

18 December 2007

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS,
ON TUESDAY, 18 DECEMBER 2007 COMMENCING AT 6.30PM.**

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395. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

395.1 Present

Mayor A Ferris	Presiding Member
Cr D Arnold	
Cr B de Jong	
Cr R Olson	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr J Roberts	Executive Manager Finance & Administration (To 7.45pm)
Mr C Warrener	Town Planner (To 7.40pm)
Ms J May	Minute Secretary

396. 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."

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

The Mayor welcomed eleven members of the public in the gallery and introduced Council members and staff.

398. RECORD OF APPROVED LEAVE OF ABSENCE

Cr C Collinson
Cr S Dobro
Cr A Wilson.

399. RECORD OF APOLOGIES

Nil.

400. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

401. PUBLIC QUESTION TIME

Nil.

402. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

403. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

403.1 Council Meeting – 4 December 2007

Cr Rico – Cr Arnold

That the Minutes of the Council Meeting held on 4 December 2007 be confirmed.

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404. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

404.1 Jessica Thompson

Mayor Ferris read correspondence from Jessica Thompson advising that she was the recipient of the Year 7 Visual Arts Award at Richmond Primary School and thanking Council for the donation of the \$35 gift voucher.

405. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

405.1 T135.1 View Terrace No 16

Greg Rowe & Associates: Requesting, on behalf of their clients, that the planning application for 16 View Terrace be withdrawn/deferred from the Council Agenda for tonight's meeting.

Cr Olson – Cr de Jong

That the letter from Greg Rowe & Associates be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 407.1).

405.2 T135.7 Walter Street No 18A

J Carrello: Submitting further comments in support of the development proposal for 18A Walter Street.

Cr Olson – Cr de Jong

That the letter from Mr Carrello be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 407.8).

CARRIED

405.3 T135.2 Hubble Street No 23

Mr & Mrs Toole: Submitting further comments in support of the development proposal for 23 Hubble Street.

Cr Olson – Cr de Jong

That the letter from Mr & Mrs Toole be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 407.2).

CARRIED

405.4 T135.1 View Terrace No 16

Lewis, Blyth & Hooper: Advising that following advice from Council that the applicant for the proposed development at 16 View Terrace would be seeking a withdrawal of the proposal from tonight's agenda, both they and Mr Simon Bain would not be attending the meeting. Requesting that if Council should decide not to withdraw the matter from the agenda, the proposal be deferred to the February meeting to allow their clients, through themselves and Simon Bain, the opportunity to address the application.

Cr Olson – Cr de Jong

That the letter from Lewis, Blyth & Hooper be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 407.1).

CARRIED

406. ORDER OF BUSINESS

Cr Olson – Cr Rico

That the order of business be changed to allow members of the gallery to speak to town planning applications.

CARRIED

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407. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

407.1 View Terrace No 16

Mayor Ferris drew elected members' attention to the request from Greg Rowe & Associates on behalf of the owners of 16 View Terrace to have the development application withdrawn from tonight's agenda (MB Ref 405.1)

The letter from Lewis Blyth & Hooper, referred from correspondence, (MB Ref 405.4) was tabled.

Ms Tuba (neighbour) addressed the meeting seeking information on the time frame proposed for this development and whether neighbours would be given sufficient time to inspect drawings and attend further meetings.

The Chief Executive Officer advised that any time frame would depend on whether the applicants resubmitted the current proposal or submitted a revised proposal, and the extent of any revisions, and in each case the date received, however neighbours would be kept sufficiently informed of developments in this matter.

Mayor Ferris – Cr Olson

That this matter be withdrawn from the agenda in accordance with the applicant's request. CARRIED

407.2 T135.2 Hubble Street No 23

Correspondence from Mr & Mrs Toole, referred from Correspondence (MB Ref 405.3) was tabled.

Mr & Mrs Palmer (adjoining owners) addressed the meeting voicing strong opposition to the height of the proposed parapet wall on their boundary.

Mr Toole addressed the meeting seeking clarification on the intent of the Committee's recommendation in respect to the parapet walls.

Cr de Jong – Cr Arnold

The adoption of the Committee's recommendation which is as follows:

That the application be deferred pending the submission of revised drawings that conform with Local Planning Policy 142 in relation to wall height and parapet walls. CARRIED

407.3 T135.5 Gill Street No 22

Mr Grierson (owner) addressed the meeting in support of his proposal.

Mayor Ferris – Cr Olson

That Council exercise its discretion in granting approval for the following:

- (a) variation to the west side (front) boundary setback for an office and a double garage pursuant to the Residential Design Codes from 7.5m to 6m and 6.36m respectively;
- (b) variation to the east side (rear) boundary setback for bedroom 3 pursuant to the Residential Design Codes from 6m to 4.05m;
- (c) variation to the north side boundary setback for a porch pursuant to the Residential Design Codes from 1.5m to 1.3;
- (d) variation to the provision of open space pursuant to the Residential Design Codes from 55% to 50.2%;
- (e) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 25° for the construction of a single storey house at 22 Gill Street comprising 3 bedrooms, 2 bathrooms, laundry, double garage, office, porch, foyer, living and meals area in accordance with the plans date stamp received on 28 August 2007

and perspective drawings date stamp received on 29 November 2007 subject to the following conditions:

1. development to include a wall or front fence to the satisfaction of the Chief Executive Officer which softens the appearance of the front of the property and enhances the streetscape.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
7. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
8. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
9. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

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- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
 - (g) *in regard to retaining works along the south side boundary next to 20 Gill Street the builder is to ensure that all works are undertaken to maintain the right of support to the adjoining property.*
- CARRIED

407.4 T136.2 Osborne Road No 39 Unit 1

Ms Jensen (owner) addressed the meeting in support of her proposal.

Cr de Jong – Cr Arnold

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for the following:

- (a) variation to Local Planning Policy 142 for a double carport forward of the main building line;
- (b) variation to the east side (front) boundary setback pursuant to the Residential Design Codes from 7.5m to 1.5m

for the construction of a double carport in the front setback of Unit 1, 39 Osborne Road

in accordance with the plans date stamp received on 7 November 2007 subject to the following conditions:

1. prior to the issue of a Building licence the applicant is to submit amended plans specifying the electric auto sliding gate as open style complying with Local Planning Policy 143 – Fencing.
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed carport **is not** to be utilised until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
7. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
8. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
9. this planning approval to remain valid for a period of 24 months from date of this approval.

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Footnote:***The following are not conditions but notes of advice to the applicant/owner:***

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***

CARRIED

Cr de Jong made the following impartiality declaration in the matter of 174 Preston Point Road: "As a consequence of my friendship with the representative for the owners (Beth Thompson) there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.

