

CITY OF FREMANTLE

Minutes of the Ordinary Meeting of Council

Held on Monday 2 May 2005 at 6.00 pm

CONTENTS

Declaration Of Opening/Announcement Of Visitors	4
Attendance/Apologies/Leave Of Absence	4
Responses To Previous Public Questions Taken On Notice	5
Public Question Time	5
Disclosure Of Interests By Members	6
Applications For Leave Of Absence	6
Petitions/Deputations/Presentations	
Confirmation Of Minutes:	7
Ordinary Meeting Of Council – Monday 18 April 2005	
Announcements By The Mayor	8
Questions or Personal Explanations By Elected Members	8
Response to Questions By Elected members	9
Tabled Documents	9
Glossary of Frequently Used Acronyms	9
Committee Reports	

GENERAL COUNCIL ITEMS – 2 MAY 2005

C0505-07	Amendment to Standing Orders - Name of Standing Committee - Council Decision	35
C0505-08	Traffic Management Projects (National Blackspot) - Attachment No. 5 - Council Decision - Absolute Majority Required	38
C0505-09	Southern Metropolitan Regional Council - Increase RRRC Lending Facility to Fund Rebuild of Materials Recovery Facility - Council Decision - Confidential Item <u>WITHDRAWN</u>	43
C0505-10	Senior Appointment - Manager Planning Services - Council Decision - Confidential item and Confidential Attachment no. 6	43

CONFIDENTIAL ITEMS

C0505-09	Southern Metropolitan Regional Council - Increase RRRC Lending Facility to Fund Rebuild of Materials Recovery Facility - Council Decision - Confidential Item <u>WITHDRAWN</u>	43
C0505-10	Senior Appointment - Manager Planning Services - Council Decision - Confidential item and Confidential Attachment no. 6	50 in Confid. Section

CLOSURE OF MEETING

MINUTES

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

THE MAYOR, MR PETER TAGLIAFERRI DECLARED THE MEETING
OPEN AT 6.03 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 Geoff Graham; Cr Helen Hewitt

North Ward

Cr Doug Thompson; Cr Bob Williams

Chief Executive Officer, Mr Graeme Mackenzie; Director Urban Management, Mr Jayson Miragliotta; Director Cultural and Community Services, Mr Ken Posney; Manager Environmental Control; Mr Bob Caporn; Manager Finance and Administration, Mr Alan Carmichael; Manager Infrastructure Services, Mr Jim Duff; and the Minute Secretary and Mayor's Civic Appointments Secretary, Mrs Nellene Hill.

Media present: 2

Public present: 24

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

1. **Ms Carolyn Beal**
3 Lloyd Street South Fremantle
SDRCP0504-45

Summary of Statement

Ms Beal spoke of her concerns with regard to the prohibited dog exercise area at South Beach and the lack of shade and shelter for dog owners or dogs. She also asked for discussions to take place with the tenants around Stevens Reserve with the view of having a dog exercise area in that area.

Summary of Response from Mayor P Tagliaferri

Thank you. I am sure Councillors will take your comments into consideration when making their decision this evening.

2. **Mr John Longley**
CEO Fremantle Chamber of Commerce
South Fremantle resident
General
SDRCP0504-45

Summary of Statement

Mr Longley, on behalf of the Chamber of Commerce expressed his thanks to the Councillors for their support and incredible contributions over the past years as this meeting is possibly the last Council meeting for some Councillors.

Mr Longley spoke of his concerns with regard to the dog exercise areas and supported Ms C Beale's comments.

Summary of Response from Mayor P Tagliaferri

Thank you. I am sure Councillors will take your comments into consideration when making their decision.

**3. Mr Darrel Cake
General**

Summary of Statement/Question

Mr Cake congratulated Councillors for their efforts and support and expressed his support for Mr Longley's comments.

Mr Cake spoke of a formal complaint he has submitted in relation to the election campaign and asked if the Mayor received his complaint.

Summary of Response from Mayor P Tagliaferri

Mayor P Tagliaferri advised he had received the complaint and it has been referred to the Chief Executive Officer, Mr G Mackenzie.

Summary of Response from the Chief Executive Officer, Mr Graeme Mackenzie

Mr G Mackenzie advised Mr Cake's complaint has been referred to the Electoral Commissioner for his consideration.

**4. Mrs Vicki Stuckey
General**

Summary of Statement/Question

Mrs Stuckey spoke of her concerns with regard to Precinct Guidelines and made reference to Cr Anketell's comments at Council on 18 April 2005 concerning a letter sent out by Gibson Park Precinct supporting a candidate for the forthcoming Council Election. Mrs Stuckey asked Council to have a Precinct Review and give Precincts some guidelines

Summary of Response from Mayor P Tagliaferri

Thank you. I am sure the Director of Cultural and Community Development Mr Ken Posney will take your comments into consideration.

DISCLOSURE OF INTERESTS BY MEMBERS

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

AT THIS JUNCTURE IN THE MEETING MAYOR P TAGLIAFERRI ANNOUNCED THAT PARTING ADDRESSES BY COUNCILLORS COULD BE MADE AT THE END OF THE MEETING

PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr J Alberti spoke of the success of the Anzac Day March through Fremantle and expressed his thanks to the Mayor, officers of Council and the RSL Association.

Cr G Graham presented Council with a plaque from the Commodore of HMAS Stuart which Cr Graham and Cr Hewitt received on the recent luncheon aboard the ship. Commodore sent his best wishes to the City of Fremantle.

