

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 23 August 2004 at 6.00 pm

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There are no Development Assessment Committee Items to go to Council

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CONFIDENTIAL MATTERS

Nil

CLOSURE OF MEETING

MINUTES

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING OPEN AT 6.02 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

Beaconsfield Ward

Cr Shirley Mackay; Cr John Alberti

Hilton Ward

Cr Bob Smith; Cr Tony Miosich

City Ward

Cr Phil Douglas Cr Steve Gorman

South Ward

Cr Geoff Graham; Cr Helen Hewitt

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Ray Glickman; Director Corporate Services, Mr Graeme Mackenzie;; Manager Strategic Planning and Corporate Development, Ms Jill Hanna; Manager Finance and Administration, Mr Alan Carmichael; Mr Bob Caporn, Manager Urban Management, Mr Ian Goodbody, Manager City Works; Ms Caroline Raphael, Environmental Planner and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill.

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Geoff Graham

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

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DISCLOSURE OF INTERESTS BY MEMBERS

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

Item numbered C0408-12 moved later in the meeting

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Doug Thompson outlined the Metropolitan Waste Advisory Committee he attended plus referred to the Waste and Recycling conference paperwork for the conference to be held in September 2004 in Fremantle and urged councillors to attend. He also presented to the City of Fremantle the Eureka Award for community education programmes and congratulated Lucy See, Caroline Raphael, Samantha Newton-Richardson and Dr Stephanie Jennings. Cr Thompson expressed how proud he was to receive this award on behalf of the City of Fremantle and congratulated all the Committee Members and Steering Committee Members involved.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 9 AUGUST 2004 BE CONFIRMED AS A TRUE AND ACCURATE RECORD SECONDED BY CR D THOMPSON
CARRIED UNANIMOUSLY 11/0

For

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

Against

ANNOUNCEMENTS BY THE MAYOR

Mayor P Tagliaferri announced Cr Geoff Graham is out of hospital and wished him a speedy recovery and return to Council.

Mayor P Tagliaferri advised he and the Acting Chief Executive Officer, Mr Graeme Mackenzie met with the new Police Superintendent recently.

QUESTIONS BY ELECTED MEMBERS

Cr P Douglas asked if the Acting Chief Executive Officer, Mr Graeme Mackenzie could arrange the clocks through out the Council building to be set to the Town Hall clock?

Cr S Gorman spoke of the Governance Workshop to formulate policy and implement policy in our Government module. Cr Gorman asked if Council had in place a policy for removing homeless persons from the City's Central Mall and if we don't, how do we implement one?

Response by the Acting Chief Executive Officer, Mr Graeme Mackenzie

Mr Mackenzie advised we have Local Laws prohibiting camping and called on the Manager Urban Management to expand further.

Response by Manager Urban Management, Mr B Caporn

Mr Caporn spoke of the options available to council to resolve the problem, including issuing infringement notices under the Local Law which was problematic.

Response by the Acting Chief Executive Officer, Mr Graeme Mackenzie

Mr Mackenzie advised a strategy is in place regarding homeless persons and the impounding of their belongings. The Mayor, Mr Tagliaferri and the Acting Chief Executive Officer, Mr Graeme Mackenzie met with Police on Monday 23 August 2004 to address this problem.

Cr P Douglas asked if that meant that we do have the power to confiscate the materials left the Mall?

Response by Manager Urban Management, Mr B Caporn

Mr Caporn advised we do have the power to clean up but we do not have the power to take belongings in their possession.

Cr P Douglas asked if something was impounded would there be provision for picking it up from the Council Depot?

Response by Manager Urban Management, Mr B Caporn

Yes there is.

Cr P Douglas then asked about the policy of drinking in public places.

Response by Manager Urban Management, Mr B Caporn

Mr Caporn responded by advising Council issues permits for drinking in public places such as parks, reserves and buildings, but not for street drinking. The police can issue fines for drinking in public places without a permit, street drinking, or behaving in a disorderly manner.