407.5 T135.3 Preston Point Road No 174

Cr de Jong drew attention to the fact that his impartiality declaration regarding Ms Thompson had been omitted from the Town Planning & Building Committee (Private Domain) minutes of 11 December 2007.

Mayor Ferris advised that this correction would be effected at the next meeting of the Committee.

Cr Arnold – Cr de Jong**The adoption of the Committee's recommendation which is as follows:**

That Council advise the applicants/owners that it is not prepared to amend Town Planning Scheme No 3 to allow for two residences to be constructed, either as strata titled dwellings or by subdividing the block into two separate titles at 174 Preston Point Road.

CARRIED**407.6 T132.2 Canning Highway No 251**

The following additional information was provided by the Chief Executive Officer:

In discussion with the Town Planner subsequent to the Committee meeting the CEO expressed concerns regarding the lack of detail on the proposed parking arrangements. The Town Planner also had these concerns and agrees that a more appropriate wording of the "initiate an amendment" approval would have been:

*"That Council advise Dr Gillian Jean & Mr Michael Macuipa that it is prepared to initiate an amendment to Town Planning Scheme No 3 to permit consulting rooms at 251 Canning Highway subject to the submission of the appropriate Scheme Amendment documentation **and a parking plan to the satisfaction of Council.**"*

The CEO's advice to the meeting of 18 December, should elected members wish to proceed to advertising the prepared Scheme amendment, is that the above words in bold should be added to the Committee's recommendation

The Chief Executive Officer advised the meeting that he had discussed the proposed amendment to the Committee's recommendation with Dr Jean and Dr Jean was in support of the amendment.

Cr Arnold – Cr Rico

That Council advise Dr Gillian Jean & Mr Michael Macuipa that it is prepared to initiate an amendment to Town Planning Scheme No 3 to permit consulting rooms at 251 Canning Highway subject to the submission of the appropriate Scheme Amendment documentation and a parking plan to the satisfaction of Council.

CARRIED

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407.7 Town Planning & Building (Private Domain) Committee – 11 December 2007 - Adoption

Cr de Jong – Cr Olson

That the recommendations contained in the Minutes of the Town Planning & Building (Private Domain) Committee meeting held on 11 December 2007 be adopted except for the recommendations pertaining to the following, which will be considered separately or have already been dealt with

T132.2	MB Ref 407.6	Canning Highway No 251
T132.3 &	MB Ref 407.1	View Terrace No 16
T135.1		
T135.2	MB Ref 407.2	Hubble Street No 23
T135.3	MB Ref 407.5	Preston Point Road No 174
T135.5	MB Ref 407.3	Gill Street No 22
T135.7	MB Ref 407.8	Walter Street No 18A
T136.2	MB Ref 407.3	Osborne Road No 39 Unit 1
T136.6	MB Ref 407.9	Municipal Inventory

CARRIED

407.8 T135.7 Walter Street No 18A

The letter from Mr Carrello, referred from Correspondence (MB Ref 405.2) was tabled.

Cr Olson – Cr de Jong

That Council exercise its discretion in granting approval for the following:

- (a) variation to the east side (rear) boundary setback pursuant to the Residential Design Codes for a verandah from 6m to 4.18m;
- (b) variation to roof pitch pursuant to Local Planning Policy 066 from 28° to 7°58’;
- (c) variation to wall height on the north side pursuant to the Residential Design Codes from 6m to 7.2m;
- (d) variation to wall height on the east side pursuant to the Residential Design Codes from 6m to 6.9m;
- (e) variation to wall height on the west side pursuant to the Residential Design Codes from 6m to 6.3m;

for the construction of a 2-storey skillion-roofed house at 18 Walter Street with double garage, study, entry, theatre room, library, powder room, laundry, kitchen, living and dining room, and verandah at rear on the ground floor, with 4 bedrooms and 2 bathrooms on the upper floor in accordance with the plans date stamp received on 18 October 2007 subject to the following conditions:

1. prior to the issue of a Building Licence the applicant is to submit amended plans for the house to be at the recommended 7.5m front setback pursuant to the Residential Design Codes;
2. the works to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council’s further approval.
3. the proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
4. the proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
5. all stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
6. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of

fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

7. all parapet walls to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
8. where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
9. any new crossovers which are constructed under this approval to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
10. in cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
11. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*

CARRIED

407.9

T136.6 Municipal Inventory

By Stuart Wearne, Chief Executive Officer, on 14 December 2007

BACKGROUND

Section 45 of the Heritage of Western Australia Act 1990 provides that:

"A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance."

The inventory is to be updated annually and reviewed every four years after compilation.

Section 45 (4) provides that:

“a local government shall ensure that the inventory required by this section is compiled with proper public consultation.”

Council’s “Municipal Inventory” has had a very fraught history.

A draft inventory was compiled in 1995 by Campbell & Bremen and adopted by Council with various additions and exclusions (most notably homes were automatically excluded when an owner asked for the home to be excluded, regardless of officer advice and regardless of the heritage value of the property in question) in November 1997. Nevertheless the vast majority of owners did not ask to be excluded. This inventory is recognised by the Heritage Council as Council’s current Municipal Inventory.

However there have been suggestions from some former elected members that it was never intended to be a comprehensive list of buildings deemed to be of heritage significance, but rather *examples* of such buildings, in respect of which there is generally very little detail given in the report.

In October 1999 Council appointed two consultants from the firm Heritage Today to produce a more comprehensive Municipal Inventory, under the direction of Council’s then Heritage Planner, Shelley Jenkinson.

Unfortunately

- disputes subsequently occurred between the consultants and elected members as to exactly what was expected by the elected members: in particular whether they should be pursuing a “heritage areas” approach or an individual listing approach, or a combination of the two.
- as an indirect consequence of the above, a contractual dispute developed, involving a request for increased payments because of a deemed increase in “duties”, which led to a protracted impasse between Council and the consultants.
- Shelley Jenkinson resigned (causing further delays)
- whilst the heritage planner who eventually replaced Shelley Jenkinson, Julie Mackay, and the CEO were eventually able to resolve the dispute with the consultants by way of a Deed of Agreement (such that amongst other requirements the consultants finally released all of the data which they had until then been withholding from Council), it was on the understanding that they would not be continuing with the contract.
- Julie Mackay resigned before any further progress was made on the matter of appointing a new consultant and unfortunately under Town Planner, Kelvin Oliver, there were further delays, although eventually it was arranged, through a tender process, for former Councillor and architect, John Kirkness, to complete the task the consultants had originally commenced.
- John Kirkness did eventually by August 2006 produce a five volume Heritage Survey (of approximately 1050 places). The 1050 places comprised the consultants originally recommended 700 places and subsequent recommendation by John Kirkness of approximately 350 additional places for inclusion in the Draft Heritage Survey.
- whilst Council did ultimately adopt the Draft Heritage Survey as Council’s new Municipal Inventory, this was conditional on public consultation “requirements” as advised in a report to elected members by former Town Planner, Beryl Foster, however, there has been little progress in this regard since. More is said on these “requirements” later in this report.

