



Council Meeting 9 December 2014

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 9 DECEMBER 2014 COMMENCING AT 6.38PM.

INDEX

- 289. DECLARATION OF OPENING OF MEETING**
 - 289.1 *Present***
- 290. ACKNOWLEDGEMENT OF COUNTRY**
- 291. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 292. RECORD OF APPROVED LEAVE OF ABSENCE**
- 293. RECORD OF APOLOGIES**
- 294. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 295. PUBLIC QUESTION TIME**
- 296. APPLICATION FOR LEAVE OF ABSENCE**
- 297. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 297.1 *Council Meeting 18 November 2014***
- 298. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
 - 298.1 *Pioneers' Lunch 2014***
 - 298.2 *East Fremantle Festival***
- 299. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 300. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 301. CORRESPONDENCE**
- 302. TOWN PLANNING & BUILDING COMMITTEE**
 - 302.1 *Matters referred from Town Planning & Building Committee Meeting – 2 December 2014***
 - (A) *T144.4 Sewell Street No 77 (Lot 254)***
 - Applicant: S Vallance***
 - Owner: S Vallance & A Slinger***
 - Application No P136/14***



- (B) *T144.9 Riverside Road Lot 7771 (Reserve 27376) – Swan Yacht Club*
Applicant: Swan Yacht Club
Owner: Town of East Fremantle
Application No: P134/2014
- (C) *T145.1 Status Report – Planning and Development Services*
- (D) *T145.2 Review of Municipal Heritage Inventory and Heritage List*
- (E) *T145.3 Residential Design Guidelines – Proposed Amendment to Roof Material*
- 302.2 *Delegation to Acting Chief Executive Officer*
- 303. **FINANCE**
- 303.1 *Audit Committee Meeting – 4 December 2014*
 - (A) *A20.1 Annual Financial Audit Report 2013-14*
- 303.2 *Monthly Financial Activity Statement for Period Ending 30 November 2014*
- 303.3 *Accounts for Payment – November 2014*
- 304. **REPORTS OF ELECTED MEMBERS**
- 305. **REPORTS OF ACTING CHIEF EXECUTIVE OFFICER**
- 305.1 *Local Government Reform – LIC Terms of Reference*
- 305.2 *Local Government Reform – Conduct of Poll on Amalgamation*
- 305.3 *Annual Report 2013/14 – Annual Electors’ Meeting*
- 305.4 *Status Report*
- 306. **CONFIDENTIAL BUSINESS**
- 307. **NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING**
- 308. **MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
 - 308.1 *Local Government Reform – Transitional Matters – Appointment of Commissioners*
- 309. **CLOSURE OF MEETING**

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 9 DECEMBER 2014 COMMENCING AT 6.38PM.

289. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

289.1 Present

Mayor J O'Neill	Presiding Member
Cr J Amor	
Cr C Collinson	
Cr M Handcock	
Cr S Martin	
Cr M McPhail	
Cr A Watkins	
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration (to 7.40pm)
Mr J Douglas	Manager Planning Services (to 7.35pm)
Ms J May	Minute Secretary

290. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member 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."

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

There were eight members of the public in the gallery at the commencement of the meeting.

292. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Harrington
Cr Rico

293. RECORD OF APOLOGIES

Nil.

294. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

295. PUBLIC QUESTION TIME

Nil.

296. APPLICATION FOR LEAVE OF ABSENCE

296.1 Mayor O'Neill

Mayor O'Neill requested leave of absence for the Council Meeting on 17 February 2015.

Cr Collinson – Cr McPhail

That leave of absence be granted to Mayor O'Neill for the Council Meeting on 17 February 2015.

CARRIED

297. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

297.1 Council Meeting 18 November 2014

Cr Martin – Cr Amor

That the Minutes of the Council Meeting held on 18 November 2014 be confirmed.

CARRIED

298. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**298.1 *Pioneers' Lunch 2014***

Mayor O'Neill thanked those who organised and attended the 2014 Pioneer Lunch which was held on Monday, 1 December at the East Fremantle Yacht Club. The function, this year attended by 206 people, recognises the invaluable contribution of senior members of the East Fremantle community.

298.2 *East Fremantle Festival*

Mayor O'Neill advised that Council had held another hugely successful East Fremantle Festival on Sunday, 7 December 2014 and thanked Cynthia (Festival Coordinator) and Tony Williamson and office and outside staff for their efforts in ensuring the smooth running of the event.

