected Members with the issues and context of the investment strategy, the Investment Advisors made a presentation at an EM Briefing Session last month and were able to answer questions posed to them about the strategy

Should the Council resolve to proceed with the strategy, the next stage will involve the advisors recommending managed funds or investments that meet the profile within the asset allocation category. The Investment Committee will then make decisions on the actual funds or products in which to invest within each category.

Conclusion

The process has taken time to properly research and appoint investment advisors to reach the stage we are at. However the Investment Committee feels the outcome has produced quality external advice which the Investment Committee believe will enable Council to achieve in a prudent manner, its objective of maximising returns on investments covered by the policy.

STRATEGIC & POLICY IMPLICATIONS

Though Council had previously adopted the policy position on maximising returns on investments, we did not have the detail of how that could be managed and implemented in a prudent manner. The Investment Committee now believe Council has the appropriate advice and strategy with which to implement the intent of the policy.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

The clear intent of the policy is to produce a return on investments covered by the policy greater than is currently achieved. However it is too difficult to quantify that in monetary terms at this stage.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The Local Government Act 1995 requires Council to act in a prudent manner as set out in the Trustees Act 1962 in making investment decisions. The proposed strategy has been run past the Local Government Department, and it is quite comfortable with the proposal.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

This report arises out of the deliberations of the Investment Committee.

OFFICER'S RECOMMENDATION

(a) That any discussion of Attachment 6 which would reveal any intellectual property be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (e) (ii) of the Local Government Act 1995, where a matter, if disclosed, would reveal information that has a commercial value to a person.

(b) That the investment transition strategy recommended by Council's independent investment advisor's (as summarised below), be implemented because it is a careful and prudent strategy that seeks to enhance the returns on investments whilst maintaining a low risk approach to the management of ratepayer funds:-

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	Current Position	0-1 years	1-5+ years
<u>Property Assets</u>			
Direct property	100%	100%	100%
Total	100%	100%	100%
<u>Investment Pool</u>			
Aust shares	-	30%	30%
OS shares	-	20%	20%
Property	-	10%	10%
Total Growth	-	60%	60%
Bonds	-	30%	30%
Cash	100%	10%	10%
Total Fixed Int	100%	40%	40%
Total	100%	100%	100%
<u>Combined</u>			
Aust shares	-	7%	20%
OS shares	-	5%	13%
Property	93%	79%	40%
Total Growth	93%	91%	73%
Bonds	-	7%	20%
Cash	7%	2%	7%
Total Fixed Int	7%	9%	27%
Total	100%	100%	100%

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CONFIDENTIAL ITEMS

C0405-11 53 Moran Court (Lot 502), Beaconsfield Sale- CONFIDENTIAL

CLOSURE OF MEETING

The Ordinary Meeting of council concluded at 7.00 pm