In respect of the above history, two particular aspects appear worthy of noting.

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1. In 2000, there was an important decision by the Town Planning Appeal Tribunal known as the "Moullin" decision (technically Moullin v Town of Cottesloe).

As a result of this decision it became fairly clear that inclusion of a building on a Municipal Inventory, whilst raising heritage values for consideration, ultimately carried little weight in heritage protection terms, including the prevention of demolitions.

The decision indicted that an MI, despite being a statutory requirement of local governments under State legislation, and despite the large costs often involved for a local government in compiling an MI, was said to be simply there to provide an appropriate foundation for the Heritage List in a Council's Town Planning Scheme. In other words it was the Heritage List pursuant to a Council's TP Scheme which was held to represent the relevant mechanism for statutory protection.

The case caused much contention in local government/heritage circles and although successive Heritage Ministers, legal advisers etc issued reassurances that:

- (i) the case was not that clear cut
- (ii) had not set a precedent
- (iii) Municipal Inventories were still important and Councils should continue to compile them (etc)

the fact is that the Moullin decision continued to be applied in other cases in the following years eg Vincent v Town of East Fremantle (2003); Bright v Town of East Fremantle and Paganin v Town of Cottesloe (2003).

Meanwhile the Heritage Minister established a Working Party to deal with the issue and heritage protection generally, of which the Chief Executive Officer was initially a member.

This was not only in the context of the Moullin decision: it was also in the context of (arguably largely orchestrated by real estate and developer lobby organisations) uproar which occurred at the time as a result of a public announcement of the Town of Subiaco's draft Municipal Inventory, and subsequent public meetings, which attracted considerable press and public and political comment at the time.

With protracted proceedings of this Working Party, changes of Heritage Minister and an apparently ever decreasing commitment by the current government in respect of heritage protection, very few of local governments' concerns have been addressed since the Moullin decision and the Working Party has long been wound up.

Improvements to the Heritage of WA Act, which would have assisted local government and have long been foreshadowed by the government, have simply not occurred. The recent unlawful demolition of a heritage listed property in the Town of Claremont led to critical comment that Western Australia now had the weakest Heritage Protection legislation in Australia.

Given that it was becoming increasingly clear that Municipal Inventories were of very limited value in terms of preventing demolitions, at that point, in the Chief Executive Officer's view, the better focus was to seek safeguards in impending Town Planning Scheme 3, particularly in respect of demolition applications.

Council eventually succeeded in carrying over its "heritage list" from Town Planning Scheme 2 to Town Planning Scheme 3, despite deficiencies in the Model Scheme Text, upon which TPS3 was largely based as per WAPC/Planning Minister dictate. However in terms of mechanisms for preventing unwanted demolitions, Council's attempts to maintain the previous protections in this regard failed.

Under Town Planning Scheme 2, all demolitions required planning consent. This requirement gave Council an important form of protection in that:

- (i) it "brought time" to allow discussion with applicants who otherwise could demolish almost as a right.
- (ii) demolition approval could be "tied" to future development proposals and the likely outcome of future development proposals, which gave Council even more scope for discussing the retention of an existing property with an applicant
- (iii) ultimately Council could refuse a demolition on heritage grounds and many properties were saved in the ensuing years because of this, including properties not on Council's Schedule of Places of Heritage Value or indeed even on Council's draft Municipal Inventory. In many cases these involved Ministerial appeal decisions.

(This Scheme provision, incidentally, had been an initiative of the Chief Executive Officer many years ago when a Councillor of the Town and was enacted by way of a Scheme amendment. Many heritage properties were saved from demolition as a result)

It was therefore a matter of considerable personal disappointment to the Chief Executive Officer when Kelvin Oliver informed the Chief Executive that the WA Planning Commission had refused to allow a similar provision in Town Planning Scheme 3, citing the fact there was no such provision in the Model Scheme Text.

Thus, under Town Planning Scheme 3 the only buildings or structures in respect of which planning consent to demolish is required are those which are:

- (i) located in a place which has been entered onto the State Register of (Heritage) Places (eg the Town Hall)
- (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990. (This refers to the type of Ministerial Stop Work Order which the Council recently sought unsuccessfully to achieve in relation to 2 Riverside Road.)
- (iii) included on the Heritage List under clause 7.1 of (Council's) Town Planning Scheme
- (iv) located within a heritage area designated under the Scheme.

I will return to abovementioned provisions (iii) and (iv) below.

Meanwhile it is noted that under City of Fremantle's recently adopted Town Planning Scheme:

"Development includes any demolition, erection, construction, alteration of or addition to any building or structure, which includes the erection, placement and display of any advertisements."

(It is acknowledged however that in 2004, the same year Council's Scheme was adopted, the Draft Text of City of Fremantle Planning Scheme 4 contained exactly the same provisions as the Town of East Fremantle Scheme and it appears the abovementioned provision was a later change.)

2. In some frustration at a lack of progress by former Town Planner, Beryl Foster, on implementing Council's decision, the Chief Executive Officer arranged a meeting earlier this year between himself, a recognised heritage consultant and Beryl Foster.

At that meeting the Chief Executive Officer became alarmed at:

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- (i) just how uncertain the consultant appeared in terms of advice on how to proceed. In response to every option discussed, the consultant put forward pros and cons and appeared unable to advise Council how to proceed.
- (ii) The consultant's deep concern (which appeared to have much to do with the uncertainty referred to above) on the nature of John Kirkness' report, which she suggested would be of little value in an appeal situation, due to the very brief details of the listed properties and the fact the compilation was essentially based on a "drive by" approach (in itself necessitated by the sheer volume of properties involved).

The discussion produced no agreed outcome. There was not even clear advice on whether a "heritage areas" approach would be a better approach, or even a practical approach, given the nature of the work to date.

Notwithstanding this uncertainty, in the face of continuing strong concerns at the ongoing demolition of heritage properties in the Town, the Chief Executive Officer then suggested an interim approach involving including the entire Municipal Inventory, without further ado, at least temporarily (one year was suggested), on Council's Heritage List.

Rosemary Rosario thought the idea had merit however cautioned that it may depend on the interpretation of the "proper public consultation" (the requirement referred to in the reference to Heritage of WA Act at beginning of report).

