



Council Meeting 21 May 2013

MINUTES

Town of East Fremantle

135 Canning Highway, East Fremantle WA 6158

PO Box 1097, Fremantle WA 6959

Tel: (08) 9339 9339

Fax: (08) 9339 3399

E-mail: admin@eastfremantle.wa.gov.au

Web site: www.eastfremantle.wa.gov.au



MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 MAY 2013 COMMENCING AT 6.30PM.

INDEX

- 77. DECLARATION OF OPENING OF MEETING**
 - 77.1 Present*
- 78. ACKNOWLEDGEMENT OF COUNTRY**
- 79. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 80. RECORD OF APPROVED LEAVE OF ABSENCE**
- 81. RECORD OF APOLOGIES**
- 82. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 83. PUBLIC QUESTION TIME**
 - 83.1 Damien Flynn, 62 Allen Street*
 - 83.2 Jim O'Neill, 72 Allen Street*
- 84. APPLICATIONS FOR LEAVE OF ABSENCE**
- 85. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 85.1 Council Meeting – 16 April 2013*
- 86. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
 - 86.1 Resignation*
- 87. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 88. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 89. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
- 90. TOWN PLANNING & BUILDING**
 - 90.1 T49.4 Hubble Street No. 72 (Lot 275)
Applicant: Sam Teoh Architects
Owner: Ms JE Kargotich
Application No. P25/13*
 - 90.2 T53.1 Review of TPS No 3 and Local Planning Strategy*
 - 90.3 East Fremantle Oval Recreation Precinct Community Reference Group R/RSO9v2*

91. HEALTH & GENERAL PURPOSES

91.1 *Amendment to Town of East Fremantle Residential Waste Collection Service H/HRB8*

92. FINANCE

92.1 *Monthly Financial Activity Statement for Period Ending 30 April 2013*

92.2 *Accounts for Payment – April 2013*

93. CONFIDENTIAL BUSINESS

93.1 *SMRC*

94. OPENING OF MEETING TO THE PUBLIC

95. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSION

96. REPORTS OF CHIEF EXECUTIVE OFFICER

96.1 *Meeting & Christmas Closure Schedule 2013/2014*

96.2 *Review of Delegations to the Chief Executive Officer*

96.3 *Royal George Hotel Update*

96.4 *Sewell Street Footpath*

96.5 *Fremantle Chamber Orchestra*

96.6 *Narc Dive Club*

96.7 *Resignation of the Mayor*

97. REPORTS OF ELECTED MEMBERS

98. CONFIDENTIAL BUSINESS

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

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

101. CLOSURE OF MEETING

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 21 MAY 2013 COMMENCING AT 6.30PM.

77. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

77.1 Present

Mayor A Ferris	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (to 7.35pm)
Ms S Cocks	Principal Environmental Health Officer
Ms J May	Minute Secretary

78. 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.”

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

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

The Mayor introduced elected members and staff.

80. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Martin.

81. RECORD OF APOLOGIES

Nil.

82. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Cr de Jong – Cr Wilson

That the listed Presentations be held over until later in the meeting to allow other agenda items to be brought forward. CARRIED

83. PUBLIC QUESTION TIME

83.1 Damien Flynn, 62 Allen Street

The Mayor advised that with the assistance of financial advice from the Executive Manager Finance & Administration, the Chief Executive Officer had, on his behalf, prepared responses to Mr Flynn’s questions, which he then asked the Chief Executive Officer to read.

The CEO read our Mr Flynn’s questions and Council’s responses:

Q1: Does the Town of East Fremantle receive contributions from the East Fremantle Football Club (EFFC) and the WAFL for repairs and maintenance of the oval and its surrounds and the buildings occupied by the club? If so, could you please provide details over the past five years.

21 May 2013

MINUTES

A1: It is assumed the question does not refer to rates received from the Club. Fees are received from EFFC, based on 30% of gate takings. In the past five years these have been 2008/09 \$24,000; 2009/10 \$12,400; 2010/11 \$15,900; 2011/12 \$21,600; and 2012/13 \$10,500 to date [Total \$84,400]. The funds are received as general funds and are not specifically allocated to any purpose.

Q2: Does the EFFC make contributions to the following regular costs in relation to the East Fremantle Oval?; a) watering, b) electricity, c) oval mowing and fertilising, turf repair, d) advertising/sign maintenance?

A2 a) Yes for clubroom water use, b) no for electricity, c) no for oval upkeep, d) yes for sign maintenance.

Q3: What grants did the Town obtain under the Regional and Local Community Infrastructure Program (RLCIP) during the economic stimulus period, for what projects and Community Sport and Recreation Facilities Fund (CSRFF) and what was the Town's contribution thereto?

A3: RLCIP funding was received in 2008/09 \$119,000, 2009/10 \$38,000 and 2010/11 \$38,000 [Total \$195,000]. The funds were applied to \$6,000 Glyde-In Community Centre improved disability access; \$26,800 Tricolore Community Centre change room upgrade; \$25,000 Tricolore Community Centre upgrade; \$34,400 Locke Park rotunda restoration; \$27,800 Lee Park upgrade; \$38,000 East Fremantle Bowling Club disability access upgrade; \$32,500 Tricolore Community Centre PV solar power installation; and \$5,500 East Fremantle Bowling Club shade canopies. The Town contributed approximately \$27,000 to the works during this period.

