



1 July 2008

MINUTES

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 1 JULY 2008 COMMENCING AT 6.34PM.**

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 1 JULY 2008, COMMENCING AT 6.34PM.**

**177. DECLARATION OF OPENING OF MEETING**

The Deputy Mayor declared the meeting open.

**177.1 Present**

Cr S Dobro	Presiding Member
Cr D Arnold	
Cr C Collinson	
Cr B de Jong	
Cr D Nardi	
Cr R Olson	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer

**178. ACKNOWLEDGEMENT OF COUNTRY**

Mayor Ferris made the following acknowledgement:

*"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."*

**179. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

There were five members of the public in the gallery.

**180. PUBLIC QUESTION TIME**

Nil.

**181. RECORD OF APPROVED LEAVE OF ABSENCE**

Mayor Ferris.

**182. RECORD OF APOLOGIES**

Nil.

**183. CONFIDENTIAL BUSINESS**

**183.1 Presentation – Development Proposal East Fremantle Town Centre**

Cr Rico – Cr Arnold

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(e) of the Local Government Act, as it concerns information which has a commercial value. CARRIED

Proponents of a development proposal addressed the meeting in relation to their proposal for the redevelopment of part of the existing East Fremantle Shopping Centre.

**CONFIDENTIAL ATTACHMENT**

**184. OPENING OF MEETING TO PUBLIC**

Cr Rico – Cr Wilson

That the meeting be reopened to members of the public. CARRIED

**185. APPLICATIONS FOR LEAVE OF ABSENCE**

Crs de Jong and Collinson requested leave of absence for the Council Meeting on 15 July 2008.



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It was noted that Crs Wilson and Rico had previously also been granted leave for this meeting.

**Cr Olson – Cr Rico**

**That Leave of Absence be granted to Crs de Jong and Collinson for the Council Meeting on 15 July 2008.** CARRIED

**186. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**186.1 Council Meeting – 17 June 2008**

**Cr Arnold – Cr Nardi**

**That the Minutes of the Council Meeting held on 17 June 2008 be confirmed.**

CARRIED

**187. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**187.1 Mayor Ferris – Appointment Perth Theatre Trust**

Cr Dobro announced she had been advised the Mayor had been appointed Manager of the Perth Theatre Trust and congratulations were in order.

**188. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**

Nil.

**189. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**

Nil.

**190. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**

Nil.

**191. REPORTS OF CHIEF EXECUTIVE OFFICER**

**191.1 Cooperative Fox Control**

The Chief Executive Officer tabled the following report:

**BACKGROUND**

Council was previously advised that together with the City of Melville, Council had sought funds from the (WALGA) Perth Biodiversity Project for a fox control initiative. Council is a paid member of the Perth Biodiversity Project, the motto of which reads "Councils Caring for their Natural Communities".

Unfortunately that application was not successful – in fact it received the lowest possible rating.

**REPORT**

The Chief Executive Officer was considerably disappointed and unimpressed by this outcome, particularly as the basis of the rejection appeared seriously flawed. The disappointment was compounded by earlier concerns about the State not taking up its responsibilities in respect of the matter. This was expressed in the previous report in the following terms

*"The Chief Executive Officer took up the issue of responsibility, with the Department of Agriculture, given foxes are a declared feral species and the Agriculture Protection Board has a designated responsibility in respect of fox control. Representations were, however, to no avail. The Department of*

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*Environment and Conservation was similarly not prepared to assist. In the Chief Executive Officer's view it is yet another example of cost shifting onto local government however he was not prepared to delay action on the matter whilst this issue was pursued at a policy level."*

The Chief Executive Officer subsequently made strong complaints about the matter and encouraged the City of Melville to do likewise. Ultimately the funding body agreed to consider a new application.

I am pleased to report Council recently received advice that the Town of East Fremantle together with the Cities of Melville and Fremantle had been successful in receiving a grant of \$13,500 for this project. (The Town managed to "bring" the City of Fremantle into this new application, Fremantle had declined to do so in respect of the first application.)

In addition to the City of Fremantle, additional collaboration with the Department of Defence (Leeuwin Barracks) and the Fremantle Port Authority has been obtained.