(Accordingly it was of some interest to the Chief Executive Officer when the Chief Executive Officer noted, a number of months later, when the City of Fremantle's CPS4 was adopted, that exactly this approach had been taken in relation to their Scheme, and not even on a temporary basis.

Again however it is noted this provision did not exist in the 2004 Draft Fremantle Scheme.

Nevertheless it is of further interest that the City of Fremantle had previously adopted a comprehensive Municipal Inventory, as indicated now included *in total* on its Heritage List, with no adverse public comment on either action.)

DISCUSSION

In short, what Council expected, following its decision to adopt the 1050 place Draft Heritage Survey as its Municipal Inventory was a comprehensive public consultation process involving writing to all 1050 owners and seeking their comments, in addition to holding public meetings etc.

This was not surprising as Beryl Foster's report advised incorrectly, that this was a requirement. This aspect is discussed further below.

A subsequent letter to selected consultants inviting them to submit an expression of interest "to assist Council in the public consultation and implementation of the Draft Municipal Inventory" attracted no responses, in part it seemed because:

- (i) it is such a potentially contentious exercise in terms of public meetings etc and many planning consultants have left local government precisely for the reason of getting out of the community "firing line".
- (ii) the officer's brief was not clear or detailed enough.

The matter has effectively remained in limbo since, with Beryl Foster not progressing the matter prior to leaving Council's employ and Chris Warrener, working alone, fully occupied since Beryl Foster left.

It is now time however in the Chief Executive Officer's view, to resolutely tackle the matter at least in terms of interim protective measures.

By way of advice on the extent of the existing concerns is the fact that 28 demolition licences were issued in 2006/07. This included 2 Riverside Road after Council was issued with a legal threat which claimed that the Council had no lawful grounds for continuing to refuse to issue the demolition licence. Regrettably the property was not on Council's adopted MI because the owner had at the time objected to such inclusion and against officer advice, elected members of the day then excluded it from the MI. Had the property been on the MI it would have been much easier to have had the property subsequently included on Council's Heritage List and had this occurred the application for a demolition licence:

- (i) would have required planning approval;
- (ii) would have allowed Council to require that a proper heritage assessment be carried out.

PROPOSAL

The Chief Executive Officer proposes the following course of action:

1. Council reaffirm that the entire Draft Heritage Survey is adopted as Council's revised Municipal Inventory, for public consultation purposes.
2. Council deems the "proper public consultation", as required under the Heritage of WA Act with respect to the compilation of Municipal Inventories will comprise:
 - (i) Council's meeting of 16 August 2006 at which the Draft Heritage Survey 2006 was tabled and discussed and adopted as Council's revised Municipal Inventory;
 - (ii) Council's meeting of 18 December 2007 at which the Draft Heritage Survey 2006 was tabled and discussed and reaffirmed as Council's revised Municipal Inventory;
 - (iii) the public comment provisions as referred to in (3) below.
3. Council to adopt in principle that, subject to the carrying out of the public consultation requirements given in clause 7.1.3 of Town Planning Scheme 3, Council's Heritage List comprise (unless the named property has been demolished):
 - (i) all of the current entries in Council's Heritage List
 - (ii) all of the entries in Council's current Municipal Inventory
 - (iii) all of the entries in council's revised Municipal Inventory, at this stage for a twelve month interim period.
4. Pursuant to the above, Council officers and elected members carry out their respective community consultation obligations in relation to clause 7.1.3 of Town Planning Scheme 3 concerning the inclusion of new entries on to Council's Heritage List whilst at the same time giving home owners the opportunity to comment on the issue of the entry of their property onto Council's revised Municipal Inventory.
5. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Municipal Inventory.
6. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Heritage List.
7. Council officers carry out requirements under clause 7.1.4 of TPS3.

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8. Council review the outcomes of the revised MI and revised Heritage List after 12 months.
9. Council officers pursue the issue of a Scheme amendment aimed at restoring the previous provision regarding all demolitions requiring planning approval.
10. Council officers further progress the “heritage areas” issue referred to above.

COMMENT

With respect to (2) above the CEO has obtained advice from the Heritage Council of WA which confirms that “proper public consultation” has no statutory definition, with the Heritage Council’s legal advice suggesting that in this regard there is no specific minimum level for public consultation. The Heritage Council in fact goes on to advise that “*Arguably for instance, a single public meeting, adequately advertised, could constitute ‘proper public consultation’.*”

The level of public consultation proposed in this report exceeds that requirement.

With respect to (3) above requirements under 7.1.3 are as follows:

7.1.3. In considering a proposal to include a place on the Heritage List the local government is to —

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;*
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;*
- (c) carry out such other consultations as it thinks fit; and*
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.*

With respect to (4) above, in writing to home owners, amongst other advice given, the intention would be to note the *benefits* of owners’ property being entered onto the Heritage List e.g. the “heritage bonus” opportunities as per clause 7.5 of TPS3 and the heritage loan opportunities as per the Heritage Loan Subsidy Scheme, of which Council is a member.

With respect to (6) above:

- (i) Once a property is included on Council’s Heritage List, the demolition of the property ceases to be an automatic “permitted development” (8.2(c)(iii) refers) and planning approval for the demolition would be required.
- (ii) Further to (i) above, if a demolition was sought, Council would be permitted to require a heritage assessment to be carried out prior to considering any development proposed, including any proposed demolition or any proposed demolition and replacement building. This is a significant potential advantage given the level of detail in the current Draft Heritage Survey.
- (iii) Notwithstanding 3(iii) above Council could decide at this time whether to make the listing “permanent” or interim (e.g. for 12 months).

With respect to (7) above, requirements under 7.1.4 are as follows:

7.1.4. *Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.*

With respect to (10) above elected members will note that an alternative approach to the individual heritage listing approach is the heritage area approach.

However if this approach were to be adopted much additional work would need to be done. Whilst John Kirkness has proposed 11 Heritage Areas in his report, there are significant technical requirements which would then need to be fulfilled before heritage areas could be adopted – only part of which are addressed in Mr Kirkness' report. In other words this approach would be a cause for further delay and no doubt more unwanted demolitions in the process.

CONCLUSION

It is concluded that the above proposal represents the optimal practical approach, in all of the current circumstances, to partly restore the status quo which existed under TPS2, whereby all demolitions required planning approval and Council had the capacity to require a specialist heritage assessment (even if a property was not listed on the MI).

It is also noted that the main principles underpinning the proposal exists in the City of Fremantle's Town Planning Scheme and the Town of East Fremantle has to date been significantly disadvantaged by the WAPC/Planning Minister by the denial which occurred in terms of the Town being allowed to adopt similar provisions.

