



Council Meeting 20 August 2013

MINUTES

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 20 AUGUST 2013 COMMENCING AT 6.36PM.

180. DECLARATION OF OPENING OF MEETING

The Acting Mayor (Presiding Member) declared the meeting open.

180.1 Present

Cr A Wilson	Acting Mayor/Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Mr J Douglas	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Ms J May	Minute Secretary

181. 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.”

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

There was one member of the public in the gallery at the commencement of the meeting.

The Presiding Member introduced elected members and staff.

183. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

184. RECORD OF APOLOGIES

Cr de Jong
Cr Olson

185. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

186. PUBLIC QUESTION TIME

Nil.

187. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

188. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

188.1 Council Meeting – 16 July 2013

Cr Collinson – Cr Nardi

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

CARRIED

188.2 Special Council Meeting – 31 July 2013

Cr Martin – Cr Rico

That the matter of the confirmation of the Minutes of the Special Council Meeting held on 31 July 2013 be held over and considered under Confidential Business.

CARRIED



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- 188.3** **Special Council Meeting – 13 August 2013 at 6.00pm**
Cr Collinson – Cr Rico
That the Minutes of the Special Council Meeting held on 13 August 2013 at 6.00pm be confirmed. CARRIED
- 188.4** **Special Council Meeting – 13 August 2013**
Cr Collinson – Cr Nardi
That the matter of the confirmation of the Minutes of the Special Council Meeting held on 13 August 2013 at 7.30pm be held over to later in the meeting. CARRIED
- 189.** **ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
Nil.
- 190.** **QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
Nil.
- 191.** **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 191.1** **Cr Wilson – Status Report**
Cr Wilson – Cr Martin
That starting in October 2013, an Ongoing Status Report of all Council decisions and requests requiring action by Council officers be submitted in writing to each monthly Council Meeting outlining the status of each decision/request and that all items be reported monthly until Council agrees that their status is ‘closed’. CARRIED
- 192.** **CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**
Nil.
- 193.** **TOWN PLANNING & BUILDING COMMITTEE**

Cr Rico declared a proximity interest in the following item as the subject lot abuts her property and left the meeting at 6.45pm.

- 193.1** **T91.10 Oakover Street No. 80 (Lot 313)**
Applicant/Owner: D McKenna & M Kenny
Application No. P74/13
Cr Nardi – Cr Martin
That Council grant approval for additions and alterations to an existing dwelling at 80 (Lot 313) Oakover Street, East Fremantle, in accordance with the plans date stamp received on 27 May and 4 July 2013 subject to the following conditions:
1. The proposed new ‘Colorbond’ roof is not approved. The existing and proposed roofs shall be terra cotta tiled or similar material and colour to the existing tiled roof.
 2. 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)
 3. 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.
 4. 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

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Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.

5. 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.
6. 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.
7. 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.
8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. 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.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (d) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (e) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

CARRIED

Cr Rico returned to the meeting at 6.46pm and it was noted she neither spoke nor voted on the previous item.

193.2 T92.1 East Fremantle Oval Recreation Precinct Community Reference Group – Update

Cr Martin – Cr Lilleyman

That:

1. the report be received.
2. the Chair of the East Fremantle Oval Recreation Precinct Community Reference Group be invited to the next Town Planning & Building Committee meeting to discuss progress to date and future directions for the Group.

CARRIED

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- 193.3 **T92.2 George Street Access and Parking Management Plan**
Cr Nardi – Cr Martin
That Council:
1. endorse the Program of Works attached to these minutes
 2. undertake a 'Public Communication Program' to promote outcomes of the Management Plan and the proposed Works Program. CARRIED

- 193.4 **T92.3 Review of Residential Design Codes**
Cr Nardi – Cr Rico
This report be received and that no changes to existing or proposed provisions of Town Planning Scheme No. 3 and Local Planning Policies be undertaken as a consequence of the changes to the Residential Design Codes gazetted on 2 August 2013. CARRIED

