



# MINUTES

## Council Meeting

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Tuesday, 15 November 2016 at 6.30pm

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**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member opened the meeting at 6.30pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"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."*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

The following members were in attendance:

Mayor O'Neill	(Presiding Member)
Cr C Collinson	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr A Malone	Executive Manager Regulatory Services
Mr S Gallagher	Operations Manager
Ms J May	Minute Secretary

There were no members of the public in attendance.

**3.2 Apologies**

Cr Nicholson

**3.3 Leave of Absence**

Nil.

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

None.

**5. PUBLIC QUESTION TIME**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**6.1 Ordinary Meeting of Council (18 October 2016)**

**6.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved Cr Watkins, Seconded Cr Nardi**

**That the minutes of the Ordinary meeting of Council held on Tuesday, 18 October 2016 be confirmed as a true and correct record of proceedings.**

**(CARRIED 8:0)**

**7. ANNOUNCEMENTS BY PRESIDING MEMBER**

**7.1 East Fremantle Lawn Tennis Club**

Mayor O'Neill advised that he had attended the Opening of the 2016/17 season at the East Fremantle Lawn Tennis Club on Saturday, 22 October 2016.

**8. PRESENTATIONS / DEPUTATIONS / PETITIONS**

**8.1 Presentations**

Nil.

**8.2 Deputations**

Nil.

**8.3 Petitions**

Nil.

**9. DISCLOSURES OF INTEREST BY MEMBERS**

Nil.

**10. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**11. LATE ITEMS**

Nil.

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## 12. REPORTS OF COMMITTEES

### 12.1 Town Planning & Building Committee Meeting (1 November 2016)

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Town Planning & Building Committee Minutes

#### **Purpose**

To submit the minutes and delegated decisions of the Town Planning & Building Committee for receipt by Council.

#### **Executive Summary**

The Committee, at its meeting on 1 November 2016, exercised its delegation in all statutory matters before it.

There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

#### **Consultation**

Town Planning & Building Committee.

#### **Statutory Environment**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

Nil.

#### **Site Inspection**

Not applicable.

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

There are no known significant social implications associated with this proposal.

##### Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

The unconfirmed minutes of the Town Planning & Building Committee meeting are now presented to Council to be received.

**12.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 011116**

**Moved Cr Collinson, Seconded Cr Nardi**

**That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 1 November 2016 be received.**

**(CARRIED 8:0)**



## 13. REPORTS OF OFFICERS

### 13.1 FINANCE REPORTS

#### 13.1.1 Monthly Financial Activity Statement 31 October 2016

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Terry Paparone, Acting Executive Manager Finance & Administration
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Monthly Financial Activity Statement

#### **Purpose**

For Council to receive the Monthly Financial Activity Statement.

#### **Executive Summary**

To provide timely financial information to elected members and 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.

Staff recommend that Council receives the Financial Activity Statement for the period ending 31 October 2016.

#### **Background**

The report comprises the monthly financial results with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 31 October 2016 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

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 easily understood financial information covering activities undertaken during the financial year.

#### **Consultation**

Nil.

#### **Statutory Environment**

*Local Government Act 1995 (As amended)*

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

#### **Policy Implications**

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.

### **Financial Implications**

The October 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

### **Strategic Implications**

The matter being put to the council is not likely to have a direct impact on the strategies of the council.

*4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.*

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

The budget is forecasting a surplus therefore the economic indications of this budget are positive.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Comment**

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

#### Revised Budget Forecast

The current budget forecast for the 30<sup>th</sup> June 2017 indicates a breakeven of \$0 which is not represented by any change to date.

#### Operating YTD Actuals (compared to the YTD Budget)

The October 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 100%; is \$29,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 93%; is \$253,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$284,000 more than the YTD budget (Favourable).

Operating Revenue is on budget to the year to date budget.

Favourable variance in General Purpose Funding- \$20,000 Financial Assistance Grant which will be the subject of a future budget amendment.

Unfavourable variance in Recreation & Culture – is an additional Swan River Trust Grant of \$60,000 which is available dependent on the level of foreshore works exceeding \$335,000.

Operating Expenditure is 7% Favourable to year to date budget.

The main areas of favourable variation for operating expenditure are timing differences in:

- Governance – Communications, Advocacy and Public Relations \$41,000 which is a timing difference as projects get underway, such as rebranding; Administration Employee costs \$61,000 timing difference from turnover and recruitment; Strategic and Business Plan Consultants \$40,000 until projects commence.
- Community Amenities – Annual Bulk & Green Waste \$28,000, and the SMRC Materials Recovery \$24,000 which is mainly due to invoices received in the following month;

Other areas of favourable variance are spread across various programs as detailed in the report.

Unfavourable Community Amenities – Consultants \$73,000 timing variance which will offset during the year.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The majority of Infrastructure projects are in the early stages of mobilisation during October.

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

#### Capital Programs YTD Progress Summaries

Annual Timeline 33% of year elapsed

Land & Buildings 1% expended

Infrastructure Assets 6% expended

Plant & Equipment 51% expended

Furniture & Equipment 14% expended

Capital expenditure is \$3,769,000 less than the YTD budget (Favourable) which represents 92% of the capital programs to be completed. The report provides details on individual capital works payments to have progressed as at 31 October 2016.

All amounts quoted in this report are exclusive of GST.

#### **13.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 021116**

**Moved Cr M McPhail, Seconded Cr White**

**That Council receives the Financial Activity Statement for the period ending 31 October 2016.**

**(CARRIED 8:0)**

### 13.1.2 Accounts for Payment – October 2016

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Terry Paparone, A/Executive Manager Finance & Administration
<b>Supervised by</b>	Gary Tuffin, CEO
<b>Meeting Date</b>	15 November 2016
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly List of Payments – October 2016

#### **Purpose**

For Council to receive the monthly list of accounts paid.

#### **Executive Summary**

To endorse the list of payments made under delegated authority for the month of October 2016.

It is therefore recommended that Council receives the List of Accounts paid for the period 1 October to 31 October 2016, as per the summary table.

#### **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 an itemised list of all payments made under delegated authority during the said period.

#### **Consultation**

Nil.