The Town does not receive grant funds under the Community Sporting and Recreational Facilities Fund (the correct name) (as the clubs are the receivers of grants), however in the last five years have made the following contributions to projects as follows:

\$ 89,341	East Fremantle Tennis Courts upgrade
\$ 26,697	Wauhop Park lighting upgrade on behalf of East Fremantle Tricolore Soccer Club
\$ 17,040	East Fremantle Croquet Club lighting upgrade
\$ 55,000	Henry Jeffery Oval lighting upgrade on behalf of East Fremantle Junior Football Club
\$188,078	Total

Q4: Are there current contracts of lease with the Club and WAFL regarding use of "football oval area" – the oval, buildings and other facilities? It is noted in the East Fremantle Oval Feasibility Study of October 1996 that the Western Australian Football League had a lease agreement which expired in 1995. What intervening lease to date has been in place? It was also stated in the report that the lease with the East Fremantle Football Club was commenced from the 1 March 1982 and was for a period of 21 years. What is the current status of lease renewal/renegotiation since 1 March 2003? Have the obligations under that lease been honoured?

A4: There is a lease in place between the EFFC and the Town of East Fremantle. When the 1982 lease expired, it reverted to the status of a monthly tenancy lease under the same lease conditions, pursuant to the "holding over" clause. There are no current lease renewal/renegotiation proceedings taking place. It is not proposed to accept the last question as that matter is considered confidential pursuant to section 5.23(2)(c) of the Local Government Act.

83.2 Jim O'Neill, 72 Allen Street

The Mayor advised that public questions had been received from Mr Jim O'Neill, following the completion of tonight's agenda, hence they did not appear in the agenda.

The CEO had prepared responses to Mr O'Neill questions, on the Mayor's behalf, which he then asked the Chief Executive Officer to read.

The CEO read out Mr O'Neill's questions and Council's responses:

Q1: Is there a business model/ plan for the proposed redevelopment of this reserve? If so could it be made public?

A1: At this stage there is no such business plan.

Q2: Has a recreational study been completed that looks at the current and future needs of the four wards and the general area of East Fremantle? In particular in relation to recreational requirements, densities, demographics and the type and amount of recreational facilities available and planned. If so could this be made public?

A2: Within the context of open space provisions for the Town, data has been prepared as part of the East Fremantle Oval Recreation Precinct site analysis and it is intended this will be provided to the Community Reference Group at its first meeting. This is not a public document at this stage.

Q3: Since 2007 how much money including grants has Council spent on consultants, advertising, officer and staff time and other related items on the proposed redevelopment of the reserve?

A3: This question is not accepted as I have formed the view that, in order to reply to the question, it would divert a substantial and unreasonable portion of the Council's resources away from its other functions. The authority for this decision is underpinned by:

- (i) Council's Policy on Public Question Time**
- (ii) s.5.95(1(b) of the Local Government Act**
- (iii) s.5.94 of the Local Government Act.**

Q4: Since 2007 which ministers, members of parliament, government departments and other agencies, including sporting groups such as the WAFC, have been met by councillors and council officers regarding this proposed redevelopment? Could a brief outline of the topics and outcomes of each meeting be made public?

A4: This question is not accepted as I have firstly formed the view that, in order to reply to the question, it would divert a substantial and unreasonable portion of the Council's resources away from its other functions.

Secondly I have formed the view that the outcomes of some such meetings would come within the ambit of the confidentiality provisions of the Local Government Act.

Q5: Could all consultant reports in relation to the redevelopment of the reserve including any relating to community consultation be made public in their entirety?

A5: This question is not accepted as I have firstly formed the view that, in order to reply to the question, noting there have been two other redevelopment studies since 1995 in addition to the current exercise, it would divert a substantial and unreasonable portion of the Council's resources away from its other functions.

Secondly I have formed the view that some such material would come within the ambit of the confidentiality provisions of the Local Government Act.

84. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.



21 May 2013

MINUTES

85. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**85.1 Council Meeting – 16 April 2013
Cr Collinson – Cr de Jong**

That the Minutes of the Council Meeting held on 16 April 2013 be confirmed.

CARRIED

86. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**86.1 Resignation**

The Mayor made the following announcement to the meeting:

“Tonight I intend to use the Announcements by the Mayor section of the agenda to formally announce my resignation from Council effective 30 June 2013.

As some of you already know I have been thinking about my role as Mayor and particularly whether to re run as Mayor once my term finishes in October. Many of you also know that having a full time job and being an elected member is testing at times and does takes its toll.

Recently I have been asked and accepted a role to act in the position of Director General of the Department of Culture and the Arts. This is a step up in responsibility and one which I need to devote my time to.

Given this I cannot give the required time to do the job of Mayor properly. Whilst I have really enjoyed the almost eight years it is time to concentrate on my new role and also give someone else the opportunity to step up.

I would like to thank each of you, the CEO and Janine for your support whilst I have been on Council and particularly in my role as Mayor. I believe that as a Council we continually punch above our weight and that is in a large part due to the dedication, passion and efforts of you all.

I will look back on my experience in Local Government as a very positive one.”

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

Nil.

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

Nil.

89. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

90. TOWN PLANNING & BUILDING**90.1 T49.4 Hubble Street No. 72 (Lot 275)**

Applicant: Sam Teoh Architects

Owner: Ms JE Kargotich

Application No. P25/13

Mr & Mrs Roberts (adjoining owners) addressed the meeting in respect to the bulk and scale of the proposed residence at 72 Hubble Street and reiterated their concerns with the height of the cantilever roof and its proximity to their boundary.

Mr Kargotich (owner) and Mr Teoh (applicant) addressed the meeting outlining the amendments that had been made to the original proposal to reduce the height of the

cantilever roof to 3.6 metres high and increase the setback to the adjoining property to 1.5 metres.