- 193.5 **T94.1 Heritage Review**
Cr Martin – Cr Collinson
That:
1. a Heritage Consultant be requested to provide a submission containing a proposed scope of works, personnel and experience and cost contingencies to undertake;
 - a review of the Municipal Inventory
 - designation and establishment of Heritage Areas under clause 7.2 of the Planning Scheme
 - all actions necessary to achieve the inclusion of selected properties on the Heritage List under clause 7.1 of the Planning Scheme.
 2. an additional budget allocation of \$150,000 be provided as a cost contingency to support the outsourcing of the consultation, reporting and response to submissions associated with Heritage Listings. CARRIED

194. **FINANCE**

- 194.1 **Monthly Financial Activity Statement for Period Ending 31 July 2013**
By Les Mainwaring Executive Manager Finance & Administration on 16 August 2013

PURPOSE

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

BACKGROUND

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

The monthly Financial Activity Statement for the period ending 31 July 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 2014 indicates a balanced budget of \$0, noting that this was the position adopted 13 August 2013 in the original budget.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 84%; is \$72,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 84%; is \$126,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$87,000 more than the YTD budget (Favourable).

Operating Revenue is 16% unfavourable with year to date budget.

The significant unfavourable variance within operating revenue is the contribution for the Plympton Parking project which is yet to commence, whereas the favourable variances have come from the early raising of mooring pen fees and early grant payment of the Home and Community Care program.

Operating Expenditure is now 16% favourable to year to date budget.

The main area of favourable variation is parks and gardens maintenance, community events which are yet to commence, and timing differences on recovery of governance expenditure such as software licensing, insurance and accrued expenses.

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.

The current year's capitals works programmes had not commenced at reporting date until adoption of the budget.

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

Capital Programs YTD Progress Summaries

Annual Timeline 8% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 0% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$3,369,000 less than the YTD budget (Favourable) which represents the entire capital programs to be completed. The report provides details on individual capital works in progress as at 31 July 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 July 2013 Financial Activity Statement shows variances in income and expenditure when compared with year to date budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2013 to 31 July 2013 is presented to the Council for timely information. The current annual forecast of a balanced budget is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

Voting Requirements

Simple Majority

RECOMMENDATION

That the Financial Activity Statement for the period ending 31 July 2013 be received.

Following a query from Cr Martin regarding the reference to footpath works in Hubble Street (Marmion to George) in the Capital Works Schedule, the Executive Manager Finance & Administration undertook to investigate and provide a response.

Cr Martin – Cr Collinson

That the Financial Activity Statement for the period ending 31 July 2013 be received. CARRIED

194.2**Accounts for Payment – July 2013**

By Les Mainwaring, Executive Manager Finance & Administration on 6 August 2013

PURPOSE

To endorse the list of payments made under delegated authority for the period 1 July to 31 July 2013.

BACKGROUND

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

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

ATTACHMENT

REPORT**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996 – Regulation 13

Comments/Discussion

The List of Accounts paid for the period beginning 1 July and ending 31 July 2013 requires endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts paid for the period beginning 1 July and ending 31 July 2013 be received, as per the following summary table:

<i>July 2013</i>		
Voucher Nos	Account	Amount
4578 – 4584	Municipal (Cheques)	\$9,504.23
EFT 17665 – EFT 17819	Electronic Transfer Funds	\$399,007.42
Loans	Electronic Transfer Funds	2,570.66
Payroll	Electronic Transfer Funds	\$216,854.77
	Municipal Total Payments	\$627,937.08

Following a query from Cr Lilleyman regarding the large number of footpath deposit refunds listed, the Executive Manager Finance & Administration advised that as at 30 June 2012, all bonds and deposits etc held in the name of third parties were moved from the Municipal Fund liabilities to a separate Trust Fund. This transition involved the labour intensive creation of a new Trust database which reflects the past transaction history of all outstanding Trust items. Since the finalisation of this new Trust database, staff have embarked upon a continuous process of research and investigation into all outstanding Trust items to determine whether they are still required to be held or returned to the rightful owner. This will be an ongoing activity and many East Fremantle residents have been pleasantly surprised to have been contacted to claim refunds for outstanding unclaimed bonds.