#### **Statutory Environment**

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

#### **Policy Implications**

Policy F8.1 Ordering of Goods and Services.

#### **Financial Implications**

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

#### **Strategic Implications**

Town of East Fremantle Strategic Community Plan

Key Focus Area 4: Governance and Leadership

*“4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community”*

#### **Site Inspection**

Not applicable.

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Comment

The attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

The list of payments is to be presented to Council at the next Ordinary Meeting after it has been prepared, and recorded in the minutes of that meeting.

#### 13.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031116

Moved Cr A McPhail, Seconded Cr Nardi

That the list of accounts paid for the period 1 October to 31 October 2016 be received, as per the following summary table:

OCTOBER 2016		
Voucher No	Account	Amount
5028 – 5032	Municipal (Cheques)	\$10,255.44
EFT23135 – EFT23259	Electronic Transfer Funds	\$691,920.34
Payroll	Electronic Transfer Funds	\$199,986.32
Superannuation	Electronic Transfer Funds	\$35,418.71
Credit Card	Corporate Credit Card	\$449.50
	<b>Total Payments</b>	<b>\$938,030.31</b>

(CARRIED 8:0)

### 13.1.3 Mooring Pen Jetties – Budget Amendment

<b>File ref</b>	R/RSM1
<b>Prepared by</b>	Stephen Gallagher, Operations Manager
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	15 November 2016
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Survey Inspection and Recommendations for Jetty Pens 2. Maintenance Schedule of Jetty Pens 3. Photo indicating collapsed pylon

#### Purpose

Council is requested to consider amending the 2016/2017 budget to allow for the procurement of rectification works to the Town's three (3) jetties on the Swan River.

#### Executive Summary

As part of this year's 2016/2017 Capital Works program the Town engaged Indianic Services to assess the Town's three (3) mooring pen jetties on the Swan River and produce a forward maintenance program. These works were completed September 2016.

The report produced by Indianic Services outlined the need for some urgent repair works on the 3 jetties. They included:

• Patching holes/cavities in wooden piles	\$22,400
• Replace degraded wood piles	\$29,500
• Install plates over deep pitting	\$3,600
• Repair pitting on structural piles	\$21,660
• Replace eye bolts	\$6,613
• Full sea bed clean up of pen areas	\$2,950

The requested funds will be used to address these repairs works, therefore, the following is recommended:

That Council:

1. in accordance with section 6.8 of the Local Government Act authorise the capital expenditure for the remedial works recommended in the report completed by Indianic Services.
2. amends the 2016/17 Annual budget accordingly:

+\$86,723	E10605	Jetty Treatment and Maintenance Program
-\$86,723	341	Transfer from Strategic Plan Infrastructure Reserve

#### Background

The issue regarding the boat pen maintenance was initially discussed during the Town's weekly Executive Group Meeting on the 15 February 2016. This was instigated by a maintenance request from one of the boat owners who leases one of the berths.

As part of the Town's development of its Asset Management Plans, it was agreed an item would be included in the draft 2016/2017 budget for a full condition assessment and maintenance program to

be generated for the three jetties by a structural marine consultant. These were completed in September and as a result some urgent works were identified.

#### **Consultation**

Not required

#### **Statutory Environment**

Local Government Act 1995 (As amended) – Section 6.8

#### **Policy Implications**

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.

#### **Financial Implications**

The proposed amendment will have no impact on the budget forecast closing funds position.

#### **Strategic Implications**

Key Focus Area 2: Infrastructure and Waste Services

2.1 Provide amenity, recreation opportunities and enhancement of the natural environment.

- Maintain foreshore amenity and protection against erosion and flooding

#### **Site Inspection**

N/A

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

There are no known significant social implications associated with this proposal.

##### Environmental implications

Part of the remedial works include a complete clean up of the existing Swan River bed in the immediate area of the jetties.

#### **Comment**

On the 29 September 2016 it was reported to Council that one of the pylons on the middle jetty had collapsed and was leaning on a boat that was secured in the adjacent berth (see photo attached). This pylon was originally listed in Indianic Services' draft report to be replaced. As urgent repair works were required, we sought a quote from Indianic Services to remove and replace the pylon. The final cost to inspect, supply and install a replacement pylon was \$8,316 inclusive of GST. These works were carried out on the 13 October. This occurrence has highlighted the importance of acting on the recommendations in the final report.

**13.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 041116**

**Moved Cr Nardi, Seconded Cr Harrington**

**That Council:**

- 1. in accordance with section 6.8 of the Local Government Act authorise the capital expenditure for the remedial works recommended in the report completed by Indianic Services (\$86,000).**
- 2. amends the 2016/17 Annual Budget accordingly:**

<b>+\$86,000</b>	<b>Town Jetty Remedial works</b>
<b>-\$86,000</b>	<b>Transfer from Strategic Plan Infrastructure Reserve</b>

**(CARRIED BY AN ABSOLUTE MAJORITY 8:0)**



#### 13.1.4 Community Assistance Grants Program– Approval of Submissions

<b>File ref</b>	A/SGF1
<b>Prepared by</b>	Wendy Cooke, Coordinator Strategic Planning and Projects
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	21 June 2016
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Minutes from the Community Grants Advisory Group 2. Community Grants Assistance Guidelines 3. Summary of submissions

#### **Purpose**

The purpose of this report is for Council to consider endorsing the recommendations from the Community Grants Advisory Group and approve the submissions received.

#### **Executive Summary**

The Community Grants Advisory Group met on 24 October 2016 to assess four (4) submissions received under the new Community Assistance Grants (CAG) Program.

The Advisory Group members - Mayor Jim O'Neill, Cr Andrew McPhail, community members Suzi Nelson and John Chisholm, Chief Executive Officer Gary Tuffin and Project Coordinator Wendy Cooke – agreed that all submissions were worthy of funding to the amounts requested. The group also agreed that the CAG program be advertised for another round this financial year.

#### **Background**

The Community Grants and Sponsorship Policy along with the Community Assistance Grants Program were adopted by Council in June 2016 and provide an orderly and consistent way of dealing with small funding requests on an annual basis. The aim of the program is to provide financial assistance to community groups to help build capacity within the community in relation to recreation and leisure activities. The CAG program is intended for small grants only, and does not prevent clubs from seeking assistance for larger contributions from Council for more substantial capital projects.

