

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 AUGUST 2007 COMMENCING AT 6.35PM.

INDEX

- 260. DECLARATION OF OPENING OF MEETING**
 - 260.1 Present*
- 261. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 262. RECORD OF APPROVED LEAVE OF ABSENCE**
- 263. RECORD OF APOLOGIES**
- 264. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 265. PUBLIC QUESTION TIME**
- 266. APPLICATIONS FOR LEAVE OF ABSENCE**
- 267. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 267.1 Council Meeting – 7 August 2007*
- 268. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
- 269. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 270. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 271. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
- 272. ORDER OF BUSINESS**
- 273. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**
 - 273.1 T80.4 Oakover Street No 2 (Lot 19)*
 - 273.2 T80.5 George Street No 130B (Lot 2)*
 - 273.3 T80.7 Stratford Street No 32 (Lot 89)*
 - 273.4 T80.12 Silas Street No 5-7 (Suite B)*
 - 273.5 Town Planning & Building (Private Domain) Committee – 14 August 2007 - Adoption*
 - 273.6 T80.6 Oakover Street No 28 (Lot 337)*

7 August 2007

MINUTES

273.7 *T82.1 George Street No 90 (Lot 436)*

274. FINANCE ITEMS

274.1 *Accounts for Payment*

274.2 *Monthly Financial Report for Period Ending 31 July 2007*

275. REPORTS OF OFFICERS

276. CONFIDENTIAL BUSINESS

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

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

279. CLOSURE OF MEETING

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 7 AUGUST 2007, COMMENCING AT 6.35PM.

243. DECLARATION OF OPENING OF MEETING

The Mayor declared the meeting open.

243.1 Present

| | |
|-----------------|--|
| Mayor J O'Neill | Presiding Member |
| Cr S Dobro | |
| Cr A Ferris | (From 6.40pm) |
| Cr J Harrington | |
| Cr D Martin | |
| Cr R Olson | |
| Cr M Rico | |
| Cr A Wilson | |
| Mr S Wearne | Chief Executive Officer |
| Mr J Roberts | Executive Manager Finance & Administration |
| Ms J May | Executive Secretary |

244. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

There were no members of the public in the gallery.

245. PUBLIC QUESTION TIME

Nil.

246. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

247. RECORD OF APOLOGIES

It was noted that Cr Ferris would be arriving a few minutes late for this meeting.

248. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Cr Ferris entered the meeting at 6.40pm.

248.1 Tom Perrigo National Trust – Royal George Art & Community Centre

Mr Tom Perrigo, Chief Executive Officer of the National Trust, addressed the meeting regarding a development proposal currently being mooted for the Royal George Art & Community Centre.

Mr Perrigo noted the Chief Executive Officer had not been previously briefed on the matter and when this had been recently proposed, the Chief Executive Officer had suggested a briefing of Council instead, which he was very happy to do.

Mr Perrigo advised that the National Trust sought expressions of interest regarding the redevelopment of the Royal George in December 2006. The brief required any proposal to retain the building in its entirety and to house the existing artists on the 1st floor. The existing building was to stand alone from any proposed addition. Any development also needed to “reflect the community survey”.

Whilst there had been approximately 20 responses from interested members of the public, only one “serious” submission was received which allowed for continuing negotiations this was from a consortium of two individuals, Andrew Cobb and Terry McGee, who had been involved in a number of other developments; such as Phillimores in Fremantle, “a couple down south” and “a couple in Indonesia”. Four months ago this

consortium submitted their first proposal, which was for an eight storey development at the rear of the building which was immediately rejected by Mr Perrigo on aesthetic/heritage grounds.

Mr Perrigo advised that the current state of the building was an “absolute disgrace” and poses a serious fire risk. Estimates of \$2,500,000-3,000,000 have been received to conserve the building. Mr Perrigo also referred to the 86 other properties the Trust is responsible for.

The consortium then submitted a second proposal, again involving an eight storey building at the back of the Royal George. The proposal respected the wish of the Trust, and the Heritage Council, whom the proponents had met with, to maintain the (to be restored) Royal George as a stand alone building. In the view of Mr Perrigo and the Heritage Council this was seen as a more important issue in heritage terms, than the height of the proposed new building.

In summary the current proposal is for the complete conservation of the Royal George Art & Community Centre with a new development involving an approx 300m footprint at the back of the existing building. The new and old are separated by a walkway. Mr Perrigo believes the new tower development is intended for short stay apartments. The full proposal consists of accommodation, restaurant, winebar, public toilets and studios for artists (1st floor of existing building).

