



Council Meeting 19 March 2013

MINUTES

Town of East Fremantle

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 19 MARCH 2013 COMMENCING AT 6.33PM.

30. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

30.1 Present

Mayor A Ferris	Presiding Member (to 7.10pm)
Cr C Collinson	
Cr B de Jong	(Presiding Member from 7.10pm)
Cr S Martin	
Cr R Olson	
Cr D Nardi	
Cr M Rico	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (to 7.10pm)
Ms J May	Minute Secretary

31. 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.”

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

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

The Mayor introduced elected members and staff.

33. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Lilleyman

34. RECORD OF APOLOGIES

Cr Wilson

35. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

36. PUBLIC QUESTION TIME

36.1 Pat Newton, Alexandra Road

The CEO read the following response to Mrs Newton’s public questions raised at the Council Meeting on 19 February 2013:

*Mrs P Newton
45 Alexandra Road
EAST FREMANTLE WA 6158*

Dear Pat

PUBLIC QUESTION TIME – COUNCIL MEETING 18 FEBRUARY 2013

Further to the following question raised at last Tuesday’s Council Meeting, which I partly responded to and partly took on notice:

“My husband and I asked a section of the residents of the Richmond Ward for

support for the motion put to the Ratepayers Meeting. We did this in writing asking for a written response to be returned to Mr Wearne or us personally. How many responses were received at the Council Office? We know some were.

Following a search of Council's incoming mail since the date of the Electors' Meeting on 4 February 2013, I advise that three of your proforma letters have been received, two supporting the motion carried at the Electors' Meeting and one supporting the proposed rezoning of the Reserve to finance improvements to the site. Subsequent correspondence has been received from a further three residents living north of Canning Highway, although it is unclear whether these are as a result of your circular. Two of these letters supported the Electors' Meeting resolution and one supported the sale of portion of the reserve to fund redevelopment works.

I hope this adequately answers your query.

Your interest in the issue is appreciated.

Best wishes

*STUART WEARNE
Chief Executive Officer*

37. APPLICATIONS FOR LEAVE OF ABSENCE

37.1 Cr de Jong

Cr de Jong sought leave of absence for the Council Meeting on 16 April 2013 in lieu of the previous leave of absence sought for the Council Meeting on 21 May 2013.

Cr Rico – Cr Nardi

That leave of absence be granted to Cr de Jong for the Council Meeting on 16 April 2013. CARRIED

37.2 Cr Martin

Cr Martin sought leave of absence for the Council Meeting on 19 November 2013.

Cr Rico – Cr Nardi

That leave of absence be granted to Cr Martin for the Council Meeting on 19 November 2013. CARRIED

38. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

38.1 Council Meeting – 19 February 2013

Cr de Jong – Cr Olson

That the Minutes of the Council Meeting held on 19 February 2013 be confirmed with the following correction:

MB Ref 14.2 Applications for Leave of Absence – Cr Nardi

That the date "15 July" be amended to read "16 July".

CARRIED

39. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

Nil.

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

Nil.

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

Nil.

42. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)**42.1 Maureen Flynn**

Advising firstly that whilst the draft Terms of Reference she had submitted to Council (on 4 March 2013) had been attributed to herself in the officer's report, this document had in fact been based on advice from many residents. Ms Flynn then provided comment on the proposed Terms of Reference for the East Fremantle Oval Recreation Precinct Community Reference Group prepared by the Manager Planning Services and sought amendments in relation to:

1. Inclusion of a representative from each of the surrounding streets: Moss, Fletcher, Allen and Marmion Streets as key stakeholders or as a compromise one representative from these four streets as a "resident key stakeholder"
2. The reference group being able to examine and provide input into financial aspects of any options considered.

Cr de Jong – Cr Rico

That the correspondence from Maureen Flynn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 43.4).

42.2 Maureen Flynn

Thanking the Mayor for his response to her earlier email and advising that she supported the suggested adjustment to the composition of the reference group by including one resident from the adjacent street. Also acknowledging advice that the financial impacts of any possible options will be considered by this group in detail.

Cr de Jong – Cr Rico

That the correspondence from Maureen Flynn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 43.4). CARRIED

42.3 Damien Flynn

Requesting that the proposed Terms of Reference for the East Fremantle Oval Recreation Precinct Community Reference Group be expanded to allow the group to investigate:

1. Current leases to sporting clubs on the site and their financial considerations
2. Income and sources of income and expenditure by the Town relating to the reserve since at least 2008 and future projections
3. any valuations and reports relating to the reserve and the financial implications for a profit or loss by any proposed sale of land which is part of the reserve or development either by the Town or property developer or Landcorp.

Elected members were provided with a copy of the Mayor's response which advised Mr Flynn that the Terms of Reference were broad enough to encompass the issues raised.