On this occasion WALGA CEO Ricky Burges wrote, in part:

*"Your collaborative project titled "Cooperative Fox Control" was supported by an independent assessment panel and will provide an example of how local governments can work together to control foxes in the Perth Metropolitan Region."*

*"Once again, congratulations for the Town of East Fremantle's efforts in biodiversity conservation and your on-going commitment to the Perth Biodiversity Project."*

The first aim of the project is to reduce the damage to native fauna by foxes.

The second aim of the project is to reduce feral foxes to zero from Fremantle to Bicton by 2009 and reduce the incidence of further creation of dens. Control will be via fumigation. This option was described by the consultant as follows:

*"Fumigation of fox dens is feasible using carbon dioxide generating cartridges.*

*Some fox dens may be difficult to find and often den fumigation is best conducted in conjunction with trapping to obtain the most effective level of control.*

*Den fumigation before trapping can result in a reduction in the number of foxes to be trapped, reducing costs as well as risks to non-target animals."*

The overall outcome is to protect populations of birds, small mammals and reptiles along the foreshore areas of the 3 participating local governments.

The Project is already underway. Attached is a copy of the first minutes. **ATTACHMENT**

It is intended there will also be a community session on fox awareness, with guest speakers which will be advertised in local media and with environmental groups and Councillors invited.

**RECOMMENDATION**

That:

1. the Report be received.
2. Shelley Cocks be thanked for her role in this initiative.



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Elected members expressed a view that a press release would be appropriate. The Chief Executive Officer undertook to arrange this.

**Cr Olson – Cr de Jong****That:**

1. the Report be received.
2. Shelley Cocks be thanked for her role in this initiative.

CARRIED**191.2 16 View Terrace**

The Chief Executive Officer advised with regard to:

- (i) why this application was not on the agenda as previously planned (this being at the late request of the applicant).
- (ii) planned discussions between the applicant's legal representative Mr Hardy and Mr McGowan, being the barrister appointed by Mr Travis French's legal representative Mr Blyth.
- (iii) the circumstances under which Mr French had presented at the last Council meeting, expecting the matter would be debated, notwithstanding discussions which had already occurred between his solicitor Mr Blyth and the applicant's solicitor Mr Hardy.
- (iv) the fact the applicant now planned that the application would be debated at a Council Meeting in August 2008.

RECEIVED**191.3 13 Sewell Street – Short Stay Accommodation**

The Chief Executive Officer updated elected members on developments in relation to this refused application. Council has been advised to expect a resubmitted application after owner had decided not to appeal to the SAT. The Chief Executive Officer had also responded to a letter from Ms Gaspar's solicitor regarding the use of the studio, although had not received a response at this time.

RECEIVED**191.4 81 View Terrace**

The Chief Executive Officer outlined developments in regard to this recent planning approval, with respect to correspondence received from solicitor Mr Blyth who is acting for the other strata owners, the Murdochs, in the matter. Mr Blyth considers Council's decision "is of no legal effect" because the Murdochs had not approved their neighbour's application. In that regard the Chief Executive Officer had posed a number of questions in a letter to Mr Blyth and is currently awaiting a response.

RECEIVED**191.5 Awards for Businesses of Climate Actions Project**

The Chief Executive Officer tabled documentation in relation to this matter. The Climate Actions project aims to reduce greenhouse gas emissions through energy and waste reduction in small-to-medium retail businesses and households in the communities. The objective of the project was to engage small businesses in local centres and help them to reduce their greenhouse gas emissions through reducing energy use and improved recycling practices. Participating businesses were given free and confidential information on how to reduce energy use at their workplace. The approach involved a walk-through assessment of energy use and waste recycling practice, and filing in a survey questionnaire. Using the collection information, the SMRC's Green Enterprise Facilitator identified energy saving options and assisted each business in achieving better energy efficiency. The project was delivered in six councils – East Fremantle, Canning, Cockburn, Fremantle, Rockingham and Kwinana. Typical examples of business which participated in the project were: delis/lunch bars, butchers, liquor stores, chemists, cafes, fruit and vegetable stores and bakeries. Examples of actions taken by the businesses to reduce their energy use were:

- changing incandescent light globes to energy efficient light bulbs
- putting insulation on the hot water pipes
- upgrading old refrigerators to energy efficient ones

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- getting rid of unnecessary refrigerators (mostly the ones provided by the vendors free of charge)
- installing doors or plastic strips for the coolrooms
- installing timers on the drink fridges to keep them off overnight
- turning off unnecessary lights overnight
- training staff on energy efficiency practice
- switching to "Time of Use" tariff from 'flat tariff' (this does not save energy but significantly reduces energy bills for many businesses who have large 24 hour cooling).