Whilst the proposal has not been formally submitted to the National Trust and nor has a business plan been submitted, the consortium was told to carry out a community consultation. They were also instructed to prepare:

- a traffic management plan
- a social impact statement

In response to a question regarding his personal view on the proposal, Mr Perrigo indicated that whilst he would prefer a development of no greater than six storeys, the critical aspect was that the Royal George, as one of the last intact Goldfields area hotels remaining in the area, be properly conserved and interpreted.

In respect to a question regarding the artists, Mr Perrigo indicated artists had been kept fully informed of developments and that the Trust felt there was a “moral obligation” to do all possible to ensure the artists continued to be accommodated. Mr Perrigo also advised that Art Source would manage the artists. There was some discussion on the possibility, if the need arose, of 128 George Street being used for artists accommodation.

A number of elected members expressed a desire to inspect the Royal George Art & Community and it was agreed that an inspection would take place on Wednesday, 22 August 2007 at 5.00pm.

Mayor O'Neill thanked Mr Perrigo for his attendance, following which Mr Perrigo left the meeting at 7.17pm.

249. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

250. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

250.1 Council Meeting – 17 July 2007

Cr Ferris – Cr Martin

That the Minutes of the Council Meeting held on 17 July 2007 be received and confirmed.

CARRIED

7 August 2007

MINUTES

250.2 **Special Council Meeting – 19 July 2007**
Cr Ferris – Cr Wilson
That the Minutes of the Special Council Meeting held on 19 July 2007 be received and confirmed. CARRIED

251. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
Nil.

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

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

254. **CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
Nil.

255. **REPORTS OF OFFICERS**

255.1 **Reports of Chief Executive Officer**

(A) **2007/08 Budget**

By Stuart Wearne, Chief Executive Officer, on 3 August 2007

PURPOSE

The purpose of this report is to facilitate the finalisation of the adoption of the 2007/2008 Budget.

BACKGROUND

At a Special Council Meeting held on 19 July 2007 the following resolutions were passed:

“That the following 2007/08 budget provisions be adopted:

1. *The Budget estimates of Income and Expenditure included within the 2007/2008 Draft Budget as attached to and forming part of the budget document (excluding the Differential General Rates).*
2. *The Schedule of Fees and Charges included and forming part of the notes to the 2007/08 budget be adopted.*
3. *In accordance with Part 111 of the Health Act 1911 (as amended):*
 - *the rubbish collection fee for residential properties be set at \$46.50 per annum.*
 - *the rubbish collection fee for commercial properties be set at \$260.00 per annum.*
4. *Payment by Instalments*
The following options for payment of rates:
 - (a) *single payment within 35 days of rate notice issue;*
 - (b) *two instalments; and*
 - (c) *four instalments.*
5. *Interest Charges on Outstanding Rates*
The interest rate to be imposed on all current and arrears of all rates for the 2007/2008 financial year is the rate of 11% per annum calculated on a simple interest basis on amounts that remain unpaid 35 days from the issue

7 August 2007

MINUTES

date of the original rate notice, or the due date of the instalment and continues until such instalment is paid.

6. *Interest Charges on Outstanding Debts*
The interest rate to be imposed on all current and arrears of non rate debtors for the 2007/2008 financial year is the rate of 11% per annum (calculated on a simple interest basis) on amounts that remain unpaid 35 days from the issue date of the original invoice or notice of debt.
7. *Council approve the concession for the use of the Leeuwin car park and boat ramp facility for the 2007/2008 financial year for East Fremantle ratepayers.*
8. *The following elected member meeting fees and allowances:*

| | |
|--|-----------------|
| <i>Mayor annual meeting allowance</i> | <i>\$14,000</i> |
| <i>Councillor annual meeting allowance</i> | <i>\$ 7,000</i> |
| <i>Mayoral allowance</i> | <i>\$12,000</i> |
| <i>Deputy Mayoral allowance</i> | <i>\$ 3,000</i> |
9. *The imposition of the following differential rates be agreed to in principle and considered adopted as of 7 August 2007 if no public responses to their advertising are received:*

Differential general rates for rateable land within the district are as follows:

- *Residential rate is 9.4438 cents in the dollar of (GRV)*
- *Commercial rate is 12.0147 cents in the dollar of (GRV)*
- *Minimum General Rate for - any Residential Property is \$620.00*
- any Commercial Property is \$775.00

If any public responses to the advertising are received these will be considered at Council's Meeting of 7 August 2007."

REPORT

The closing date for the advertising referred to in the preamble of the above resolutions was close of business 3 August 2007.

At this time no responses had been received.

By one interpretation of the resolution of 19 July 2007, the full budget could now be considered to be adopted, however in the Chief Executive Officer's view it would be prudent to formalise that decision.