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

Nil.

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

Nil.

301. CORRESPONDENCE

Nil.

302. TOWN PLANNING & BUILDING COMMITTEE**302.1 *Matter referred from Town Planning & Building Committee Meeting – 2 December 2014*****(A) *T144.4 Sewell Street No 77 (Lot 254)***

Applicant: S Vallance

Owner: S Vallance & A Slinger

Application No P136/14

Mr Vallance (owner/applicant) addressed the meeting in support of his proposal.

Cr Martin – Cr McPhail

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

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

.. variation to the Town's Local Law for Fencing: (1.8 metre high fence)

for a proposed 2.7 and 2.4 metre high boundary fence situated at 77 (Lot 254) Sewell Street, East Fremantle, as described on the plans date stamped received 2 October 2014 subject to the following conditions:

- 1. The works are 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.**
- 2. Applicant to notify and consult with adjoining neighbour prior to the erection of the fence, as per the requirements of the Dividing Fences Act.**
- 3. The maximum height of the fence is not to exceed 2.7 metres at the rear fence, returning 3.0 metres on the southern and northern boundaries, reducing to 2.4 for a further 3.0 metres and reducing to a maximum height of 1.8 metres within 6.0 metres from the rear boundary of the subject lot.**
- 4. The proposed works are not to be commenced unless there is a valid building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 5. The boundary wall and footings shall be constructed wholly within at 77 (Lot 254) Sewell Street, East Fremantle.**

6. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
7. 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) *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).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Martin made the following impartiality declaration in the matter of the Swan Yacht Club proposal: "As a consequence of the architect for this project being the nephew of friends of mine, 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".

(B) T144.9 Riverside Road Lot 7771 (Reserve 27376) – Swan Yacht Club

Applicant: Swan Yacht Club

Owner: Town of East Fremantle

Application No: P134/2014

Mr Wilkie (Commodore SYC) and Mr Crawford (Architect) addressed the meeting in support of the proposal.

Cr Martin – Cr Handcock

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

That Council advise the Swan River Trust that it supports the application by the Swan Yacht Club plans date stamp received on 3 November 2014, for proposed additions to the existing clubhouse, located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, to the Swan River Trust subject to the following conditions:

1. All dinghies to be removed from the foreshore and stored in the dinghy storage area indicated on drawing A.01 date stamped received 3 November 2014.
2. The public access leg (1.5 metres in width) is to be kept free from obstructions.
3. 145 car parking spaces to be provided on-site.
4. Pre-cast concrete panels screen print to front (south) elevation design concepts to be approved by Council prior to a Building Permit being submitted to Council to the satisfaction of the Chief Executive Officer in consultation with relevant staff.
5. The clubhouse building kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
6. Activities associated with the Swan Yacht Club such as car parking, trailer and boat storage etc. are to be contained within the defined hardstand area of the car park.
7. The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.
8. The applicants acknowledge the development and its site may in the future be subject to the environmental consequences of sea level rise and contaminates associated with past activities and agree to indemnify the Town of East Fremantle and the Swan River Trust from any liability arising from these consequences now and in the future to the satisfaction of these Authorities.



9 December 2014

MINUTES

9. A detailed Landscape Plan incorporating bicycle parking provisions shall be submitted and approved by the Chief Executive Officer of the Town of East Fremantle prior to a Building Permit being submitted to be the Town.
10. No signage is approved under this change of use application. A separate planning application is required for any proposed signage. All signage to comply with the Town's Local Planning Policy Design Guidelines - Signage
11. The works are 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.
12. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
13. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
14. All stormwater is 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 Permit.
15. 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.
16. 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. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
17. If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
18. 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 Permit 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).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of*

Environmental Protection document–“An Installers Guide to Air Conditioner Noise”.
CARRIED UNANIMOUSLY

(C) T145.1 Status Report – Planning and Development Services

The Manager Planning Services reported that he and Cr Martin had attended a meeting of the Swan River Trust this morning regarding the Dome Café application. He reported that the draft report recommending the proposal had been endorsed.