It is planned that normally the CAG program would be open for applications in early March each year and close at the end of March with assessment being undertaken during April, and funding recommendations being put to the May OCM for Council's consideration and endorsement. This will align with Council's budget process for the next financial year.

The program was introduced for the first time this financial year, with applications opening in July 2016. The CAG Guidelines, an Application Form and an outline of the process was forwarded to all community and sporting groups. The Guidelines for applicants are as follows:

1. Consideration will be given to priority areas, not limited to, emergency services, education, youth, sports, recreation, heritage and culture within the Town of East Fremantle.
2. Only one application per organisation per event/project per annum, will be assessed.
3. The applicant organisation must operate from the Town of East Fremantle and beneficiaries must be residents of the Town of East Fremantle. If managed by an outside group, demonstrated evidence that a high percentage of members/users reside in the Town of East Fremantle must be included in the application.

4. Only groups who can demonstrate that they are not-for-profit community organisations will be considered eligible for funding.
5. Community Grants will be paid in accordance with the conditions outlined in the grant approval acknowledgement, but generally the following will be required:
  - a. The provision of a written report providing details of the completed project, with photographs included if possible; and
  - b. The provision of a tax invoice, with proof of purchase, in the form of receipts for payment.
6. Sponsorships for events will be paid in accordance with the conditions outlined in the sponsorship approval acknowledgment, but generally the following will be required:
  - a. The provision of a tax invoice.
  - b. After the event, the provision of a written report providing details of the completed event, including receipts. Unspent funds may require repayment.
7. Sponsorship for the Community Bus and Printing/Photocopying will be paid in accordance with the conditions outlined in the sponsorship approval acknowledgement, but generally the following will apply:
  - a. Community Bus Use or Printing/Photocopying expenditure will be allocated as per Council's Fees and Charges and applied to remaining funding.
8. It is recommended that you contact the Town of East Fremantle to discuss your application prior to submitting it.

#### **Consultation**

The Community Grants advisory group met on 24 October 2016.

All community and sporting groups were emailed the information.

The Mayor and Chief Executive Officer met with each group throughout the year and advised of the program.

#### **Statutory Environment**

Not applicable.

#### **Financial Implications**

An allocation of \$30,000 has been included in the 2016/17 Budget. This will be reviewed annually in accordance with the grants and budget process.

#### **Strategic Implications**

**Key Focus Area** – Infrastructure and Waste Services – *the needs of our community are met through the provision of high quality infrastructure and waste services.*

#### **Site Inspection**

Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

Sport and active recreation deliver many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

All applications met the guidelines and where appropriate provided information about other funding sources. The Community Grants Advisory Group agreed that all applications are worthy of acceptance and that Council endorse the Group's recommendations.

It was also discussed and agreed that as this may be a new concept for the community and sporting groups in the Town, a second round of funding be advertised in this financial year (2016/17) to encourage those groups who didn't submit an application to further consider the opportunity to apply for a grant.

**13.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 051116**

**Moved Cr Collinson, Seconded Cr Harrington**

**That Council:**

- 1. fund the following grant applications:**
  - **1<sup>st</sup> Fremantle Sea Scouts - \$975 (Boating Equipment)**
  - **East Fremantle Lawn Tennis Club - \$1,000 (Community Open Day)**
  - **East Fremantle Junior Cricket Club - \$3,000 (Mobile Cricket nets & Equipment)**
  - **East Fremantle Bowling Club - \$910.80 (New Rink & Green markers)**
- 2. advertise the Community Grants Assistance Program for a second time this financial year to encourage more eligible community and sporting groups to make a submission.**

(CARRIED 8:0)

**13.1.5 East Fremantle Tricolore Community Centre Office Refit – Budget Amendment**

<b>File ref</b>	R/RSD4
<b>Prepared by</b>	Les Mainwaring, Executive Manager Finance & Administration
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	15 November 2016
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

**Purpose**

Council is requested to consider amending the 2016/2017 budget to allow for internal works to be carried out at the East Fremantle Tricolore Community Centre to facilitate the relocation of HACC administration operations to the Centre.

**Executive Summary**

The following is recommended:

That Council:

1. in accordance with section 6.8 of the Local Government Act authorise capital expenditure for the office refit works and carpet replacement at East Fremantle Tricolore Community Centre.
2. amends the 2016/17 Annual budget accordingly:

+\$24,500	E11610	East Fremantle Tricolore Community Centre Building
-\$24,500	350	Transfer from Building Reserve

**Background**

With Council administration staff being relocated to the Old Police Station and Dovenby House during the Town Hall refurbishment project, there is a need to relocate existing HACC administration staff from Dovenby House to the respite centre at Tricolore.

In relocating HACC administration there is a requirement to create additional office accommodation at the centre, which will involve removal of the stage area, creation of two office spaces and recarpeting. Inspection of the existing carpet revealed that the floor covering was in poor condition with extensive staining from function type use and was in need of complete replacement, rather than partial replacement.

It will also be necessary to provide a secure storage area to house the HACC vehicles and equipment at Wauhop Park. It is intended that the shipping container would be used as a temporary measure for storage of HACC gardening and other equipment and then transferred to the Allen Street depot for use by operations staff.

Office refit (creation of two new offices)	7,788.26
New carpet throughout the building	11,500.00
Enclosure fencing for HACC vehicles/equipment	3,500.00
Purchase of shipping container (to temporarily store HACC gardening equipment)	<u>1,545.00</u>
	\$ 24,455.00 ex GST

### Consultation

Relevant staff.

### Statutory Environment

Local Government Act 1995 (As amended) – Section 6.8

### Policy Implications

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.

### Financial Implications

The proposed amendment will have no impact on the budget forecast closing funds position.

### Strategic Implications

Key Focus Area 1: Community Strength and Identity

1.4 Provision of HACC Services in the Town.

### Site Inspection

N/A

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

It is considered relocating HACC administration services to the respite centre will increase accessibility to their clients.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Comment

In order to vacate the Town Hall building prior to Christmas, the creation of workspaces for HACC staff at the respite centre are urgently required to allow Dovenby House to be available for Council administration staff. The relocation and final layout planning of Town Hall staff to Dovenby House is now contingent upon the timely movement of HACC operations.

