

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 21 February 2005 at 6.00 pm

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DAC0502-16	Marine Tce No. 44 (Lots 698 & 702) Fremantle Improvements To & Re-Use Of Hubbles Bar Premises At Esplanade Hotel (DA 708/03 & 737/04) (Alan Gray) These Applications Are Recommended For Council Approval Attachment No. 7	12
DAC0502-18	Daly Street No. 19 (Lot 103) South Fremantle Residential – Two Storey Alterations And Additions (D2/19 DA740/04) (David Jack) (Attachment: Att0502-18) This Item Is Recommended For Council Approval	18

MOTION OF WHICH NOTICE HAS BEEN GIVEN

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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

Beaconsfield Ward

Cr Shirley Mackay; Cr John Alberti

Hilton Ward

Cr Bob Smith; Cr Tony Miosich

City Ward

Cr Steve Gorman; Cr Phil Douglas

South Ward

Cr Helen Hewitt; Cr Geoff Graham

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Miragliotta; Manager Finance and Administration, Mr Alan Carmichael and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill and Assistant Minute Secretary, Ms Melody Crockett.

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At Council Meeting held on 7 February 2005 Mr Les Lauder asked the following question through the Chair, Mayor Peter Tagliaferri to Cr Helen Hewitt:

Summary

Spoke of his award of the Premiers Citizenship Award on Australia Day and spoke of his concerns of Cr H Hewitt's accusations made with regard to this Award. He wished to go on record that there was no corruption of the Citizenship Award process and there was no prior arrangement with the Premier, the Mayor or the CEO with regard to the Citizenship Award.

Response by Cr Helen Hewitt

By way of background it should be explained that I was asked to make a comment on Mr Lauder's award by both the local papers – I did not contact them, nor were my comments as negative as were reported in the Herald and I certainly was not "angry". The local papers would not have contacted me unless there was some background to the public interest in the award being given by Mayor Tagliaferri to Mr Lauder.

I believe that interest stems from the fact that I am the only declared opponent to Peter Tagliaferri for the Mayoral race this year and that Mr Lauder has been very public in his ongoing, ill-informed and vexacious comments about me, all of which started with the private hospital debate where, as Chair of the DAC I supported the officers' recommendation, a recommendation which Mr Lauder disagreed with.

I stand by my remarks that the judging process was not in accordance with the guidelines contained in the Premier's Australia Day Active Citizenship Awards brochure where it is stated that, "The judging panel will be made up of representatives from your local government and the local community". The only two people involved in the process which selected Mr Lauder for an award were the Mayor and the CEO.

It is also stated that, "All category winners of the Australia Day Active Citizenship Awards will be selected from nominations received from the community, your local government or its appointed committee" and elsewhere, "Your local government invites you to nominate a person or group from your local community for one of the Premier's Australia Day Active Citizenship Awards..."

The nomination of Les Lauder for the Australia Day award in the category of a person of 25 years or older was in fact, made by Peter Tagliaferri giving his address as 5 Annie Street Beaconsfield and his email address as mayor@fremantle.wa.gov.au.

As one of the two judges of the award I don't believe that it was appropriate for the Mayor to also make a nomination, either on behalf of the Council, as there was no committee formed to discuss the matter, or as a private citizen.

The whole process of both nomination and judging has been compromised in such a way as to devalue the award and if that reflects badly on Mr Lauder, then that is unfortunate, but that has been the fault of the Mayor not me.

PUBLIC QUESTION TIME

1. Mr Ken Adams speaking on 25a Bruce St Northbank

Summary of Question

- a. With reference to the approval on 14 February 2005 by the DAC of a development on 25a Bruce Street Northbank that:
- (i) on the officer's own report, was nearly double the allowable plot ratio and grossly exceeded overshadowing limits over the adjacent property:
and
 - (ii) was the subject of a consultant's report claiming other discrepancies, omissions and errors in the officer's report, including the claim that the development was 33 1/3% below the open space requirement and more than double the plot ratio limit,

is the Council now of the view that the Council no longer feels bound by its own adopted policies, or by the obligations to consider an application on its merits, in cases where a previous approval on the site incorporated similar significant departures from the Council's policies, with similar damaging impacts on the amenity of a neighbour?

- b. If the answer to part (a) is no, will the Council explain the reasons why the significant departures were approved in this instance?

Summary of Response from Mayor P Tagliaferri

Mayor P Tagliaferri took Mr Adam's questions on notice.

- 2. Mr Jon Strachan
residing at Daly Street South Fremantle
speaking on C0502-16 and DAC0502-16**

Summary of Question

Mr Strachan made statements on renovations and spoke of the history and significance of Hubbles Bar.

Mr Strachan commented on the ANI site and asked Councillors to support Mayor P Tagliaferri's motion.

Summary of Response from Mayor P Tagliaferri

Mayor Tagliaferri thanked Mr Strachan and stated the Councillors will take his comments on board when making their decision.

- 3. Ms Conchi Chamizo
residing at 12 Hickory Street South Fremantle
speaking on C0502-16**

Summary of Question

Ms Chamizo spoke of her concerns relating to the ANI site and asked Councillors to support the Mayor's motion.

Summary of Response from Mayor P Tagaliaferri

Mayor Tagliaferri thanked Ms Chamizo.

- 4. Ms Cathy Hall
residing at 41a Daly Street South Fremantle
speaking on DAC0502-16 and C0502-16**

Summary of Question

Ms Hall commented on the ANI site and the sand dunes and requested all Councillors to support the Mayor's motion.

Ms Hall commented on the Hubbles Bar development.

Summary of Response from Mayor P Tagliaferri

Mayor Tagliaferri thanked Ms Hall.

5. **Ms Adele Carles**
residing at 14 Walker Street South Fremantle
speaking on C0502-16

Summary of Question

Ms Carles spoke of her concerns with the ANI site.

Summary of Response from Mayor P Tagliaferri

Mayor Tagliaferri thanked Ms Carles and advised Councillors will take her comments on board when making their decision.

DISCLOSURE OF INTERESTS BY MEMBERS

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Geoff Graham thanked Council for their expressions of sympathy to himself and his family during the recent passing of his Brother.

Cr Helen Hewitt reminded Councillors to attend at 6 pm in the Councillors Lounge on Tuesday 22 February 2005 the Simon Bain planned procedures meeting.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF
THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 7
FEBRUARY 2005 BE CONFIRMED AS A TRUE AND ACCURATE
RECORD

SECONDED BY CR D THOMPSON

CARRIED UNANIMOUSLY 12/0

For

Against

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

ANNOUNCEMENTS BY THE MAYOR

Nil

QUESTIONS BY ELECTED MEMBERS

Summary of Questions from Cr Geoff Graham to Mayor Tagliaferri

1. With regard to the car parking issue on Wilson Park at South Beach, can you please give Council an update on what measures are being undertaken or proposed to address the parking problems that currently exist on that park?