Cr Lilleyman – Cr Collinson

That the List of Accounts paid for the period beginning 1 July and ending 31 July 2013 be received. CARRIED

195. HEALTH & GENERAL PURPOSES

195.1 The Garage Sale Trail

By Shelley Cocks Principal Environmental Health Officer on 15 August 2013

Recently the Town of East Fremantle received funding (\$2,500) from the Waste Authority to participate in a national campaign aimed at sustainability, recycling opportunities and making community connections. The campaign, known as The Garage Sale Trail is an organisational framework that enables the peer-to-peer exchange of assets, resources and money on a local level but with national scale.

The first ever Garage Sale Trail happened in Bondi Beach, Australia during May 2010 and was a huge success. It won awards and generated so much interest that in April 2011, the program was rolled out nationally and had 14 council partners in NSW, VIC and QLD. In 2013 the programme has grown, with over 110 council partners in NSW, QLD, VIC, WA, TAS and ACT. This year the Garage Sale Trail will occur on 26 October 2013.

In 2012, there were some 150,000+ participants including 7,514 registered garage sellers and 624,432 items redistributed/saved from landfill. An average of \$400 pocket money made per participant (of which participants said they planned to spend 75% locally) and participants made an average of 6 new neighbourly connections.

The key drivers for participants are to make a little pocket money or fundraise, to clean up and declutter, to engage in a sustainable program for redistribution of goods, to have a little fun, meet their neighbours and do something positive for the local community.

Some of the most successful past sales have been hosted by charities, community groups, schools and cultural institutions that used the event as an opportunity to engage their local community and fundraise for their respective causes.

Makers and creators also use the Garage Sale Trail as a community-based marketplace to market their wares - anything from works of art to up-cycled furniture and clothes. Local businesses also get involved and make their own interpretations of the day spanning collaborative sales with local residents, items at 'Garage Sale' prices and fundraising for local charities.

The scheme will be widely advertised by Garage Sale Trail organisers and participants can register their intent to hold a garage sale on the website garagesaletrail.com.au

By agreeing to participate in this program the Town will implement the following recommendations:

- Distribute 'How-To Guide for Households'

The Garage Sale Trail has created a 'How-to Guide for Households' that provides information about getting involved. It is suggested that these guides be distributed to households electronically through council mailing lists. The guide is available through the Council Dashboard at garagesaletrail.com.au or via the State Council Manager.

- Promote Council's involvement

Council utilise it's available communications channels to promote the Garage Sale Trail and ask residents to register. This may include putting information in newsletters and Mayoral communications, including details about the Trail in the telephone hold system or putting a brief blurb on the official Council website.

- Distribute marketing materials

Provide key marketing materials to local participating households. This may include distributing print materials or communicating the availability of digital downloads from the Garage Sale Trail website.

- Encourage residents to promote their involvement

Suggest local residents promote their Garage Sale. This could be as easy as telling a neighbour or posting information about their sale to Facebook. Participants can also print marketing materials from the website and use them to promote their sale and invite their neighbours to get on board.

Elected members are being informed of this program so they are aware that East Fremantle will be participating as are other councils within the South Metropolitan Regional Council.

Elected members are asked to contact Shelley if they are interested in being involved in promotion of this event or wish to nominate potential charities or organisations that Council can invite to participate.

RECOMMENDATION

That the report be received.

Cr Nardi – Cr Rico

That the report be received.

CARRIED

196. REPORTS OF ELECTED MEMBERS

196.1 *Fremantle Road2Rail*

Cr Nardi reported on a public forum he had attended on Saturday, 17 August, organised by Fremantle Road2 Rail to discuss transport and health issues related to the Fremantle Port's plans to double freight movement over the next decade to and from the Port.

Fremantle Road2Rail was campaigning for increased freight movement by rail. Cr Nardi advised that the forum had been very informative with the following guest speakers:

- Dr George Crisp (Doctors for the Environment) – diesel particulates
- Mr Shane Chambers (Acoustic Physicist UWA) – noise pollution
- Mr Barry Healy (Fremantle Road2Rail) – road trauma

Ms Alannah MacTiernan (former Planning and Transport Minister), Senator Scott Ludlum (Greens spokesperson on Infrastructure) and Sam Wainwright (Socialist Alliance candidate for Fremantle) also addressed the forum.