#### **13.1.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 061116**

**Moved Cr White, Seconded Cr A McPhail**

**That Council:**

- 1. in accordance with section 6.8 of the Local Government Act authorise capital expenditure for the office refit works and carpet replacement at East Fremantle Tricolore Community Centre.**
- 2. amends the 2016/17 Annual budget accordingly:**

<b>+\$24,500</b>	<b>E11610</b>	<b>East Fremantle Tricolore Community Centre Building</b>
<b>-\$24,500</b>	<b>350</b>	<b>Transfer from Building Reserve</b>

**(CARRIED BY AN ABSOLUTE MAJORITY 8:0)**

## 13.2 GOVERNANCE REPORTS

### 13.2.1 Town of East Fremantle – Ward Review & Representation

<b>File ref</b>	C/BWA1
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	15 November 2016
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Ward Review &amp; Representation Discussion Paper</li><li>2. Submission 1 - Mr Jono Farmer</li><li>3. Table of metropolitan local governments (Wards or District)</li><li>4. Metropolitan Elected Member representation ratios.</li></ol>

#### **Purpose**

To consider the submission received regarding the review of the ward boundaries and elected member representation and recommend to the Local Government Advisory Board (LGAB) Council's preferred ward structure and elected member representation model.

#### **Executive Summary**

A review of the current ward boundaries and elected member representation has been completed. The assessment has resulted in the following recommendation being presented for Council's consideration.

That Council recommends to the Local Government Advisory Board that the status quo remain in place until the next review in 8 years time as it believes the current ward system and representation numbers best represent the community.

#### **Background**

The *Local Government Act 1995* (the Act) requires a local government with a ward system to undertake a review of:

- a) its ward boundaries; and
- b) the number of offices of councillor for each ward,

at least every eight years. The Town's last review was undertaken in 2006.

Schedule 2.2 of the Act provides for a district to be divided into wards and sets out the process to review wards and representation. In particular clause 8 of Schedule 2.2 requires a local government to assess options against the following factors:-

- a) Community of interest;
- b) Physical and topographical features;
- c) Demographic trends;
- d) Economic factors; and
- e) The ratio of councillors to electors in the various wards.

As a result of this review, the Town may recommend any of the following proposals to the LGAB for consideration:-

- a) creating new wards in a district already divided into wards;
- b) changing the boundaries of a ward;

- c) abolishing any or all of the wards into which a district is divided;
- d) changing the name of a district or a ward;
- e) changing the number of offices of councillor on a council; and/or
- f) specifying or changing the number of offices of councillors for a ward.

At its meeting held on 21 June 2016 (Report 13.3.3), Council resolved to:

- 1. to give local public notice of its intention to carry out a review of wards and representation and invites submissions as required by Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.**
- 2. to endorse the Ward Review and Representation Discussion Paper for the purposes of seeking public submissions.**

The ID community profile for the Town of East Fremantle between 2011 and 2036 has forecast an population increase of 3,214 people, (a growth of 43.18% over the period) at a rate of 1.45% per annum. However, it should be noted that this did not factor in the Leeuwin Barracks redevelopment which will have a significant impact on the Town.

Currently, all four of Town of East Fremantle Wards are well within the 10% ratio deviation, and are expected to remain within the deviation at the time of the October 2017 Local Government Election.

A balanced representation is reflected in the percentage ratio deviation being within plus or minus 10%.

The discussion paper highlighted that in the long term the representation deviation for three (3) wards is forecasted to be well in excess of the acceptable percentage ratio deviation of between plus or minus 10%, and therefore would not meet the requirements of balanced representation.

**Table 1. – Comparison of similar sized local government elected member numbers**

Local Government	# of Councillors
Mosman Park	Mayor + 6 Councillors
Peppermint Grove	Mayor + 7 Councillors
Cottesloe	Mayor + 8 Councillors
<b>Town of East Fremantle</b>	<b>Mayor + 8 Councillors</b>

Whilst there are sixty seven local governments without wards in Western Australia, only five metropolitan local government, Bassendean, Perth, Kwinana, Peppermint Grove and Gosnells currently have no wards.

#### **(Ward System)**

Local Government Advisory Board advises that many local governments have a ward system and find that it works well.

The **advantages** of a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

The **disadvantages** of a ward system may include:

- Elected members can become too focussed on their wards and less focussed on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members can tend to regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

#### **(No Ward System)**

The **advantages** of a no ward system may include:

- Elected members are elected by the whole community not just a section of it.
- Knowledge and interest in all areas of the Council's affairs would result, broadening the views beyond the immediate concerns of those in a ward.
- The smaller town sites and rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.

The **disadvantages** of a no ward system may include:

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.



### All wards are abolished

It is not necessary for all offices of councillor to be declared vacant to implement a change from a ward system to no wards.

If Town does not wish to declare all offices of councillor vacant, then this must be communicated in a submission to the Board. If the request is supported, at the next ordinary elections councillors complete their terms as normal and nominations are called to fill these vacancies. The remaining councillors who still have two years in office represent the electors of the whole district.

### No Wards

If the wards were abolished, the Town would not be required to carry out regular reviews under the provisions of Schedule 2.2 of the Local Government Act 1995 (the Act). However, this would not preclude the Town from undertaking a further assessment of the number of elected members to explore whether change is desirable.

### Number of Councillors

There was only one submission received and that suggested the number of Councillors be reduced to 4 (plus a Mayor), which is not permitted under the Act, the minimum number is 5, plus a Mayor.

It is understood in most instances, a reduction to the number of councillors can be implemented by reducing the number of vacancies at the next ordinary election. There are some exceptions and the Board may declare offices of councillor vacant in the following circumstances.

- Where the number of councillors in a ward is reduced and the retiring councillor/s indicate that they wish to renominate for that ward but there is no vacancy.
- The Town may in its submission to the Board request that offices of councillor are declared vacant whether or not it is necessary.