Summary of Response to question 1 by Mayor P Tagliaferri

In follow up to a number of complaints regarding the lack of parking at South Beach and illegal parking on Wilson Park during peak periods, it is proposed to re-open the section of south Beach car park currently being utilised as a basket ball court.

The City will install timber bollards around Wilson Park and trial re-opening the car park. The lowering of the bollards will be controlled and monitored by the City's Ranger Services to establish the use patterns and parking demand.

On conclusion of the trial period a comprehensive Master Plan will be developed for the reserved and car park upgrade based on the community's vision and input.

2. There appears to be some conjecture in the community in relation to dogs on the non-dog beach and the adjacent grassed environs of South Beach. Can you please clarify Council's position in relation to dogs on the non-dog beach and the adjacent grassed environs of South Beach?

Response from CEO, Mr Graeme Mackenzie to question 2.

The Council has a resolution on the books from December 2004 that it amend the Local Laws in respect to dogs and dog use at South Beach. That same Local Laws amendment also proposed amendments to Gil Fraser Oval and Stevens Reserve subject to some agreements with leaseholders and it appears those agreements have not been forthcoming so the whole item will come back to Committee for reconsideration.

Summary of Question from Cr Phil Douglas to CEO Mr Graeme Mackenzie through Mayor Tagliaferri

Will Cr H Hewitt's response to previous public questions taken on notice which appears in the Notice Paper for 21 February 2005 be summarised or left in its entirety?

Summary of Response by CEO Mr Graeme Mackenzie

Mr Mackenzie stated as it is published it is intended to stay.

Summary of Question from Cr P Douglas asked Cr Hewitt to withdraw her response made on page 5 and 6 in the Notice Paper for 21 February 2005.

Summary of Response by Cr Hewitt indicated she only responded as was requested of her by Mayor, CEO and Minute Secretary as she was requested to do at the last Council meeting on 7 February 2005.

Summary of Statement from Cr P Douglas

Cr Douglas made further statements regarding he believed allegations and mis-information contained in Cr Hewitt's response.

Summary of Response by CEO Graeme Mackenzie

The CEO Mr G Mackenzie advised he had not examined this statement against the Council's Code of Conduct so I am not in a position to say whether there is any conflict, but he did look over Cr Hewitt's response before it was published and didn't see anything contained in there that warranted editing,

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

Questions from Mr Ken Adams

Correspondence dated 18 February 2005 from K A Adam and Associates including drawing

Corporate Events Protocol and Meeting Support Working Group Agendas and Minutes

Copy of Nomination Form for Australia Day Citizen Award

Alternative recommendation on DAC0502-16

Alternative recommendation on DAC0502-18

Notice of Motion N0502-01

Proposed minor amendment to N0502-01

Additional item C0502-17

Response to Questions from Cr G Graham

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 14 February 2005

CR H HEWITT ASKED IF ANY MEMBERS PRESENT AT THE
DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD ON 14
FEBRUARY 2005 FORESEE ANY CHANGES TO THE MINUTES AS
PRINTED AND PRESENTED.

Nil

**DAC0502-16 MARINE TCE NO. 44 (LOTS 698 & 702) FREMANTLE
IMPROVEMENTS TO & RE-USE OF HUBBLES BAR PREMISES AT ESPLANADE
HOTEL (DA 708/03 & 737/04) (Alan Gray)**
THESE APPLICATIONS ARE RECOMMENDED FOR COUNCIL APPROVAL
Attachment No. 7

Executive Summary

This report seeks the Committee's decision for alterations to the Hubbles Bar in the Esplanade Hotel.

The proposal was reported to the meeting of the Development Assessments Committee on 31 January 2005. The Committee resolved to defer the proposal pending legal advice regarding the deed of agreement.

Background

- In recent years the City approved the expansion of the Esplanade Hotel and the addition of convention facilities, and that development has been completed.
- Part of the process flowing from the approval was to update the conservation plan supported by a deed of agreement to guide the future use and development of the old hotel building known as Hubbles Bar.
- These documents have also been completed, whereby Hubbles Bar is able to be decommissioned as staff and storage rooms and restored and refitted for a more public-orientated use.
- Two successive applications have been submitted for this purpose and are presented here for approval.

Proposals

- The first proposal is to remove the modern temporary stud walls and fittings added when the premises were converted to staff and storage facilities for the hotel, then to repair and restore any fabric affected by the previous installations and removals, in accordance with the conservation plan.
- This will remove quite extensive partitioning, cabinets, etc, and reinstate a number of doorways and doors in keeping with the original hotel, opening up the Hubbles Bar floorspace from its current cluttered state.
- The second proposal is for a new fit-out of the ground floor of Hubbles Bar as relocated office space associated with the hotel.
- This is to be the banquet and sales office, which will function to serve the public (rather than a private office) as a component of the hotel operation.
- By way of a reception area, limited-height and see-through partitioning, and an open-plan layout, the Hubbles Bar premises will be more accessible and visible as an entity and able to be experienced by the public using these facilities (as well as by staff).
- This is consistent with the objective of improved public access to Hubbles Bar.

Conservation Plan

- This reference guides the ongoing use and development of the premises to retain and enhance the heritage values.
- The plan has been completed and a copy forwarded to HCWA.
- HCWA has advised that the clean-out and repair is acceptable subject to some conditioning and advice on details, and this advice has in turn been applied to the second related proposal that embodies the same principles but on a lesser scale.

Deed

- The purpose of the deed is to set out agreement on proceeding with changes to Hubbles Bar pursuant to the initial approval.
- The owner is required to submit applications as herein, and the deed is cross-referenced to the conservation plan.
- The deed prescribes a range of preferred uses with a public focus, but also allows the City to approve of an alternative use.
- In this respect the owner has advised that it has been difficult to find a tenant having regard to the terms of the deed and has resorted to seeking approval to occupy the premises.
- This is attributed to the location and nature of the space, as the owner has engaged a leasing agent and has been prepared to reduce the rent, but so far to no avail.
- It is noted that the old building does not have the exposure of display windows that modern premises do, and that the internal spaces are not as efficient as modern premises, whereby it appears less attractive for commercial purposes and is to some extent off the beaten track of shops, entertainment and other businesses.

- Therefore, the proposal by the owner is considered to be an acceptable interim use that makes progress towards the aim of emptying out and restoring the Hubbles Bar premises, instead of leaving it underutilised or in disrepair.

Legal Advice

- At the meeting of the Development Assessments Committee on 31 January 2005 committee members request officer seek legal advice as to the status of the deed.
- Legal advice has concluded that the deed is a legally binding agreement between the City of Fremantle and the owners of the Esplanade Hotel. There is no impediment to varying the terms of the agreement provided both parties agree.