Cr Nardi advised that the issues of:

- increased rates of illness and death from cancer, asthma and other diseases resulting from diesel particulates
- noise pollution
- potential truck accidents from increased speeds proposed for Stirling Highway and the existing dangerous intersection at Marmion Street

are of grave concern to the Town.

Cr Collinson explained his role in having Council provide sponsorship for the public forum.

Discussion took place on the question of Council lobbying Main Roads WA for the installation of sound walls, at least, to the rear of the Duke Street properties backing on to Stirling Highway. Cr Nardi undertook to provide additional information from his attendance at further meetings of the group.

197. REPORTS OF CHIEF EXECUTIVE OFFICER

197.1 *Metropolitan Local Government Reform – Council Amalgamations* *By Jamie Douglas, Acting Chief Executive Officer on 15 August, 2013*

PURPOSE OF THE REPORT:

The State Government released its Program for Metropolitan Local Government Reform on 30 July 2013. The Mayor of the City of Fremantle (Dr Brad Pettit) and the Chief Executive Officer Graeme Mackenzie presented the City's case for its alternative amalgamation model to elected members at a special meeting of Council held on the 13 August 2013.

In light of recent events it is recommended elected members consider the Town's response to (and involvement in) the State Government's announced reform program. It is anticipated that this consideration will inform the preparation of a consultation strategy to address the issue and a press statement to advise the Community.

BACKGROUND:

- **State Government's Program for Amalgamation**

The Premier Colin Barnett and Minister for Local Government Tony Simpson announced the State Government's reform program to the Mayors and CEOs of all metropolitan councils on Tuesday 30 July 2013. To date no other formal advice has been received from Minister Simpson, although this has been requested.

A copy of the Power Point Presentation of the Government's announced program was circulated to elected members prior to the Special Council Meeting held on 13 August 2013. The following is a summary of the Government's program derived from the initial presentation and subsequent briefings attended by the Acting Chief Executive Officer.

Under the proposed program:

- The Town of East Fremantle will be merged with the Cities of Melville and Fremantle to form a single Local Government.
 - The Town of East Fremantle will cease to exist as a Local Government entity on 1 July 2015. It should be noted that this is an “end date” by which time the amalgamation process is to be complete and Commissioners appointed in place of the elected members of the merged councils. In practice it is reasonable to predict that the Town will likely cease to exist as a functional entity at some time before this date.
 - Councils are “invited” to submit a “conforming” merger proposal to the Local Government Advisory Board between 26 August and 4 October. Should a proposal not be submitted or if it is deemed to be “non-conforming” then the Minister will submit a counter proposal. Non conforming proposals will not be accepted and only “minor anomalies” will be considered. The point has been stressed in briefings that the extent of any proposed boundary re-alignment that may be considered will only involve lots, houses or streets – but not to the extent of suburbs.
 - Multiple merger proposals are possible eg: A group proposal and separate proposals from individual councils.
 - The Government will appoint a further two members to the “independent” LGAB and it will conclude its findings by July 2014.
 - The Government has committed \$200,000 to each group of merging councils to assist with the costs of developing a proposal to the LGAB. There is a further indication of transition funding for each council upon the resolution of the LGAB findings however no details regarding this are currently known. Accordingly, the financial implications for the Town arising from amalgamation are unknown at this time.
 - Elected member representatives are proposed for the Metropolitan Reform Implementation Committee and each of the 11 Local Implementation Committees which will sit under it.
 - It is open to the Minister within the program approach to appoint a Commissioner earlier than the merger “end date” should councils fail to commit to the program or not progress towards amalgamation to the satisfaction of the Minister. The Commissioner’s role will be to drive the merger process. Should this occur the opportunity for elected members and executive staff to guide the transition process to the greatest benefit of the community and staff may be lost.
 - All permanent staff have been offered the continuance of their employment for at least two years from the July 2015 merger date. Redundancies have been capped at a maximum of 12 months benefits (it is not clear whether this is salary or total remuneration). The situation with respect to contract employees is unclear at this time and it is not known whether contract employees will have similar employment guarantees and redundancy benefits as other staff members.
 - The Local Government Department will be providing individual support to councils to assist in the preparation of a conforming merger proposal and the issues associated with the transition process. The Acting Mayor and Acting CEO will be meeting with Department representatives on Wednesday 21 August 2013.
- **City of Fremantle alternative amalgamation proposal**