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Cr B Williams spoke of the article in the local newspaper in particular the item on himself and asked if Councillors had protection for this type of statement made concerning him in the local press.

Response by the Mayor Peter Tagliaferri

The Mayor P Tagliaferri said a suggestion would be for Cr Williams to reply by a Letter to the Editor.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Conference details for the Waste and Recycle Conference from Cr D Thompson

Report on Municipal Waste Advisory Committee group from Cr D Thompson

Photo of Eureka Award received by the City of Fremantle recently in Sydney.

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

COMMITTEE ITEMS

DEVELOPMENT ASSESSMENTS COMMITTEE

Items referred to Council from the Development Assessments Committee
held in the Council Chambers, Fremantle City Council
Monday 16 August 2004

There are no Development Assessment Committee items going to Council

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

ITEM N0408-01 WAS DISCUSSED LATER IN THE MEETING

**N0408-01 Notice of Motion re Mr Jan ter Horst
Cr Kathy Anketell**

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS 9 AUGUST 2004

**THE MAYOR MR PETER TAGLIAFERRI MOVED EN BLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED C04008-04, C0408-05, C0408-06, C0408-07,
C0408-08, C0408-09, C0408-11, C0408-12 BE ADOPTED**

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 11/0

For	Against
The Mayor, Peter Tagliaferri	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Kathy Anketell	
Cr Phil Douglas	
Cr Steve Gorman	
Cr Doug Thompson	
Cr Helen Hewitt	
Cr Tony Miosich	
Cr Bob Williams	

**C0408-04 Abbreviated Statements of Financial Position at 31 July 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 July 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 July 2004 be received.

ITEM NUMBERED C0408-05 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0408-05 Confirmation of Accounts for Payment July 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 July 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 July 2004 amounting to \$8,949,885.86 be received.

**ITEM NUMBERED C0408-06 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING**

C0408-06 Sundry Debtors Report July 2004 Attachment No. 1

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 applicabl e.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the report for July 2004 be received.

ITEM NUMBERED C0408-07 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0408-07 Investment Report July 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 investments as required by Council.

EXECUTIVE SUMMARY

The attached report summarizes 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 July 2004 be received.

ITEM NUMBERED C0408-08 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0408-08 Applications for Crossovers by City of Fremantle for July 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 July 2004.

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of July 2004 - 2 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.

**ITEM NUMBERED C0408-09 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING**

C0408-09 Notice of Minutes of the Fremantle Sports, Recreation and Youth Advisory Committee
Attachment No. 3 – 7 inclusive

DataWorks Reference: Andrew Thomas; 039/005;
Author: Andrew Thomas Manager Recreation Services
Actioning Officer: Andrew Thomas Manager Recreation Services

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To note the Minutes of the Fremantle Sports, Recreation and Youth Advisory Committee Meetings held on 24 February, 31 March, 28 April, 26 May and 30 June 2004.

EXECUTIVE SUMMARY

N/A

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

N/A

Social

N.A

BUDGET IMPLICATIONS

N/A

LEGISLATIVE AND LEGAL CONSIDERATIONS

N/A

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

N/A

OFFICER'S RECOMMENDATION

That Council notes the Minutes of the Fremantle Sports, Recreation and Youth Advisory Committee meetings of the 24 February, 31 March, 28 April, 26 May and 30 June 2004.

GENERAL COUNCIL ITEMS – 9 AUGUST 2004

C0408-10 Southern Metropolitan Regional Council Office Accommodation
Attachment No. 8 ABSOLUTE MAJORITY REQUIRED

DataWorks Reference: Southern Metropolitan Regional Council; Regional Council;
Author: **Ian Goodbody - Manager City Works**
Actioning Officer: **Ian Goodbody**

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To consider whether to be a participating partner with the Southern Metropolitan Regional Council (SMRC) in purchasing permanent office accommodation for its administration.