Cr D Thompson presented a petition signed by approximately 139 Fremantle residents regarding Homeswest purchase of Stella Maris Seamens Mission and the relocation of St Patricks Care Centre/Short Term Accommodation which he requested be forwarded to the appropriate Committee.

Cr D Thompson spoke on the SMRC report for April 2005 which was circulated to Councillors.

Mayor P Tagliaferri presented each Councillor with a plaque which was made by children aged 2-10 from a Christian Group who work with aboriginal families in Hilton.

CONFIRMATION OF MINUTES

THE MAYOR, MR P TAGLIAFERRI MOVED THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON MONDAY 18 APRIL 2005 BE CONFIRMED AS A TRUE AND ACCURATE RECORD

SECONDED BY CR D THOMPSON

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 Geoff Graham
Cr Kathy Anketell

Against

ANNOUNCEMENTS BY THE MAYOR

Mayor P Tagliaferri spoke of corrections to information which was printed in the Rooster a fortnight ago and comments made by Cr K Anketell regarding Shed Your Car Day. Mayor P Tagliaferri also made comments on the insolvent Sustaining Settlements Committee.

QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS

Cr H Hewitt queried on page 17 of the March Financial Booklet and amount \$24898.70 for Tip fees to the City of Cockburn. Is that a normal transaction or is it in relation to the troubles we are having with recycling.

Response to question by Manager Finance and Administration Mr Alan Carmichael

Mr A Carmichael will take that question on notice.

Response by Cr D Thompson

Cr D Thompson made comments with regard to Cr Hewitt's query in the Financial Booklet.

Question

Cr S Mackay asked if there is a Government or authoritative body who can give us an answer on whether plastic bags can be placed in recycling bins.

Response by Chief Executive Officer, Mr Graeme Mackenzie

Mr G Mackenzie will take that question on notice.

Response by Cr D Thompson

Cr D Thompson explained that currently SMRC is sending them to a contractor who separates out plastic bags.

Question

Cr S Mackay spoke of her distress to hear of racial abuse that a Candidate for the forthcoming elections has experienced.

Cr K Anketell spoke of her concerns for recycling of batteries.

Cr P Douglas spoke of the number of attendees at the SMRC Recycling Workshop which Cr D Thompson organised recently.

RESPONSE TO QUESTIONS BY ELECTED MEMBERS

Nil

TABLED DOCUMENTS AND ATTACHMENTS

1. Petition re Homeswest purchase of Stella Maris Seamens Mission and Relocation of St Patricks Care Centre/Short Term Accommodation
2. N0505-01
3. SMRC Report April 2005
4. Additional documents package

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
26 April 2005 at 6.00 pm

There are no Development Assessments Committee items referred to Council

**SERVICE DELIVERY, REVIEW AND CORPORATE PERFORMANCE
COMMITTEE**

Items referred from the Service Delivery, Review and
Corporate Performance Committee
held in the Committee Room, City of Fremantle
at 5.30pm on Monday 4 April 2005

**SDRCP0504-45 Response to the Suggestion of Changes to Dog
Exercise/Prohibited Areas – Stevens Reserve, Gilbert Fraser
Reserve and South Beach**

DataWorks Reference: Integrated Patrols; 122/001; Stevens Reserve; Gilbert
Fraser Reserve, South Beach
Author: Donna Nind Acting Coordinator Integrated Patrols
Actioning Officer: Donna Nind Acting Coordinator Integrated Patrols

DECISION MAKING AUTHORITY

Council Decision Simple Majority Required

PURPOSE

To inform Council of the results of a suggested review of the current dog exercise and dog prohibited areas in the City of Fremantle - particularly in respect to South Beach, Gilbert Fraser Reserve and Stevens Reserve.

EXECUTIVE SUMMARY

The original intent was to provide dog owners the opportunity to have further dog exercise areas at Gilbert Fraser Reserve, Stevens Reserve and to clarify South Beach. The responses from the lease holders of the two Reserves have not been without qualification. Therefore it would be unwise for Council to proceed with any changes at all. In respect to South Beach the item has been re-presented to ensure Council is satisfied with the recommendation prior to formal amendments being initiated to the Local Law.

REPORT

Background

This matter was determined by full Council on 13 December 2004 (SDRCP0412-139). That resolution effectively said that Council would proceed with amendments to the dog exercise areas at Gilbert Fraser and Stevens Reserves if there was support from leaseholders.

Given that the responses from leaseholders was support with qualifications (ie - trial periods with assessments, and indemnity from liability) and given that the Council made the original decision, the Council should now make the further decision.

This means that the item SDRCP0504-45 should have been forwarded to Council as the Committee could not make the delegated decision.

Further, given that this item was omitted from the Council Agenda on 18 April 2005 it is now forwarded to Council.