RECOMMENDATION

That the Budget as tabled and largely adopted at Council's meeting of 19 July 2007 be formally adopted in its entirety. **Absolute Majority Resolution**

Cr Olson – Cr Rico

That the Budget as tabled at the Special Council Meeting held on 19 July 2007 and generally adopted, now be adopted in its entirety. CARRIED UNANIMOUSLY
ABSOLUTE MAJORITY

(B) Brief Reports from Chief Executive Officer

By Stuart Wearne, Chief Executive Officer, on 3 August 2007

TOWN HALL & OLD POLICE STATION REPORT

The Chief Executive Officer has commenced this exercise. This is a large task, involving assessing and reporting on a number of aspects, including:

- (i) the proposed works categorisation and time frame proposed etc.
- (ii) cost estimates, financial and funding issues/options
- (iii) statutory requirements (in particular arising out of Heritage Act provisions in respect of these State listed buildings).

The Chief Executive Officer is currently awaiting requested advice on (i) above and the cost estimates, with this advice necessary to complete the report.

The advice has been sought from Phillip Griffiths, the conservation architect who prepared the original Conservation Plans, who recently reviewed the plans in the context of the Chief Executive Officer's Lotterywest grant application and whom the Chief Executive Officer has been dealing with periodically over the past 12 months in terms of investigations into the state of the building and an assessment of critical works needed to protect the building from damage (eg from water egress). Mr Griffiths is obviously best placed to provide the currently awaited advice.

After one attempt to obtain a substantial Lotteries Grant, which was only partly successful, and a second attempt which was completely unsuccessful, the Chief Executive Officer has concluded that it is now appropriate to accept that external funding is most unlikely and if progress is to be made in the immediate future Council must now look to its own financial resources – albeit outside of the current budget and its underpinning Plan for the Future. (Given no funds had been allocated in the 2006/07 budget for the purpose, the funds the Chief Executive Officer has utilised in the last 12 months for the investigations have, with the permission of Lotterywest, come from the small Lotterywest grant originally received as they were in accordance with the original funding application, which had sought funds for urgent protection works.)

In the event Council proceeds down this route, preliminary investigations of the prevailing Treasury loan funding situation have already taken place – in addition to the preliminary work in relation to the possible sale of 128A George Street.

Both of the above scenarios have statutory implications – the first in terms of loan raising requirements and the second in terms of disposal of property statutory provisions.

Subject to the estimates awaited from Mr Griffiths, on calculations to date, the Chief Executive Officer is confident that if carefully managed, Council should be able to manage a full restoration which does not jeopardise Council's current positive financial sustainability rating.

ELECTIONS

Considerable administrative tasks are being incurred in relation to new local government electoral requirements and the fact the next elections will involve new boundaries for two wards.

The Chief Executive Officer and John Roberts have attended a briefing and demonstration project in respect of the new software which will be required to manage the new proportional representation voting system (full name the Proportional Representation Weighted Inclusive Gregory Method).

This is notwithstanding that, in the absence of any resignations of sitting elected members, as it currently stands there will be no multiple vacancy elections (ie in the case of ward elections only one vacancy per ward) and thus the counting system used will be "straight" preferential voting.

The Chief Executive Officer would be grateful, for election preparation purposes, if any sitting member not due for election however intending to resign prior to 31 August (shortly after which date an extraordinary election would be necessitated, due to nomination advertising requirements), could inform the Chief Executive Officer of this intention.

GRAFFITI

Council recently received from a member of the public a photo of an alleged graffitist – taken by a member of the public immediately after the member of the public allegedly observed the young person “tagging” a Council bus shelter (as attached). **ATTACHMENT**

The photo was referred to the police however police indicate no outcome is expected due to being a photo being of an unknown person and police resource issues.

In speaking with Noel Nimmo (Council’s Neighbourhood Watch Coordinator) it was discovered Noel himself had, on 12 April 2007, witnessed two young people allegedly graffitiing Council property in the same area and also took photos (as attached). These were referred to the police who indicated no outcome should be expected.

ATTACHMENT

Further, in meeting with Noel today, Noel produced four videos which reportedly show graffitists in action in the East Fremantle Shopping Centre. These were also previously referred to the police.

Subject to police and/or legal advice, the Chief Executive Officer believes the photos should be published in the local press, just as occurs in relation to the “West Australian” and “Crime Stoppers” photos submitted by the police. It is possible the individuals may be identified. The Chief Executive Officer believes the local press would be happy to cooperate.

The Chief Executive Officer seeks Council’s endorsement of the proposed action.

2 PHILIP STREET

Recently it was noted two mature street trees outside of the above address had been heavily pruned (see attached photos). **ATTACHMENT**

The owner, Mr Musulin, has denied all knowledge.