Assessment

- The applications are to further implement the overall approval for Hubbles Bar to be reused and restored.
- The proposed works are relatively minor and internal only and essentially consistent intent of the previous overall approval, conservation plan and related deed of agreement.
- The emphasis is clearly on removal of a substantial amount of existing partitioning etc and installation of minimal new fit-out requirements, together with the necessary repair and restoration works including repainting.
- All works are non-structural in that they do not create any new openings or remove any walls or columns of the original building, and where any existing openings are temporarily blocked-of this is by stud walls that can be removed at a later date.
- The aspect of use is required to be addressed and where a commercial tenancy has not been taken up it would seem acceptable to allow the proposed banquet and sales office use for three reasons:
 - Restoration works will be undertaken.
 - Partial public access will be achieved.
 - The premises will be used and maintained by the hotel rather than be vacant or underutilised in an unsympathetic manner.
- In accordance with the deed and the scale of works the proposals can be determined under delegation by the Director at DAU.

Committee Recommendation to Council

That Council, GRANT planning consent to removal of existing staff and storage fit-out, installation of new fit-out for use as hotel banquet and sales office, and associated restoration works, to ground floor of Hubbles Bar premises within the Esplanade Hotel, in accordance with Oldfield Knott plans number A01.01 Rev 1 date-stamped 13 November 2003 and number P03 date-stamped 9 December 2004, respectively, subject to the following conditions:

- 1. All works shall be carried out in accordance with the approved plans and the deed of agreement and conservation plan for the Hubbles Bar premises.**

2. **As recommended by the Heritage Council of WA, any former original openings that have previously been modified by the introduction of infill fabric are to retain their expression as openings (ie any infill fabric should form a reveal that enables the former opening to still be read), and a consistent approach should be adopted for all in-filled openings.**
3. **As recommended by the HCWA, Door 'B' shall be reconstructed in accordance with evidence of the original doors to the entry hall of the old Esplanade Hotel.**

Advisory Notes:

- (i) **Any future works or change of use proposed shall be the subject of further applications.**
- (ii) **The Heritage Council of WA has advised that while interpretation of the former use of the place as a hotel is not proposed in this stage of works, the applicant should be aware that it remains a requirement of the conditional support of the HCWA for the adaptation of the place that appropriate interpretation of the cultural heritage significance of the place be incorporated to the satisfaction of the HCWA, as per its advice letter dated 24 July 2002, and that this should be addressed in the ongoing use and development of the place.**

Moved by: Cr. Helen Hewitt

For	Against
Cr. Helen Hewitt Peter Tagliaferri Cr. Tony Miosich Cr. Phil Douglas Cr. John Alberti	Cr. Kathy Anketell Cr. Doug Thompson

CARRIED: 5/2

Cr. Phil Douglas requested that the item be referred to full Council. Seconded by Cr. Doug Thompson.

CR K ANKETELL MOVED HER ALTERNATIVE RECOMMENDATION TO
DAC0502-16 AS FOLLOWS.

That Council, GRANT planning consent to removal of existing staff and storage fit-out and associated restoration works, to ground floor of Hubbles Bar premises within the Esplanade Hotel, in accordance with Oldfield Knott plans number A01.01 Rev 1 date-stamped 13 November 2003 and number P03 date-stamped 9 December 2004, respectively, subject to the following conditions:

4. All works shall be carried out in accordance with the approved plans and the deed of agreement and conservation plan for the Hubbles Bar premises.
5. As recommended by the Heritage Council of WA, any former original openings that have previously been modified by the introduction of infill fabric are to retain their expression as openings (ie any infill fabric should form a reveal that enables the former opening to still be read), and a consistent approach should be adopted for all in-filled openings.
6. As recommended by the HCWA, Door 'B' shall be reconstructed in accordance with evidence of the original doors to the entry hall of the old Esplanade Hotel.

Advisory Notes:

- (iii) Any future works or change of use proposed shall be the subject of further applications and in accordance with schedule 2 of the Deed of Agreement
- (iv) The Heritage Council of WA has advised that while interpretation of the former use of the place as a hotel is not proposed in this stage of works, the applicant should be aware that it remains a requirement of the conditional support of the HCWA for the adaptation of the place that appropriate interpretation of the cultural heritage significance of the place be incorporated to the satisfaction of the HCWA, as per its advice letter dated 24 July 2002, and that this should be addressed in the ongoing use and development of the place.

SECONDED BY CR G GRAHAM

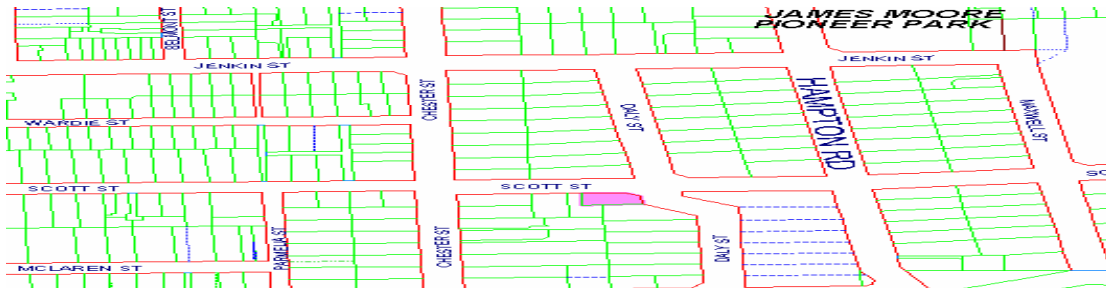
Rational

This alternative recommendation for approval allows for the restoration works to be carried out as required by Council resolution of 2 years ago and for future change of use to be approved in compliance with the Deed of Agreement signed and lodged last year. Schedule 2 is attachment 7 of the Notice Paper, these 13 uses allow for a wide variety of public uses.

CR K ANKETELL'S ALTERNATIVE RECOMMENDATION WAS PUT AND CARRIED 11/1

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

**DAC0502-18 DALY STREET NO. 19 (LOT 103) SOUTH FREMANTLE
RESIDENTIAL – TWO STOREY ALTERATIONS AND ADDITIONS**
(D2/19 DA740/04) (David Jack) (ATTACHMENT: ATT0502-18)
THIS ITEM IS RECOMMENDED FOR COUNCIL APPROVAL