This matter was referred to the Council meeting of 13 December 2004 where a recommendation was adopted that stated:

“That Council initiates the following procedure in order to amend the Dog Local Laws:

1. *Request the support of the lease holders of Gilbert Fraser Reserve and Stevens Reserve to amend Councils dog control local laws. If the support is forthcoming Council proceed to with:*
 - 1.1. *That Council advertises the proposed amendment, notify the precincts and invite comment on the proposed amendment.*
 - 1.2. *The Council provides notice to the Minister of Local Government of the intention to amend the Dog Local Law as follows:*
 - *delete “2.1 (b)...,” and insert, “2.1 (b) part of Reserve No. 12477 Lot 1586 between its southern boundary for a distance of 320 metres bounded by the ocean and the maintained lawn area known as South Beach Reserve.*
 - *insert into the Seventh Schedule Dog Exercise Areas:*

<i>Name</i>	<i>Location</i>	<i>Lot No.</i>
<i>Gilbert Fraser Reserve</i>	<i>9317 reserve</i>	<i>478</i>
<i>Stevens St Park</i>	<i>CTV833 F2</i>	<i>1354</i>

Comment

The areas of suggested change are as follows:

South Beach
Gilbert Fraser Reserve
Stevens Reserve

In respect to South Beach

The current dog prohibited area extends from the groyne at the Fremantle/Cockburn border north to the next groyne, a distance of approx. 390 metres and includes the grassed area. The area to the immediate north and south are dog exercise areas.

The main problems the Rangers encounter with the dog prohibited area have not changed since a report made to Council in 1992, these being:

- People leaving Cockburn Beach and walking their dogs diagonally across the grassed area to the kiosk or passing through.
- People walking their dog south from the Fremantle dog exercise area and continuing through the prohibited area.
- People taking their dogs onto the grassed area for recreational purposes.

Options considered include:

Option 1

Alter the dog prohibited area to permit dogs on a leash in the grassed area and retain the dog prohibited area of the beach and adjacent sand dunes, where there are limited entry points that can be effectively signposted.

Advantages	Disadvantages
<ul style="list-style-type: none">• Reduce the number of signs required in the area	<ul style="list-style-type: none">• Some members of the public may find it disconcerting to have dogs in the area which is a traditional picnic area
<ul style="list-style-type: none">• Easier for officers to patrol the area	<ul style="list-style-type: none">• The issue of dog excreta left on the reserve would have to be addressed
<ul style="list-style-type: none">• Less confusion to members of the public	

Option 2

Retain the dog prohibited area and restrict the entry points to the grassed areas by use of a physical barrier.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Less confusion to members of the public as the area will be better defined 	<ul style="list-style-type: none"> • Depending on barrier may be visually unsightly
<ul style="list-style-type: none"> • Easier for officers to patrol 	<ul style="list-style-type: none"> • Depending on barrier would require ongoing maintenance, eg. hedging

Option 3

Retain the dog prohibited area and provide for the employment of additional staff to allow regular proactive patrolling and additional signage.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would provide the opportunity for an officer to be patrolling this area on a regular basis 	<ul style="list-style-type: none"> • Cost of the employment of additional ranger (wages and vehicle)
<ul style="list-style-type: none"> • Allow for education on dog and council issues to be provided to members of the public 	
<ul style="list-style-type: none"> • Some of the employment costs may be covered by the issuing of infringement notices 	

Should option 1 of the item in relation to South Beach be adopted the Local Government Act requires the following action to be implemented in order to amend the Local Law:-

NOTE ! This is the point that we are at now, in progressing this proposed Local Law.

- Summary of purpose and effect of Local Law to be read out at Council meeting.
 - Local Government gives Statewide notice of proposed Local Law.
 - Local Government gives Local Law and notice to Minister(s).
 - Local Government receives and considers public submissions.
 - If significant amendments are necessary, the procedure must be recommenced.
 - Local Government makes Local Law.
 - Local Government prepares Explanatory Memorandum for Committee.
 - Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).
 - Local Government gives Statewide notice of Local Law and publicises Local Law in district.
 - Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.
-

- Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.

**NATIONAL COMPETITION POLICY – CLAUSE 7
LOCAL LAW REVIEW EXECUTIVE SUMMARY**

LOCAL GOVERNMENT: CITY OF FREMANTLE

TITLE: Dog Local Law	
<input type="checkbox"/> na	New Local Law
<input type="checkbox"/>	Repeal of Local Law
	Amendment to Implement NCP <input type="checkbox"/>
	Other Amendment to Local Law <input checked="" type="checkbox"/>
	No Amendment to Local Law <input type="checkbox"/>
Review Conduct: Manager Urban Environment & Control	
Restrictions on Competition: Nil	
Effects of the Restrictions: Costs - nil Benefits - Community better understand outcomes	
Assessing the Benefits and Costs of the Restrictions: Overall community benefit at very limited cost	
Alternative Means of Achieving Desired Outcome: Nil	
Overall Conclusion and Recommendations: Refer to recommendation	
Implementing Recommendations: Adopted recommendation implemented by coordinator Integrated Patrols	

In respect to Gilbert Fraser Reserve (Corner John & Johanna Streets, North Fremantle)

Gilbert Fraser Reserve is leased to the North Fremantle Associated Clubs Incorporated. The lease is for 21 years from 1 July 1994. The Tenants have been requested to comment and the response is that “*the agreement would have to be reviewed annually and that their body would require absolute indemnity as a result of the activity – lots of children and families and schools use the reserve at various times of the day and we have concerns should dogs or aggressive dogs be on reserve without leash. This is of particular concern in relation to children under 5 years.*”

In respect to Stevens Reserve (Corner Stevens & Swanbourne Street, Fremantle)

Stevens Reserve is leased to the Fremantle Cricket and Hockey Clubs - one lease for both clubs. The lease expires on 1 July 2006 without any options. The Tenant's consent has been requested and their reply was that *"they want this to be run on a 3-6 month trial and then reassess"*.