Cr Martin – Cr Handcock

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

That the Planning & Development Services – Status Report be received. CARRIED

(D) T145.2 Review of Municipal Heritage Inventory and Heritage List

Cr Martin – Cr Collinson

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

That elected members determine how they would like to progress the Heritage Review by the adoption of the following option:

1. The revised Municipal Inventory, for Categories A & B as tabled, be accepted as a draft.
2. That all owners of properties categorised either A or B on the draft MI be written to advising of the intention to include their property on the Heritage List pursuant with Clause 7.1.3 of the Town Planning Scheme.
3. That elected members consider the status of those properties on the draft MI for which submissions have been received pursuant to Clause 7.1.3(d) of Town Planning Scheme No. 3.
4. Following a consideration of submissions and further consultant advice, Council resolves to determine which of the properties (that have been subject to the above owner notification), on the Heritage List pursuant with clause 7.1.3(d) of TPS No. 3
5. The Town undertakes a public information program advising of the MI Review and Heritage Listing and undertakes to establish an on line data base of the MI and Heritage List.
6. In addition to the above, priority be given to the development of draft Heritage Areas and associated planning policies.
7. Elected members to provide feedback regarding the draft communication to residents for consideration by the Acting CEO. CARRIED

(E) T145.3 Residential Design Guidelines – Proposed Amendment to Roof Material

Cr Martin – Cr Collinson

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

That:

1. Council endorse the proposed amendments to the ‘Local Planning Policy - Residential Design Guidelines - September 2012’ as indicated in the report dated 28 October 2014;
2. pursuant to Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, Council resolves to publicly advertise the proposed amendments to the ‘Local Planning Policy - Residential Design Guidelines - September 2012’.
3. the definition of “contributory buildings” be amended as follows:

“Contributory Buildings

A building that appears on the Town of East Fremantle’s Municipal Heritage Inventory or Heritage List. However for the purposes of clause 3.7.9 of the Residential Design Guidelines, ‘contributory buildings’ shall not include those buildings categorised ‘C’ or below on the Municipal Inventory.” CARRIED

302.3

Delegation to Acting Chief Executive Officer

By Jamie Douglas, Manager Planning Services on 5 December 2014

INTRODUCTION

As elected members will be aware, there are no meetings scheduled for the Town Planning & Building Committee nor Council during January 2015 with the next meetings

scheduled for 3 and 17 February 2015 respectively. Currently, there are nine planning applications that could otherwise be determined in January (this does not include deferred applications where we are awaiting additional information etc). Accordingly, elected members may wish to consider either:

- *Providing delegation to the Acting Chief Executive Officer to determine planning applications that may otherwise have been determined by the Town Planning & Building Committee and/or Council; or*
- *Scheduling meetings in January 2015.*

DISCUSSION

Delegation to the Acting Chief Executive Officer to determine planning applications currently considered by both the Town Planning & Building Committee and/or Council, particularly where there is no adverse comment received from either members of the Town Planning Advisory Panel nor adjoining landowners, would be appropriate in order to avoid a backlog of applications that may be lodged during this period and to also avoid a 'Deemed Refusal' under Clause 10.9 of TPS3 given that the closing date for the December 14 round of meetings was 21 October.

There are currently only two applications requiring referral to the Town Planning Advisory Panel who do not meet again until 14 January 2015. Should Council grant this delegation to the A/CEO, it would be intended that any application that received unfavourable comment from the Panel, be held over to the February Town Planning & Building Committee meeting.

The Acting Chief Executive Officer has also advised that should such a delegation be agreed to, he is unlikely to exercise the delegation with respect to granting approval, where substantial concerns have been raised by adjoining landowners.

RECOMMENDATION

That for the period 10 December 2014 to 31 January 2015 Council delegates to the Acting Chief Executive Officer, under Clause 11.3 of Town Planning Scheme No 3, the power to determine planning applications in accordance with the terms of delegation currently attributable to a 5 member majority of the Town Planning & Building Committee.

Absolute Majority Resolution Required

ALTERNATIVE RECOMMENDATION

That no delegation is granted and all matters are either dealt with at Special Meetings in January 2015 or held over to the normal round in February 2015.

Mayor O'Neill – Cr Handcock

That for the period 10 December 2014 to 31 January 2015 Council delegates to the Acting Chief Executive Officer, under Clause 11.3 of Town Planning Scheme No 3, the power to determine planning applications in accordance with the terms of delegation currently attributable to a 5 member majority of the Town Planning & Building Committee.