Cr de Jong – Cr Rico

That the correspondence from Damien Flynn be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 43.4). CARRIED

42.3 Jim O'Neill

Requesting that:

- The consideration of the proposed Terms of Reference for the East Fremantle Oval Recreation Precinct Community Reference Group be deferred to allow proper assessment and response from the community.

- The CEO be nominated as a member of the group with the Manager Planning Services being retained in an advisory capacity.
- Historical and financial aspects such as leasing arrangements and financial contributions be considered by the group.

Mr O'Neill considered failure to recognise key stakeholders living in close proximity to the East Fremantle Oval in Marmion, Allen, Fletcher & Moss Street was an error of goodwill and could perhaps deem the Group improperly constituted.

Cr de Jong – Cr Rico

That the correspondence from Jim O'Neill be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 43.4). CARRIED

43. TOWN PLANNING & BUILDING

43.1 T23.8 King Street No 9 (Lot 501)

Owner & Applicant: CE Elrick-Barr & LJ Barr

Application No P59/2012

The following previously circulated information by Town Planner Christine Catchpole, was considered.

At the Town Planning and Building Committee meeting held on 5 March 2013 the Committee Members sought clarification of the proposed outbuilding facing 9 King Street. The following information is provided in response.

- *Front fence height (St Peters Road): 1.85 metres solid masonry (as indicated on plans approved by Council on 13 December 2011 and in the Building Permit issued 4 May 2012).*
- *Wall height of shed (proposed): 1.9 metres.*
- *Wall height of outbuilding (shed) permitted: 2.4 metres.*

The planning report does refer to the primary street setback requirement under the R-Codes being 6 metres therefore requiring Council discretion to approve of the nil setback proposed. However, in the assessment of setbacks for the planning application for the two storey residence the St Peters Road frontage was considered a side boundary and King Street was considered the front boundary (primary street setback). The house and double garage, however, effectively face St Peters Road.

The house is constructed on an irregular shaped lot with a narrow frontage to King Street (9.74m) and impacted by a sewer line which traverses the site in a north – south direction. This prevented any construction occurring in a 3.5 metre wide strip of the site adjacent to the western boundary.

The shed (4.55m²) will be located in the north-west corner of the property adjacent to the garage and behind the solid section of wall along St Peters Road. It will also abut the rear boundary fence of the property at 10 Sewell Street. The neighbours had no objection to the construction of the shed in this position. The opposite side of St Peters Road is vacant land at the rear of the Mixed Use zone on Canning Highway.

The shed will be well screened given the height of the solid wall and the abutting new fibre cement fence, of the same height, extending the remainder of the length of St Peters Road. This is considered the most practical position for the shed as it is located adjacent to the garage and does not encroach on the open space area of the small lot. It was also considered to be acceptable given the lot restrictions and that the most prominent view of the house is from Stirling Highway. From this view the north west corner of the property is not visible, and from the street itself approximately 10cm of the

shed may be visible above the wall height; possibly less given the lot level is lower than the level of the footpath and wall.

The colour and material chosen for the shed are considered to meet the requirements of the Residential Design Guidelines 2013 as they are considered to be compatible with colours and finishes of existing materials in the immediate locality.

Council discretion is required in regard to approval of the nil setback to the northern and western boundaries of the property. The reference to front boundary/primary setback in the recommendation has therefore been deleted to avoid misinterpretation.

The recommendation to Council is therefore as follows:

RECOMMENDATION

That Council in granting approval for an outbuilding (garden shed) and six roof mounted solar panels on the central north facing upper storey roof of a single residence at No. 9 King Street, East Fremantle, in accordance with plans and information date stamped received on the 19 April 2012 and 1 February 2013 exercises its discretion in granting approval for the following variations:

- (a) Clause 6.3 – Boundary Setbacks of the Residential Design Codes of WA to allow a nil setback for the outbuilding (shed) to the northern and western boundaries; and
- (b) Local Planning Policy – Residential Design Guidelines to allow installation of the six solar panels on the northern roof plane (main frontal plane) of the lot,

subject to the following conditions:

1. The installation of six solar panels on the central northern roof plane as specified in documentation date stamped received on 1 February 2013. Should further panels be required submission of a fresh planning application will be necessary.
2. The solar panels are not to display any form of private advertising or branding visible from surrounding streets.
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. This planning approval is to remain valid for a period of 24 months from the 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; and
- (b) 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).

Cr Nardi – Cr Rico

That Council in granting approval for an outbuilding (garden shed) and six roof mounted solar panels on the central north facing upper storey roof of a single residence at No. 9 King Street, East Fremantle, in accordance with plans and information date stamped received on the 19 April 2012 and 1 February 2013 exercises its discretion in granting approval for the following variations:

- (a) Clause 6.3 – Boundary Setbacks of the Residential Design Codes of WA to allow a nil setback for the outbuilding (shed) to the northern and western boundaries; and
 - (b) Local Planning Policy – Residential Design Guidelines to allow installation of the six solar panels on the northern roof plane (main frontal plane) of the lot,
- subject to the following conditions:

1. The installation of six solar panels on the central northern roof plane as specified in documentation date stamped received on 1 February 2013. Should further panels be required submission of a fresh planning application will be necessary.