Two local businesses – Hubble's Yard and the Quarterdeck recently received awards which were presented by the Minister for the Environment at a ceremony organised by the Southern Metropolitan Regional Council.

The Minister stated he appreciated the efforts of all of the businesses involved in combating climate change.

The Mayor and Council's Principal Environmental Health Officer, Shelley Cocks, who is Council's representative on the (SMRC) Regional Cities for Climate Protection Officer's Committee which was responsible for this project, attended the Awards. RECEIVED

**191.6 Local Adaptation Pathways Program Grant**

The Chief Executive Officer distributed copies of information in relation to this grant of \$49,682 for a "Climate Wise" project which has been received by the Regional Greenhouse Project in respect to Climate Change Risk Management.

The purpose of the grant is to firstly identify the risks for councils associated with climate change and implement a risk management process covering councils' major operational areas including planning and development, management of natural resources, and health and environment. Secondly it involves the development of an adaptation plan which would detail the most plausible risks and develop treatment plans. RECEIVED

**191.7 Masterplan – East Fremantle Oval Precinct**

The Chief Executive Officer updated elected members re developments in relation to this issue. The Chief Executive Officer advised he was awaiting a meeting with the Steering Committee's consultant on the matter. RECEIVED

**191.8 Budget Meeting Wednesday, 9 July 2008: Drainage**

The Chief Executive Officer advised that as a result of assessed outcomes of recent storms, following a meeting with Council's civil engineering consultant, he had asked John Roberts, following Mr Roberts' return from leave, to make some additional draft provision in the Budget for urgent drainage works. This will be discussed at next week's meeting. RECEIVED

**191.9 East Fremantle Cricket Club**

The Chief Executive Officer advised he had requested John Roberts to make a draft provision for the Club with respect to a grant the Club had sought for new cricket nets. This will be discussed at next week's meeting. RECEIVED

**191.10 Fremantle Rowing Club**

The Chief Executive Officer advised he had requested John Roberts to make a draft provision for the Club with respect to financial assistance the Club had sought with respect to replacing their asbestos roof. This will be discussed at next week's meeting. RECEIVED



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**191.11 East Fremantle Lawn Tennis Club**

The Chief Executive Officer tabled correspondence received from the Tennis Club, following their presentation at the Informal Briefing on 24 June 2008. The Chief Executive Officer confirmed a site visit will be arranged at an appropriate time, in accordance with the decision at the Informal Briefing. RECEIVED

**191.12 Fremantle Soccer Club**

The Chief Executive Officer reported on recent advice from the Club as to why outstanding matters had not been attended to by the Club, such as to allow a 28 June first match at Wauhop Park as the Club had indicated they strongly wanted. The Chief Executive Officer noted significant personal effort on his part, at short notice had gone into ensuring that could occur and yet he had not heard from the Club until yesterday, after sending a Draft Agreement approximately two weeks earlier.

In response the Club had strongly apologised and advised on various internal reasons for the lack of communication. The Club is now keen for a 12 July kick off. The Chief Executive Officer advised he would do all possible to assist the Club to achieve this.

RECEIVED**191.13 Fremantle Library**

The Chief Executive Officer reported on the outcome of a request he had made to the City of Fremantle to more appropriately acknowledge in their printed material that this is a *shared* Library, which is equally funded (on a per capita basis) by both local governments.

The Chief Executive Officer tabled material recently sent by the City of Fremantle to the Council in response to this request. This included new letterheads, compliments slips and staff business cards which all prominently display the Town of East Fremantle logo.

RECEIVED**191.14 128 George Street**

The Chief Executive Officer advised this property had become vacant today. Arrangements were being made with respect to the site visit elected members had requested. RECEIVED

**192. FINANCE ITEMS****192.1 Accounts for Payment**

*By John Roberts, Executive Manager Finance & Administration on 24 June 2008*

**PURPOSE**

To endorse the list of payments for the periods 1 May 2008 to 31 May 2008.

**BACKGROUND**

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The List of Accounts is attached.