Amendment

Cr Collinson – Cr Martin

That the following proviso be added to the resolution:

“This delegation is to apply where no concerns are raised by adjoining landowners.”

CARRIED

Following a question from an elected member, the Manager Planning Services advised that he supported the amended motion.

The substantive motion as amended was put.

Mayor O'Neill – Cr Handcock

That for the period 10 December 2014 to 31 January 2015 Council delegates to the Acting Chief Executive Officer, under Clause 11.3 of Town Planning Scheme No 3, the power to determine planning applications in accordance with the terms of

delegation currently attributable to a 5 member majority of the Town Planning & Building Committee. This delegation is to apply where no concerns are raised by adjoining landowners.

CARRIED
ABSOLUTE MAJORITY

The Manager Planning Services left the meeting at 7.35pm.

303. FINANCE

303.1 *Audit Committee Meeting – 4 December 2014*

Mayor O’Neill - Cr Amor

That the Minutes of the Audit Committee Meeting held on 4 December 2014 be received. CARRIED

(A) *A20.1 Annual Financial Audit Report 2013-14*

Mayor O’Neill – Cr Amor

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

That Council:

1. receives the CEO’s Report relating to the 2013-2014 annual financial audit.
2. receives the annual financial audit report and management report dated 19 November 2014.
3. accepts the annual financial report.
4. requests the Acting CEO to prepare a report on matters arising out of the audit management report, in relation to leave liability. CARRIED

ABSOLUTE MAJORITY

303.2 *Monthly Financial Activity Statement for Period Ending 30 November 2014*

By Les Mainwaring Executive Manager Finance & Administration on 5 December 2014

PURPOSE

To provide timely financial information to elected members including regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

BACKGROUND

This report comprises the financial results from the monthly period ending November 2014 with commentary focussing on comparisons to the year to date budget position as at 30 November 2014.

The monthly Financial Activity Statement for the period ending 30 November 2014 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report **ATTACHMENT**

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

REPORT

Introduction/Comments

The following is a summary of information on the attached financial reports:

Revised Budget Forecast

The current budget forecast for the 30th June 2015 indicates a surplus budget of \$2,500 which is the budget position adopted 18th November 2014.

No amendments have been proposed in this November monthly report.

Should the proposed budget amendments be adopted in this report, the revised budget forecast for the 30 June 2015 will remain as a surplus of \$2,500.

*Previous amendments identified to October 2014 where;
\$20,000 Additional income from contract retention.*

\$10,000 Additional cost of sponsorship for the "Future Freo" project

\$7,500 Cost of Bus Shelter disability access upgrade on Canning Hwy.

\$50,000 Additional income as a Transfer from Restricted Cash Reserve for the release of the unspent grant for the East Fremantle Oval master plan project.

\$50,000 Additional expenditure for return of DSR East Fremantle Oval master plan project.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 99%; is \$78,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 94%; is \$218,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$176,000 more than the YTD budget (Favourable).

Operating Revenue is 1% unfavourable with year to date budget.

The significant unfavourable variance within operating revenue is the transfer of developer contribution for the Plympton Parking project which is yet to commence, whereas the significant favourable variance has come from the early grant income of the Home and Community Care program.

Operating Expenditure is 6% favourable to year to date budget.

The main areas of favourable variation are governance expenditure relating to projects and community amenities timing of waste collection and waste processing charges. Unfavourable variances in Recreation & Culture are due to early payment of insurance and returning on East Fremantle Oval.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress; hence revenues aligned with capital projects have also been set forward which presents timing differences until projects are completed.

Details can be found in the attached notes to the financial activity statement.

Capital Programs YTD Progress Summaries

Annual Timeline 42% of year elapsed

Land & Buildings 15% expended

Infrastructure Assets 33% expended

Plant & Equipment 25% expended

Furniture & Equipment 4% expended

Capital expenditure is \$1,934,000 less than the YTD budget (Favourable) which represents 74% of the capital programs to be completed. The report provides details on individual capital works in progress as at 30 November 2014.

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 2014 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2014 to 30 November 2014 is presented to the Council for timely information. The current annual forecast of a \$2,500 surplus is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

Voting Requirements

Absolute Majority

RECOMMENDATION

That Council receives the November Financial Activity Statement for the period ending 30 November 2014.