Owner Name	A Wiszniewski
Applicant Name	Z- D Constructions
M.R.S.	Urban
T.P.S. No. 3	Residence R25
Permissible Use Class	P
Heritage	Recommended for deletion from Council's MI List – decision not yet adopted
Existing Land Use	Residence
Lot area	473m ²
Total building floor space	200m ² approx.
Encumbrance	Nil
Proposal	
Date Received	13 th December 2004
Details	<p>The proposal seeks planning approval for alterations and additions to an existing residence at the corner of Daly Street and Scott Street in South Fremantle.</p> <p>The upper level additions include the following:</p> <ul style="list-style-type: none"> • Addition directly above the existing roofed portion • Upper level deck / balcony looking onto Scott Street. • Master bedroom with ensuite and walk in robe. • Office / Study area. • Kitchen / Living areas with dining.
Relevant Background	<p>1995 Subdivision approval was granted.</p> <p>On 6 April 2004 planning consent was refused for two storey alterations and additions (DAU04-090 refers).</p> <p>The proposal was considered to be contrary to Council's Policy D.B.H1 'Urban Design and Streetscape Guidelines' in that the scale and character was inconsistent with the development of the locality.</p> <p>The applicant was advised that the standard of the plans submitted was</p>

	generally unacceptable and encouraged to reapply with plans that comply with RD Codes and Council Policies and are clear, legible, scaled and dimensioned.
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Assessment		Comments (if applicable)
Site Inspection date	24 January 2005	
Site level	Relatively flat but slopes downwards to the western side	
Crossovers	As existing – onto Daly Street	Good condition
Obstructions to proposed access	Nil	
Existing structures	Existing single storey dwelling	Brick and tile residence with matching double carport forward of the building line.
Street Trees	As existing	Mature street trees to both Daly Street and Scott Street frontages.
Other	Nil	

Relevant internal referrals		Summary of Comments (if applicable)
Building	Yes	Building Licence required. Construction Management Plan required. Structural Engineer to certify that the existing structure is sufficient to carry proposed loads. Energy Efficiency. Verge bond - \$750
Physical Services	Yes	All storm water drainage to be contained and disposed of on-site.
Parks & Gardens	Yes	Protect and retain existing verge trees
Heritage Planner	Yes	The place has been thoroughly and irreversibly altered and makes little or no contribution to the cultural heritage significance of Fremantle. The place could be removed from the Municipal Inventory.

Relevant external referrals	Summary of Comments (if applicable)
Nil	

External Submissions (Summary)

Neighbour Notification: Yes N/A

Planning comment on submission(s) No submissions received.

Statutory Requirements

Specifications	Proposed	If non-compliant , insert Comment
Streetscape		
Surveillance	Windows facing the street.	Complies
Building Design	The two storey addition is proposed to be located	Supported The proposed two storey

	directly above the existing single storey residence.	addition increases the bulk and scale of the property but is considered to be acceptable given that there are a number of modern two storey properties immediately adjacent to site with a substantial single storey property located directly opposite the site on the northern corner of Daly Street and Scott Street.
Front Fences	N/A	Existing wall to street front has 2.0m piers, with 1.0m high solid wall and timber in-fills above.
Setback of Garages & Carports	As existing	Previously approved carport constructed in front setback
Garage Door Frontage	N/A	
Dwelling Orientation	As existing	
Bulk Scale and Mass	Supported The proposal presents a traditional two storey design to both Daly Street and Scott Street. The streetscape impact is reduced by the existing high boundary walls to both street frontages whilst the bulk and scale is considered to be consistent with the adjacent two storey properties immediately to the south of the site and with the substantial single storey property immediately north of the site.	
Overshadowing	Supported Overshadowing roofed portions to 2 adjoining residences. No adverse impact on amenity area of affected properties and no objections received.	
Building & roof style	Supported The proposed building roof and style is consistent with the built surrounds and whilst dramatically alters the character of the existing single storey cottage may be supported given that it will have minimal impact on the streetscape of the locality.	
Boundary Setbacks		
Front	As existing 1.5m to carport 9m to front verandah	Supported
Side North	2.8m – secondary street setback	Complies
Side South	3.6m	Supported 2.4m required – 6.6m height x 19m length wall with no major openings. Complies with R D Codes setback requirement.
Rear	4.4m	Complies with R D Codes

Private Open Space	As existing - unaltered	Complies
Courtyard / Balcony	Increased open space with creation of upper level terrace.	Complies
Orientation	Northern	Complies
Opening from Habitable room	Living room	Complies
Parking	2 spaces	Complies
Design of spaces	As existing double carport	Complies
Site works		
Excavation or fill	Nil required – upper level additions	Complies
Building Height	Rear wall height 6.5m Roof height - 9.5m	Supported under Performance Criteria. Category B of the R D Codes permits an external wall height of 6.0m and ridge height of 9.0m. The majority of the building complies with the height limitations with the 500mm variation proposed to the western side only where the existing residence has been constructed with a finished floor level approximately 800mm above natural ground level. In this instance the Daly Street and north facing elevations will remain in compliance with the RD Codes with the increased height visible from the west against a back drop of two adjacent two storey properties.
Visual Privacy	Reduced setback proposed from upper level kitchen and living room windows to south and west boundaries.	Reduced setbacks to the southern boundary supported under the Performance Criteria of Part 3.8.1 'Visual Privacy' of the RD Codes given that effective screening is proposed. Reduced setback from western boundary supported with condition to restrict overlooking by incorporating highlight windows to a 3.0m window aspect in the south west corner of the west elevation. This may be supported as the condition will limit the direct over looking to a pedestrian area adjacent to the existing double garage and no objection has been received from the affected property owner.
Privacy screening	Adequate screening proposed to south facing windows.	Supported under performance criteria with a condition to limit the extent of over looking from the west facing living room

	No screening proposed to west facing windows.	windows. Standard advisory note included permitting reinstatement of windows following practical completion where the affected neighbours provide written consent.
Energy Efficiency	Adequate northern sunlight- eaves overhang applicable	Complies

Policy Considerations (if applicable)

Key Issues	<p><i>Council’s Policy D.B.H1 ‘Urban Design and Streetscape Guidelines’</i></p> <p>The proposal involves a direct “pop top” style extension which may be supported given that there are a number of existing two storey properties within the immediate locality of the site and the impact of the addition is minimised by the existing solid boundary walls and mature verge trees to both the Daly Street and Scott Street frontages.</p> <p><i>Council’s Policy D.B.H12 ‘Energy Efficient Building Design’</i></p> <p>The proposal in general complies with Council’s policy. The proposal provides adequate degree of solar amenity, cross ventilation and eaves overhang to building elevations.</p> <p><i>Residential Design Codes</i> Part 3.8.1 ‘Visual Privacy’</p> <p>Setback variations proposed to the west facing rear boundary with 4.2m setback where 6.0m setback is required for the proposed upper level living room windows.</p> <p>The setback variation may be supported with high light window/fixed obscure to 1600mm above finished floor level over 3.0m window to the south west aspect.</p> <p>This amendment would:</p> <ul style="list-style-type: none"> • Significantly reduce the overlooking aspect, • Locate the window further from the upper level balcony of the existing property at 45 Scott Street, and • Restrict visually over looking predominantly to the pedestrian access area adjacent to the existing double garage of the affected property.
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<p><i>Summary</i></p> <ul style="list-style-type: none"> • The existing single storey property at 19 Daly Street, South Fremantle is abutted by 2 storey properties at 19A Daly Street and 45 Scott Street. • The existing single storey property has the appearance of a late 1950’s – early 1960’s brick and tile house that has been substantially altered. • Alterations appear to have been carried out over last 10-15 years and include a low

pitched verandah to the north and west sides of the house, rendering of the external brick walls to give the appearance of limestone block work and addition of a free standing double car port to the Daly Street frontage.