Conclusion

For the area of South Beach there are three suggested options, of which option 3 is the Officer's recommendation:

1. Alter the dog prohibited area to permit dogs on a leash in the grassed area and retain the dog prohibited area of the beach and adjacent sand dunes where there are limited entry points that can be effectively signposted.

That Council proceed with the initiation of the preliminaries, (including advertising and circulation of the proposed Local Law to the Precincts) with the intent for Council to be in a position to formally adopt an amendment to the Dog Local Law as follows:

- delete "2.1 (b)..," and insert, "2.1 (b) part of Reserve No. 12477 Lot 1586 between its southern boundary for a distance of 320 metres bounded by the ocean and the maintained lawn area known as South Beach Reserve.
2. Retain the dog prohibited area and restrict the entry points to the grassed areas by use of a physical barrier.
 3. Retain the dog prohibited area and provide for the employment of additional staff to allow regular proactive patrolling and additional signage.

For the areas of Gilbert Fraser Reserve and Stevens Reserve the following recommendations apply:

1. Gilbert Fraser Reserve: The status of Gilbert Fraser Reserve not be changed to allow a dogs off leash exercise area.
2. Stevens Reserve: The status of Stevens Reserve not be changed to allow a dogs off leash exercise area.

STRATEGIC & POLICY IMPLICATIONS

Clause 1 page 21 - Understanding our communities needs

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

There are no economic factors.

Environmental

There are limited adverse environmental effects on either Gilbert Fraser or Stevens Reserve. In relation to South Beach some people may find the dogs are off-putting to people who wish to enjoy the local amenities.

Social

There is a social responsibility on dog owners to ensure that dog ownership does not have an unreasonable impact on others. Likewise non dog owners do have to be tolerant to others who have pets.

BUDGET IMPLICATIONS

The recommendations do not have a direct immediate financial impact on the current budget.

The Policy or Local laws are only as good as citizens' compliance and the Rangers' ability to be able to respond to complaints.

LEGISLATIVE AND LEGAL CONSIDERATIONS

The Dog Act enables the City a degree of flexibility in making effective local laws which can be amended at any time by Council.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

It is a legislative requirement to advertise any the intent of adopting any amendment to this Local Law.

Should option 1 in relation to South Beach be adopted the following summary of purpose and effect of Local Law is to be read out at Council meeting:

In summary the purpose of this amendment to the Dog Local Law is to remove part of a dog prohibited area. The purpose is to provide and improve the location and size of dog exercise areas and to rationalise the use of the prohibited dog area in South Beach.

OFFICER'S RECOMMENDATION

That the Service Delivery Review and Corporate Performance Committee acting under delegated authority adopts the following:-

1. Without the Tenants' unqualified consent the status of Gil Fraser Reserve should not be changed to allow a dog off leash exercise area
2. Without the Tenants' unqualified consent the status of Stevens Reserve should not be changed to allow a dog off leash exercise area.

3. Retain the dog prohibited area and provide for the employment of additional staff to allow regular proactive patrolling and additional signage.

CR D THOMPSON MOVED AN ALTERNATIVE RECOMMENDATION AS FOLLOWS:

1. That discussions be held with the leaseholders of Stevens Reserve and Gilbert Fraser Reserve to negotiate appropriate times for a dog exercise area.
2. That the matter be reviewed after a 6 month trial period.

Moved:	Cr D Thompson	Lost:	4/2
Against:	Cr G Graham Cr B Smith Cr K Anketell Cr S Mackay	For:	Cr D Thompson Cr P Douglas

CR P DOUGLAS MOVED AN ALTERNATIVE RECOMMENDATION AS FOLLOWS:

That the Service Delivery Review and Corporate Performance Committee acting under delegated authority adopts the following:-

1. Without the Tenants' unqualified consent the status of Gil Fraser Reserve should not be changed to allow a dog off leash exercise area
2. Without the Tenants' unqualified consent the status of Stevens Reserve should not be changed to allow a dog off leash exercise area.
3. Alter the dog prohibited area to permit dogs on a leash in the grassed area and retain the dog prohibited area of the beach and adjacent sand dunes where there are limited entry points that can be effectively signposted.

Moved:	Cr P Douglas	Lost:	4/2
Against:	Cr G Graham Cr B Smith Cr K Anketell Cr S Mackay	For:	Cr D Thompson Cr P Douglas

CR G GRAHAM MOVED AN ALTERNATIVE RECOMMENDATION AS FOLLOWS:

That the Service Delivery Review and Corporate Performance Committee acting under delegated authority adopts the following:-

1. Without the Tenants' unqualified consent the status of Gil Fraser Reserve should not be changed to allow a dog off leash exercise area
 2. Without the Tenants' unqualified consent the status of Stevens Reserve should not be changed to allow a dog off leash exercise area.
-

3. Retain the dog prohibited area at South Beach and provide regular proactive patrolling and additional signage.

Moved: Cr G Graham

Carried: 4/3

For: Cr S Mackay
Cr G Graham
Cr B Smith

Against: Cr K Anketell
Cr D Thompson
Cr P Douglas

The Presiding Member Cr S Mackay used her casting vote in favour of the Recommendation.

COMMITTEE RECOMMENDATION

That COUNCIL adopts the following:-

1. **Without the Tenants' unqualified consent the status of Gil Fraser Reserve should not be changed to allow a dog off leash exercise area**
2. **Without the Tenants' unqualified consent the status of Stevens Reserve should not be changed to allow a dog off leash exercise area.**
3. **Retain the dog prohibited area at South Beach and provide regular proactive patrolling and additional signage.**

Moved: Cr S Mackay

Carried: 4/3

For: Cr S Mackay
Cr G Graham
Cr B Smith

Against: Cr K Anketell
Cr D Thompson
Cr P Douglas

The Presiding Member Cr S Mackay used her casting vote in favour of the Recommendation.