RECOMMENDATION

Council agree to the following course of action with respect to a revised Municipal Inventory, a revised Heritage List, a Scheme amendment aimed at requiring all demolitions to have planning approval and further progressing the concept of heritage areas.

1. Council reaffirm that the entire Draft Heritage Survey has been adopted as Council's revised Municipal Inventory, for public consultation purposes.
2. Council deems the "proper public consultation", as required under the Heritage of WA Act with respect to the compilation of Municipal Inventories will comprise:
 - (i) Council's meeting of 16 August 2006 at which the Draft Heritage Survey 2006 was tabled and discussed and adopted as Council's revised Municipal Inventory;
 - (ii) Council's meeting of 18 December 2007 at which the Draft Heritage Survey 2006 was tabled and discussed and reaffirmed as Council's revised Municipal Inventory;
 - (iii) the public comment provisions as referred to in (3) below.
3. Council to adopt in principle that, subject to the carrying out of the public consultation requirements given in clause 7.1.3 of Town Planning Scheme 3, Council's Heritage List comprise (unless the named property has been demolished):
 - (i) all of the current entries in Council's Heritage List
 - (ii) all of the entries in Council's current Municipal Inventory
 - (iii) all of the entries in council's revised Municipal Inventory, at this stage for a twelve month interim period.
4. Pursuant to the above, Council officers and elected members carry out their respective community consultation obligations in relation to clause 7.1.3 of Town Planning Scheme 3 concerning the inclusion of new entries on to Council's Heritage List whilst at the same time giving home owners the opportunity to comment on the issue of the entry of their property onto Council's revised Municipal Inventory.

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5. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Municipal Inventory.
6. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Heritage List.
7. Council officers carry out requirements under clause 7.1.4 of TPS3.
8. Council review the outcomes of the revised MI and revised Heritage List after 12 months.
9. Council officers pursue the issue of a Scheme amendment aimed at restoring the previous provision regarding all demolitions requiring planning approval.
10. Council officers further progress the "heritage areas" approach.

Cr Arnold – Cr Olson

Council agree to the following course of action with respect to a revised Municipal Inventory, a revised Heritage List, a Scheme amendment aimed at requiring all demolitions to have planning approval and further progressing the concept of heritage areas.

1. Council reaffirm that the entire Draft Heritage Survey has been adopted as Council's revised Municipal Inventory, for public consultation purposes.
2. Council deems the "proper public consultation", as required under the Heritage of WA Act with respect to the compilation of Municipal Inventories will comprise:
 - (i) Council's meeting of 16 August 2006 at which the Draft Heritage Survey 2006 was tabled and discussed and adopted as Council's revised Municipal Inventory;
 - (ii) Council's meeting of 18 December 2007 at which the Draft Heritage Survey 2006 was tabled and discussed and reaffirmed as Council's revised Municipal Inventory;
 - (iii) the public comment provisions as referred to in (3) below.
3. Council to adopt in principle that, subject to the carrying out of the public consultation requirements given in clause 7.1.3 of Town Planning Scheme 3, Council's Heritage List comprise (unless the named property has been demolished):
 - (i) all of the current entries in Council's Heritage List
 - (ii) all of the entries in Council's current Municipal Inventory
 - (iii) all of the entries in council's revised Municipal Inventory, at this stage for a twelve month interim period.
4. Pursuant to the above, Council officers and elected members carry out their respective community consultation obligations in relation to clause 7.1.3 of Town Planning Scheme 3 concerning the inclusion of new entries on to Council's Heritage List whilst at the same time giving home owners the opportunity to comment on the issue of the entry of their property onto Council's revised Municipal Inventory.
5. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Municipal Inventory.
6. Following close of comment period and preparation of officer's report, Council to make a formal decision on entries to be included in the Heritage List.

7. Council officers carry out requirements under clause 7.1.4 of TPS3.
8. Council review the outcomes of the revised MI and revised Heritage List after 12 months.
9. Council officers pursue the issue of a Scheme amendment aimed at restoring the previous provision regarding all demolitions requiring planning approval.
10. Council officers further progress the “heritage areas” approach.
CARRIED UNANIMOUSLY

The Town Planner left the meeting at 7.40pm.

408. FINANCE ITEMS

408.1 Accounts for Payment

By John Roberts, Executive Manager Finance & Administration on 14 December 2007

PURPOSE

To endorse the list of payments for the period 1 November 2007 to 30 November 2007.

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 period beginning 1 November 2007 and ending 30 November 2007 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 November 2007 and ending 30 November 2007 be received, as per the following table:

<i>November 2007</i>		
Voucher Nos	Account	Amount
3027 – 3051	Municipal (Cheques)	\$17,033.95
EFT8549 – EFT8651	Electronic Transfer Funds	\$403,957.10
Payroll	Electronic Transfer Funds	\$111,172.12
	Municipal Total Payments	\$532,163.17

Cr Olson – Cr Rico

That the List of Accounts for the period beginning 1 November 2007 and ending 30 November 2007 be received. CARRIED

408.2 *Monthly Financial Activity Statement for Period Ending 30 November 2007*
By John Roberts Executive Manager Finance & Administration on 14 December 2007

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 30 November 2007 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 November 2007 year to date report shows an overall surplus of \$977,870 compared to the year to date budget as adopted by Council at its meeting of 19 July 2007

The variance can be analysed as follows:

- The YTD Operating Revenue is \$5,367,103 compared to the YTD budget of \$5,316,353, a favourable variance of \$50,750. The variance is due primarily to an increase in investment earnings, rates & swimming pool fees offset by a decrease in waste collection revenue, parking fines & penalties.
- The YTD Operating Expenditure is \$2,180,654 compared to the YTD budget of \$2,566,617, a favourable variance of \$385,963. The variance is due primarily to Parks, Reserves and Road maintenance due to seasonal factors and lower than anticipated employee costs due to unfilled vacancies.
- The YTD Capital Expenditure is \$264,086 when compared to the YTD budget of \$749,843, a favourable variance of \$485,757. The variance is due primarily to delays in infrastructure projects due to seasonal and contractor factors, and a delay in vehicle replacement purchases.

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 an annual basis. These policies are used in the preparation of the Statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The November 2007 Financial Activity Statement show significant variances in income and expenditure when compared with budget estimates. The majority of the surplus relates to timing differences and will reduce in forthcoming financial periods of 2007/2008. Any variance that is permanent in nature will be identified in the mid-year budget review and may be available for re-distribution.

Conclusion

The attached Financial Activity Statement for the period 1 July 2007 to 30 November 2007 presented to the Council for information.