Cr Wilson – Cr de Jong

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

- (a) variation to the primary street setback requirements (western elevation) – required setback 6.0 metres (R-Codes). Proposed setback is 3.0 metres (porch), 4.5 metres (activity room) and 5.5 metres (garage);**
- (b) variation to the setback requirements of the side setback (northern elevation) – required setback 1.6 metres (bed 3/ 4). Proposed setback is 1.5 metres;**
- (c) variation to the setback requirements of the side setback (northern elevation) – required setback 3.0 metres (dining). Proposed setback is 2.9 metres;**
- (d) variation to the setback requirements of the side setback (southern elevation) – required setback 1.5 metres (garage, storage and laundry). Proposed setback is Nil;**
- (e) variation to the setback requirements of the side setback (southern elevation) – required setback 1.6 metres (study/ bath). Proposed setback is 1.5 metres;**
- (f) 6.9.1 Solar access for adjoining sites of the Residential Design Codes;**
- (g) element 3.7.6 of the Residential Design Guidelines: Construction of New Building;**
- (h) element 3.7.8 of the Residential Design Guidelines: Roof pitch;**

for two storey dwelling at 72 (Lot 275) Hubble Street, East Fremantle, in accordance with the plans date stamp received on 12 April 2013 subject to the following conditions:

- 1. Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.**
- 2. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to.**
- 3. Roof overhang to alfresco area to be a minimum of 1.5 metres from the northern boundary.**
- 4. Finished floor level of the proposed ground floor of the dwelling being reduced by 170mm to be a maximum height of 21.63 AHD.**
- 5. Finished floor level of the proposed first floor of the dwelling being reduced by 210mm to be a maximum height of 25.10 AHD.**
- 6. Overall building height of the dwelling not to exceed a maximum building height 28.50 AHD.**
- 7. Crossover width to be a maximum width of 3.0 metres.**
- 8. Existing verge tree and canopy to be retained and protected. It is the owner's responsibility to ensure that at all stages during the construction of the dwelling the tree is protected from damage. Where damage occurs Council is to be notified immediately.**
- 9. Where this development requires that any facility or service within a street verge trees to be removed, modified or relocated then such works must be approved by Council and to the satisfaction of the Chief Executive Officer.**
- 10. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. *(refer footnote (i) below)***
- 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 Demolition Permit and 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) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *the patio may not be enclosed without the prior written consent of Council.*
- (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (i) *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*

21 May 2013

MINUTES

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

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Collinson requested that the voting of Council members be recorded.

Crs Nardi, Rico, Olson, Wilson, de Jong and the Mayor voted in favour of the recommendation with Cr Collinson having voted against the motion.

90.2 *T53.1 Review of TPS No 3 and Local Planning Strategy***Cr Wilson – Cr de Jong****The adoption of the Committee’s recommendation which is as follows:****That:**

- 1. The Town of East Fremantle Local Planning Strategy 2013 be forwarded to the Western Australian Planning Commission seeking approval to advertise the Strategy in accordance with Regulation 12B of the Town Planning Regulations 1967 (as amended)**
- 2. Council endorses the proposed Amendment 10 to the Town of East Fremantle Town Planning Scheme No 3 for the purposes of public notification and agrees that:**
 - (a) the amendment should be advertised concurrently with the 2013 Local Planning Strategy once the Western Australian Planning Commission has granted approval to the advertising of the Local Planning Strategy.**
 - (b) a copy of the draft amendment be forwarded to the Western Australian Planning Commission in support of the 2013 Strategy.**
 - (c) a Community Engagement Program shall be developed to explain the Local Planning Strategy and proposed Scheme Amendment 10 prior to the statutory public advertising of the documents. The community engagement program shall be the subject of a separate report and determination by Council.**
- 3. Council initiate the designation of heritage areas within the Town pursuant to clause 7.2 of the Scheme and further identify individual properties outside of the designated areas which may require particular heritage protection. CARRIED**

**90.3 *East Fremantle Oval Recreation Precinct Community Reference Group R/RSO9v2*
*By Jamie Douglas, Manager Planning Services on 15 May 2013*****PURPOSE OF THIS REPORT:**

This report assesses the nominations for community members on the Community Reference Group and recommends preferred nominees for Council’s endorsement. It is further recommended that Council appoints two Elected Members to sit on the CRG.

BACKGROUND:

At its meeting on 19 March 2013 Council approved the Terms of Reference for the establishment of a Community Reference Group and determined that the membership should be comprised as follows;

- six (6) community members, including at least one resident from each of the Town of East Fremantle’s four wards and at least one resident living adjacent to the site;
- one (1) representative of the East Fremantle Football Club;
- one (1) representative of the East Fremantle Lawn Bowling Club;
- one (1) representative of the East Fremantle Croquet Club;
- one (1) representative of the East Fremantle Family Playgroup;
- one (1) representative of the Town of East Fremantle’s Town Planning Advisory Panel;
- the Town of East Fremantle’s Manager Planning Services; and
- two (2) Town of East Fremantle Elected Members, including at least one from the Woodside ward.

REPORT:

A copy of each of the nominations is attached to this report. Also attached is a spread sheet assessing each applicant against the Selection Criteria identified on the nomination form. These attachments are included **as confidential** elements to this report. This is because the nominations include information and personal contact details which some nominees have requested not be made public. **CONFIDENTIAL ATTACHMENTS**

If an elected member wished to discuss either of the attachments at the meeting, the Chief Executive Officer will advise on the relevant statutory requirements in relation to confidentiality.

Between 26 March and 13 May 2013, the Town actively promoted the establishment of the Community Reference Group and called for community nominations. Twenty-two nominations were received.

Each nomination has been independently assessed by the author and by the Town's public relations consultants, Mills Wilson, against the pre-determined selection criteria.

Following this review, it is proposed that Elected Members endorse the selection of the following nominees:

- **Fiona Winfield** – Plympton Ward resident;
- **Merissa Cunningham** – Preston Point Ward resident;
- **John Newton** – Richmond Ward resident;
- **Maureen Flynn** – Woodside Ward resident and lives adjacent to the site;
- **Darren Monument** – Woodside Ward resident; and
- **Gerard McCann** – Woodside Ward resident.