MAYOR P TAGLIAFERRI MOVED THAT CR P DOUGLAS'S ALTERNATIVE RECOMMENDATION AS FOLLOWS BE ADOPTED

That COUNCIL adopts the following:-

1. **Without the Tenants' unqualified consent the status of Gil Fraser Reserve should not be changed to allow a dog off leash exercise area**
2. **Without the Tenants' unqualified consent the status of Stevens Reserve should not be changed to allow a dog off leash exercise area.**
3. ***Alter the dog prohibited area to permit dogs on a leash in the grassed area and retain the dog prohibited area of the beach and adjacent sand dunes where there are limited entry points that can be effectively signposted.***

SECONDED BY CR B WILLIAMS

CR K ANKETELL ASKED IF MAYOR P TAGLIAFERRI WOULD MOVE THE ABOVE RECOMMENDATION IN THREE PARTS

PART 1. PUT AND CARRIED 9/3

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

PART 2 PUT AND CARRIED 8/4

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

PART 3 PUT AND RESULTED EQUALLY 6/6

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

MAYOR P TAGLIAFERRI USED HIS CASTING VOTE IN FAVOUR OF CR P DOUGLAS'S PART 3 OF THE RECOMMENDATION. THE MOTION IS THEREFORE CARRIED

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

N0505-01 Jan Ter Horst, 20 Moran Street

DataWorks Reference: Jan Ter Horst; 20 Moran Street; 122/010; 122/009

Author: **Graeme Mackenzie, CEO**

Actioning Officer: **Graeme Mackenzie, CEO**

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To advise council of costs associated with legal action against Mr ter Horst as requested by council resolution of 18th April 2005

EXECUTIVE SUMMARY

Council has initiated legal action against Mr ter Horst for illegal signage on his property at 20 Moran Street, Beaconsfield. In response to a previous council resolution, action has been deferred. Deferral of action means that the matter remains listed and council's legal representatives are required to attend court each time the matter is listed to seek a further deferral. There is a cost associated with this approach, but that cost is minimal.

REPORT

Background

To advise council of costs associated with legal action against Mr ter Horst as requested by council resolution of 18th April 2005 (Item SDRCP0504-58 refers) as follows:-

"4. The CEO provide the next Council meeting with a report on the financial implications regarding the legal actions against Mr Ter Horst which are currently deferred pending the resolution of the issue of mediation or arbitration."

Councillor Anketell has since raised a series of questions in an email addressed to the CEO dated 26th April 2005. These questions are also addressed within this item.

Comment

There is only one legal case outstanding at the present time which relates to the signage. This has been active since November 2002. It is currently re-listed for court hearing on 16th May 2005, which will be the third time this matter has been listed for hearing.

Council's solicitors, McLeod & Co, have advised that costs for deferring are minimal - in the order of \$200 - \$300 on each occasion. The solicitors advise further that they do not see any problems in obtaining further adjournments of the signs prosecution.

In the event that the prosecution is withdrawn, the city would not be in a position to recoup any of the costs already incurred in the proceedings. Advice is that the city could expect fines and costs which would be imposed on Mr ter Horst, should he be convicted, to cover the city's expenditure on proceedings.

The other matter that elected members are aware of relates to the communication tower and has been active since June 2003. To date this matter has only been referred to McLeods for legal advice. No legal action has been commenced due to the direction from Council.

A further matter that is currently being looked at by officers is complaints that have been made about Mr Ter Horst's building having concrete cancer. The building surveyor is enquiring about this matter. This has not been advanced to any formal notice.

Conclusion

In effect Council has to decide how to proceed from this point. . From the resolution of the Council Meeting of 18th April 2005 it is clear that mediation is supported. The key issue is whether there is any advantage in continuing to defer legal action for the signage, or whether is it better to withdraw from the action.

Legal advice suggests that council should not withdraw from the action.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Beaconsfield Action Group and other residents would argue that the communication tower has an adverse environmental impact. There is also no doubt that the unauthorised signage on the building does not contribute to the amenity of the area. In any mediation process it is suspected that the community would expect an outcome to be the removal of any unauthorised signage and the communication tower.

Social

Not applicable.

BUDGET IMPLICATIONS

Unknown at this point pending the outcome of the mediation process.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Currently a Court listing regarding the signage is scheduled for 16th May 2005. This can be deferred or withdrawn.

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

The matter of the communication tower is high on the agenda of the Beaconsfield Action Group and has been discussed at the local Precinct meeting.

OFFICER'S RECOMMENDATION

Council ceases the legal action against Mr Ter Horst which are currently deferred to enable the mediation process to proceed.