- In essence any original character has been thoroughly and irreversibly altered and the property currently makes no significant contribution to the streetscape.
- The existing property is substantially screened from direct view by the existing double carport within the front setback of the residence, the high solid wall to both the Daly Street and Scott Street frontages and the mature verge trees.
- A previous proposed second storey addition was refused on 6 April 2004 (DAU04-090 refers) on the basis that the proposal was inconsistent with the character of the locality. This determination was substantially influenced by the substandard plans submitted which limited any thorough assessment of the proposal.
- The current proposal incorporates a north facing upper level deck area which is screened to the western elevation. Modern external finishes are proposed in the form of vertical custom orb sheeting and metal roof finish.
- The proposal was advertised to adjacent property owners and no objections were received.
- A 500mm variation to the external wall and roof height on the western side of the development is supported given that there was no objection from adjoining property owners and the finished floor level of the existing property is raised by approximately 800mm at this point.
- The reduced setbacks to the upper level windows on the southern and western elevations are supported under performance criteria given that adequate screening is proposed to the windows on the southern elevation while additional screening will be conditioned to the windows on the western elevation.
- The proposed development indicates separate kitchen provision to both the ground floor and first floor levels with semi-independent stair access and two separate storage areas. The development is supported on the basis of additions to the existing property only and not as an additional residential property.

Officer's Recommendation

That the Development Assessments Committee, acting under authority delegated by the Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for second storey alterations and additions at No. 19 (Lot 103) Daly Street, South Fremantle, as detailed on plans dated 13th December 2004, subject to the following conditions:

1. The upper level living room window on the western elevation shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level or alternatively a minimum sill height of 1.6 metres as determined from the internal floor level, as indicated on the approved plan bearing the date stamp 13 December 2004.

2. The proposed stair access to the upper level addition shall be relocated internally within the existing residence. Amended plans shall be submitted to the satisfaction of the Director Urban Management prior to issue of Building Licence.
3. The upper level accommodation is approved as an addition to the existing dwelling only and shall not be used for short term or additional accommodation on a commercial basis.
4. A construction management plan shall be submitted and approved by the Director, Urban Management prior to the issue of a building licence addressing the following:
 - (a) staging
 - (b) dust mitigation
 - (c) construction/development times
 - (d) complaint resolution
 - (e) product storage
 - (f) site rehabilitation during construction phase of the development
 - (g) worker parking
 - (h) or any other matters as deemed appropriateThe plan shall be implemented, as required, to the satisfaction of the Director Urban Management.
5. All stormwater from roofed and paved areas shall be collected and disposed on-site. A detailed drainage plan is to be submitted with an application for a building licence.
6. The development shall be connected to the reticulated sewerage system prior to occupancy and thereafter.
7. All street trees located in verge areas adjoining the site are to be retained and protected during the construction process to the satisfaction of the Director Urban Management.
8. Details of external colours and materials shall be submitted prior to issue of a planning clearance for a building license to the satisfaction of the Director Urban Management.
9. The Applicant shall lodge a Verge Bond of \$750 to Council's Building Department, prior to any works commencing, to cover any damage to the City's infrastructure caused as a result of construction of this proposal.

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.

- (ii) Evidence is required to certify that the proposed structure is in compliance with the BCA Volume 2 Housing Provisions, Part 3.12, Energy Efficiency, prior to the issue of a building licence.
- (iii) A verge bond deposit must be paid on application for a building licence.
- (iv) Upon practical completion of the building, the Director Urban Management may waive the requirement for screening as specified in condition 1 above if it can be demonstrated, in consultation with the affected neighbour, that there is no overlooking of adjoining properties.
- (v) In relation to Conditions 2 and 3 above the applicant is advised that the current residential zoning of R25 does not support the development of an additional residential unit on this lot. The development is supported as an addition to the existing residence only and the access arrangements should be amended accordingly.

Committee Recommendation to Council

That Council, GRANT planning consent under the Metropolitan Region Scheme and Town Planning Scheme No. 3 for second storey alterations and additions at No. 19 (Lot 103) Daly Street, South Fremantle, as detailed on plans dated 13th December 2004, subject to the following conditions:

- 1. The upper level living room window on the western elevation shall be fixed obscured or translucent glass to a height of 1.6m above the upper floor level or alternatively a minimum sill height of 1.6 metres as determined from the internal floor level, as indicated on the approved plan bearing the date stamp 13 December 2004.**
- 2. The proposed stair access to the upper level addition shall be relocated internally within the existing residence. Amended plans shall be submitted to the satisfaction of the Director Urban Management prior to issue of Building Licence.**
- 3. The upper level accommodation is approved as an addition to the existing dwelling only and shall not be used for short term or additional accommodation on a commercial basis.**
- 4. A construction management plan shall be submitted and approved by the Director, Urban Management prior to the issue of a building licence addressing the following:**
 - (a) staging**
 - (b) dust mitigation**
 - (c) construction/development times**
 - (d) complaint resolution**
 - (e) product storage**

- (f) site rehabilitation during construction phase of the development
- (g) worker parking
- (h) or any other matters as deemed appropriate

The plan shall be implemented, as required, to the satisfaction of the Director Urban Management.

5. All stormwater from roofed and paved areas shall be collected and disposed on-site. A detailed drainage plan is to be submitted with an application for a building licence.
6. The development shall be connected to the reticulated sewerage system prior to occupancy and thereafter.
7. All street trees located in verge areas adjoining the site are to be retained and protected during the construction process to the satisfaction of the Director Urban Management.
8. Details of external colours and materials shall be submitted prior to issue of a planning clearance for a building license to the satisfaction of the Director Urban Management.

Advisory note(s):

- (i) A building licence is required prior to the commencement of construction works.
- (ii) Evidence is required to certify that the proposed structure is in compliance with the BCA Volume 2 Housing Provisions, Part 3.12, Energy Efficiency, prior to the issue of a building licence.
- (iii) The Applicant shall lodge a Verge Bond of \$750 to Council's Building Department, prior to any works commencing, to cover any damage to the City's infrastructure caused as a result of construction of this proposal.
- (iv) Upon practical completion of the building, the Director Urban Management may waive the requirement for screening as specified in condition 1 above if it can be demonstrated, in consultation with the affected neighbour, that there is no overlooking of adjoining properties.
- (v) In relation to Conditions 2 and 3 above the applicant is advised that the current residential zoning of R25 does not support the development of an additional residential unit on this lot. The development is supported as an addition to the existing residence only and the access arrangements should be amended accordingly.