Cr McPhail - Cr Collinson

That Council receives the November Financial Activity Statement for the period ending 30 November 2014. CARRIED

303.3**Accounts for Payment – November 2014**

By Les Mainwaring, Executive Manager Finance & Administration on 5 December 2014

PURPOSE

To endorse the list of payments made under delegated authority for the period 1 November to 30 November 2014.

BACKGROUND

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is a list of all payments made under delegated authority during the said month. **ATTACHMENT**

REPORT**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996 – Regulation 13

Comments/Discussion

The List of Accounts paid for the period beginning 1 November to 30 November 2014 requires endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts paid for the period beginning 1 November to 30 November 2014 be received, as per the following summary table:

<i>November 2014</i>		
Voucher Nos	Account	Amount
4812 – 4819	Municipal (Cheques)	\$2,257.07
EFT 20147 – EFT 20249	Electronic Transfer Funds	\$1,001,933.85
Credit Card	CEO	296.73
Payroll	Electronic Transfer Funds	\$217,825.42
	Municipal Total Payments	\$1,222,313.07

Cr McPhail – Cr Collinson

That the List of Accounts paid for the period beginning 1 November to 30 November 2014 be received. CARRIED

304. REPORTS OF ELECTED MEMBERS**304.1 Cr Collinson – Opening of Buddhist Centre, 158 Canning Highway**

Cr Collinson advised that he had attended the recent opening of the Buddhist Centre at 158 Canning Highway and had been asked to thank Council for its assistance.

304.2 Cr McPhail – SMRC

Cr McPhail advised that the SMRC had been unsuccessful in tendering for a waste contract with the City of Stirling.

The Executive Manager Finance & Administration left the meeting at 7.40pm.

305. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER**305.1 Local Government Reform – LIC Terms of Reference**

By Gary Clark Acting Chief Executive Officer on 27 November 2014

PURPOSE

The Terms of Reference for the Local Implementation Committee need to be endorsed by each local government.

BACKGROUND

The State Government announced its support for the majority of the Local Government Advisory Board (LGAB) recommendations on the 22nd October 2014. The LGAB recommended that the Town of East Fremantle be amalgamated with the City of Fremantle and that the suburbs of Bicton, Palmyra, Hamilton Hill and North Coogee be included within a larger City of Fremantle.

REPORT

As amalgamation preparation progresses there will be key governance decisions that will need to be made at Council level. The formation of a Local Implementation Committee (LIC) is one of the early task to allow the amalgamation preparation process to continue.

The Local Government Reform Toolkit (the Toolkit) provides for a LIC to oversee the reform process. A LIC will need to be formed to oversee the planning and implementation of a transition plan as well as the integrated plans and budget for the new local

government. It is proposed that the LIC will be the primary forum for negotiating the East Fremantle community's priorities for the transition.

The LIC will not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and will not have any delegated authority or decision making powers. The LIC will not have any management functions and cannot involve itself in management processes or procedures, however, it will have a strategic leadership overview to ensure the best interests of the communities are represented.

The LIC terms of reference (copies to be tabled at meeting) were developed using the examples provided in the Toolkit.

Statutory Requirements

Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

As discussed in the body of this report.

Financial/Resource/Budget Implications

Nil

Conclusion

Establishing a LIC to provide oversight of the amalgamation transition process is consistent with the Metropolitan Reform Toolkit recommendations.

Voting Requirements

Simple Majority

RECOMMENDATION

That Council endorse the Terms of Reference for Local Implementation Committee.

Cr Handcock – Mayor O'Neill

That Council endorse the Terms of Reference for Local Implementation Committee.
CARRIED

305.2

Local Government Reform – Conduct of Poll on Amalgamation

By Gary Clark Acting Chief Executive Officer on 14 November 2014

PURPOSE

To appoint the Electoral Commissioner to conduct the Poll on the recommended amalgamation of the Town of East Fremantle and the City of Fremantle.

BACKGROUND

The State Government announced its support for the majority of the Local Government Advisory Board (LGAB) recommendations on the 22nd October 2014. The LGAB recommended that the Town of East Fremantle be amalgamated with the City of Fremantle and that the suburbs of Bicton, Palmyra, Hamilton Hill and North Coogee be included within a larger City of Fremantle.

A petition to request a Poll (containing 580 signatures) was sent to the Minister for Local Government on the 3rd December.