CR K ANKETELL MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED N0505-01 BE ADOPTED

SECONDED BY CR H HEWITT

PUT AND LOST 7/5

Against

The Mayor, Peter Tagliaferri
Cr John Alberti
Cr Steve Gorman
Cr Bob Williams
Cr Tony Miosich
Cr Phil Douglas
Cr Doug Thompson

For

Cr Kathy Anketell
Cr Helen Hewitt
Cr Shirley Mackay
Cr Geoff Graham
Cr Bob Smith

REPORTS BY MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS – 2 MAY 2005

MAYOR P TAGLIAFERRI MOVED EN BLOC THE FOLLOWING
RECOMMENDATIONS NUMBERED C505-01, C0505-02, C0505-03, C0505-04,
C0505-05, C0505-06 AND C0505-08 BE ADOPTED

SECONDED BY CR D THOMPSON

PUT AND CARRIED UNANIMOUSLY 12/0 AND WITH AN ABSOLUTE MAJORITY
FOR ITEM C0505-08

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

**C0505-01 Abbreviated Statements of Financial Position at 31 March 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 March 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 March 2005 be received.

ITEM NUMBERED C0505-02 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

**C0505-02 Confirmation of Accounts for Payment March 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 March 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 March 2005 amounting to \$6,292,976.83 be received.

ITEM NUMBERED C0505-03 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

C0505-03 Sundry Debtors Report March 2005 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 March 2005 be received.

ITEM NUMBERED C0505-04 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

C0505-04 Investment Report March 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 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 March 2005 be received.

ITEM NUMBERED C0505-05 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

C0505-05 Applications for Crossovers by City of Fremantle for March 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 March 2005.

REPORT

Background

Council has requested that details of crossover construction be reported on a monthly basis. For the month of March 2005 – 6 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 C0505-06 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

**C0505-06 Notice of Minutes of the Fremantle Sport, Recreation and Youth
Advisory Committee - 23 February and 30 March 2005 Attachment
No. 3 and 4**

**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 meetings of the 23 February and 30 March 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 23 February 2005 and 30 March 2005.

CR K ANKETELL VACATED THE CHAMBER AT THIS JUNCTURE BEING 7.15 PM

GENERAL COUNCIL ITEMS – 2 MAY 2005

**C0505-07 Amendment to Standing Orders – Name of Standing
Committee**

DataWorks Reference: ; 096/009;
Author: Alan Carmichael Manager Finance & Administration
Actioning Officer: Alan Carmichael Manager Finance & Administration

DECISION MAKING AUTHORITY

Council Decision SIMPLE MAJORITY REQUIRED

PURPOSE

To amend a standing committee name to try and prevent confusion about the functions of the two standing committees that apply from 7 May 2005.

EXECUTIVE SUMMARY

It is proposed to remove the word “planning” out of the title of the Strategic Planning and General Services Committee so that it reads Strategic and General Services Committee. The change is proposed to try and avoid confusion with the new Planning Services Committee which will have responsibility for development applications and strategic planning issues in relation to land use policy, structure plans, architecture and heritage policy.

REPORT

Background

Council at its meeting of 18 April 2005 endorsed the new standing committees and the functions they would undertake from 7 May 2005. (Item SDRCP0504-54 refers).

Comment

The use of the word “planning” in both standing committees titles has the potential to cause confusion about the responsibility of each committee, therefore it was considered logical to remove the word from one of the committee titles.

Conclusion

The minor change in title of the standing committee is seen as logical.

STRATEGIC & POLICY IMPLICATIONS

Not applicable.

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Standing Orders are a policy of Council (as opposed to a Local Law).

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable.

OFFICER'S RECOMMENDATION

That Standing Orders be amended from 7 May 2005 to amend the title of the Strategic Planning and General Services Committee to that of Strategic and General Services Committee.

CR K ANKETELL RE-ENTERED THE CHAMBER AT THIS JUNCTURE BEING 7.16 PM

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION
NUMBERED C0505-07 BE ADOPTED.

SECONDED BY CR D THOMPSON

PUT AND CARRIED 11/1

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

ITEM NUMBERED C0505-08 AS MOVED AND CARRIED EN BLOC
UNANIMOUSLY EARLIER IN THE MEETING

**C0505-08 Traffic Management projects (National Blackspot)
Attachment No 5**

DataWorks Reference: Jon Horne; 091/007
Author: Jon Horne
Actioning Officer: Jon Horne

DECISION MAKING AUTHORITY

Council Decision ABSOLUTE MAJORITY REQUIRED

PURPOSE

To seek council approval for changes to budgets for the current National Blackspot projects for Lefroy Rd/ York St intersection and South Terrace/ Scott St intersection; and funding of road works in South Terrace (Jenkin – Scott) in preparation for the South Terrace National Blackspot project works.

EXECUTIVE SUMMARY

This item considers the changes required to the traffic management budgets to meet anticipated extra costs for the Lefroy Road/ York St roundabout project; and scope changes to the South Terrace/ Scott St roundabout project, resulting in a reduction to the budgeted costs. Changes to the South Terrace/ Scott St project are funded through the National Blackspot scheme, however, funding for the Lefroy Rd/ York St project will be funded through the State Blackspot scheme and council sources.

It also reviews funding requirements for rehabilitation works in South Terrace between Jenkin and Scott St prior to the revised National Blackspot works at the intersection of South Terrace and Scott St.

REPORT

Background

Traffic management program

Item SDRCP0406-75 of 21 June 2004 approved the allocation of the traffic management program, including \$250,000 of National Blackspot projects. The National Blackspot projects currently approved at budget adoption are:

- Lefroy/ York roundabout project, at a budgeted cost of \$130,000
- South Terrace/ Scott roundabout project , at a budgeted cost of \$120,000

Both traffic management projects are currently fully funded under the National Blackspot scheme.