The selected nominees offer:

- a broad mix of skills including planning, architecture, landscape and townscape development, feasibility studies, financial management and more;
- a history of working with community-related groups and experience working with and on community committees;
- affiliations with local/community groups;
- extensive informal local networks including resident, sporting, charity, community and school groups;
- a broad span of ages – from 18-36 through to 70+ years (which it is hoped would naturally correspond to connections with a broad range of the community, from youth to seniors);
- existing knowledge of the site and, in the case of some members, demonstrated understanding and commitment to the project prior to the formation of this group;
- a mix of people who are new to the community and long-term residents (1.5 to 50 years);
- strong representation within the Woodside Ward, within which the project area is sited; and
- an understanding of local and State Government processes.

Following a discussion with the Chief Executive Officer, Pam Walker from the Town Planning Advisory Panel has agreed to nominate as a Panel representative. It is noted Pam Walker is also a resident of the Town.

This leaves the issue of the appointment by Council of two elected member representatives – noting at least one must be from Woodside Ward.

This election should be carried out by the CEO.

The CEO advises the matter should be determined by two secret ballots, with the first ballot involving only nomination(s) from the two Woodside Ward Councillors for one position and the second ballot involving all elected members voting with respect to the second position.

Note that in terms of Council's decision, if both Woodside Ward Councillors stood in the first ballot it would be possible for the Councillor who was not elected in that ballot, to nominate in the second ballot.

RECOMMENDATION:

That Council;

- (a) endorse the selection of the following community members to the East Fremantle Oval Recreation Precinct Community Reference Group
- **Fiona Winfield** – Plympton Ward resident;
 - **Merissa Cunningham** – Preston Point Ward resident;
 - **John Newton** – Richmond Ward resident;
 - **Maureen Flynn** – Woodside Ward resident and lives adjacent to the site;
 - **Darren Monument** – Woodside Ward resident; and
 - **Gerard McCann** – Woodside Ward resident.
- (b) elect two elected members to join the Community Reference Group.

The Mayor advised that the CEO had recommended that proxy members for the two elected members also be appointed and this had the support of himself and the Manager Planning Services.

The revised Officer Recommendation (b) thus read:

“(b) elect two elected members to join the Community Reference Group and a proxy for each of those members.”

The Mayor sought nominations from Crs Nardi and Rico for the Woodside Ward elected member position on the Community Reference Group.

Both Crs Nardi and Rico nominated for the position.

Ballot papers were distributed and collected by the CEO as Returning Officer.

Following the counting of votes by the Returning Officer and Ms Janine May as Deputy Returning Officer, Mayor Ferris declared Cr Nardi elected as the Woodside Ward elected member representative on the East Fremantle Oval Recreation Precinct Community Reference Group.

The Mayor sought nominations for the remaining elected member position on the Community Reference Group and advised that Cr Martin, although absent from tonight's meeting, had requested she be nominated for this position.

Cr Rico also nominated for this position.

Ballot papers were distributed and collected by the CEO as Returning Officer.

Following the counting of votes by the Returning Officer and Ms Janine May as Deputy Returning Officer, Mayor Ferris declared Cr Martin elected as the second elected member representative on the East Fremantle Oval Recreation Precinct Community Reference Group.

Cr Rico advised she would serve as the proxy representative for Cr Nardi. Cr Collinson advised he would serve as the proxy representative for Cr Martin and there being no

further nominations, Cr Rico and Cr Collinson were declared proxies for Cr Nardi and Cr Martin, respectively..

Cr de Jong – Cr Olson

That Council;

- (a) **endorse the selection of the following community members to the East Fremantle Oval Recreation Precinct Community Reference Group**
- **Fiona Winfield – Plympton Ward resident;**
 - **Merissa Cunningham – Preston Point Ward resident;**
 - **John Newton – Richmond Ward resident;**
 - **Maureen Flynn – Woodside Ward resident and lives adjacent to the site;**
 - **Darren Monument – Woodside Ward resident; and**
 - **Gerard McCann – Woodside Ward resident.**
- (b) **appoint Crs Nardi and Martin as elected member representatives on the Community Reference Group and Crs Rico and Collinson be appointed the respective proxy representatives.** CARRIED

91. HEALTH & GENERAL PURPOSES

91.1 *Amendment to Town of East Fremantle Residential Waste Collection Service H/HRB8* *By Shelley Cocks Principal Environmental Health Officer*

Council's waste contractor's Cleanaway have proposed to amend the residential collection service with the Town of East Fremantle from the current three days per week to five days per week. See Collection Map. **ATTACHMENT**

This will improve service delivery within the Town in the event of collecting mis-serviced bins or special request collections, as trucks will be in the Town every week day. It will also expedite weekly recycling collections.

The following sections of Schedule 4 – Specifications of the Waste Contract outline the Principal and Contractor's responsibilities in relation to any changes to the waste service.

9.4 **Amendment of Collection Areas and Collection Timetable**

In the event of any proposed amendments to the collection areas and schedules, the Contractor shall be required to make a written submission to the Principal. Prior written approval from the Principal must be obtained before the implementation of any new schedules.

9.5 **Notices**

The Contractor shall prepare and issue information sheets or notices to residents as approved by the Principal. The information sheets or notices shall be issued to residents for the following purposes:-

- (a) Revision of collection days and/or times for refuse and recyclable collections
- (b) Changes to collection practice eg. The introduction of the side loader truck
- (c) Changes to the Town's recyclable collections
- (d) Over-loaded bins and containers.

All notices of change in any collection practices shall be issued to the resident at least 7 days in advance prior to the change taking place.