The City of Fremantle presented an alternative amalgamation model to elected members on the 13 August 2013. A copy of the power point presentation forms attachment one to this report.

CONFIDENTIAL ATTACHMENT

The following extract from that presentation summarises the City of Fremantle’s proposal.

- “1. *We don’t support forced amalgamations and we must protect the democratic right of residents to have their say in the reform outcomes.*”

2. *The City of Fremantle (whilst being strongly and consistently supportive of local government reform and a logical expansion of boundaries for the City of Fremantle) is strongly opposed to the mega-council option proposed by the State Government.*
3. *The new boundaries are illogical and will undermine Fremantle as a strategic activity centre and as a unique and special community.*
4. *We will instead make the case for boundaries that strengthen Fremantle as a unique place and key strategic centre. This will take us further east but nowhere near as far as proposed – probably Stock or North Lake Road. We will also fight very hard to keep North Fremantle and go a bit further south as well.*
5. *In other words we need smart boundary reform for a strengthened Fremantle centre not this illogical sprawl east that leaves the Fremantle CBD further isolated from its natural communities of interest.”*

From the above comments it is interpreted that the City's preferred amalgamation option is Option C identified on the map included within the Power Point presentation. The Town of Fremantle is to be amalgamated within a greater city boundary in all the options proposed. No information on current and projected debt levels or risk assessment associated with the City's revitalisation project were included in the presentation.

- **City of Melville draft MOU and invitation to participate in a joint Merger proposal**

A draft MOU and invitation to participate in a joint proposal has been received from the City of Melville for consideration by Council. The draft MOU (incorporating suggested changes which are discussed later in this report) forms attachment two to this report.

ATTACHMENT

The MOU has been drafted for signing by the Reform Partners, the purpose of this MOU is to outline the general approach, lines of communication and commitments for the “Reform Partners” in the process of reform leading up to the stage of the submission of the reform proposal, on 4 October 2013, by the “Reform Partners”, whether jointly or individually, and in the period thereafter.

CONSIDERATION:

- **Council position regarding amalgamation**

In all the various amalgamation proposals the Town of East Fremantle will cease to exist by July 2015. The Town has vigorously rejected all proposals for amalgamation in the past and has submitted comprehensive arguments for the retention of the Town to a series of state government reviews. These arguments have been rejected and it is apparent that further argument for the Town's retention will be fruitless and indeed may well prove counter-productive to the protection of the community's best interests in the future transition process.

It is now necessary for Council to consider:

- whether to maintain its formerly stated position to oppose amalgamation and not engage or facilitate in the progression of the amalgamation program or;
- acknowledge that while amalgamation is not its preferred option, the best interests of the community and staff would be now served by an active engagement (and representation) in the transition process. This option would necessarily require involvement within a “conforming” merger proposal or within an alternate proposal acceptable to the LGAB.

It is apparent from the information provided that should Council choose not to actively participate in the amalgamation process, or that the Minister considers that it

is not progressing satisfactorily towards the achievement of amalgamation by the nominated date, then a Commissioner may be appointed in its place and elected member representation on the Local Implementation Committees (to be setup to guide the transition to the new Council entity) will be denied.

- **City of Fremantle proposal**

Following the presentation by the City of Fremantle at the special meeting on 13 August 2013 elected members expressed a majority opinion that the Town more closely shares a 'Community of Interest' with Fremantle rather than Melville. However elected members were cognisant that it may be unlikely that the Minister and/or the LGAB will support such a substantial departure from the Government's model (notwithstanding the Premier's recent comments in support of changes to allow the amalgamation of the entire Town of Vincent with the City of Perth).