2. The solar panels are not to display any form of private advertising or branding visible from surrounding streets.
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. This planning approval is to remain valid for a period of 24 months from the 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; and*
- (b) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

CARRIED

43.2 T25.1 Delegation of Powers to Town Planning & Building Committee

Cr Martin - Cr de Jong

That the existing delegation to the Town Planning and Building Committee be extended for a further six months or until the annual general review of delegations occurs on the current terms which are as follows:

That 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:

- (i) *at least 5 Committee members vote in favour of the Committee recommendation*
- (ii) *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

43.3 T25.2 Residential Design Guidelines

Cr de Jong – Cr Martin

That Council adopt Local Planning Policy – Residential Design Guidelines as amended by Council on 20 November 2012 and publish notice of the Policy once in a local newspaper circulating in the Scheme area as per Clause 2.4.3. A copy of the Policy be forwarded to the Western Australian Planning Commission. CARRIED

43.4 East Fremantle Oval Recreation Precinct Community Reference Group R/RS09v2

By Jamie Douglas, Manager Planning Services on 11 March 2013

PURPOSE OF REPORT

This report presents a draft Terms of Reference for the establishment of a Community Reference Group and recommends that Council approve the establishment of a Community Reference Group in accordance with the attached Terms of Reference and Nomination Application Form – selection criteria (Attachment 1).

BACKGROUND

At its meeting on 19 February 2013 Council adopted the following motion in respect to the East Fremantle Oval Redevelopment Project;

“That

1. *Council note the decision of the Electors Meeting*
2. *Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure*

3. *no further work to be undertaken on this project until Council has received and considered the report referred to above*
4. *Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development on the East Fremantle Oval Precinct”.*

REPORT

Consultants have been appointed to report on the condition of the buildings and structures associated with the football oval. It is anticipated a draft report will be completed by the end of March 2013.

This report addresses the establishment of a community group.

Consideration:

Since the Electors Meeting there has been considerable input and enquiry from community members regarding the proposed Community Reference Group (CRG) and the project in general. These submissions evidence a diversity of views in the general community however do confirm an overriding opinion from those principally within the immediate vicinity of the site that funding for the redevelopment should not be obtained by the sale of any component of the A Class Reserve.

Of particular assistance has been a submission provided by Maureen Flynn which provides a comprehensive draft Terms of Reference for the proposed Community Group for Council's consideration. A copy of this submission was also forwarded by Ms Flynn to elected members however is further attached for information. This submission has been carefully considered and has informed and elaborated the Terms of Reference and the Selection Criteria attached for Council's determination. Other models for similar community reference groups have also been considered along with input from some elected members and specialist advice from the Communication Consultants appointed for the project, 'Mills Wilson'.

The following criteria have informed the structure and content of the proposed Terms of Reference and Selection Criteria:

- The formation of the committee shall give effect to Council's resolution of 19 February 2013.
- The nomination and selection process for membership of the committee shall be thorough and transparent.
- The committee shall be representative of the residents and ratepayers of the Town of East Fremantle and the existing stakeholders of the site.
- The committee shall have sufficient autonomy to fairly represent all residents and stakeholders views.
- Roles and functions of the committee and responsibilities of its members shall be clearly defined for all members and the community.
- The committee shall have the scope to explore all options for redevelopment through an informed process of enquiry, design and consultation.
- Persons with appropriate skills, interests and community networks shall be encouraged to participate.
- The committee shall have a clear target date for output and recommendations.
- While not a decision making body, the committee will nevertheless operate within the relevant statutory process of Local Government.
- Within the context of the finite resources of Council and its normal operating demands, the committee shall be provided with all reasonable resources necessary to perform its functions.

Explanation of Proposed Terms of Reference and Selection Criteria for Community Reference Group:

- **Roles and Functions**

Roles and functions for the CRG have been established which enable the CRG to investigate all viable options for redevelopment and future uses. There have already been many useful design suggestions from community members which were not captured within the initial Concept Plan. It is envisaged that more and varied suggestions will follow once the site analysis information is circulated and potential future uses become apparent.

A range of community and sporting groups have expressed interest in possible relocation to the Precinct including the East Freo Farm Inc. The CRG will provide a conduit for all such groups to have their aspirations equally considered on their merit.

Emphasis has been given to the passage of information and understanding between the community and the Elected Members and to relationship building with potential collaborators for future activities within the Precinct.