The Local Government Advisory Board outlines the following advantages and disadvantages:

*The **advantages** of a reduction in the number of elected members may include the following:*

- *There is a State wide trend for reductions in the number of elected members and many local governments have found that fewer elected members works well.*
- *The decision making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier.*
- *The cost of maintaining elected members is likely to be reduced (ie 2 less councillor positions would result in at least a reduction of \$36,000 in sitting fees & allowance per annum).*
- *The increase in the ratio of councillors to electors is unlikely to be significant.*
- *A reduction in the number of elected members may result in an increased commitment from those elected reflected in greater interest and participation in Council's affairs.*
- *Fewer elected members are more readily identifiable to the community.*
- *Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.*

### **2015 Elections Results**

Preston Point (4 year term)	3 Candidates
Richmond (4 year term)	Elected Unopposed
Richmond (2 year term)	Elected Unopposed
Woodside (4 year term)	Elected Unopposed
Plympton (4 Year term)	Elected Unopposed

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.
- An increase in the ratio of councillors to electors may place too many demands on elected members.

Approximate Councillor/Elector numbers in the South West Group councils (Based on WALGA handbook);

- Rockingham 69,642/10 6,964 electors per councillor
- Cockburn 61,982/9 6,886 electors per councillor
- Melville 68,726/12 5,727 electors per councillor
- Fremantle 17,738/12 1,478 electors per councillor

The Town of East Fremantle currently has an Elector/Councillor ratio of 653.

Attachment 4 provides a comparison of metropolitan councillor/elector ratios.

### **Consultation**

Clause 7 of Schedule 2.2 of the Act requires that a local government is to give public notice of the review and advise that submissions may be made to the local government by a date at least 42 days from the date of the notice.

The Town placed advertisements in local newspapers and on its website requesting comments about the Review, commencing on 30 July 2016 Fremantle Herald (and Fremantle Gazette) and closing on 14 September 2016.

A Discussion Paper outlining the process and a few possible options was provided to assist with the consultation process. The Discussion Paper set out four possible options to facilitate discussion which were as follows (Options):-

**Option 1** – Maintain the current 4 ward system and 8 Elected Members

**Option 2** – Introduce No Ward system and maintain number of Elected Members at 8

**Option 3** – Introduce No Ward system and reduce number of Elected Members to 7

**Option 4** – Introduce No Ward system and reduce number of Elected Members to 6

Further consideration to this matter was given by Council at its Concept Forum held on the 8 November 2016.

### Statutory Environment

The process for reviewing wards and representation is set out in Section 2.2 and Schedule 2.2 of the Act.

The Town has complied with the requirements of the Act in undertaking the review.

### Division 4 — Membership and size of the council

#### 2.17. Members of council

- (1) *If the method of filling the office of mayor or president is election by electors, the council is to consist of —*
- (a) *the mayor or president; and*
  - (b) *not less than 5 nor more than 14 councillors one of whom is to hold the office of deputy mayor or deputy president in conjunction with his or her office as a councillor.*

### Policy Implications

Nil

### Financial Implications

Budgeted 2016/17 Councillor meeting attendance fees and ITC allowance total \$195,000.

### Strategic Implications

Key Focus Area: Governance and leadership

Aspiration: The community is served by a leading and listening local government.

Outcome: Effective Leadership and Governance

### Site Inspection

Not applicable

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Comment

As noted in the Discussion Paper the options contained therein were intended to assist and facilitate discussion, not to indicate a definitive position or outcome for the Town.

It is important to recognise that the Town will undergo significant growth with the development of the Leeuwin Barracks, Roofing 2000 & Royal George Hotel over the next 20 years.

**Summary of Public Submissions**

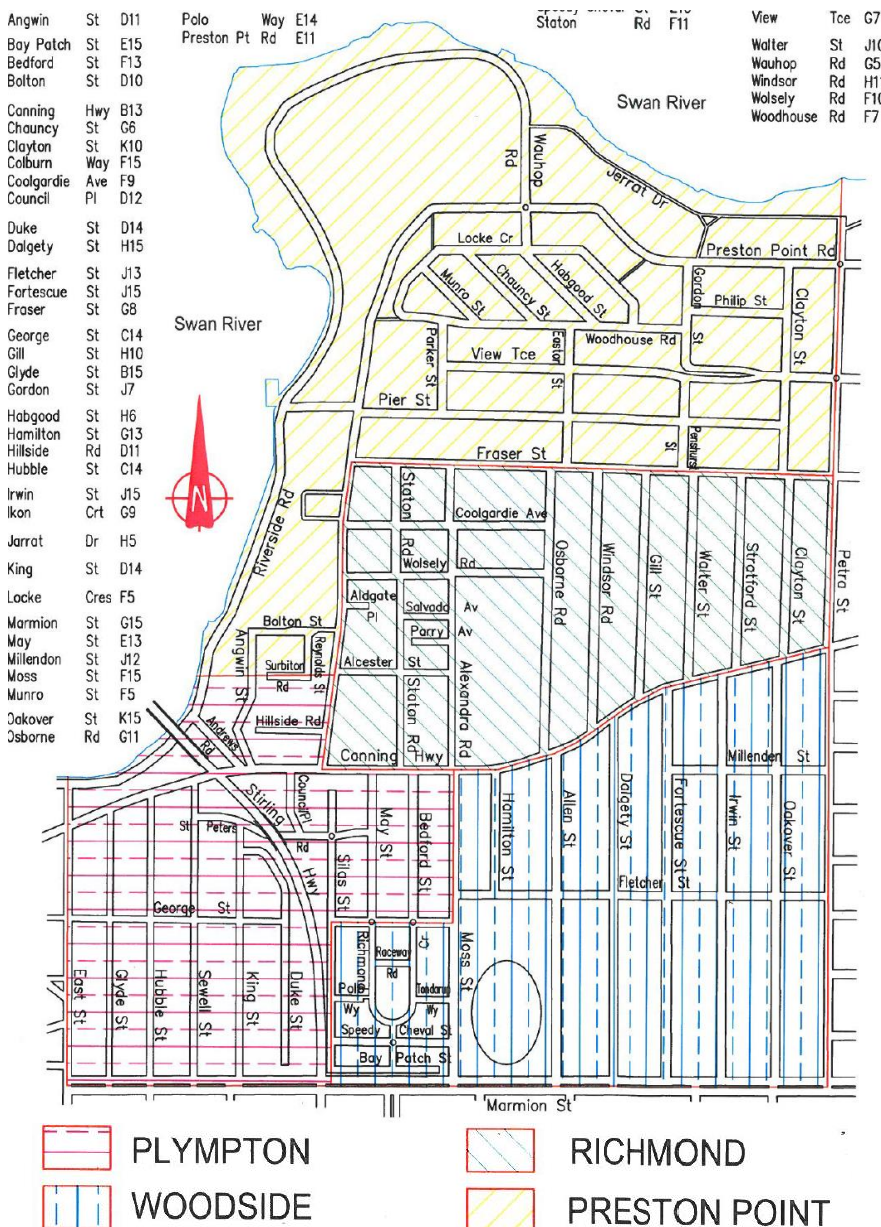
One submission was received that was supportive of retaining the existing wards subject to slight ward boundary realignments.