Accordingly it is considered that dialogue should continue with both the Cities of Melville and Fremantle in the event that consideration is not to be given to Fremantle's alternative proposal and that the Town of East Fremantle should engage within a 'conforming proposal' in line with the Government's required model.

It is noted that the City of Fremantle did not provide details of current and projected debt levels or risk assessment associated with the City's revitalisation project. It is understood that the City of Fremantle's comparatively high debt level is projected to rise significantly in coming years to service contracts entered into to facilitate the revitalisation initiatives described within the presentation. It is known that the City is providing economic stimulus to facilitate the revitalisation proposals. There is inherent risk in such a course for any government authority should the take up of the developed spaces by the market not reach expectations.

It may be that the Government's amalgamation model incorporating the City of Melville within a Greater Fremantle will alleviate this risk, if this does not occur an outcome for the East Fremantle community may be potential rate increases in future years and/or a diminution in services to assist in debt funding.

It is considered the quantum of current and projected debt and the risk assessment associated with the City of Fremantle's revitalisation program and its other budget pressures should be subject to "due diligence" by the Town of East Fremantle before it commits to aligning itself with an alternate amalgamation proposal with the City of Fremantle.

- **City of Melville draft MOU and invitation to participate in a joint Merger proposal**

The proposed MOU provides a structure for future dialogue and association of the affected council entities in the government's model - Fremantle/East Fremantle/Melville amalgamation (the City of Canning is also affected by a boundary change) during the transition to amalgamation. The MOU is non-binding and it is considered generally acceptable subject to the minor changes indicated in the 'track changes' on the attached draft. These changes are proposed:

- In respect to financial provisions – to reflect the Town's accounting practices and budget commitments for the current financial year,
- In respect to employment – to provide some greater flexibility particularly in respect to contract employees by requiring prior consultation with other parties before reappointing or creating new positions rather than specifying constraints in respect to employment contracts.

It is proposed that the Acting Mayor and the CEO be nominated by the Council to represent the Town on the initial Working Group to be set up between the Reform Partners.

CONCLUSION

Nothing in the announced process for the Government's reform program restricts Council from involvement in more than one amalgamation model. Participation in a 'conforming proposal' (as well as Fremantle's alternative) would alleviate the potential for the Minister to impose an amalgamation proposal upon the Town and ensure that future elected member participation in the Local Implementation Committees is not prejudiced.

The terms of the proposed MOU (which is non-binding) are considered to be satisfactory subject to minor changes.

A further assessment of the financial implications for the East Fremantle community should be undertaken prior to an agreement to participate in an alternative amalgamation model proposed by the City of Fremantle.

RECOMMENDATIONS

That:

- A. the Town's preferred course is not to amalgamate however if it is to be forced into amalgamation then its primary objective is to promote the best interest of the community and staff during the transition period and beyond. To achieve this it will be necessary for the Town to engage in the Government's Reform Program by undertaking the following.
 1. Participate in a submission supporting the Minister's suggested proposal for amalgamation between the City of Melville, the City of Fremantle, Town of East Fremantle and portions of the City of Canning, with the Local Government Advisory Board.
 2. Resolve that the Acting Mayor and the Chief Executive Officer be nominated to the initial Work Group that will initiate discussions with the Reform Partners.
 3. Agree to sign the Memorandum of Understanding detailed in attachment (as amended).
- B. due diligence be undertaken to ascertain the financial implications for the East Fremantle community of the amalgamation of the Town with the City of Fremantle as proposed by the City of Fremantle.
- C. a communication program be implemented to inform the community regarding the actions of Council and the impacts for the Town of East Fremantle arising from the State Governments Local Government Reform Program.

Considerable discussion ensued with the Acting CEO and Executive Manager Finance & Administration answering various questions raised by elected members.