The terms of reference will be an agenda item at the first meeting of such a group. The CRG can at any time request Council to review its roles and functions, however, agreeing the Terms of Reference for the CRG will remain a responsibility of Council.

A principal point of departure from the purpose for the CRG as described in the Maureen Flynn submission (Attachment 2) is that at this initial stage, the CRG is not prohibited from considering the consequences of a possible excision of a portion of the A Class Reserve. Although this may be an eventual outcome, it is considered that in accordance with Council's resolution, the CRG should be able to form its opinion based upon the understanding of all the development options, the site constraints and opportunities and funding options.

- **Membership**

It is proposed that the CRG be comprised of 14 members comprising six community representatives (including at least one resident from each of the four wards), one representative each from the existent sporting and community groups on the site, one representative from the Town's Planning Advisory Panel, the Manager Planning Services and two Elected Members including at least one of the Woodside Ward Councillors.

It is proposed that only three of the fourteen CRG members would be representatives of the Council and their participation is necessary to provide a free flow of information to and from the CRG. The majority of members (eleven) will be independent of Council and as such confirm the independence of the CRG. A representative of the Town Planning Advisory Panel is proposed since this group is comprised of volunteer professionals who regularly provide advice on design and heritage issues and as such can bring particular expertise to the CRG.

It is proposed that the community representatives should be invited through a publicly advertised 'expression of interest' and selected based on the selection criteria described in the Nomination Application Form (Attachment 1). Members to the CRG will be selected by Council.

There is provision for other persons with specific skills or community/government representation to be invited to attend meetings of the CRG at the request of the Chairperson.

A principal point of departure from the purpose for the CRG as described in the Maureen Flynn submission (Attachment 2) is that submission proposed that in addition to four residents from each ward, that four homeowner residents from the

streets surrounding the site be included. This would result in a potential five of the CRG members representing the interests of residents in the immediate vicinity. It is considered this is an unsupportable bias in regard to representation for planning a facility which is to serve the interests of all residents of the Town and surrounding catchments. Under the proposed membership in attachment 1 residents in the immediate vicinity could potentially occupy three of the six community representative positions and this is considered to be a fairer balance and sufficient to facilitate a fluid exchange of views from and to residents in the immediate vicinity.

- **Chairperson**

It is proposed that the CRG Members will elect their Chairperson at the first meeting. It is suggested that the Chair should be chosen by the CRG as this will;

- reinforce the independence of the CRG,
- encourage majority support for the Chairperson from the CRG Membership
- community support will likely be more forthcoming for a Chairperson who elected by the CRG which is broadly representative of their views.

The Chairperson will be elected for a 12-month period, with elections to be held annually or at the first meeting following the resignation of a Chairperson.

CONCLUSION

The Terms of Reference and the members selection criteria described in the Nomination Application Form in Attachment 1 are considered to best meet Council's resolution of 19 February 2013 and the criteria for a balanced and effective CRG and are recommended for adoption.

RECOMMENDATION

It is recommended that Council endorse the East Fremantle Oval Recreation Precinct Community Reference Group –Terms of Reference contained in Attachment 1 to this report and the selection of community representatives by publicly advertised invitation in accordance with the selection criteria contained in the Nomination Form in Attachment 1.

The emails from Maureen and Damien Flynn and letter from Jim O'Neill, referred from Correspondence (MB Ref 42.1, 42.2, 42.3 & 42.4) were tabled.

The CEO advised of the following change to the Terms of Reference for the East Fremantle Oval Recreation Precinct Community Reference Group which was proposed in response to the submissions received:

- *six (6) community members, including at least one resident from each of the Town of East Fremantle's four wards³ and at least one resident living adjacent to the site⁴*

³ Plympton, Woodside, Richmond and Preston Point ward areas, as defined by the Town of East Fremantle.

⁴ A resident of the sections of Marmion, Fletcher, Moss or Allen Streets which are immediately adjacent to the East Fremantle Oval Recreation Precinct.

Mr Gerard McCann (resident) addressed the meeting in respect to the proposed Terms of Reference for the East Fremantle Oval Recreation Precinct Community Reference Group and advised that:

- There was a perception by residents in the immediate area that the Manager Planning Services was driving the push to sell part of the A class reserve to progress the project and therefore should not serve as a member of the group
- Financial implications in respect to the Football Club's contributions, leasing arrangements and general viability and Council's ability to fund or source funding for any redevelopment of the site needed to be part of the proposed Group's considerations.

Cr Martin strongly denied the notion that the Manager Planning Services had any specific agenda in respect to this project and assured Mr McCann that the officer was operating under the direction of elected members.

Mr Bill Turner (EF Croquet Club) addressed the meeting congratulating Council on its response to the last Electors' Meeting and advising that he supported the proposed Terms of Reference.

The Mayor outlined his response to Maureen Flynn's email regarding the Terms of Reference and advised he supported the proposed change to the membership of the Group.