COMMITTEE RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2007 to 30 November 2007 be received.

Cr Olson – Cr de Jong

That the Financial Activity Statement for the period ending 1 July 2007 to 30 November 2007 be received. CARRIED

408.3

Financial Timetable 2008/2009

By John Roberts, Executive Manager Finance & Administration

PURPOSE

To provide The Mayor, Councillors, staff and ratepayers with a financial timetable for 2007/2008.

REPORT**Background**

There are a number of events that occur during the financial year. These include: a mid-year budget review; the review and adoption of a Plan for the Future; preparation and adoption of the annual budget; preparation and audit of the annual financial statements; submission of the DLGRD Compliance Audit Return and, if required, appointment of the Council auditor. With respect to these events the following timetable is proposed.

Statutory Requirements

Local Government (Financial Management) Amendment Regulations 2005. Regulation 33A

Local Government Act 1995 (as amended) Section 5.56

Local Government (Administration Regulations) 19C and 19D

Local Government Act 1995 (as amended) Section 6.2

Local Government Act 1995 (as amended) Section 6.4

Local Government (Audit) Regulations 1996. Regulation 14

Local Government Act 1995 (as amended) Section 7.1A

Relevant Council Policies

All Financial Policies

Council Policy F2.6 sets out the budget preparation timetable. The proposed timetable for 2008/09 Budget differs to the current policy.

The current policy states that Council will adopt the annual budget on the first working day of July each year. It is suggested that Council do not adopt its budget until the 9 July to enable all income and expenditure relating to the previous year to be accounted for; together with the ability to have more knowledge on estimates for the new financial year.

This policy is currently under review.

COMMENT

2007/08 Budget – Mid-Year Review

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. The results of the budget review are to be submitted to Council within 30 days of the review. A copy of the review and Council's recommended solutions are to be forwarded to the Department of Local Government within 30 days of the council meeting.

January 2008	Review the 2007/2008 financial position based on the 31 Decem 2007 year-to-date actuals.
12 March 2008	Mid-Year Review Report to Finance Committee.
18 March 2008	Mid-Year Review Report to Council for Adoption.
17 April 2008	Letter and copy of report to DLGRD.

Plan for the Future (Strategic Financial Plan)

A Plan for the Future of the District outlines Council's financial objectives and details strategies in achieving its objectives. The major emphasis is on identifying Principal Activities utilising available funds after core operating expenses are allocated.

This plan is a financial management tool which includes projects expected to be undertaken over the term of a number of future years, and it lists the anticipated net costs to Council, and the expected year in which they are planned to be undertaken.

February 2008	Preparation of the Plan for the Future of the District using the 2007/2008 Mid-Year review as the baseline.
12 March 2008	Draft Plan for the Future to Finance Committee.
18 March 2008	Draft Plan for the Future Report to Council for Adoption.
April 2008	Local Public Notice of the Plan to be given.

2008/2009 Budget

During the period 1 June in a financial year to 31 August in the next financial year a local government is to prepare and adopt an annual budget. In the preparation of the annual budget the local government is to have regard to the Plan for the Future.

The timetable below has been designed to allow Councillors adequate time to receive information from ratepayers in their Wards and put forward their submissions, and for officers to prepare their operating budgets, allowing sufficient time for budget analysis work to be undertaken.

The aim of the Pre-Budget Forum is to familiarise Councillors with budget requests and to enable Council to delete and/or prioritise items so that staff can finalise costings prior to the preparation of a final budget document which will be presented to the Budget Adoption Special Council Meeting on 9 July 2008.

- 12 March 2008 Finance Committee to discuss broad parameters for the budget. Rates, CPI, Fees & Charges.
- 31 March 2008 Budget submissions to be received from community and staff Executive Manager Finance and Administration.
- 27 May 2008 Finance Committee to receive Draft Budget for review.
- 25 June 2008 Draft 2008/2009 Budget to Special Council Meeting (Pre-Budget Forum) for final review.
- 9 July 2008 Special Council Meeting to Adopt 2008/2009 Budget.

2007/2008 Financial Statements

Council is required to complete the Annual Financial Statements by 30 September of each year and at least once a year meet with the auditor to discuss the audit process and address any issues that have been brought to the attention of Council by the auditors.

- 31 August 2008 Completion of 2007/2008 Financial Statements including Pension Rebate, ESL, HACC and Roads to Recovery returns.
- Early Sept 2008 Annual Audit of 2007/2008 Financial Statements by council auditor.
- 30 Sept 2008 Audit sign-off of 2007/2008 Financial Statements by council auditor.
- 15 Oct 2008 Annual Financial Statements Report to Audit Committee. Represented by External Auditor.
- 21 Oct 2008 Annual Financial Statements Report to Council for Adoption.

2007 Compliance Audit

A local government is required to carry out a Compliance Audit Return for the period 1 January to 31 December in each year. After carrying out a compliance audit the local government is to complete a Compliance Audit Return in the prescribed format. The completed return is to be presented and adopted by the Council. After adoption by Council the completed return must be submitted to the DLGRD by 31 March.

- January 2008 Completion of DLGRD 2007 Compliance Audit Return.
- 12 March 2008 2007 Compliance Audit Report to Audit Committee.
- 18 March 2008 2007 Compliance Audit Report to Council for Adoption.
- 31 March 2008 Completed 2007 Compliance Audit Return to DLGRD.

Appointment of Auditors

The accounts and annual financial report of a local government are to be audited by an auditor appointed by the local government. Such an appointment is not to exceed a period of 5 years, however an auditor may seek re-appointment.

- | | |
|---------------|--|
| 17 Nov 2007 | Advertise for expressions of interest for the provision of internal and external audit services. |
| 14 Dec 2007 | Closure of expressions of interest. |
| 10 Feb 2008 | Advertise for expressions of interest for independent Audit Committee member. |
| 12 March 2008 | Report to Audit Committee regarding the appointment of auditors. |
| 18 March 2008 | Report to Council for adoption. |

CONCLUSION

The proposed financial timetable enables Council to meet its statutory obligations whilst allowing for input from Council, the community and staff.

RECOMMENDATION

That Council endorse the 2008/09 Financial Timetable as listed in this report.