The submitter also suggested that each ward should be represented by one councillor (total 4 councillors). The *Local Government Act 1995* (2.17(1)(b)) provides that there must be as a minimum 5 councillors and a Mayor.

As only one submission was received, it was generally council’s view that this implied the majority of the community were happy with the current ward system and representation numbers.

**Assessment of Options**

**Option 1 – Maintain Current Ward & Representation System**



### Community of Interest

The Town is bounded by the Swan River in the north and west, Petra Street and the City of Melville in the east, and Marmion Street and the City of Fremantle in the south.

Communities of interest are not reflected by the local government boundary.

In the longer term Ward boundaries will need to be adjusted due to the disproportionate growth in the Preston Point Ward with development of the Leeuwin Barracks. However, this growth is not likely to substantially occur within the next 8 year review period.

### Physical & Topographic features

Ward boundaries do not reflect physical or topographic features.

The Town is one suburb.

The majority of elected members felt that in the past wards have served the community and council well.

### Demographic trends

Ward boundaries do not appear to reflect demographic trends.

The majority of elected members felt that in the past wards have served the community and council well.

### Economic Factors

The Town of East Fremantle is an established residential area, with some commercial land use.

The boundaries do not reflect any areas of economic activity.

The majority of elected members felt that in the past wards have served the community and council well.

### Current Ward and Representation.

It has been noted that many of the past and existing elected members have been elected to wards in which they do not reside. Which may bring into question the value of the ward system in East Fremantle. Currently, only 2 of the 8 councillors live in the wards they were elected in.

However, the majority of Council were of the view that the current ward system works well, and should be retained. It was felt that the ward system divides the area into reasonable parcels and make it easier for residents to know which elected member to approach with a matter that relates to their immediate area.

WARD	NO. OF ELECTORS	NO. OF COUNCILLORS	COUNCILLOR/ELECTOR RATIO	QUOTIENT	ROUNDING	% DEVIATION
Plympton	1207	2	1:604	2.16	2	7.5%
Preston Point	1308	2	1:654	2.00	2	-0.2%
Richmond	1344	2	1:672	1.94	2	-3.0%
Woodside	1361	2	1:681	1.92	2	-4.3%
<b>TOTAL</b>	<b>5,220</b>	<b>8</b>	<b>1:653</b>	<b>8.02</b>	<b>8</b>	

Currently, all four of Town of East Fremantle Wards are well within the 10% ratio deviation, and are expected to remain within the deviation at the time of the October 2017 Local Government Election. However, as mentioned earlier in the report over the long term the representation deviation for three (3) wards is forecasted to be well in excess of the acceptable percentage ratio deviation of between plus or minus 10%.

The general opinion (majority) of council was that the representation is currently well balanced and should remain so until at least the next review in 8 years.

#### **Option 2 – No Ward system and maintain number of Elected Members at 8**

<b>NO WARDS, 8 COUNCILLORS PLUS MAYOR</b>		
<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>COUNCILLOR/ELECTOR RATIO</b>
<b>5,220</b>	<b>8</b>	<b>1:653</b>

Option 2 would eliminate the need for the Town to meet the ratio deviation requirement of 10% under a Ward system.

This option would retain 8 Councillors, with an average number of electors per Councillor of 653.

The other factors Community of Interest, Physical and Topographical features, Demographic trends and economic factors would no longer be relevant, as each Councillor would represent the entire Town of East Fremantle district, rather than only one ward.

Generally, Council were opposed to this option, feeling that the wards system was the better option at the current time and into the foreseeable future.

#### **Option 3 – No Ward system and reduce number of Elected Members to 7**

<b>NO WARDS, 7 COUNCILLORS PLUS MAYOR</b>		
<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>COUNCILLOR/ELECTOR RATIO</b>
<b>5,220</b>	<b>7</b>	<b>1:746</b>

Option 3 would eliminate the need for the Town to meet the ratio deviation requirement of 10% under a Ward system.

However, this scenario would create a situation when there is an equally divided vote (4/4) for the Mayor to use his casting vote on each occasion.

This option would result in a reduction of Councillor positions by 1. The average number of electors per Councillor would increase from 653 to 746.

The other factors Community of Interest, Physical and Topographical features, Demographic trends and economic factors would no longer be relevant, as each Councillor would represent the entire Town of East Fremantle district, rather than only one ward.

Again, Council were opposed to moving to a District and believed that the current numbers of 2 Councillors per ward was appropriate and worked well.

**Option 4 – No Ward system and reduce number of Elected Members to 6**

<b>NO WARDS, 6 COUNCILLORS PLUS MAYOR</b>		
<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>COUNCILLOR/ELECTOR RATIO</b>
<b>5,220</b>	<b>6</b>	<b>1:870</b>

Option 4 would eliminate the need for the Town to meet the ratio deviation requirement of 10% under a Ward system.

Under this scenario, provided all councillors are present when voting, there would always be a clear decision that doesn't require the Mayor to use his casting vote. (ie 4/3, 5/2, 6/1...etc)

This option would result in a reduction of Councillor positions by 2. The average number of electors per Councillor would increase from 653 to 870.