Considerable discussion ensued.

Cr Martin – Cr de Jong

That Council endorse the East Fremantle Oval Recreation Precinct Community Reference Group – Terms of Reference attached to these minutes with the following amendments:

- 1. The first dot point of the membership of the Group contained in Section 4 MEMBERSHIP to read:*

- six (6) community members, including at least one resident from each of the Town of East Fremantle's four wards³ and at least one resident living adjacent to the site⁴*

³ Plympton, Woodside, Richmond and Preston Point ward areas, as defined by the Town of East Fremantle.

⁴ A resident of the sections of Marmion, Fletcher, Moss or Allen Streets which are immediately adjacent to the East Fremantle Oval Recreation Precinct.

- 2. The words "consensus by" be deleted from Section 8 DECISION-MAKING*

and the selection of community representatives by publicly advertised invitation in accordance with the selection criteria contained in the Nomination Form also attached to these minutes.

Amendment

Cr Collinson

That the Section 4 MEMBERSHIP of the Terms of Reference be amended as follows:

- 1. The first dot point to read:*
 - six (6) community members, including at least one resident from each of the Town of East Fremantle's four wards³*
- 2. The eighth dot point to read:*
 - Two (2) Town of East Fremantle elected members.*

MOTION LAPSED FOR WANT OF A SECONDER

The substantive motion was put.

Cr Martin – Cr de Jong

That Council endorse the East Fremantle Oval Recreation Precinct Community Reference Group – Terms of Reference attached to these minutes with the following amendments:

- 1. The first dot point of the membership of the Group contained in Section 4 MEMBERSHIP to read:**

- six (6) community members, including at least one resident from each of the Town of East Fremantle's four wards³ and at least one resident living adjacent to the site⁴**

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³ Plympton, Woodside, Richmond and Preston Point ward areas, as defined by the Town of East Fremantle.

⁴ A resident of the sections of Marmion, Fletcher, Moss or Allen Streets which are immediately adjacent to the East Fremantle Oval Recreation Precinct.

2. The words “consensus by” be deleted from Section 8 DECISION-MAKING

and the selection of community representatives by publicly advertised invitation in accordance with the selection criteria contained in the Nomination Form also attached to these minutes. CARRIED

(THE AMENDED/ADOPTED TERMS OF REFERENCE HAVE BEEN ATTACHED TO THESE MINUTES.)

The Mayor left the meeting at 7.10pm.

The Manager Planning Services left the meeting at 7.10pm.

44. ELECTION OF PRESIDING MEMBER

In the absence of the Mayor and Deputy Mayor, the CEO called for nominations for the position of Presiding Member.

Cr Olson nominated Cr de Jong.

In the absence of any further nominations, the CEO declared Cr de Jong elected unopposed as Presiding Member for the remainder of this meeting.

45. FINANCE

45.1 *Minutes of Audit Committee Meeting – 26 February 2013*

Cr Rico advised the meeting that she had not seconded the motion in MB Ref A9.1 Appointment of External Auditor. It was agreed that Cr Olson had seconded the motion.

Cr Olson advised that he had made an impartiality declaration at the commencement of discussion on the same item as he had worked with auditors Macri & Partners in his employment at the Town of Mosman Park.

Cr Olson – Cr Nardi

That the Minutes of the Audit Committee Meeting held on 26 February 2013 be received. CARRIED

(i) *A8.1 2012 Compliance Audit Return*

Cr Olson – Cr Nardi

That Council adopt the Compliance Audit Return for the period 1 January to 31 December 2012. CARRIED UNANIMOUSLY

(ii) *A9.1 Appointment of External Auditor*

Cr Martin – Cr Collinson

That consideration on this item be held over to Confidential Business. CARRIED

45.2 *Minutes of Finance Committee Meeting – 26 February 2013*

Cr Olson advised that item MB Ref F9.3 Ongoing Status Report had been raised in contravention of the Standing Orders and believed the motion should be deleted from the minutes.

Cr Olson – Cr Martin

That the Minutes of the Finance Committee Meeting held on 26 February 2013 be received with the item MB Ref F9.3 Ongoing Status Report being deleted due to contravention with standing orders. CARRIED

(i) F8.1 2012/2013 Half Year Budget Review

The Executive Manager Finance & Administration gave an overview of the half year budget review.

Cr Martin sought clarification on the entry “\$155,000 I11184 additional DOT grant for the Leeuwin launching ramp project”.