Cr Martin – Cr Nardi

That:

- A. *the Town's preferred course is not to amalgamate however if it is to be forced into amalgamation then its primary objective is to promote the best interest of the community and staff during the transition period and beyond. To achieve this it will be necessary for the Town to engage in the Government's Reform Program by undertaking the following.*
 - 1. Participate in the preparation of a submission supporting the Minister's suggested proposal for amalgamation between the City of Melville, the City of Fremantle, Town of East Fremantle and portions of the City of Canning, with the Local Government Advisory Board.*
 - 2. Resolve that the Acting Mayor and the Chief Executive Officer be nominated to the initial Work Group that will initiate discussions with the Reform Partners.*
 - 3. Agree to sign the Memorandum of Understanding detailed in attachment (as amended).*

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- B. *due diligence be undertaken to ascertain the financial implications for the East Fremantle community of the amalgamation of the Town with the City of Fremantle as proposed by the City of Fremantle.*
- C. *a communication program be implemented to inform the community regarding the actions of Council and the impacts for the Town of East Fremantle arising from the State Governments Local Government Reform Program.*

Amendment

Cr Collinson – Cr Rico

That:

- 1. *section A3 of the resolution be deleted*
- 2. *the following additional sections be added:*
 - D. *Council investigate the legality of the State Government's ability to appoint Commissioners as at 1 July 2015*
 - E. *Council invite the City of Melville to meet with elected members.* LOST

Amendment

Cr Rico – Cr Wilson

That the following additional section be added to the resolution:

- D. ***Council investigate the legality of the State Government's ability to appoint Commissioners as at 1 July 2015.*** CARRIED

The substantive motion was put.

Cr Martin – Cr Nardi

That:

- A. **the Town's preferred course is not to amalgamate however if it is to be forced into amalgamation then its primary objective is to promote the best interest of the community and staff during the transition period and beyond. To achieve this it will be necessary for the Town to engage in the Government's Reform Program by undertaking the following.**
 - 1. **Participate in the preparation of a submission supporting the Minister's suggested proposal for amalgamation between the City of Melville, the City of Fremantle, Town of East Fremantle and portions of the City of Canning, with the Local Government Advisory Board.**
 - 2. **Resolve that the Acting Mayor and the Chief Executive Officer be nominated to the initial Work Group that will initiate discussions with the Reform Partners.**
 - 3. **Agree to sign the Memorandum of Understanding detailed in attachment (as amended).**
- B. **due diligence be undertaken to ascertain the financial implications for the East Fremantle community of the amalgamation of the Town with the City of Fremantle as proposed by the City of Fremantle.**
- C. **a communication program be implemented to inform the community regarding the actions of Council and the impacts for the Town of East Fremantle arising from the State Governments Local Government Reform Program.**
- D. **Council investigate the legality of the State Government's ability to appoint Commissioners as at 1 July 2015.** CARRIED

198. CONFIDENTIAL BUSINESS

198.1 Minutes of Special Council Meeting – 31 July 2013

Cr Martin – Cr Rico

That the following matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(a) of the Local Government Act, which involves confidentiality provisions in relation to a matter affecting an employee. CARRIED

Cr Martin queried the wording of the first paragraph on the second page of the minutes which was clarified to her satisfaction.

Cr Nardi – Cr Lilleyman
That the Minutes of the Special Council Meeting held on 31 July 2013 be confirmed. CARRIED

199. CONFIRMATION OF MINUTES (CONTINUED)

199.1 *Minutes of Special Council Meeting – 13 August 2013*
Cr Rico – Cr Collinson
That the Minutes of the Special Council Meeting held on 13 August 2013 at 7.30pm be confirmed. CARRIED

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

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

201.1 *Cr Wilson – Existing Tenancies.*
Cr Wilson – Cr Martin
That Cr Wilson’s proposed motion be heard. CARRIED

Cr Wilson – Cr Martin
That Council:

1. commence a review of the status of all its non government organisations’ tenancies throughout the Town, including community and sporting organisations, such that these arrangements of either; lease, MOU or management agreement, are progressed towards a state of good order prior to the end of 2013.
2. prioritise a review of the Glyde-In Community Centre and prepare a report for the November Council Meeting. CARRIED

202. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.48pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 August 2013**, Minute Book reference **180.** to **202.** were confirmed at the meeting of the Council on*
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Presiding Member