EXECUTIVE SUMMARY

Council had previously resolved to secure loan borrowings based on *principal and interest repayment* for the capital purchase of permanent office accommodation for the Southern Metropolitan Regional Council's administration. The City of Fremantle was the only member Council to support the proposal which meant the tenders had to be called for leasing the office accommodation. All tenders were higher than expected and it was resolved not to accept any tender.

Member Councils have been asked again to reconsider supporting the purchasing of office accommodation based on an *interest only loan*.

The recommendation is to support the proposal.

REPORT

Background

Council resolved at its meeting of 14 July 2003 (SDRCP0306-29) as follows:

- a) That the Council advise the SMRC that it supports the option to buy a property that meets the selection criteria.
- b) That the City of Fremantle agree to enter into a Project Participants Agreement.
- c) That the Selection Criteria detailed in the Business Plan be endorsed.
- d) That the SMRC secure loan borrowings for the capital purchase and that the annual net cost to the SMRC shall not exceed \$114,000.
- e) That Council's Property Co-ordinator approach SMRC to try and attract them to locate in Fremantle and preferably in one of Council's properties.

The City of Fremantle was the only member Council to support the proposal which resulted in the SMRC invited tenders for leasing office accommodation for a three year term based on its size requirements of 240sqm. The SMRC reported at its meeting in May 2004 that the tenders received for leasing were higher than envisaged and it resolved not accept any tender.

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The Regional Council resolved that it again seek its member's consideration and support in purchasing an investment property for its office accommodation.

In the short term the SMRC has negotiated a short term office rental with the City of Melville, for a term of six months with an option for a further six months. Melville currently charge \$37,000 per year including outgoings however the lease area does not meet the future accommodation needs of the SMRC plus they feel it is important to have their own entity.

The Southern Metropolitan Regional Council (SMRC) has prepared an amended Business Plan proposal for its members to consider in purchasing permanent office accommodation for its administration.

Comment

The SMRC's Amended Business Plan reports that for a net cost of not greater than 10% of leasing accommodation, the SMRC's members could invest in a real estate property that would develop a considerable asset within ten years. This is further demonstrated in the financial implications in the Business Plan.

The major differences between the first Business Plan presented in May 2003 and this amended Plan dated May 2004 are:

- That an interest only loan repayment be obtained. Note principal will only be repaid from sale proceeds or additional funding.
- That the SMRC has set a limitation on the net cost to its members for annual borrowing costs at time of purchase at \$47,500. For example; Should the SMRC purchase office accommodation of 500sqm and that it only require 240sqm for the first three years, then the unused office space of 260sqm must be tenanted on a secured three year lease at commercial rental prior to any purchase commitment by the SMRC. The income generated will then offset the annual interest borrowing cost.
- The chosen commercial office accommodation shall be an existing building purchased as a sound investment decision that is able to be tenanted and will result in a positive net return at the end of its useful life.

Member Councils not wishing to enter into the project will pay the annual market rental based on its population share plus outgoings. They will not have a share of the investment however will not be liable for any debt incurred by the investment.

The SMRC now seeks acceptance by its members for its Amended Business Plan recommendations and a decision to enter into a Project Participants Agreement for the investment of a commercial office building for the administration of the SMRC. The recommendations are as follows:

1. That the selection Criteria detailed in the Business Plan be endorsed.
2. That the SMRC consider the option to buy a commercial office building/suites that meets its selection criteria.
3. That member Councils be invited to comment on the proposal and indicate their decision to enter into a Project Participants Agreement.
4. The annual borrowing costs shall not exceed a net cost to the SMRC of \$47,500 at the time of purchase.
5. That subject to the Project Proceeding a committee of the Regional Council be established to select a property.

Conclusion

Overall considering the 'net present value' assessment it would be more cost effective for the City to be a participant in the purchase of office accommodation for the SMRC. The City would still have to pay annual contribution whether it enters the agreement or not, by entering the agreement the City will own a shared real estate investment.