Cr Nardi – Cr Olson

That Council:

1. Receives the Half Yearly Budget Review report for the period ended 31 December 2012.
2. Notes the budget amendments already adopted by Council during the period 1 July 2012 to 31 December 2012 leaving a closing surplus of \$75,719.
 - \$44,000 E11673 Glasson Park Project – CapEx Infrastructure Assets
 - \$ 6,000 E11259 Raceway Park BBQ – CapEx Infrastructure Assets
 - \$65,000 E11246 East Fremantle Oval Master Plan – OpExp Community Amenities
3. Adopts the budget review recommendations with the following variations for the period 1 July 2012 to 31 December 2012 and amend the budget accordingly:

\$75,000 I03188	reduction in Interest on Muni Investments
\$22,000 E04201	savings on administration salary
\$20,000 E04239	savings from lesser use of accounting contractors
\$10,000 E04266	savings from lower use of public relations consultants
\$20,000 I10088	reduction in development application revenue
\$17,000 E10215	increase in estimate of planning consultant expenditure
\$12,000 E10216	savings in the TPS Scheme 3 project
\$10,000 E10217	savings in legal expenses for planning
\$10,000 E10237	savings on infill density project
\$55,000 E10238	savings from municipal inventory project timing
\$10,000 E10239	savings on strategic urban plan
\$106,000 E10203	increase in estimated costs of diverted waste
\$22,000 E10222	increase in estimated costs of SMRC Material Recovery Fees
\$17,000 E11249	increase in library shared services with City of Fremantle
\$34,000 E11246	increase in East Fremantle Oval master plan project
\$17,500 E11263	increase in East Fremantle Festival expenditure
\$15,000 I12181	reduction in parking fee income
\$30,000 I12095	additional Main Roads grant from 2011/2012
\$32,000 E12215	increase in road and street maintenance
\$21,000 E12231	savings in footpath and cycleway maintenance
\$30,000 E12263	increase in drainage maintenance
\$14,000 I13181	reduction in building permit income
\$79,900 E13201	savings in permanent building surveyor salaries
\$11,200 E13202	savings from permanent building surveyor on costs
\$40,200 E13205	additional cost estimate of using contract building surveyor services
\$23,000 E14204	increase in engineering consultant services
\$18,000 E14303	savings on plant operations parts and repairs
\$10,500 000350	additional transfers from Building Reserve
\$10,500 E07401	increased cost of works required for Sumpton Green
\$155,000 I11184	additional DOT grant for the Leeuwin launching ramp project
\$18,400 000341	additional transfer from Strategic Plan & Infrastructure Reserve
\$201,500 E10604	additional costs of Leeuwin launching ramp

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\$31,400 E11640	savings on completion of the installation of playground equipment at John Tonkin Park.	
\$18,700 E11662	savings on completion of the East Fremantle Tennis Club courts project.	
\$22,000 E11673	additional completion costs of the Glasson Park upgrade	
\$153,600	decrease in closing funds	<u>CARRIED</u>
		<u>ABSOLUTE MAJORITY</u>

(ii) F9.1 Unauthorised Over Expenditure

Cr Martin – Cr Nardi

That a report be provided to Council addressing recommended governance mechanisms to prevent unauthorised over expenditure. CARRIED

(iii) F9.2 Lighting Tower East Fremantle Oval

Cr Olson – Rico

That a report be provided to Council regarding the status of costs and reimbursement of the light tower expenditure by the East Fremantle Football Club. CARRIED

45.3**Monthly Financial Activity Statement for Period Ending 28 February 2013**

By Les Mainwaring Executive Manager Finance & Administration on 14 March 2013

PURPOSE

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

BACKGROUND

This report comprises the financial results from the month of February 2013. Commentary focussing on the year to date budget position prior to any amendments that have been recommended in the half yearly budget review.

The monthly Financial Activity Statement for the period ending 28 February 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; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT**Introduction/Comments**

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

Revised Budget Forecast

The revised budget forecast for the 30th June 2013 is a \$75,719 surplus, noting that this was the position prior to the half yearly budget review.

At the OCM 6 December 2012 there was a revision to the original budget forecast of \$60,520 resulting from consideration of the additional end of year surplus of \$130,199. Allocation of the additional end of year surplus was as follows;

\$15,199 Carried forward as additional operating surplus
\$44,000 E11673 Glasson Park Project
\$ 6,000 E11259 Raceway Park BBQ
\$65,000 E11246 East Fremantle Oval Master Plan

At the OCM 19 March 2013, consideration will be given to a number of amendments recommended from the Half Yearly Budget Review, and these will be included in the March report.

Operating YTD Actuals

Operating Revenue 93%; is \$616,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 98%; is \$99,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$381,000 less than the YTD budget (Unfavourable).

The main reason for the 7% unfavourable variance in Operating revenue is the timing of capital grant revenue items that is not claimed until completion of the associated projects, which includes the final \$412,500 acquittal for the Leeuwin Launching Ramp project, \$120,000 for the Plympton Parking project and \$92,000 for the Preston Point Road roundabout currently in progress. Interest on investments is \$70,000 unfavourable as a result of lower interest rates, accelerated expenditure on capital programmes and the movement of Trust cash into trust.