REPORT

Council has the option of having staff conduct the Poll or appointing the Electoral Commissioner to conduct the Poll by post.

Previous discussions with Council have indicated a preference for the Electoral Commissioner to conduct the Poll for the following reasons;

1. Organisational resources are limited due to other strategic priorities,
2. A postal vote would provide the maximum opportunity to respond,
3. There is a perception that the conduct of the Poll would be more "at arm's length" than if it was conducted by staff.

The Commissioner has indicated his willingness to conduct the Poll in the attached letter.

Statutory Requirements

Section 4.61 of the Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The estimated cost of the Poll is estimated at \$19,000. There is a budget provision \$5,000 for elections so the additional cost will be recognised in the February budget review.

Conclusion

It would be preferable to have the Electoral Commissioner conduct the Poll.

Voting Requirements

Absolute Majority

RECOMMENDATION

That Council:

1. declare, in accordance with Clause 9(1)b(ii) of Schedule 2.1 of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the poll.
2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the poll will be as a postal poll.

Cr Handcock – Cr Watkins

That Council:

1. declare, in accordance with Clause 9(1)b(ii) of Schedule 2.1 of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the poll.
2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the poll will be as a postal poll. CARRIED

ABSOLUTE MAJORITY

305.3

Annual Report 2013/14 – Annual Electors' Meeting

By Gary Clark, Acting Chief Executive Officer on 1 December 2014

Under s5.54 of the Local Government Act, the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

ATTACHMENT

The Electors' Meeting must be held no more than 56 days after Council accepts the annual report for the previous financial year. It is proposed that this meeting be held on Monday, 2 February 2015.

RECOMMENDATION

That Council:

1. accept the 2013/2014 Annual Report
2. hold the Annual Electors' Meeting on Monday, 2 February 2015 at 6.30pm.

Absolute Majority Resolution Required**Cr McPhail – Cr Martin**

That Council:

1. accept the 2013/2014 Annual Report
2. hold the Annual Electors' Meeting on Monday, 2 February 2015 at 6.30pm.

CARRIED
ABSOLUTE MAJORITY

- 305.4 **Status Report** **ATTACHMENT**
Cr Hancock - Cr Collinson
That the Status Report be received. CARRIED

306. **CONFIDENTIAL BUSINESS**
Nil.

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

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

- 308.1 **Local Government Reform – Transitional Matters – Appointment of Commissioners**
Cr Hancock – Mayor O'Neill
That the following matter be heard. CARRIED

Local Government Reform – Transitional Matters – Appointment of Commissioners
By Gary Clark Acting Chief Executive Officer on 9 December 2014

PURPOSE

To obtain a decision about the Council's position on the appointment of Commissioners to the new entity of the amalgamated Town of East Fremantle and City of Fremantle as proposed.

BACKGROUND

In November 2014 Council appointed representatives to the Local Implementation Committee (LIC) which met for the first time on Friday 5 December 2014. One of the key governance items that were raised as an agenda item for discussion at the next LIC meeting in February 2015, is that of the appointment of the Commissioner or Commissioners to the new entity.

REPORT

Discussion and subsequent information provided at the LIC by representatives from the Department of Local Government and Communities and WALGA, proposes that the Town of East Fremantle and the City of Fremantle can resolve to request that the Minister for Local Government and Communities/Governor appoint joint Commissioners to oversee the new entity from 1 July 2015 until a democratically elected Council is appointed.

Both Councils have expressed a preference for a Ward structure to be in place for the first election however it is not possible to have a proposal ready for the new commissioner/s to adopt and lodge with the Local Government Advisory board so a Ward structure would be in place for elections in October 2015. Both local governments would need to request that the elections be delayed until March or April 2016.

Some concern was expressed at the LIC meeting about the length of time that the new local government would be without elected representation. It was considered that both existing communities would be more comfortable with this timeframe if some of the commissioners were elected members from the current Councils.

Discussion focused around the opportunity for the new entity to have five (5) commissioners appointed, comprising of the democratically elected representatives, such as the Mayors and Deputy Mayors of the Town of East Fremantle and City of Fremantle, in addition to an independently appointed person overseeing the governance of the new entity from 1 July 2015.

These representatives would have the authority to appoint the interim Chief Executive Officer to administer the new entity from 1 July 2015, until the newly elected Council is able to appoint a Chief Executive Officer.