**ATTACHMENT****REPORT****Comments/Discussion**

The List of Accounts for the periods beginning 1 May 2008 and ending 31 May 2008 require endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts for the period beginning 1 May 2008 and ending 31 May 2008, be received, as per the following table:



<i>May 2008</i>		
Voucher Nos	Account	Amount
3211 - 3228	Municipal (Cheques)	\$15,563.30
EFT9192 – EFT9295	Electronic Transfer Funds	\$362,740.44
Payroll	Electronic Transfer Funds	\$105,849.03
	<b>Municipal Total Payments</b>	<b>\$484,152.77</b>

**Cr Olson – Cr Arnold**

That the List of Accounts for the period beginning 1 May 2008 and ending 31 May 2008 be received. CARRIED

**192.2*****Monthly Financial Activity Statement for Period Ending 31 May 2008***

*By John Roberts Executive Manager Finance & Administration on 24 June 2008*

**PURPOSE**

To provide financial information to the Council in the form of a financial activity statement for revenues and expenditures, both operating and capital, in accordance with statutory requirements.

**BACKGROUND**

The monthly Financial Activity Statement for the period ending 31 May 2008 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital Works/Major Capital Project Status Report

**ATTACHMENT**

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

**REPORT****Introduction/Comments**

The following is summary information on the attached financial information:

The May 2008 year to date report shows an overall surplus of \$2,421,232 compared to the year to date budget of \$1,211,231 (as revised by Council at its meeting of 18 March 2008) , a variance of \$1,210,000.

The variance can be analysed as follows:

- The YTD Operating Revenue is \$6,444,737 compared to the YTD budget of \$6,262,386, a favourable variance of \$182,351. The variance is due primarily to an increase in investment earnings, rates and parking fines and penalties.
- The YTD Operating Expenditure is \$4,820,588 compared to the YTD budget of \$5,127,079 a favourable variance of \$306,491. The variance is due primarily to



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Parks, Reserves and Road maintenance due to seasonal factors and lower than anticipated employee costs due to unfilled vacancies.

- The YTD Capital Expenditure is \$579,846 when compared to the YTD budget of \$1,250,037 a favourable variance of \$670,191. The variance is due primarily to delays in infrastructure projects due to seasonal and contractor factors.

**Statutory Requirements**

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

**Relevant Council Policies**

Significant accounting policies are adopted by Council on a periodic basis. These policies are used in the preparation of the Statutory reports submitted to Council.

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The May 2008 Financial Activity Statement shows significant variances in income and expenditure when compared with budget estimates. A significant amount of the operating surplus is a result of underspending in maintenance works. The majority of the capital surplus relates to projects that have not been completed during the year due to staff and contractor shortages. These projects, and associated funds, will be carried forward for completion in 2008/09

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2007 to 31 May 2008 presented to the Council for information.

**RECOMMENDATION**

That the Financial Activity Statement for the period ending 1 July 2007 to 31 May 2008 be received.

**Cr Olson – Cr Arnold**

**That the Financial Activity Statement for the period ending 1 July 2007 to 31 May 2008 be received.**

CARRIED

**193. CONFIDENTIAL BUSINESS (CONTINUED)**

**193.1 Chief Executive Officer Delegations**

**Cr Olson – Cr Arnold**

**That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(a) of the Local Government Act, as it concerns a matter affecting employees.**

CARRIED

The Chief Executive Officer tabled a report regarding this matter.

**CONFIDENTIAL ATTACHMENT**

**Cr Olson – Cr Arnold**

**That Council approves the CEO's actions to date and proposed course of action in relation to Acting arrangements, as outlined in the CEO's Report.**

CARRIED

ABSOLUTE MAJORITY



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- 193.2 **Left Bank**  
Cr Olson – Cr Collinson  
That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(d). CARRIED

The Chief Executive Officer comprehensively updated elected members in relation to this matter.

- 193.3 **Royal George**  
Cr Olson – Cr Collinson  
That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(e). CARRIED

The Chief Executive Officer provided a brief verbal update on this issue and circulated a copy of some preliminary plans received.

194. **OPENING OF MEETING TO PUBLIC**  
Cr Rico – Cr Wilson  
That the meeting be reopened to members of the public. CARRIED

195. **NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**  
Nil.

196. **MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**  
Nil.

197. **CLOSURE OF MEETING**  
There being no further business, the meeting closed at 10.57pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **1 July 2008**, Minute Book reference **177. to 197.** were confirmed at the meeting of the Council on*

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\_\_\_\_\_  
**Presiding Member**