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

The main area of variation is Transport operations, where variances have occurred with the allocation of internal labour and plant; however contractor variances have been examined at the half yearly budget review and will be amended accordingly.

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 67% of year elapsed

Land & Buildings 11% expended

Infrastructure Assets 66% expended

Plant & Equipment 75% expended

Furniture & Equipment 75% expended

Capital expenditure is \$2,490,000 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 28 February 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 a periodic basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The February 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 2012 to 28 February 2013 is presented to the Council for timely information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 28 February 2013 be received.

Cr Collinson sought clarification on Council's investments with Bankwest and Commonwealth banks given their recent merger and the maximum financial institution investment percentages contained within Council's Investment Policy.

The Executive Manager Finance & Administration advised that:

- Cr Collinson was correct in noting this now exceeded the percentage contained in the Policy
- Council's Investment Policy required review
- These financial institutions were very safe AA rated Australian banks and the term deposits are free of any risk of market fluctuation.

Cr Martin – Cr Nardi

That the Financial Activity Statement for the period ending 28 February 2013 be received. CARRIED

45.4***Accounts for Payment – February 2013***

By Les Mainwaring, Executive Manager Finance & Administration on 13 March 2013

PURPOSE

To endorse the list of payments for the period 1 February to 28 February 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 February and ending 28 February 2013 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 February and ending 28 February 2013 be received, as per the following table:



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<i>February 2013</i>		
Voucher Nos	Account	Amount
4511 – 4522	Municipal (Cheques)	\$20,757.15
EFT 16928 – EFT 17093	Electronic Transfer Funds	\$551,819.40
Payroll	Electronic Transfer Funds	\$172,136.18
	Municipal Total Payments	\$744,712.73

Cr Olson – Cr Rico

That the List of Accounts for the period beginning 1 February and ending 28 February 2013 be received. CARRIED

45.5

City of Rockingham Withdrawal from Southern Metropolitan Regional Council
By Les Mainwaring Executive Manager Finance & Administration on 13 March 2013

PURPOSE

To give consent for the City of Rockingham to be retired from its debt obligations upon withdrawal from the Southern Metropolitan Regional Council (SMRC), and to consent to a revised proportion of project debt to be shared between the remaining project participants.

BACKGROUND

The Town of East Fremantle is a participant in the SMRC which is a statutory local government authority providing environmentally sustainable waste management solutions for the communities of Cockburn, East Fremantle, Fremantle, Kwinana, Melville and Rockingham.

Under the SMRC establishment agreement, clause 8.10, a project participant may at any time give notice of its intention to withdraw from the project.

The City of Rockingham gave notice on 27 April 2011, of its intention to withdraw from the SMRC, to take effect on 30 June 2012.

In addition to the above, Clause 11.3 of the SMRC Establishment Agreement states:

- a. distribute to the withdrawing Participant an amount equal to the proceeds and any surplus funds which would have been payable if the SMRC was wound up; or
- b. be entitled to recover from the withdrawing Participant an amount equal to the liability or debt which would be payable by the Participant if SMRC was wound up.

As a result of the notice of withdrawal from the City of Rockingham, the SMRC prepared Amended Business Plans for the projects that the City of Rockingham is a participant, resulting in a calculated liability of \$187,122 which has now been settled.

REPORT

The SMRC has now completed the final notional winding up calculations and has reported that the City of Rockingham's liability based on proportional entitlement or liability for each Project is as follows.

Table 1	Liability Final
Existing Undertakings	\$121,830
Office Project	\$65,292
Total	\$187,122

The existing undertakings include expenses towards the administration, research and education functions of the SMRC and has been calculated on the basis of a notional winding up of these functions as at 30 June 2012 and therefore Rockingham's liability is 25.6%.

The City of Rockingham is a Participant in the office project and in accordance with the Agreement it has a proportionate liability of 26.8%.

The office project has a loan with the Western Australian Treasury Corporation (WATC). The loan agreement requires continuing participants to give consent to allow withdrawing participants to retire from their obligations to pay the debt.

As there is no longer an obligation for the City of Rockingham to pay any further loan repayments under the Project Agreement, it is recommended that the Council resolve to consent and instruct the SMRC to issue a new share percentage to the WATC as part of the withdrawal process.

The SMRC is to notify the WATC of the percentages by furnishing a new Exhibit 'B' certificate with the following revised percentage shares.

Impact of Rockingham's withdrawal on loan liability proportionments				
	FY13			
	Old %	\$	Revised %	\$
Cockburn	24.30%	437,338	35.43%	637,700
East Fremantle	2.18%	39,322	2.92%	52,581
Fremantle	8.10%	145,854	11.07%	199,329
Kwinana	7.57%	136,235	11.47%	206,452
Melville	30.34%	546,160	39.11%	703,937
Rockingham	27.51%	495,093	0.00%	-
Total	100.00%	1,800,000	100.0%	1,800,000

The proportional share in the asset investment will also increase by these new percentages.