The other factors Community of Interest, Physical and Topographical features, Demographic trends and economic factors would no longer be relevant, as each Councillor would represent the entire Town of East Fremantle district, rather than only one ward.

Again, Council were opposed to moving to a District and believed that the current numbers of 2 Councillors per ward was appropriate and worked well.

**Conclusion**

From the assessment of the 4 options, the majority of elected members considered the status quo should remain as they believed it best served the community and council.

After conducting this review, the Town recommends its proposal to the LGAB, which in turn makes recommendations to the Minister for Local Government.

**13.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 071116**

**Moved Cr Nardi, Seconded Cr White**

**That Council recommends to the Local Government Advisory Board that the status quo remain in place until the next review in 8 years time as it believes the current ward system and representation numbers best represent the community.**

(CARRIED BY AN ABSOLUTE MAJORITY 7:1)

### 13.2.2 CEO Key Result Areas (KRAs)

<b>Applicant</b>	Administration
<b>File ref</b>	Personnel File
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Proposed KRAs

#### **Purpose**

The purpose of this report is to advise that the Chief Executive Officer has completed his 6 month probationary period, and to ensure that Council are fully aware of the Key Results Areas that the Chief Executive Officer will be assessed against.

#### **Executive Summary**

Council and Mrs Helen Hardcastle (Consultant) in conjunction with the Chief Executive Officer (CEO) have drafted proposed Key Result Areas (KRAs) which will be used to assess the CEO's performance. The report recommends;

*That Council;*

- 1. acknowledges the CEO has successfully completed his probationary period of 6 months.*
- 2. approve the CEO Key Result Areas (KRAs) for the next reporting period as attached.*
- 3. form a CEO Performance Review Group consisting of the Mayor, Deputy Mayor, (1) one Councillor and an independent facilitator for the March 2017 review.*

#### **Background**

The Chief Executive Officer (Gary Tuffin) commenced work on 14 March 2016.

The employment contract states in part;

##### **2.3 Probationary Period**

*(a) The Chief Executive Officer's employment will be subject to a probationary period of six months.*

The CEO's probationary period expired on the 14 September 2016, and it is now necessary to set Key Result Areas (KRAs) which are to be used to conduct future performance reviews.

The CEO's contract of employment states;

##### **4.3 Conduct of Performance Review**

- (a) Any performance review will be conducted on behalf of the Council by the nominated persons or person to whom the Council delegates that task. The Council shall use an independent party to facilitate the performance review.*
- (b) The facilitator of the performance review will be required to act in a fair and reasonable manner at all times in the conduct and analysis of the performance review.*



#### 4.4 Procedure

Any performance review conducted shall be broadly based on the following key areas having regard to the Position Description and the specific indicators agreed to by the parties at the end of each performance review:

- (a) leadership;
- (b) councillor relations;
- (c) external relations, including customers and stakeholders;
- (d) organisation management;
- (e) planning; and
- (f) financial management.

#### Consultation

Mayor & Deputy Mayor  
Councillor Forum (5 October 2016)  
Helen Hardcastle (Learning Horizons)

#### Statutory Environment

Section 5.38 of the *Local Government Act 1995* states;

##### **5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

#### Policy Implications

Nil.

#### Financial Implications

There are no financial implications in considering this item.

#### Strategic Implications

Outcomes	How the Town will contribute to these outcomes
4.1 Effective Leadership and Governance	<ul style="list-style-type: none"><li>• Maintain a high standard of governance and accountability</li><li>• Develop and implement a Strategic Community Plan, Corporate Business Plan and an integrated suite of informing strategies, in accordance with the Local Government Act 1995</li></ul>
4.2 Well managed organisation meeting all compliance requirements	<ul style="list-style-type: none"><li>• Manage Section 17 of the Local Government Audit Regulations 1996 risk management process</li></ul>

4.3 Efficient regulatory tools to enhance public safety and amenity	<ul style="list-style-type: none"> <li>• Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town</li> </ul>
4.4 Clear policies and procedures to guide the planning and operations of the Council	<ul style="list-style-type: none"> <li>• Maintain up to date policies and procedures to ensure clarity of the Council's intent on planning and operational matters</li> </ul>
4.5 Effective communications and community engagement	<ul style="list-style-type: none"> <li>• Consult and engage with the community on issues, projects and decisions that affect them</li> <li>• Conduct workshop and information sessions on key strategic issues</li> <li>• Publish information on issues on the Council website, newsletter and in local media</li> </ul>
4.6 High standards of service to the Town's customers	<ul style="list-style-type: none"> <li>• Provide customer service to the community via the front counter, telephone and email</li> </ul>
4.7 Effective leadership and governance	<ul style="list-style-type: none"> <li>• Advocate on key issues and work with other local</li> <li>• authorities and organisations for the benefit of the community</li> </ul>
4.8 Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs	<ul style="list-style-type: none"> <li>• Manage assets for the benefit of present and future communities</li> </ul>
4.9 A financially sustainable Town	<ul style="list-style-type: none"> <li>• Provide financial management services to enable the Town to sustainably provide services to the community</li> </ul>
4.10 A strong, capable organisation with appropriately qualified staff supported with the necessary tools	<ul style="list-style-type: none"> <li>• Manage and develop the Town's workforce to enable delivery of services to the community</li> <li>• Provide IT infrastructure and resources to effectively support the delivery of services</li> <li>• Manage and operate a fit for purpose vehicle fleet, plant and equipment</li> </ul>

#### Site Inspection

Site inspection undertaken: Not applicable

#### Triple Bottom Line Assessment

##### Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

Council is requested to give consideration to the CEO KRAs, and approving them.

Council is also requested to give consideration to forming a CEO Performance Review Group consisting of the Mayor, Deputy Mayor, (1) one Councillor and an independent facilitator to undertake the annual assessment of the CEO.

The CEO Performance Review Group would be responsible for coordinating the review process and reporting its findings to full Council for their consideration and endorsement.