Moved by: Cr. Helen Hewitt

<u>For</u>	<u>Against</u>
Cr. Helen Hewitt Peter Tagliaferri Cr. Tony Miosich Cr. Kathy Anketell Cr. Phil Douglas Cr. John Alberti Cr. Doug Thompson	

CARRIED: 7/0

The Director, Urban Management explained the requirement for this item to be referred to full Council for determination.

Committee Note

Cr. Kathy Anketell requested the issue of the possible non-compliant fence be addressed prior to the full Council meeting.

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

A verge bond is not a planning consideration and should not be a condition but an advisory note.

CR H HEWITT MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED DAC0502-18 BE ADOPTED.

SECONDED BY CR K ANKETELL

CR K ANKETELL MOVED AN AMENDMENT TO THE RECOMMENDATION BY THE ADDITION OF PART 9 AS FOLLOWS:

- “ 9. The front fence/wall shall comply with Council’s adopted Residential Design Guidelines Policy in that the height of the front fence shall not exceed 1.4 metres as determined from the adjoining ground level of the external face of the fence where at least the top half of the fence is of open construction”

SECONDED BY CR G GRAHAM

Rational

The current fence is approximately 1.8 meters and prevents any viewing from the property to the street and is in conflict with existing policy. A 1.4 meter fence complies with Residential Design Guidelines Policy, Neighbour objectives and the RD codes.

AMENDMENT WAS PUT AND CARRIED 7/5

For

Cr Shirley Mackay
Cr Doug Thompson
Cr Helen Hewitt
Cr Geoff Graham
Cr Kathy Anketell
Cr Steve Gorman
Cr Bob Smith

Against

Mayor Peter Tagliaferri
Cr Bob Williams
C Tony Miosich
Cr John Alberti
Cr Phil Douglas

MOTION AS AMENDED WAS PUT AND CARRIED UNANIMOUSLY 12/0

For

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

Against

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**N0502-01 2005 Premiers Australia Day Awards
Cr P Douglas**

Recommendation

- 1. That the Council believe the process of selection of the 2005 Premiers Australia Day Awards was conducted in a proper manner as in previous years.**
- 2. That Council acknowledge Mr Les Lauder is a worthy recipient of the Premiers Australia Day Award.**
- 3. The selection panel for the award, being the Mayor and CEO have the total support of the Council in their conduct in this matter.**

CR P DOUGLAS MOVED THAT THE FOREGOING RECOMMENDATION N0502-01 BE ADOPTED.

SECONDED BY CR T MIOSICH

CR D THOMPSON MOVED AN AMENDMENT TO CR DOUGLAS'S FOREGOING RECOMMENDATION AS FOLLOWS:

- 1. Council endorse the selection process for the 2005 Premiers Australia Day Awards and note that it followed accepted procedures developed over previous years.***
- 2. That Council formally congratulate and acknowledge the contribution of all those community members nominated for the award.***
- 3. The selection panel for the award, being the Mayor and CEO have the total support of the Council in their conduct in this matter.**

SECONDED BY CR S GORMAN

CR K ANKETELL MOVED A MOTION TO DEFER THIS ITEM BECAUSE THOSE COUNCILLORS WHO RECEIVED THIS NOTICE OF MOTION ON FRIDAY 18 FEBRUARY 2005 WERE NOT GIVEN AN ADEQUATE OPPORTUNITY TO PUT AN ALTERNATIVE RECOMMENDATION

SECONDED BY CR S MACKAY

MOTION TO DEFER WAS PUT AND LOST 10/2

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

CR D THOMPSON'S AMENDED MOTION WAS PUT AND CARRIED 8/4

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

MOTION AS AMENDED WAS PUT AND CARRIED 9/3

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

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS 21 FEBRUARY 2005

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED C0502-04 TO C0502-13 INCLUSIVE
BE ADOPTED.

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

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

STATUTORY COUNCIL ITEMS – 21 FEBRUARY 2005

**C0502-04 Abbreviated Statements of Financial Position at 31 December
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 December 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 December 2004 be received.

ITEM NUMBERED C0502-05 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**C0502-05 Abbreviated Statements of Financial Position at 31 January 2005
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 January 2005.

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 January 2005 be received.

ITEM NUMBERED C0502-06 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**C0502-06 Confirmation of Accounts for Payment December 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 December 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 December 2004 amounting to \$16,984,496.47 be received.

ITEM NUMBERED C0502-07 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**C0502-07 Confirmation of Accounts for Payment January 2005 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 January 2005.

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 January 2005 amounting to \$16,994,205.75 be received.

ITEM NUMBERED C0502-08 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0502-08 Sundry Debtors Report December 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 summarizes 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 December 2004 be received.

ITEM NUMBERED C0502-09 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0502-09 Sundry Debtors Report January 2005 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 summarizes 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 January 2005 be received.

ITEM NUMBERED C0502-10 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0502-10 Investment Report December 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 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 December 2004 be received.

ITEM NUMBERED C0502-11 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0502-11 Investment Report January 2005 Attachment No. 4
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 January 2005 be received.

ITEM NUMBERED C0502-12 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

C0502-12 Applications for Crossovers by City of Fremantle for January 2005

**DataWorks Reference: Crossover Applications
Technical Assistant – Street Management**

DECISION MAKING AUTHORITY

Information only no decision required.

PURPOSE

EXECUTIVE SUMMARY

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 January 2005.

REPORT

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of January 2005 – 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 C0502-13 WAS MOVED AND CARRIED EN BLOC
UNANIMOUSLY 12/0 EARLIER IN THE MEETING

**C0502-13 Notice of Minutes of the Fremantle Sport, Recreation and Youth
Advisory Committee Attachment No. 5**

**DataWorks Reference: June Moorehouse; 039/005;
Manager Cultural and Community Services**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To note the minutes of the Fremantle Sport, Recreation and Youth Advisory
Committee meeting of the 19 January 2005.

EXECUTIVE SUMMARY

N/A

REPORT

Background

N/A

Comment

N/A

Conclusion

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 Sport, Recreation and Youth Advisory Committee of the 19 January 2005.

GENERAL COUNCIL ITEMS – 21 FEBRUARY 2005

**MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED C0502-14 AND C0502-16 BE ADOPTED**

SECONDED BY CR D THOMPSON

**CARRIED UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY FOR ITEM
C0502-14 AND C0502-16**

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

**C0502-14 BikeWeek Event in Fremantle - Acceptance of Department
for Planning and Infrastructure Sponsorship Grant**

DataWorks Reference: DPI; 234/05;
Author: David Nicholson, Transport Planner
Actioning Officer: Melanie Montgomery, TravelSmart Officer

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To formally receive a sponsorship grant from the Department for Planning and Infrastructure (DPI) to conduct a cycling event in Fremantle during Bike Week in March 2005.