South Terrace – Jenkin to Scott works

The South Terrace road rehabilitation project between Jenkin and Scott St was submitted for Main Roads funding in the 2004/05 financial year, but was not approved until a special allocation of funding was made available for road works in January 2005. This special allocation of funding was presented to council in item SDRCP0502-32 of 14 March 2005, with the total allocation of grant funds being carried forward on the basis that all road works would be completed in the following financial year (refer also to the council budget review item SDRCP0504-60 of 18 April 2005, where the extra funding was identified as a carry forward). The total project cost for these rehabilitation works is estimated at \$42,000; \$28,000 of which has been approved as part of the overall special allocation of grant funding from Main Roads.

Comment

Traffic management program

Lefroy Rd/ York St roundabout

In detailed design and cost investigations for the Lefroy/ York roundabout project, it was revealed that BP was seeking extraordinary protective measures for its underground infrastructure. The extent of protection needed has subsequently been negotiated with the company; however, it will still result in \$20,500 extra costs being incurred over that anticipated. In addition, the movement of two power poles within the proposed roundabout location is necessary for safety reasons. Western Power charges for terminating high and low voltage cables at transformers, and undergrounding infrastructure etc, will result in an extra \$90,000 project costs. Additional construction costs and an allowance for street lighting add a further \$50,000 to the project cost.

Based on these extra charges, it is expected that final costs for the Lefroy/ York roundabout project will be in the order of \$160,000 over the current budget, or a revised budget of \$290,000. This revised budget estimate gives rise to a reduced benefit cost ratio which makes it ineligible to attract funding under the National Blackspot scheme. However, in further negotiations with Main Roads, it has been confirmed as being suitable for State Blackspot funding. The difference between the two schemes lies in the ratio of grant funding, with only two thirds grant funding being available through the State scheme as opposed to 100% with the national scheme.

It follows that Main Roads will only provide \$193,333 in grant funding for the project, and council is required to fund the remaining \$96,667. The council funding for this is proposed to come out of the following budgets:

- The unallocated portion of the traffic management budget for \$40,425. The approved traffic management budget of \$340,000 was allocated against \$299,575 in traffic management projects (refer item SDRCP0406-75 of 21 June 2004). The remaining balance has not been specifically allocated yet
- The future design works budget for \$56,242. Based on expenditure to date, and future commitments for consulting design works, the balance of the overall budget of \$100,000 may be used as a funding source for this project.

These funding sources have been identified now to provide the total council budget for the project at this stage, rather than split the budget over two financial years, and rely on funding to be created from the 2005/06 financial year budget. However, it should be noted that Western Power are fully committed to other works this financial year, and will not be able to complete the necessary service relocation works. Existing power service infrastructure will therefore need to be made safe on a temporary basis, and funding carried forward to next year for this part of the project.

Grant funding for the projects will also need to be changed to reflect the revised circumstances of project budgets and sources of funding.

South Terrace/ Scott St project

The South Terrace/ Scott St intersection project was approved as a roundabout. However, after detailed designs were established and final approvals sought, the project was found not to comply with the strict requirements of Main Roads. This was due to physical site constraints such as shops, front fences and trees limiting the space available for construction. An alternative remedial treatment for the site has been designed which incorporates kerb extensions to improve sight lines for motorists coming out of Scott St.

A new budget of \$43,000 has been established for these works, which results in revised benefit cost ratios still being suitable for 100% funding under the National Blackspot scheme.

South Terrace – Jenkin to Scott works

Final investigations and approval requirements for Main Roads have resulted in the original approved roundabout installation being cancelled in favour of revised nibs arrangements as noted above. Following this, the road rehabilitation works are now recognised to be required to be implemented prior to the National Blackspot scheme in South Terrace as a result of the adoption of the revised scope of project works. The completion of such rehabilitation works is required to avoid the need to remove and re-install the extended nibs within a short time frame.

As the total rehabilitation project works are estimated at \$42,000, the previously accepted Main Roads grant for \$28,000 which has been noted for carry forward will now be required for this financial year. The remaining budget requirement of \$14,000 is proposed to be funded out of expected savings being realised from the road resurfacing program.

Timing for approval

While difficulties with these projects have been previously identified as likely to occur, it is only now that potential solutions to engineering and funding problems have become apparent as a result of further discussions and negotiations with Main Roads. This item is being presented direct to council to expedite approvals for the budgets necessary to progress the works for the remainder of this financial year.

STRATEGIC & POLICY IMPLICATIONS

This item has a connection to the City Plan through Strategy 3 (A Beautiful and Accessible Place), key result area 5 (Facilities and Infrastructure)

TRIPLE BOTTOM LINE IMPLICATIONS

Economic

Not applicable

Environmental

Not applicable

Social

Not applicable

BUDGET IMPLICATIONS

Budgets for the two Blackspot projects (and associated grant funding) will need to be changed to reflect the revised cost estimates; additional required council funding is proposed to be found from existing budgets, and consequently there will be no impact on the overall budget. The addition of the rehabilitation project will also require a change to the budget, but funding will be achieved through Main Roads grant money, and a reallocation of existing funds; and consequently there is also no impact on the overall budget.

The net effect of all funding changes is summarised in **attachment 5** to this item, with the net \$28,000 variation shown to be sourced out of the reduction to the carry forward of grant funds.