**13.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081116**

**Moved Cr Nardi, Seconded Cr White**

**That Council;**

- 1. acknowledges the CEO has successfully completed his probationary period of 6 months.**
- 2. approve the CEO Key Result Areas (KRAs) for the next reporting period as attached.**
- 3. form a CEO Performance Review Group consisting of the Mayor, Deputy Mayor, (1) one Councillor and an independent facilitator for the March 2017 review.**

(CARRIED 8:0)

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 *Cr Collinson - Wood Encouragement Policy*

**COUNCIL RESOLUTION 091116**

Moved Cr Collinson, Seconded Cr Nardi

That the CEO prepare a wood encouragement policy to be presented to Council for approval.

(CARRIED 8:0)

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

16. CONFIDENTIAL BUSINESS

16. OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101116

Moved Cr Watkins, Seconded Cr White

That Council resolve the meeting be closed to the public to discuss item 16.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(c) & (e)*.

(CARRIED 8:0)

**16.1 Zephyr Cafe Proposal**

Procedural Motion

Moved Cr M McPhail

That this matter be deferred to the December Council Meeting.

LAPSED FOR WANT OF A SECONDER

Moved Cr Watkins, Seconded Cr White

That Council:

1. *in principle agrees to the proposed additions to the Zephyr Café & Kiosk subject to a formal detailed application and drawings being received.*
2. *in accordance with section 3.58 of the Local Government Act 1995 declares that the rental market valuation provided on the 15<sup>th</sup> September 2015 (\$46,800) by Porter Commercial is a true indication of the rental value.*
3. *in accordance with section 3.58 of the Local Government Act 1995, provides local public notice of the intention to lease Reserve 45025 (Lot 14611) Riverside Road to L A Evans and A A Foley trading as Zephyr Café & Kiosk, on the following terms;*
  - (a) *a term of 20 years,*
  - (b) *commencing rental amount of \$37,462, with CPI adjustment annually for the first 10 years, plus all outgoings.*
  - (c) *a new market valuation apply from year 11 to 15, with CPI adjustment each year*
  - (d) *a further market revaluation to be undertaken and applied to years 16 to 20 (5 years), with CPI adjustments each year.*

*and invite public submissions for a period of at least 14 days from the date of notice.*

4. *should no submissions be received, delegates authority to the Chief Executive Officer to negotiate and execute a lease with L A Evans and A A Foley on behalf of Council for a 20 year lease, with rent reviews to include market reviews every 5 years, after the first 10 years.*
5. *should submissions be received, refers the matter back to Council for further consideration.*
6. *receives Ministerial Approval from the Department of Lands prior to execution of the lease.*
7. *authorise the CEO to have Council's solicitors prepare a new lease, and any costs incidental to the preparation and execution of the lease are to be borne by the Lessees.*
8. *authorise the Mayor & Chief Executive Officer to sign and affix the Common Seal to the new lease agreement for Reserve 45025 with L A Evans and A A Foley (Lessees).*
9. *advise the Lessees (L A Evans and A A Foley) that the proposed works are not to be commenced until Council has received an application for Development and a Building Permit has been formally issued.*

Amendment

**Moved Cr A McPhail, Seconded Cr Harrington**

**That:**

- **the words “(at the lessee’s cost)” be inserted after the word “valuation” in part 3(c) of the motion**
- **the words “at the lessee’s cost” be inserted after the word “undertaken” in part 3(d) of the motion**
- **the following become part 3(e) of the motion:**  
*“the tenant be responsible to clean and maintain the public toilets to a reasonable standard”*
- **the following become part 10 of the motion**  
*“authorise the CEO to negotiate opening hours (tenants responsibility) of the toilet facility to maximise public availability.”*

(CARRIED 8:0)

Amendment

*Moved Cr M McPhail*

*That 3(c) be amended to read:*

*“a new market valuation (at the lessee’s cost) apply from year 9 to 15, with CPI adjustment each year.”*

LAPSED FOR WANT OF A SECONDER

The substantive motion, as amended, was put.

**16.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101116**

**Moved Cr Watkins, Seconded Cr White**

**That Council:**

1. in principle agrees to the proposed additions to the Zephyr Café & Kiosk subject to a formal detailed application and drawings being received.
2. in accordance with section 3.58 of the *Local Government Act 1995* declares that the rental market valuation provided on the 15<sup>th</sup> September 2015 (\$46,800) by Porter Commercial is a true indication of the rental value.
3. in accordance with section 3.58 of the *Local Government Act 1995*, provides local public notice of the intention to lease Reserve 45025 (Lot 14611) Riverside Road to L A Evans and A A Foley trading as Zephyr Café & Kiosk, on the following terms;
  - (a) a term of 20 years,
  - (b) commencing rental amount of \$37,462, with CPI adjustment annually for the first 10 years, plus all outgoings.
  - (c) a new market valuation (at the lessee's cost) apply from year 11 to 15, with CPI adjustment each year
  - (d) a further market revaluation to be undertaken, at the lessee's cost, and applied to years 16 to 20 (5 years), with CPI adjustments each year
  - (e) the tenant be responsible to clean and maintain the public toilets to a reasonable standardand invite public submissions for a period of at least 14 days from the date of notice.
4. should no submissions be received, delegates authority to the Chief Executive Officer to negotiate and execute a lease with L A Evans and A A Foley on behalf of Council for a 20 year lease, with rent reviews to include market reviews every 5 years, after the first 10 years.
5. should submissions be received, refers the matter back to Council for further consideration.
6. receives Ministerial Approval from the Department of Lands prior to execution of the lease.
7. authorise the CEO to have Council's solicitors prepare a new lease, and any costs incidental to the preparation and execution of the lease are to be borne by the Lessees.
8. authorise the Mayor & Chief Executive Officer to sign and affix the Common Seal to the new lease agreement for Reserve 45025 with L A Evans and A A Foley (Lessees).
9. advise the Lessees (L A Evans and A A Foley) that the proposed works are not to be commenced until Council has received an application for Development and a Building Permit has been formally issued.
10. authorise the CEO to negotiate opening hours (tenants responsibility) of the toilet facility to maximise public availability.

(CARRIED 8:0 )

**PROCEDURAL MOTION**

Moved Cr M McPhail, Seconded Cr White

That the meeting be opened to the public.

(CARRIED 8:0)

17. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS**

18. **CLOSURE OF MEETING**

There being no further business, the Presiding member declared the meeting closed at 7.42pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **15 November 2016**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

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*Presiding Member*