EXECUTIVE SUMMARY

DPI has offered an \$800 sponsorship grant (exclusive of GST) to the City of Fremantle to conduct a cycling event during Bike Week in March 2005. The sponsorship has been awarded to conduct a cyclists' barbeque in Pioneer Park. The barbeque will coincide with the conclusion of "City to Port" cycle ride which has been separately organised and funded.

REPORT

Background

Each year the Cycling Unit of DPI (formerly Bikewest) conducts Bike Week during March. Local governments, Bicycle User Groups and other cycling organisations are encouraged to apply for DPI funding to conduct events that encourage cycling.

Comment

The City's TravelSmart Officer has successfully obtained DPI sponsorship to conduct a barbeque for cyclists in Pioneer Park on Sunday 13 March 2005. The barbeque is timed to coincide with the conclusion of a "City to Port Cycle" organised by the TravelSmart Officer for the City of Subiaco/City of Nedlands/Town of Cottesloe. This ride has a sustainability focus and will stop at the sustainable demonstration home in Subiaco and a water wise garden in Karrakatta en-route. Cyclists not able to participate in the ride from Perth to Fremantle will be able to ride to Fremantle and participate in the barbeque.

Conclusion

Acceptance of the grant funding is recommended.

STRATEGIC & POLICY IMPLICATIONS

The promotion of cycling as an environmentally sustainable mode of transport is consistent with the sustainable transport element of City Plan.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

- Cycling provides a low cost and sustainable transport option.
- Events that bring people into Fremantle can generate additional revenue for local businesses.

Environmental

- Cycling trips that replace car trips will reduce air pollution and greenhouse gas emissions.

Social

- Cycling is an activity than can be undertaken by any able bodied person, irrespective of age and gender.
- Cycling can be undertaken for transport purposes or for recreation and provides opportunities for social interaction between residents, workers and visitors.
- Regular cycling improves health and fitness.

BUDGET IMPLICATIONS

The estimated cost of the event is \$800. An \$800 grant (exclusive of GST) was sought and obtained from DPI. Should the cost of the event exceed \$800, funds are available within the 2004/05 budget allocation for TravelSmart initiatives to cover this.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

No Precinct or community consultation has been undertaken.

OFFICER'S RECOMMENDATION

1. Council accept the \$800 sponsorship grant from the Department for Planning and Infrastructure.
2. The 2004/05 budget be amended to account for the additional revenue and expenditure.

**C0502-15 Tender for the Provision of Traffic Management Services -
Confidential Attachment No. 6
DataWorks Reference: 135/001
Purchasing & Improvement Co-ordinator**

Background

Pursuant to section 5.23 (2) (e) (iii) of the Local Government Act 1995, Council can deem an attachment confidential where a matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

The attachment to this item

RECOMMENDATION TO COUNCIL

That any discussion of this confidential attachment be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (e) (iii) of the Local Government Act 1995, where a matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

AT THIS JUNCTURE IN THE MEETING BEING 6.53 PM MAYOR P TAGLIAFERRI
MOVED THE FOREGOING RECOMMENDATION C0502-15 BE CLOSED TO
MEMBERS OF THE PUBLIC AT THE END OF THE MEETING TO ALLOW
DISCUSSION OF THE CONFIDENTIAL ATTACHMENT NUMBER 6

SECONDED BY CR K ANKETELL

PUT AND CARRIED UNANIMOUSLY 12/0

For

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

Against

C0502-15 Tender for the Provision of Traffic Management Services - Confidential Attachment No. 6

DataWorks Reference: 135/001

Purchasing & Improvement Co-ordinator

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

Approval of agreement for the Provision of Traffic Management Services as and when required by COF City Works for the period to 28 February 2007

EXECUTIVE SUMMARY

This is a recommendation that an agreement is made with **All Roads Traffic Services** for Provision of Traffic Management Services for the period up to 28 February 2007. Estimated value per annum of this service is \$173, 625.

This new agreement replaces a previous agreement with **Roadwise Traffic Control** which was terminated on 31st August 2004 under the termination for convenience clause. The All Roads Traffic Services offer is the best conforming tenderer in terms of qualitative criteria and price; and meets the tender requirements.

REPORT

Background

Tenders were invited by Public Tender in the West Australian on Wednesday 12th January 2005 with tenders closing on Friday 28th January 2005.

Information is provided under confidential attachment (No. 6) that outlines the reasons for the termination of the previous tender, as well as providing some additional sensitive information in relation to this tender consideration.

Comment

Evaluation of the tenders was based on each tenderer's projected cost estimates based on their offers over a 12 month term (see below) and assessment to the Tender Compliance and Qualitative Criteria.

7 tenders were received with 5 being shortlisted based on competitive pricing. These were **All Roads Traffic Services, Roadsafe Traffic Management, Carrington Traffic Services, Quality Traffic Management Pty Ltd and Warp Group.**

2 tenders were discounted from further consideration due significantly higher cost of service. (see table below)

Tenderer	Total	Rank	Diff From Lowest	% Diff From Lowest	Price Rating	Price Criteria Points
Roadsafe	\$ 156,519	1	\$ -	0%	0%	60
All Roads	\$ 173,625	2	\$ 17,106	11%	90%	54
Carrington	\$ 194,885	3	\$ 38,366	25%	80%	48
Quality	\$ 201,029	4	\$ 44,510	28%	78%	47
Warp	\$ 202,864	5	\$ 46,345	30%	77%	46
Altus	\$ 227,284	6	\$ 70,765	45%	69%	41
Advanced	\$ 253,207	7	\$ 96,688	62%	62%	37

Tender Projected Cost Assessment

The 5 shortlisted tenderers were then evaluated to the Compliance and Qualitative Criteria as detailed below. Roadsafe, All Roads, Carrington, Quality and Warp generally met the requirements of the tender Compliance Criteria.

Serious consideration was given to Roadsafe’s offer due to the potential savings to COF, however the company is new (established Oct 04) and they rated poorly on other criteria measures due to their lack of experienced personnel and lack of previous project experience.

QUALITATIVE CRITERIA

Criteria	Weighting	Roadsafe	All Roads	Carrington	Quality	Warp
Demonstrated experience in completing, similar projects/supply similar goods	20%	10	20	15	20	20
Skills and experience of key personnel.	10%	7	10	10	10	10
A demonstrated understanding of the required tasks.	10%	7	10	10	10	10

WEIGHTED COST CRITERIA

Tendered price	60%	60	54	48	47	46
	Total:	84	94	83	87	86

Tender Compliance and Qualitative Criteria

All Roads Traffic Services best satisfied the qualitative criteria.

Conclusion

Based on all the assessment criteria All Roads Traffic Services are ranked highest overall in the assessment. All Roads also demonstrated excellent performance performing the majority of traffic services since the previous agreement was terminated. In consequence All Roads Traffic Services are the recommended tenderer.