LEGISLATIVE AND LEGAL CONSIDERATIONS

Not applicable

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Not applicable

OFFICER'S RECOMMENDATION

- 1. Council approve an additional budget allocation of \$160,000 for the Lefroy/ York roundabout project (to a new budget of \$290,000); with \$193,333 in funding from the State Blackspot scheme. Council funding of \$96,667 is to come from the unallocated traffic management budget (\$40,425), and from an allocation of the future design budget (\$56,242). A partial carry forward of funds will be required in relation to Western Power service relocation charges.**

- 2. Council approve the revised National Blackspot project in South Terrace with a reduction of \$77,000 against the current approved budgeted cost (to a new budget of \$43,000), with funding from the National Blackspot grant scheme**

- 3. Council approve a reduction of grant funding through the National Blackspot scheme from \$250,000 to \$43,000 to reflect the revised South Terrace/ Scott St project; with State Blackspot funding being increased by \$193,333 to reflect the revised arrangements for the Lefroy Rd/ York St project**

- 4. Council approve the rehabilitation project in South Terrace from Jenkin to Scott St at a budgeted cost of \$42,000, with funding from the previously accepted Main Roads grant of \$28,000 and the remaining \$14,000 allocated from savings identified in road resurfacing budgets. The funding of \$28,000 from the special allocation of Main Roads grant for this project will now be made available in the current financial year, as it is not required to be carried forward.**

**C0505-09 Southern Metropolitan Regional Council - Increase RRRRC Lending Facility to Fund Rebuild of Materials Recovery Facility - Council Decision - Confidential Item
W I T H D R A W N**

C0505-10 Senior Appointment - Manager Planning Services - Council Decision Confidential Item and Confidential Item No. 6

DataWorks Reference: Personnel - Recruitment - Appointments, 239/001
Author: **MANAGER HUMAN RESOURCES**
Actioning Officer: **MANAGER HUMAN RESOURCES**

Background

Pursuant to section 5.23 (2) (a) and (b) of the Local Government Act 1995, Council can deem an item confidential where a matter, if disclosed, would reveal a matter affecting an employee or employees and the personal affairs of any person.

The attachment to this item is also confidential.

RECOMMENDATION TO COUNCIL

That any discussion of this confidential item and confidential attachment be deemed confidential and be closed to members of the public in accordance with section 5.23 (2) (a) and (b) of the Local Government Act 1995, where a matter, if disclosed, would reveal a matter affecting an employee or employees and the personal affairs of any person.

MAYOR P TAGLIAFERRI MOVED THAT THE FOREGOING RECOMMENDATION NUMBERED C0505-10 TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC BE ADOPTED

SECONDED HELEN HEWITT

PUT AND CARRIED 9/3

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

COUNCIL'S DECISION IN RELATION TO ITEM C0505-10 IS AS FOLLOWS:

That Council endorse the recommendation to appoint Ms Kathleen Bonus on a Performance Based Fixed Term contract for four years with a remuneration package in accordance with the Confidential Recommendation.

CLOSURE OF MEETING

The Ordinary Meeting of Council concluded at 7.33 pm.

CITY OF FREMANTLE

SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

The City values citizen participation and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective participation requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

How consultative processes work at the City of Fremantle	
The City's decision makers	1. The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
Various participation opportunities	2. The City provides opportunities for participation in the decision-making process by citizens via its Advisory Committees and Task Forces, its Community Precinct System, and targeted consultation processes in relation to specific issues or decisions.
Objective processes also used	3. The City also seeks to understand the needs and views of the community via scientific and objective processes such as its annual Community Survey.
All decisions are made by Council or the CEO	4. These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
Precinct focus is primarily local, but also city-wide	5. The Community Precinct System establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
All input is of equal value	6. No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
Decisions will not necessarily reflect the majority view received	7. Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will

How consultative processes work at the City of Fremantle	
	clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8. The Local Government Act requires decision-makers to make decisions in the interests of “the good Government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9. The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10. City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City Officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
City officers must follow procedures	11. The City’s consultative processes must be clear, transparent, efficient and timely. City officers must ensure that policies and procedures are fully complied with so that citizens are not deprived of their rights to be heard.

How consultative processes work at the City of Fremantle	
Consultation processes have cut-off dates that will be adhered to.	12. As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, consultative processes need to have defined and rigorously observed cut-off dates, after which date officers will not include 'late' input in their analysis. In such circumstances, the existence of 'late' input will be made known to decision-makers. In most cases where citizen input is involved, the Council is the decision-maker and this affords citizens the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.
Citizens need to check for any changes to decision making arrangements made	13. The City will take initial responsibility, via 'Consultation Process notifications', for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting www.freofocus.com/projects/html/default.cfm , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
Citizens are entitled to know how their input has been assessed	14. In reporting to decision-makers, City officers will in all cases produce a Schedule of Input received that summarises comment and recommends whether it should be taken on board, with reasons.
Reasons for decisions must be transparent	15. Decision-makers must provide the reasons for their decisions.
Decisions posted on www.freofocus.com/projects/html/default.cfm	16. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at www.freofocus.com/projects/html/default.cfm or at the City Library or Service and Information counter.

ISSUES THAT COUNCIL MAY TREAT AS CONFIDENTIAL

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
 - a) all council meetings; and
 - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
 - a) a matter affecting an employee or employees;
 - b) the personal affairs of any person;
 - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - e) a matter that if disclosed, would reveal –
 - i) a trade secret;
 - ii) information that has a commercial value to a person; or
 - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
 - f) a matter that if disclosed, could be reasonably expected to -
 - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - ii) endanger the security of the local government's property; or
 - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
 - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.