Cr Olson – Cr Arnold

That Council endorse the following Financial Timetables as listed below:

2007/08 Budget – Mid-Year Review

- | | |
|---------------|--|
| January 2008 | Review the 2007/2008 financial position based on the 31 December 2007 year-to-date actuals. |
| 12 March 2008 | Mid-Year Review Report to Finance Committee. |
| 18 March 2008 | Mid-Year Review Report to Council for Adoption. |
| 17 April 2008 | Letter and copy of report to DLGRD. |

Plan for the Future (Strategic Financial Plan)

- | | |
|---------------|--|
| February 2008 | Preparation of the Plan for the Future of the District using the 2007/2008 Mid-Year review as the baseline. |
| 12 March 2008 | Draft Plan for the Future to Finance Committee. |
| 18 March 2008 | Draft Plan for the Future Report to Council for Adoption. |
| April 2008 | Local Public Notice of the Plan to be given. |

2008/2009 Budget

- | | |
|---------------|--|
| 12 March 2008 | Finance Committee to discuss broad parameters for the budget. eg Rates, CPI, Fees & Charges. |
| 31 March 2008 | Budget submissions to be received from community and staff by Executive Manager Finance and Administration. |
| 27 May 2008 | Finance Committee to receive Draft Budget for review. |
| 25 June 2008 | Draft 2008/2009 Budget to Special Council Meeting (Pre-Budget Forum) for final review. |

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- 9 July 2008 Special Council Meeting to Adopt 2008/2009 Budget.
- 2007/2008 Financial Statements**
- 31 August 2008 Completion of 2007/2008 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.
- Early Sept 2008 Annual Audit of 2007/2008 Financial Statements by council auditor.
- 30 Sept 2008 Audit sign-off of 2007/2008 Financial Statements by council auditor.
- 15 Oct 2008 Annual Financial Statements Report to Audit Committee. Representation by External Auditor.
- 21 Oct 2008 Annual Financial Statements Report to Council for Adoption.
- 2007 Compliance Audit**
- January 2008 Completion of DLGRD 2007 Compliance Audit Return.
- 12 March 2008 2007 Compliance Audit Report to Audit Committee.
- 18 March 2008 2007 Compliance Audit Report to Council for Adoption.
- 31 March 2008 Completed 2007 Compliance Audit Return to DLGRD.
- Appointment of Auditors**
- 17 Nov 2007 Advertise for expressions of interest for the provision of internal and external audit services.
- 14 Dec 2007 Closure of expressions of interest.
- 10 Feb 2008 Advertise for expressions of interest for independent Audit Committee member.
- 12 March 2008 Report to Audit Committee regarding the appointment of auditors.
- 18 March 2008 Report to Council for adoption.

CARRIED

The Executive Manager Finance & Administration left the meeting at 7.45pm.

409. HEALTH & GENERAL PURPOSES ITEMS

409.1 Health & General Purposes Committee

Cr Rico – Cr Arnold

That the recommendations contained in the Minutes of the Health & General Purposes Committee held on 12 December 2007 be received and adopted. CARRIED

18 December 2007

MINUTES**409.2 East Fremantle Festival Progress Report**

Cr Rico – Cr Arnold

That Council authorise the additional festival expenditure of \$2,818.55 in accordance with Local Government Act 1995 Section 6.8 through a reallocation from EO4266 Town Profile to E11263 East Fremantle Festival. CARRIED

ABSOLUTE MAJORITY**410. REPORTS OF CHIEF EXECUTIVE OFFICERS****410.1 Extraordinary Election – Woodside Ward**

By Stuart Wearne, Chief Executive Officer, on 14 December 2007

BACKGROUND

The resignation of former Cr Harrington on 4 December 2007 has necessitated the holding of an extraordinary election for Woodside Ward.

REPORT

Council must now decide on a date for the extraordinary election. Section 4.9(1)(a) provides this decision must be taken within one month after the vacancy occurs.

Section 4.9(2) provides that the election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with however, in this case unless the Electoral Commissioner approves otherwise, cannot be 4 months after the vacancy occurs.

The CEO proposes the following election timetable, which has various safety margins built in.

18.12.07	Council agreement to election date of 29 March 2008.
26.01.08	Statewide public notice given of the time and date of close of enrolments (08.02.08).
08.02.08	Close of enrolments 5pm.
09.02.08	Advertise for nominations (“West Australian“ and “Fremantle Herald”).
14.02.08	Nominations open.
21.02.08	Nominations close.
22.02.08	CEO to prepare Owner & Occupiers Roll.
07.03.08	Preparation of Consolidated Roll completed.
15.03.08	Statewide public notice of election given.
28.03.08	Close of early voting 4pm.
29.03.08	Election Day – Close of Poll 6pm.
31.03.08	Report to Minister.
05.04.08	Election results published.

FINANCIAL IMPLICATIONS

There are sufficient funds remaining in the election account to meet the cost of this extraordinary election.

RECOMMENDATION

That:

1. The CEO’s report be received.
2. An extraordinary election be held on Saturday 29 March 2008 to fill the vacancy in Woodside Ward caused by the resignation of Cr Harrington.

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3. The CEO be appointed Returning Officer.
4. The election be conducted as an in person election.

Cr de Jong – Cr Olson

That:

1. The CEO's report be received.
2. An extraordinary election be held on Saturday 29 March 2008 to fill the vacancy in Woodside Ward caused by the resignation of Cr Harrington.
3. The CEO be appointed Returning Officer.
4. The election be conducted as an in person election. CARRIED

410.2 *Proposal by Magellan Metals Pty Ltd to Transport Containers of Bagged Lead to the Port of Fremantle for Export from the Port of Fremantle*
By Stuart Wearne, Chief Executive Officer, on 14 December 2007

INTRODUCTION

This will by necessity be a very brief report due to severe time constraints, which in turn arises from the fact most of the attached information has only just been received and the urgency of the issue – given (i) the deadlines for public comment (ii) the fact elected Council is soon to go into Christmas/January recess.

BACKGROUND

The topic has received considerable press comment.

Council officers attempted to obtain advice from the City of Fremantle in October however this proved impossible as the matter was being dealt with on a confidential basis at that stage.

There was brief informal discussion on the matter at the South West Group meeting held on 10 December 2007 (attended by the Mayor & CEO) however similar time constraints and a lack of Council decision making by the respective member local governments meant that no group decision was taken.

Various information relating to the proposal is attached (a very large Section 46 report of the EPA and a report from Magellan which Council is yet to receive will be tabled at the meeting). **ATTACHMENT**

DISCUSSION

Based on the attached information provided by the City of Fremantle and Mayor Tagliaferri, it is the CEO's conclusion that there are sufficient grounds of concern to fully support the position the City of Fremantle elected members have unanimously adopted on this issue.

Whilst it could be nevertheless argued that this is a "Fremantle" issue and not an East Fremantle issue (particularly as the transport route does not involve East Fremantle).

- (i) Council has always reserved the right to comment on matters which are arguably of regional or State significance.
- (ii) In a worst case scenario (e.g. major spillage occurring in hazardous wind conditions) it seems undoubted that East Fremantle residents could potentially be exposed to lead contamination hazards.