Accordingly, Cleanaway will write to all residents advising of the changes and also advertise in the local press. Council will once again send "Resource Recovery Calendars" with the amended "Bin Collection Map" out with the rates, and also upload the amended map onto Council's website.

RECOMMENDATION

Council to endorse Cleanaway proposal to change waste collection service commencing 1 August 2013.

Cr Rico – Cr de Jong

That Council endorse the Cleanaway proposal to change the waste collection service commencing 1 August 2013. CARRIED

92. FINANCE**92.1 Monthly Financial Activity Statement for Period Ending 30 April 2013**

By Les Mainwaring Executive Manager Finance & Administration on 17 May 2013

PURPOSE

To provide timely financial information to Elected Members including a 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

The report comprises the financial results from the month of April 2013, with commentary focusing on comparisons to the year to date amended budget position.

The monthly Financial Activity Statement for the period ending 30 April 2013 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 30 June 2013 indicates a surplus of \$227,119, noting that this was the position at the time of the March 2013 report.

The history of the budget forecast is as follows;

Original Budget adopted with a projected surplus of \$60,520

At the OCM 6 December 2012 part of the end of year surplus of \$15,199 was carried forward as an increase in closing funds.

At the OCM 19 March 2013 the Half Yearly Budget Review culminated in a \$153,600 decrease in closing funds.

At the OCM 16 April 2013 amendments resulted in an increase in closing funds of \$305,000.

A further 3 amendments have been identified in this monthly report; see Financial/Resource/Budget Implications, and the result of these amendments proposes a net budget movement of;
\$116,000 decrease in closing funds

Should the proposed budget amendments be adopted in this report, the revised budget forecast for the 30 June 2013 will reduce from a surplus of \$227,119 back to a surplus of \$111,119.

Operating YTD Actuals

Operating Revenue 96%; is \$346,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 98%; is \$155,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$130,000 less than the YTD budget (Unfavourable).

Operating Revenue is 4% unfavourable with year to date budget.

There is significant variance within operating revenue such as the timing of capital grant revenue items that are not claimed until completion of the associated projects. Unfavourable variances include the \$120,000 for the Plympton Parking project, \$92,000 for the Preston Point Road roundabout nearing final completion and \$155,000 for the second variation on completion of the Leeuwin Boat Ramp project. The second variation was accepted but not funded; therefore this will be the subject of a proposed budget amendment.

Operating Expenditure is now 2% favourable to year to date budget.

The main area of favourable variation is Recreation and Culture's main favourable variations are the EF Oval master plan project in progress \$54,000, Community Events \$10,000 that occur in the last quarter, the timing of Pump and Reticulation overhauls \$10,000, Foreshore maintenance \$11,000 and Civic Garden maintenance \$12,000.

The main areas for unfavourable variances in Education and Welfare were the HACC program \$35,000 which is offset by additional funds, Glyde In \$21,000 early payment contribution, and under Transport operations with the allocation of internal resources of labour and plant. An analytical review of the outside workforce across Transport, Recreation and Depot functions has revealed that aggregated wages, overheads and plant allocations are in line with budget. Also that external materials and contractor expenses are under budget when aggregated across the same functions. There may be variations at account level however total outside workforce resources are operating within budget.

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.

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

Capital Programs YTD Progress Summaries

Annual Timeline 83% of year elapsed

Land & Buildings 21% expended

Infrastructure Assets 76% expended

Plant & Equipment 88% expended

Furniture & Equipment 75% expended

Capital expenditure is \$2,090,000 less than the YTD budget (Favourable) which represents the balance of capital programs to be completed. The report provides details on individual capital works in progress as at 30 April 2013.

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 April 2013 Financial Activity Statement shows variances in income and expenditure when compared with year to date budget estimates.

The following expenditure adjustments to waste management can now be reliably estimated with the SMRC back into full operation under licence, and therefore require inclusion as a budget amendment:

- \$26,000 E10203 Saving in tip disposal at Henderson Waste Facility now that diversion has ceased
- \$13,000 E10227 Saving in waste compost fees during WCF closure

The following budget amendment is required for the unsuccessful application for a second variation to the RBFS funding for the Leeuwin Boat Ramp project. The application was approved however distribution of funds were thwarted by insufficient remnant funds available from the RBFS 2012/2013 grant pool;

\$155,000 I11184 Loss in revenue from RBFS Grant funds.

Conclusion

The attached Financial Activity Statement for the period 1 July 2012 to 30 April 2013 is presented to the Council for timely information. Adoption of the proposed budget amendments will move the annual forecast from \$227,119 surplus to \$111,119 surplus.

Voting Requirements

Absolute Majority

RECOMMENDATION

That

1. the Financial Activity Statement for the period ending 30 April 2013 be received.
2. Council adopts the budget amendment recommendations with the following variations for the period 1 July 2012 to 30 April 2013 and amend the budget accordingly:
 - \$26,000 E10203 Saving in tip disposal at Henderson Waste Facility
 - \$13,000 E10227 Saving in waste composing fees during WCF closure
 - \$155,000 I11184 Loss in grant revenue from RBFS grant funds
 - \$116,000 decrease in closing funds **Absolute Majority Resolution Required**

In response to a query, the CEO provided an update on the current situation in respect to the Leeuwin Boat Ramp funding shortfall, including advice that he was meeting with officers from the Department of Transport on the issue, the following day.

The Executive Manager Finance & Administration recommended that the Finance Committee Meeting scheduled for 28 May be deferred pending the completion of the

Integrated Planning process currently being undertaken. Given it was probable there would be budgetary allocations arising from this process, he considered it was premature to convene the Committee meeting at this time.

Elected members agreed that the Finance Committee meeting scheduled for 28 May 2013 be reconvened to a date to be arranged by the CEO, Executive Manager Finance & Administration and the Finance Committee Presiding Member.