STRATEGIC & POLICY IMPLICATIONS

Being a member Council of the Southern Metropolitan Regional Council has direct linkages with the City Plan in respect to environmental management in respect to waste minimisation and reduction in green house gases.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

The report recommendations have economic ramifications for the City. The decision to participate in purchasing the office accommodation has a cost implication to Council. However this cost would occur anyway if the SMRC continued to lease a property.

Environmental

Not Applicable

Social

Not Applicable

BUDGET IMPLICATIONS

The estimated financial impact for the City of Fremantle is as follows:

Business Plan Recommendations	City of Fremantle Contribution
The annual net borrowing cost at time of purchase shall not exceed \$47,500 (this amount is set at not more than 10% higher than commercial rental rates for a 240sqm office.)	\$47,500 x Governance Contribution @ 26% x Fremantle's Share @ 7.11% = \$879
Current Leasing Costs on 240sqm office is \$43,200	\$43,200 x Governance Contribution @ 26% x Fremantle's Share @ 7.11% = \$799
Difference Between Purchase and Leasing = \$4,300	Difference - \$879 - \$799 = \$80 or 10% of \$799
Members Cost where they do not enter into the Project: Payment of an annual market rental charge as utilised by the SMRC x the proportionate population figure for the member. No asset investment share or capital equity. Not liable for any debt incurred by the investment.	EG: Annual Rental \$43,200 1 st year X population share 7.11% X 26% = Total Annual Rental Contribution = \$799 (Note: this amount will increase by CPI and office area over time)

LEGISLATIVE AND LEGAL CONSIDERATIONS

Entering into a participative agreement will mean the Council will be entering into a legal commitment.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

- (a) This matter has not been referred to Precincts because responses are required by the 31 August 2004 and the matter is a financial consideration.
- (b) This matter does not come under the guidelines of an Advisory Committee.
- (c) No other consultation has been carried out.

OFFICER'S RECOMMENDATION

That City of Fremantle resolves to enter into a project participants agreement for the purchase of office accommodation for the Southern Metropolitan Regional Council's administration, subject to:

- 1. Being support by the majority of other regional member Councils.
- 2. The property chosen meets the requirements of the SMRC's Business Plan selection criteria and recommendations.
- 3. The annual borrowing costs shall not exceed a net cost to the SMRC of \$47,500 at the time of purchase.

MAYOR MR PETER TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0408-10 BE ADOPTED.

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 11/0

For	Against
The Mayor, Peter Tagliaferri	
Cr Bob Smith	
Cr Shirley Mackay	
Cr John Alberti	
Cr Kathy Anketell	
Cr Phil Douglas	
Cr Steve Gorman	
Cr Doug Thompson	
Cr Helen Hewitt	
Cr Tony Miosich	
Cr Bob Williams	

ITEM NUMBERED C0408-11 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0408-11 Status Report on Council Resolutions – Attachment No. 9

DataWorks Reference: 231/001
Author: Director Corporate Services
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 presents items outstanding as at 31 July 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. Items that appeared the previous month are therefore included and if completed are shown as completed in the "Estimated Completion Date" column and are recommended for removal from future reports.

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 status report on the implementation of council resolutions be received and those items marked as completed not be included in future reports.

ITEM NUMBERED C0408-12 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY EARLIER IN THE MEETING

C0408-12 Leave of Absence – Cr Geoff Graham

**DataWorks References – Cr Geoff Graham
Administration Officer**

Decision Making Authority

Council decision required. Simple Majority.

Purpose

To approve Leave of Absence for Cr Geoff Graham for the period Monday 23 August 2004 to Friday 10 September 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 Geoff Graham for the period Monday 23 August 2004 to Friday 10 September 2004 inclusive.