Nevertheless options available to elected members would be:

- (i) To support the officer's recommendation;
- ((ii) Propose an alternative recommendation;

- (iii) Support the Proposal;
- (iv) To resolve to take no action on the matter.

CONCLUSION

Based on the information regarding the Proposal to hand and the concerns raised by the City of Fremantle it is intended there are sufficient justifiable safety concerns to oppose the Proposal, at least pending responses to the concerns raised by the City of Fremantle.

Any opposition to the Proposal will need to occur urgently, as the EPA has now approved the project subject to a public response period in relation to that approval, which currently expires on 24 December 2007.

RECOMMENDATION

1. The Town of East Fremantle support the City of Fremantle's opposition to the proposal by Magellan Metals Pty Ltd to transport lead carbonate concentrate in shipping containers through the Port of Fremantle and endorses the reasons for the City of Fremantle's opposition, as contained in the City's response to the Environmental Protection Agency.
2. The CEO be authorised to:
 - (i) advise the EPA and the Minister for the Environment of the Town's formal objection to the Proposal.
 - (ii) circulate the attached petition.
 - (iii) take any other action consistent with (i) above which is designed to achieve either a rejection or at least further consideration of the Proposal.

Mayor Ferris – Cr de Jong

1. **The Town of East Fremantle support the City of Fremantle's opposition to the proposal by Magellan Metals Pty Ltd to transport lead carbonate concentrate in shipping containers through the Port of Fremantle and endorses the reasons for the City of Fremantle's opposition, as contained in the City's response to the Environmental Protection Agency.**
2. **The CEO be authorised to:**
 - (i) advise the EPA and the Minister for the Environment of the Town's formal objection to the Proposal.**
 - (ii) circulate the attached petition.**
 - (iii) take any other action consistent with (i) above which is designed to achieve either a rejection or at least further consideration of the proposal.**

CARRIED UNANIMOUSLY

410.3 Minutes of Electors' General Meeting – 17 December 2007

Minutes of the Electors' General Meeting held the previous evening, 17 December 2007 were considered. **ATTACHMENT**

Mayor Ferris raised concerns regarding the level of elected member attendance at this meeting, noting that the date of this meeting had been chosen by elected members and despite the importance of the meeting in the Council calendar and with much work by officers in preparing reports for the meeting, only two Councillors had attended.

General discussion also took place regarding the low public turnout and possible options for encouraging greater attendance numbers.

Cr Rico – Cr de Jong

That the Minutes of the Electors' General Meeting held on 17 December 2007 be received and adopted. CARRIED

18 December 2007

MINUTES

410.4 Newsletter

The Chief Executive Officer advised that the newsletter had been produced on time and was currently being delivered to residents of the Town. The Chief Executive Officer wished Shelley Cocks' efforts in ensuring this outcome to be acknowledged.

Mayor Ferris – Cr Rico

That Council thank Shelley Cocks for coordinating the production and delivery of the December 2007 newsletter in such a professional manner. CARRIED

410.5 East Fremantle Festival Thankyous

The Chief Executive Officer noted the large number of emails which had been received in response to the Festival, as follows:

Carol Scott

"Well done on the festival! It was a great day, heaps of people and a lovely atmosphere. I really enjoyed being there and sold all my chenille clothes as well.

Hope you are having/have had a well-deserved rest, as I'm sure the organisation of an event like that has consumed you for some time!"

Alan Guy

"I would like to add my thanks, to the many others I am sure you have received, for the manner in which East Fremantle was presented at the Festival last Saturday. I thought the stalls, most with hand and home made items, were delightful and I saw little of the imported tat which usually seeps in to this type of day. Using Wasaba to end the day was great too. I hope all the visitors were as impressed as I and return for the next."

Donna Hamilton

"Just wanted to tell you that James and I trundled home last night, all the way from a party in Hubble Street right down to our place in Duke Street and George Street was already spotless.

The festival was wonderful, and the cleanup nothing short of miraculous.

Well done to the organisers and volunteers, great to have our festival back and we had a ball. Also very glad to have the kids stuff all free.

Thanks!!!"

Frances Honig

"Congratulations on a wonderful George Street Festival. We were most impressed and particularly liked the variety of the stalls, and that nearly all of them were selling their own work, and the many children's activities in the park. Food for sale was different and interesting (no big chains), and we enjoyed all that we saw of the music and performances. The drummers, of course, are always a special treat.

Thank you for all the hard work you must have done to produce such a brilliant success."

Jeff & Julie Galbraith

"Thank you for organising such a great festival. We had a great time although we were very busy. The entertainment was fabulous and the crowds amazing.

Congratulations on a job well done."

Isabel Quigley

"Thanks once again for the opportunity of performing yesterday. I really enjoyed the gig and the festival. Everyone was so nice."

18 December 2007

MINUTES

Jen Goldberg

"Firstly, a big congratulations to Cynthia and all the wonderful workers who made the biggest George Street festival I have seen yet!

Totally fabulous, and we were very glad to be involved. Thanks for all your effort, and to the many people who supported the festival and made it as huge as it was."

Lauren Gary

"We had a great time, thanks for organising such a fantastic festival. The kids really enjoyed themselves. We would love to be involved again next year, with possibly a few more groups performing? Thanks again."

Mary Curran

"Just want to thank you for inviting me to the market I had a great day. And such a positive response from people coming along for the day to have a look."

Natalie Kailis

"What a success! A tribute to you Cynthia. You're a first class organiser.

We were very pleased with the response to our stall with lots of activity and interest."

Prapai Piggott

"This is to let you know that we had a great day at the festival. Many thanks to you and your staff. I think I'll need a week for recovery though."

Sandra Menegola

"Just a note to say congratulations, what a wonderful day it was yesterday, such a lovely atmosphere, surroundings and even the weather behaved. Thanks so much for your hard work and book me the same spot for next year."

411. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

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

**413.1 Former Cr Harrington
Cr Rico – Mayor Ferris**

That a letter of acknowledgement be forwarded to former Cr Jenny Harrington expressing Council's appreciation for her service to the Town (both prior and whilst a Councillor for the Town) and most particularly, for her huge input into making this year's East Fremantle Festival the most successful ever. CARRIED

**413.2 2007 East Fremantle Festival
Mayor Ferris – Cr Rico**

That Council write to Cynthia Williamson expressing thanks on her excellent organisation of the 2007 East Fremantle Festival. CARRIED

414. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.32pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **18 December 2007**, Minute Book reference **395. to 414.** were confirmed at the meeting of the Council on*

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Presiding Member