STRATEGIC & POLICY IMPLICATIONS

N/A

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

N/A

Environmental

N/A

Social

N/A

BUDGET IMPLICATIONS

Acceptance of the All Roads offer sees an increase in annual costs of 11% (est) over the terminated agreement.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The relevant City Works staff support the award of this tender to All Roads Traffic Services.

OFFICER'S RECOMMENDATION

That the offer from All Roads Traffic Services be accepted for the Provision of Traffic Management Services and that the parties enter an agreement for the period to 28 February 2007.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0502-15 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

For

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

Against

ITEM NUMBERED C0502-16 WAS MOVED AND CARRIED EN BLOC UNANIMOUSLY 12/0 AND BY AN ABSOLUTE MAJORITY EARLIER IN THE MEETING

C0502-16 ANI Site & Sand Dunes

DataWorks Reference: "South Beach Village Development", which is folder # 115/030.

Author: Peter Tagliaferri, Mayor
Actioning Officer: Caroline Raphael

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek Council support for an independent assessment of the remediation plan for the A.N.I. site and South Beach.

REPORT

Background

The ANI site in South Fremantle is actually located within the City of Cockburn, but is adjacent to the City of Fremantle boundary at South Beach. The site is currently disused and redevelopment is proposed.

The site is a contaminated site, with contaminants including lead. Approvals have been received for full remediation of the site from Departments of Environment and Health through a remediation management plan, ENV3.

As this site is located south west of a residential area within the City of Fremantle, residents in that area are concerned about airborne contaminants such as lead falling on their homes, and have requested that the City of Fremantle ensure that their homes and health is protected through any remediation works.

Comment

The CEO has requested staff to undertake an in-house review of ENV3, however in light of the ongoing concerns on the ANI Site and the Sand Dunes directly in front of this site, Council should request an independent scientist/specialist to review the remediation plan that has been proposed on the development. The independent specialist needs in particular to assess the ENV3 report that the developer has put forward as their remediation proposal, but could also provide advice to the city on related aspects.

The specialist should be independent of both the City of Fremantle, Cockburn and the Applicants that have proposed the development and the remediation plan for that development.

The specialist should give an expert opinion whether the remediation plan will in particular impact on Fremantle residents in the immediate areas attached to the development and impact on Fremantle residents within an acceptable radius from the development.

The specialist should also give an expert opinion on the impact of the users of South Beach, Wilson Park, and the Dog Beach area in the areas south of the Fremantle boundary.

The request is unusual as the development is not within the Local Government boundary of Fremantle, but may have significant impact on the living and usage of South Fremantle in particular.

The second part of the specialist brief is to evaluate the health risk potential of the sand dunes and beach area. Again these are in the Cockburn municipality but may have adverse effect on South Fremantle residents and users of our beach and the Cockburn dog beach area.

The independent specialist needs a report to be completed and presented to Council before the remediation plan for the ANI site commences.

Conclusion

Although this development is outside the City of Fremantle boundaries, it has potential to have a significant impact on Fremantle residents.

BUDGET IMPLICATIONS

No funds have been budgeted. It is suggested that council approve an unbudgeted expenditure of up to \$10,000 and refer that to budget review for incorporation into the budget.

RECOMMENDATION

That council authorise unbudgeted expenditure of up to \$10,000 for

- 1. the commissioning of an independent report on the remediation plan (ENV3) for the ANI site in the City of Cockburn, and**
- 2. an impact assessment on the adjoining sand dunes in front of the site.**

C0502-17 Acceptance of Designing Safer Communities Fund grant

DataWorks Reference: Ian M James; 106/040;
Author: Ian James, Strategic Urban Designer
Actioning Officer: Ian James, Strategic Urban Designer

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek Council approval to accept a grant of \$50,000 from the State Government Designing Safer Communities Fund to assist with the design and implementation of street lighting improvements to the South Terrace “cappuccino strip” and the Henderson St mall.

EXECUTIVE SUMMARY

The City has been offered a Designing Safer Communities Fund grant of \$50,000. The grant funds would augment the City’s Streetvision funding for street light improvements as part of the City’s adopted street lighting improvement strategy and program and would enable the Henderson St mall to be included in the 2005/06 program. It is recommended to accept the grant funds and to incorporate the funding into the 2005/06 budget.

REPORT

Background

At its meeting held on 9 August 2004 the Council confirmed its Street Lighting Strategy 2001 and adopted a 5 year program of street lighting improvements, subject to annual budget considerations. The program for 2004/05 included the preparation of designs for improved lighting in South Terrace between Market St and Parry St, with the improvements to be implemented in 2005/06. The program also included progressive upgrading of ‘night priority routes’, which includes the Henderson St mall. The order and timing of improvements to these routes was still to be determined.

The grant application was prepared on the basis of the extra funding being applied to the South Terrace project and the project being expanded to include the adjacent Henderson St mall. The improvements will increase lighting levels to Australian Standards, introduce metal halide (white light) and provide attractive and high standard light fittings and poles.

Subject to acceptance of the grant and continuation of the Streetvision funding program in the 05/06 budget, the lighting designs will be presented to the Council for consideration and approval early in 2005/06.

Comment

The grant will enable the street lighting improvement program to be expedited, and expanding the South Terrace project to include the adjacent section of Henderson St will also have benefits to users of the area.

STRATEGIC & POLICY IMPLICATIONS

The project implements a number of key result areas of the City Plan, particularly visions for Fremantle as a safe community and a beautiful and accessible place.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

The City's 5 year Financial Plan proposes funding of \$250,000 in 2005/06 for the next stage of the Streetvision program of street lighting improvements adopted by the Council on 9 August 2004. The \$50,000 grant would enable the program in 2005/06 to be expanded to include the Henderson St mall as part of the South Terrace project.

The funding period for the grant is from February 2005 to February 2006. It is proposed that the grant be received and expended in 2005/06 and therefore will need to be incorporated into the City's 2005/06 budget.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Nil.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That the Council:

- a) **Accept the grant funding of \$50,000 from the State Government's Designing Safer Communities Fund for street lighting improvements in the South Terrace 'cappuccino strip' and the Henderson St mall.**

b) Incorporate the \$50,000 grant into the Council's 2005/06 budget.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0502-17 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0

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

Members of the public vacated the Chamber at this juncture being 7.35 pm to enable Confidential Attachment number 6 to Item C0502-15 to be discussed. At this juncture being 7.35 pm Council's recording system was turned off and did not record discussion of the Confidential Attachment.

Members of staff also vacated the Chamber with the exception of the CEO Mr Graeme Mackenzie, Director Urban Management, Mr Jayson Miragolotti, Manager Finance and Administration, Mr Alan Carmichael and the Mayor's Civic Secretary and Minute Secretary, Mrs Nellene Hill and Assistant Minute Secretary, Miss Melody Crockett.

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 7.42 pm.