AT THIS JUNCTURE IN THE MEETING BEING 6.29 PM ITEM N0408-01 WAS DISCUSSED

N0408-01 Notice of Motion re Mr Jan Ter Horst

Cr Kathy Anketell

Background

The issues surrounding Mr ter Horst's strata subdivision began in 1989 and since that time the many and complex problems have gained national and local media attention. Some of this coverage has not shown the City of Fremantle in a positive light. Recently the city has been publicly criticized by Barry House MLC, Chair of the Standing Committee on Public Administration and Finance.

To date Mr ter Horst has appeared before the courts over 50 times with regard to this matter. There have been countless hours of officer time, numerous motions which have come before the elected members and significant payments have been made for legal advice. Mr ter Horst has received documentation from the Municipal Liability Scheme (the city's insurers) informing him that they can not progress his claim. It is now over 15 years since this issue began and it appears that City of Fremantle and Mr ter Horst are no closer to resolving these matters.

As an example of the complexity of this issue the following information is taken directly from the chronology prepared by Ross Sharland (Strata Consultant) in the report prepared by Mr Ian Lush on behalf of the Department of Local Government, November 2001.

Mr Jan ter Horst was the 'undisputed' registered proprietor of 20 Moran St, Beaconsfield from September 2, 1974 to May 11, 1994, being lot 17 on Plan 1374 and being the whole of the land. (This is the lot which was subsequently subdivided into new lots at 20 Moran St and 8 Beard St.)

On the 27th January 1989 the State Planning Commission sought FCC comments on an application by ter Horst to sub-divide his land by strata title. Planning Approval Plans dated. Feb 23, 1989 show 'Temporary Bench Mark' as indication of levels and bear the words 'existing ground levels to be used'

In March 1989 the prospective purchasers and their builder enter into negotiations with FCC to adjust footing levels. Mr ter Horst the property owner who submitted the planning application was not consulted. May 24, 1989 Building Licence issued. Building started ter Horst notes from visual observation that building is not being built in accordance with Planning Approval.

October 9, 1989 ter horst, as landowner seeks "Stop Work Order" from FCC.

Here after follows a chronology of events which take 15 years and brings us to the prospect of continuing litigation and lack of resolution.

Conclusion

- After 15 years of dispute the majority of Elected Members are unlikely to have the time to fully understand the complexity of the ter Horst matter.
- Elected Members recognise that this ongoing dispute is taking a toll on the health of Mr Ter Horst
- Mediation offers the potential to resolve the ter Horst issue in a manner which is mutually satisfactory.
- If Mediation is successful and matters can be resolved then the city will save considerable officer time and resources.

The council requests:

1. That the acting CEO facilitates the appointment of an independent mediator to allow open communication between the City of Fremantle and Mr Jan ter Horst of 20 Moran St Fremantle with a view to resolving the dispute between the City and Mr ter Horst.
2. That a mediator be selected who is either an appointee of the Institute of Arbitrators & Mediators or who is a suitably qualified & experienced independent person acceptable to both parties
3. That the acting CEO personally liaise with Mr ter Horst and/or his representatives in this matter
4. That the acting CEO provides a progress report to the next Council meeting.

CR K ANKETELL MOVED THAT THE FOREGOING ITEM N0408-01 BE ADOPTED.

SECONDED BY CR BOB SMITH

CR P DOUGLAS MOVED A MOTION TO REFER THIS ITEM TO SERVICE DELIVERY REVIEW AND CORPORATE PERFORMANCE COMMITTEE TO BE CONSIDERED AFTER THE CURRENT POLICE INVESTIGATION IS COMPLETED AS THIS IS A VERY COMPLEX MATTER

SECONDED BY CR T MIOSICH

CR DOUGLAS'S MOTION TO REFER WAS PUT AND CARRIED 7/4

For	Against
The Mayor, Peter Tagliaferri	Cr Shirley Mackay
Cr John Alberti	Cr Helen Hewitt
Cr Phil Douglas	Cr Kathy Anketell
Cr Steve Gorman	Cr Bob Smith
Cr Doug Thompson	
Cr Tony Miosich	
Cr Bob Williams	

CONFIDENTIAL ITEM

Nil

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 6.53 pm.