The Senior Ranger has door knocked surrounding residents – none of whom (if home) reported noticing any related activity. This includes a neighbour who submitted a written complaint about the pruning.

The matter has been referred to the Senior Ranger for referral to the police.

In circumstances involving the wilful vandalism or damage of Council property, the Chief Executive Officer suggests a delegated authority from Council for the Chief Executive Officer, on Council’s behalf, to offer a reward of up to \$5,000 for information leading to the conviction of an offender. Under such a delegation, in this case for example, every resident of an identified area (including the address adjacent to the street trees) would be written to asking for information and noting the reward.

Even if no information was forthcoming, such a letter may serve both an educational and future warning role.

The alternative would be to put such matters to Council on a case by case basis – however there may be cases where time was of the essence.

Council has, on previous occasions, agreed to offer rewards in such circumstances.

RECOMMENDATION

That:

1. the Chief Executive Officer’s reports be received

7 August 2007

MINUTES

2. subject to supportive police and/or legal advice, the Chief Executive Officer arrange to have the photos of the alleged graffitists published in the local press
3. delegated authority be granted to the Chief Executive Officer to offer a reward from Council of up to \$5,000 for information leading to the conviction of an offender damaging any Council property. **Absolute Majority Resolution**

Mayor O'Neill – Cr Ferris

That:

1. *the Chief Executive Officer in consultation with relevant officers commence works on the former Mayor/HACC office for it to be refurbished as soon as possible as a meeting room for Councillors and staff including adequate IT facilities. Due to this important issue, a budget amendment be prepared and the matter not be referred to the Finance Committee.*
2. *the Chief Executive Officer remove from Council meeting room/hall unused furniture including the temporary office panels in the northwest corner of the meeting room.*
3. *the Chief Executive Officer to consult with Phil Griffiths regarding the heritage impact of refurbishment and all or part of the kitchen/toilet facilities on both floors. If this is found not to impact upon the heritage integrity of the building in part/whole, the Chief Executive Officer to commence engagement of a consultant to initiate planning and tendering of all/part of the above.*

Considerable discussion took place on the proposed motion.

The motion was put.

In response to a query from a Councillor regarding exactly which part of the motion was being moved, the Chief Executive Officer noted that the officer's recommendation had not been addressed.

Mayor O'Neill withdrew his motion and stated he would move the motion at the end of the meeting.

Cr Martin – Cr Olson

That:

1. the Chief Executive Officer's reports be received
2. subject to supportive police and/or legal advice, the Chief Executive Officer arrange to have the photos of the alleged graffitists published in the local press
3. delegated authority be granted to the Chief Executive Officer to offer a reward from Council of up to \$5,000 for information leading to the conviction of an offender damaging any Council property.

Amendment

Cr Dobro – Cr Rico

That the proposed motion be amended as follows:

1. **Part 1 of the motion remain unchanged.**
2. **Part 2 of the motion be replaced with the following:**
“The Chief Executive Officer write to the Superintendent and Minister for Police advising of Council's dismay with the police's lack of interest in the matter of graffiti and requesting appropriate strategies to address the problem at local government level.”
3. **Part 3 of the motion be deleted.**

THE AMENDMENT ON BEING SUBMITTED WAS CARRIED

The motion, as amended, was submitted.

Cr Martin – Cr Olson

That:

1. the Chief Executive Officer’s reports be received.
2. the Chief Executive Officer write to the Superintendent and Minister for Police advising of Council’s dismay with the police’s lack of interest in the matter of graffiti and requesting appropriate strategies to address the problem at local government level. CARRIED

256. CONFIDENTIAL BUSINESS

Nil.

257. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

258. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

258.1 Town Hall & Old Police Station

Mayor O’Neill

That:

1. the Chief Executive Officer in consultation with relevant officers commence works on the former Mayor/HACC office for it to be refurbished as soon as possible as a meeting room for Councillors and staff including adequate IT facilities. Due to this important issue, a budget amendment be prepared and the matter not be referred to the Finance Committee.
2. the Chief Executive Officer remove from Council meeting room/hall unused furniture including the temporary office panels in the northwest corner of the meeting room.
3. the Chief Executive Officer to consult with Phil Griffiths regarding the heritage impact of refurbishment and all or part of the kitchen/toilet facilities on both floors. If this is found not to impact upon the heritage integrity of the building in part/whole, the Chief Executive Officer to commence engagement of a consultant to initiate planning and tendering of all/part of the above.

THE MOTION LAPSED FOR WANT OF A SECONDER

259. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.27pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 7 August 2007, Minute Book reference 243. to 259. were confirmed at the meeting of the Council on

.....

Presiding Member