Cr Olson – Cr Collinson

That

1. the Financial Activity Statement for the period ending 30 April 2013 be received.
2. Council adopts the budget amendment recommendations with the following variations for the period 1 July 2012 to 30 April 2013 and amend the budget accordingly:

- \$26,000 E10203 Saving in tip disposal at Henderson Waste Facility
- \$13,000 E10227 Saving in waste composing fees during WCF closure
- \$155,000 I11184 Loss in grant revenue from RBFS grant funds
- \$116,000 decrease in closing funds

CARRIED
ABSOLUTE MAJORITY

92.2

Accounts for Payment – April 2013

By Les Mainwaring, Executive Manager Finance & Administration on 1 May 2013

PURPOSE

To endorse the list of payments for the period 1 April to 30 April 2013.

BACKGROUND

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

ATTACHMENT

REPORT

Comments/Discussion

The List of Accounts for the period beginning 1 April and ending 30 April 2013 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 April and ending 30 April 2013 be received, as per the following table:

<i>April 2013</i>		
Voucher Nos	Account	Amount
4532 – 4551	Municipal (Cheques)	\$23,000.02
EFT 17192 – EFT 17342	Electronic Transfer Funds	\$912,044.74
Payroll	Electronic Transfer Funds	\$184,275.42
	Municipal Total Payments	\$1,119,320.18

Cr Olson – Cr de Jong

That the List of Accounts for the period beginning 1 April and ending 30 April 2013 be received.

CARRIED

The Manager Planning Services left the meeting at 7.35pm.



21 May 2013

MINUTES

93. CONFIDENTIAL BUSINESS**93.1 SMRC****Cr Rico – Cr Olson**

That the following presentation from SMRC representatives be dealt with under Confidential Business pursuant to section 5.23(2)(e) of the Local Government Act.

CARRIED

Mr Tim Youé (CEO) and Mr Chris Wiggins (Executive Manager Corporate Services) provided a presentation on the following aspects of current operations at the SMRC:

- Waste diversion statistics including comparisons between SMRC local governments and other metropolitan local governments
- 2013/14 draft budget
- DEC licence
- Future direction

Mr Youé and Mr Wiggins answered various questions raised by elected members.

The Mayor thanked Mr Youé and Mr Wiggins for their attendance, following which they left the meeting.

94. OPENING OF MEETING TO THE PUBLIC**Cr Nardi – Cr Collinson**

That the meeting be reopened to members of the public at 8.20pm.

CARRIED**95. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSION****95.1 South West Group**

Mr Mick McCarthy (Director) of the South West Group provided a presentation regarding the Regional Natural Resource Management Strategy and provided information regarding possible projects and opportunities for regional collaboration. **ATTACHMENT**

Mr McCarthy answered various questions raised by elected members.

The Mayor thanked Mr McCarthy for his attendance, following which he left the meeting.

96. REPORTS OF CHIEF EXECUTIVE OFFICER**96.1 Meeting & Christmas Closure Schedule 2013/2014**

By Stuart Wearne, Chief Executive Officer, on 3 May 2013

PURPOSE

The purpose of this report is to facilitate decisions by Council on the meeting schedule for 2013/14 and the related issue of the Christmas closure period, which will also assist with leave arrangements.

Council is required, under Section 13 of the Local Government (Administration) Regulations 1996, to advertise, at least once a year, its meeting schedule for the next twelve months. The previous schedule was to 30 June 2013 thus the meeting schedule for 2013/14 will need to be determined and advertised prior to July 1 2013.

BACKGROUND

With respect to the above, at the Council Meeting of 19 June 2012, Council resolved as follows:

- (i) *a Council meeting be scheduled for the 3rd Tuesday of the month (except in December 2012 when the meeting will be held on the 2nd Tuesday).*
- (ii) *a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.*

- (iii) a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2012 when no meeting will be held and January 2013 when the meeting will be scheduled for the 3rd Tuesday given there will be no other scheduled meetings).
- (iv) Special Meetings of any of the standing committees to be called if such meetings are required.
- (v) Special Council Meetings be called where necessary, preferably on the 4th Tuesday of the month (except during the month of December 2012).
- (vi) meetings of the Finance Committee be scheduled for the 31 July and 30 October 2012 and the 26 February and 28 May 2013.
- (vii) the above arrangements not to apply for January 2013.

REPORT

Council Meetings

Having one Council Meeting per month, with the fourth Tuesday of the month being utilised if a Special Council Meeting needs to be convened, appears to be working well.

Town Planning & Building Committee

The current monthly meeting system (including the role of the TPAP) is working well and I am pleased with the operation of this Committee.

Where it has applied, the delegation granted to the Town Planning & Building Committee in July last year has reduced the waiting time for planning applicants and the duration of subsequent Council meetings.

On two occasions to date, there were insufficient elected members present to allow the delegation to apply.

Other Standing Committees

It has not been considered necessary to convene meetings of any of the other standing committees.

Finance/Audit Committees

These Committees have been working well.

Budget & Annual Financial Statements

The following timetable is proposed for the 2013/2014 budget deliberations and the adoption of the financial statements for 2012/13.

2013/2014 Budget

23 July 2013 *Special Council Meeting to Adopt 2013/2014 Budget.*

2012/2013 Financial Statements

30 August 2013 *Completion of 2012/2013 Financial Statements including Pensioner Rebate, ESL, HACC and Roads to Recovery returns.*

2-4 September 2013 *Annual Audit of 2012/2013 Financial Statements by council auditor.*

15 October 2013 *Audit sign-off of 2012/2013 Financial Statements by council auditor.*

29 October 2013 *Annual Financial Statements Report to Audit Committee. Representation by External Auditor.*

5 November 2013 *Annual Financial Statements Report to Council for Adoption.*

It is proposed to hold the following ordinary Finance Committee Meetings during the 2013/14 year:

- 24 September 2013
- 29 October 2013
- 25 February 2014

- 27 May 2014

No dates are being set for meetings of the Audit Committee at this stage, in order to allow flexibility in relation to availability of auditors etc.