LIC members agreed that having democratically elected representatives appointed as Commissioners of the new entity would be a preferred option to a singularly appointed external Commissioner (or Commissioners) and agreed to put the matter to the respective Councils for deliberation.

Statutory Requirements

Local Government Act 1995 (As amended)

Provisions under the Local Government Act for the appointment of Commissioners are as follows:

Section 2.39 Appointment of commissioner:

- (1) *A commissioner of a local government can be appointed by the Governor under the power given by section 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33 and not otherwise.*
- (2) *Subsection (1) does not prevent the appointment of a person under schedule 2.4 clause 4 to fill a vacancy in the office of commissioner.*

Section 2.40 Joint commissioners

- (1) *A power to appoint a commissioner includes power to appoint 3 or 5 commissioners to administer the local government and to appoint one of them to be the chairperson and another to be the deputy chairperson.*
- (2) *If 3 or 5 commissioners are appointed —*
 - (a) *they are to exercise the powers and discharge the duties of the council of the local government jointly; and*
 - (b) *the chairperson is to exercise the powers and discharge the duties of the mayor or president; and*
 - (c) *the deputy chairperson is to exercise the powers and discharge the duties of the deputy mayor or deputy president.*

Relevant Council Policies

Nil

Strategic Plan Implications

As discussed in the body of this report.

Financial/Resource/Budget Implications

Nil

Conclusion

The appointment of five (5) Commissioners that include the existing Mayors and Deputy Mayors plus an independently appointed person, would best serve the interests of both the Town of East Fremantle and the City of Fremantle, as it will provide continuity and consistency of decision making for the entity until such time as a new Council is elected and appointed.

Regardless of the governance model approved by the Minister for Local Government, it would be advisable for Council to join with the City of Fremantle and support a request to postpone the election for the new local government until a recommendation is made about ward boundaries by the Local Government Advisory Board.

The Minister for Local Government may appoint one, three or five Commissioners. While five Commissioners would be preferable the priority would be to ensure that the first election is held under a ward structure.

Voting Requirements

Simple Majority

RECOMMENDATION

That Council with the City of Fremantle:

1. write to the Minister for Local Government requesting that the five (5) Commissioners be appointed to oversee the new entity of the greater City of Fremantle;
2. request that the four (4) of the commissioners appointed be the current Mayors and Deputy Mayors of the Town of East Fremantle and City of Fremantle and;
3. request that the election for the new local government be postponed until a recommendation is made about ward boundaries by the Local Government Advisory Board.

Cr Amor – Mayor O’Neill

That Council with the City of Fremantle:

1. *write to the Minister for Local Government requesting that the five (5) Commissioners be appointed to oversee the new entity of the greater City of Fremantle;*
2. *request that the four (4) of the commissioners appointed be the current Mayors and Deputy Mayors of the Town of East Fremantle and City of Fremantle and;*
3. *request that the election for the new local government be postponed until a recommendation is made about ward boundaries by the Local Government Advisory Board.*

Amendment

Cr Handcock – Cr McPhail

That point 2 of the motion be amended to read:

2. ***request that four (4) of the commissioners appointed be the current Mayor and an elected member of the Town of East Fremantle and the current Mayor and Deputy Mayor of the City of Fremantle and;***

CARRIED

Amendment

Cr Collinson

That the item be deferred to a Special Council Meeting to allow a detailed report and presentation before making a decision.

MOTION LAPSED THROUGH WANT OF A SECONDER

The substantive motion, as amended, was put.

Cr Amor – Mayor O’Neill

That Council with the City of Fremantle:

1. **write to the Minister for Local Government requesting that the five (5) Commissioners be appointed to oversee the new entity of the greater City of Fremantle;**
2. **request that four (4) of the commissioners appointed be the current Mayor and an elected member of the Town of East Fremantle and the current Mayor and Deputy Mayor of the City of Fremantle and;**
3. **request that the election for the new local government be postponed until a recommendation is made about ward boundaries by the Local Government Advisory Board.**

CARRIED

Reason for not supporting the officer's recommendation

It was considered that the LIC terms of reference specifically state "the Mayor and an elected member chosen by Council" and Council would be looking for continuity with membership on the LIC and Commissioners.

309. 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 **9 December 2014**, Minute Book reference **289. to 309.** were confirmed at the meeting of the Council on*

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Presiding Member