December and January Meetings

Given the difficulty of completing correspondence from the December “planning” Council meeting, processing licences and finalising other tasks associated with this time of the year prior to the normal Christmas closure, it is again proposed to forgo the 1st Council Meeting in December (if this system is continued – see below) and bring forward the Town Planning & Building and 2nd Council Meeting by one week. This would mean the Committee meeting would be held on Tuesday, 3 December and the Council Meeting on 10 December 2013.

As per normal practice, no meetings have been scheduled for January 2014, however, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

Christmas Closure

In recent years Council has closed during the Christmas and New Year period and staff have used annual leave, RDO's, and “day-in-lieu” public holidays for the period.

In relation to the staff Christmas Party, historically this had been compromised by being held on the last afternoon before closing for Christmas, when many staff were under pressure trying to finish off tasks before closing the office for the Christmas/New Year break. It was consequently considered a staff party in the weeks preceding this rush would ensure the function was better enjoyed by all.

The closures would be advertised in order to cater for emergencies during the Christmas/New Year closure. Customers would have access to a recorded telephone message with contact numbers for relevant staff together with details of refuse services and other necessary relevant information relating to Council services such as Rangers, health and building.

It is proposed the administration centre and operations areas be closed:

- from midday Friday, 13 December 2013 to allow all staff members to attend a Christmas function.
- from midday Tuesday, 24 December 2013 to Tuesday, 2 January 2014 (consisting of 3½ working days: half a day from midday Tuesday, 24 December, Friday, 27 December, Monday, 30 December, Tuesday, 31 December)

This closure will be advertised as part of the meeting schedule and again in December 2013 to provide adequate notice to the public of the closure.

CONCLUSION

In consideration of the overall circumstances the following arrangements are recommended.

RECOMMENDATION

That:

1. a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2013 when the meeting is held on the 2nd Tuesday)
2. a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.
3. a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2013 when no meeting will be held).
4. a Special Council Meeting be scheduled for Tuesday, 23 July 2013 to adopt the 2013/14 Budget.
5. meetings of the Finance Committee be scheduled for the 24 September and 29 October 2013 and the 25 February and 27 May 2014.

6. Special Council Meetings or meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2014.
8. the administration centre and operations areas be closed:
 - from midday Friday, 13 December 2013 to allow all staff members to attend a Christmas function.
 - from midday Tuesday, 24 December 2013 to Tuesday, 2 January 2014 (consisting of 3½ working days: half a day from midday Tuesday, 24 December, Friday, 27 December, Monday, 30 December, Tuesday, 31 December)
9. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

Absolute Majority Resolution Required

Cr Olson – Cr Collinson

That:

1. a Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2013 when the meeting is held on the 2nd Tuesday)
2. a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.
3. a Town Planning Advisory Panel Meeting be scheduled for the 2nd Tuesday of the month (except during December 2013 when no meeting will be held).
4. a Special Council Meeting be scheduled for Tuesday, 23 July 2013 to adopt the 2013/14 Budget.
5. meetings of the Finance Committee be scheduled for the 24 September and 29 October 2013 and the 25 February and 27 May 2014.
6. Special Council Meetings or meetings of any of the standing committees to be called if such meetings are required.
7. the above arrangements not to apply for January 2014.
8. the administration centre and operations areas be closed:
 - from midday Friday, 13 December 2013 to allow all staff members to attend a Christmas function.
 - from midday Tuesday, 24 December 2013 to Tuesday, 2 January 2014 (consisting of 3½ working days: half a day from midday Tuesday, 24 December, Friday, 27 December, Monday, 30 December, Tuesday, 31 December)
9. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

CARRIED
ABSOLUTE MAJORITY

96.2

Review of Delegations to the Chief Executive Officer

By Stuart Wearne, Chief Executive Officer on 3 May 2013

PURPOSE

To approve the delegation of designated powers and functions to the Chief Executive Officer under Section 5.42 of the Local Government Act 1995.

BACKGROUND

Various powers and duties currently delegated to the CEO must, under Section 5.18 of the Act, be reviewed by Council annually.

ATTACHMENT

REPORT

Comments/Discussion

Under Section 5.42 of the Local Government Act, Council may resolve to delegate some of its powers and duties to the Chief Executive Officer. This is normally done in order to improve customer service and reduce the time spent by Council in considering matters of a more operational nature.

Such delegations of authority are consistent with references to Customer Service in the Strategic Plan. These include:-

Core Values

"We are committed to providing a professional service that is timely and meets or exceeds customer expectations and needs."

Strategic Goals

"To ensure the operations and functions of the Town are carried out in an efficient, effective and timely manner."

Any of the duties designated in the Local Government Act may be delegated to the CEO except for those shown in Section 5.43 which are:

- Any duty requiring an absolute or higher majority of Council
- Accepting a tender greater than an amount set by Council
- Appointing an auditor
- Disposing of property valued higher than an amount set by Council
- Deciding fees payable to elected members
- Borrowing money
- Determining objections to a Council decision of a kind referred to in Section 9.5

Powers delegated to the CEO may be further delegated (with or without conditions) by the CEO to other officers, as deemed appropriate by the Chief Executive Officer.

The delegation of any power from Council to the Chief Executive Officer and from the Chief Executive Officer to any other officer must be in writing and when the delegated power is used it must be recorded by the officer exercising it.

A Chief Executive Officer cannot exercise delegated powers or duties if the CEO has an interest in the matter. The nature of the interest must be disclosed to the Mayor as soon as practicable after the CEO becomes aware of the interest.

Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 and subject to the annual review –

- a delegation has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- any decision to amend or revoke a delegation by a local government is to be by an absolute majority.

Financial/Budget Implications

Nil

Discussion

There have been four minor changes to the delegations approved by Council in the last review, these being:

- an inclusion of the Statutory Reference to "LG (Financial Management) Regulations 1996 in D03 Investment of Surplus Funds
- maximum amount of ex gratia payment increased from \$1,000 to \$1,500 in D14 Ex Gratia Payments (noting that whilst these payments are very rarely made, this figure has not been amended for about 10 years).
- Statutory References to D28 updated to remove redundant provisions of the Local Government Act.
- a change in the title of D47 from "Approval to Serve Notice of Required Alteration" to "Approval to Serve Building Orders" to reflect updated terminology relating to the new Building Act 2011.

The delegation of powers to the Town Planning & Building Committee, which was reviewed by Council on 19 March 2013 has been included in this report to allow this delegation to now be reviewed annual with all other delegations.

RECOMMENDATION

It is recommended that:

1. the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.
2. subject to clause 5.17(1)(a) of the Local Government Act, the Town Planning & Building Committee be delegated the power to determine all applications for planning approval or advice to referral agencies and other Planning Authorities not otherwise included within the current delegations to the Chief Executive Officer subject to the following conditions:
 - (a) at least five Committee members vote in favour of the Committee recommendation
 - (b) the Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Manager Planning Services or his delegate.

Absolute Majority Resolution Required

Cr Olson - Cr de Jong

That:

1. the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.
2. subject to clause 5.17(1)(a) of the Local Government Act, the Town Planning & Building Committee be delegated the power to determine all applications for planning approval or advice to referral agencies and other Planning Authorities not otherwise included within the current delegations to the Chief Executive Officer subject to the following conditions:
 - (a) at least five Committee members vote in favour of the Committee recommendation
 - (b) the Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Manager Planning Services or his delegate.

CARRIED
ABSOLUTE MAJORITY

96.3

Royal George Hotel Update

The CEO provided the following verbal update on the current status of the Royal George Hotel:

"On 4 December 2012, the National Trust had advised they were still in negotiation with Clinton Matthews and were expecting a proposal from Mr Matthews before Christmas.

They advised they were also "talking with various other parties regarding possible uses for the place so our options remain open" should Mr Matthews' proposal not progress.

The National Trust concluded, "Please be assured the Royal George is most definitely on our radar and has not been forgotten".

On 15 May 2013, following a request for an update, the National Trust advised they were in communication with two new parties who had a "serious interest" in the building.

In response to being asked for details of the parties, the Trust advised it was unable to advise who the parties were as the discussions were "commercial – in-confidence" however they would advise the Town "when we have a concrete and viable proposal".

Elected members and the CEO discussed possible strategies regarding progressing an appropriate outcome with respect to the building, which has been owned by the National Trust since 2004, remains vacant and continues to decline.

96.4 Sewell Street Footpath

The CEO read an email from Mr Jono Farmer thanking Council staff and contractors for the “excellent” new kerbing and footpath works in Sewell Street which he stated were “efficiently planned and executed”. Mr Farmer also commented on the excellent communications with residents prior to work commencing.

96.5 Fremantle Chamber Orchestra

The CEO advised of a thank you recently received from the Fremantle Chamber Orchestra with respect to Council’s sponsorship of the orchestra. These had been signed by all of the soloists of a recent concert.

The CEO advised the Town was specifically thanked at the beginning of each concert, the programs for which prominently displayed the Town’s logo.

The CEO noted that the Member for Fremantle, Melissa Parke, had recently joined the Town in also becoming a sponsor.

Cr de Jong advised of a discussion with he had had recently with a prominent Perth conductor who stated the Fremantle Chamber Orchestra had become one of the Perth’s top chamber orchestras.

96.6 Narc Dive Club

The CEO advised that the Narc Dive Club had arranged a river and foreshore cleanup in the area from Council’s mooring pens to the Preston Point launching ramp on the weekend of 20/21 April 2013 where 9,701 items weighing 4.36 tonne were retrieved from the water. Council arranged and met the cost of removal of the rubbish collected.

Mayor Ferris – Cr Wilson

That Council write to the Narc Dive Club thanking all participants for their efforts in the removal of rubbish from the East Fremantle river and foreshore areas. CARRIED

96.7 Resignation of the Mayor

The CEO commented on the Mayor’s resignation, as announced earlier in the meeting and made a number of personal observations regarding the Mayor’s performance. The CEO firstly made note of the Mayor’s high level of accessibility and responsiveness in respect of communicating with the Town’s residents and ratepayers – noting in six years as Mayor the CEO had never received a single complaint regarding the Mayor not responding to the many phone calls, emails etc which he receives. The CEO also commented on the Mayor’s significant range of contacts across the Town, involving all areas of Council activity – for example his personal knowledge of and dealings with the office bearers of all of the Town’s sporting clubs and other organisations.

Finally the CEO noted his perception that the Mayor was “across” all significant issues involving the Town, as evidenced for example in the Mayor’s responses to the two presentations regarding the SMRC and the Natural Resource Management, which had occurred earlier in the meeting.

The Mayor thanked the CEO for his comments.

97. REPORTS OF ELECTED MEMBERS

Nil.

98. CONFIDENTIAL BUSINESS

Nil.



21 May 2013

MINUTES

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

Nil.

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

Nil.

101. CLOSURE OF MEETING

There being no further business, the meeting closed at 9.40pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 May 2013**, Minute Book reference **77. to 101.** were confirmed at the meeting of the Council on*

.....

Presiding Member