Statutory Requirements

Nil

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The effect on our contribution to additional debt repayment for the SMRC Office Project is not significant, estimated at about \$550 per annum, and will reduce in outer years according to SMRC 10 year forecast projections from project participants.

Conclusion

While it is disappointing that the City of Rockingham has withdrawn from the SMRC initiative, the withdrawal has been completed in accordance with the Establishment Agreement and all liabilities associated with the notional winding up schedule, calculated as \$187,122 have been settled.

It is recommended that the Council consents to the City of Rockingham being retired from its obligations with the SMRC.

RECOMMENDATION

That Council:

1. consents that the City of Rockingham be retired from its obligations under the \$2 Million secured lending facility (known as the Office Project Loan) between the Western Australian Treasury Corporation, the participants and the Southern Metropolitan Regional Council from 31 December 2012:
2. requests the Southern Metropolitan Regional Council to submit a revised Exhibit B Certificate to the Western Australian Treasury Corporation as required under the terms and conditions of the loan agreements specified in (1) above indicating the new percentages of the debt being apportioned to the remaining participants following the withdrawal of the City of Rockingham effective 31 December 2012.

Cr Olson – Cr Nardi

That Council:

1. **consents that the City of Rockingham be retired from its obligations under the \$2 Million secured lending facility (known as the Office Project Loan) between the Western Australian Treasury Corporation, the participants and the Southern Metropolitan Regional Council from 31 December 2012:**
 2. **requests the Southern Metropolitan Regional Council to submit a revised Exhibit B Certificate to the Western Australian Treasury Corporation as required under the terms and conditions of the loan agreements specified in (1) above indicating the new percentages of the debt being apportioned to the remaining participants following the withdrawal of the City of Rockingham effective 31 December 2012.**
- CARRIED

Cr Collinson suggested that Council may wish to formally invite the SMRC CEO to provide Council with an update on current issues. The CEO supported the idea and undertook to speak with Mr Youe.

46. REPORTS OF ELECTED MEMBERS

Nil.

47. REPORTS OF CHIEF EXECUTIVE OFFICER**47.1 Acquisition of Public Art Policy**

By Stuart Wearne, Chief Executive Officer, on 22 February 2013

BACKGROUND

The CEO provided advice on this matter to the 16 October 2012 Council meeting, recommending that the Town adopt a policy based on the Town of Cottesloe art acquisition policy, which was provided to elected members. The Cottesloe policy had been identified by the CEO as a suitable model and in the course of discussion, no elected member demurred in that regard.

The outcome of the discussion was that the CEO's recommendation was amended by elected members, via the addition of a second recommendation, as follows:

(That the CEO) "prepare a report on financial and administrative implications which Council's adoption of such a Policy would give rise to, including insurance and curatorial support".

Whilst there is no issue with the merit of that amendment, it has caused a delay in the matter being finalised, due to the CEO needing to deal with more immediate issues.

This comment is made in the context of an awareness that some elected members, and Cr Wilson in particular, has been keen to consider a purchase at what was at the time the forthcoming (it is now currently underway) Sculpture by the Sea exhibition.

With that in mind, I address this issue further at the end of this report.

In addition to researching the financial and administrative implications, I have further reviewed the Cottesloe, and other relevant policies and sought to improve on all of those policies.

REPORT

Policy

The proposed policy is attached to this report.

ATTACHMENT

ISSUES

Art Acquisition Panel

Under the proposed policy, the Panel comprises:

- the Mayor
- the Chief Executive Officer
- two persons with professional expertise in the acquisition of art works and approved by Council.

This reflects the Town of Cottesloe policy except that the Town of Cottesloe policy referred in the last dot point to “two nominees of the Council with relevant experience in the acquisition of art works”.

I have checked with the Town of Cottesloe regards how this is applied, as I was not sure whether “two nominees of the Council” meant “two elected members”, or simply two individuals with relevant (possibly meaning “professional”) experience.

The Town of Cottesloe advises as applied by the Town, it has “normally” involved two elected members, although not necessarily so.

The CEO considers there is merit in having a policy which stipulated “professional expertise”.

This is not a reflection on the relevant expertise of current elected members.

Primarily it is a reflection of the fact that this would be an ongoing policy and in the future, leaving aside the looseness of the term “relevant experience” (a problem in itself), no elected member may have any relevant experience or expertise.

Further, for the prospective amounts of money involved, it seems appropriate that professional expertise is involved.

It could be noted for example that the City of Fremantle, which has an extensive and important art collection, has an acquisition process which involves two or three professionals and the CEO, only – ie *no* elected members are involved.

The relevant section of the City of Fremantle policy is as follows:

“7.8 The Curator completes a ‘Recommendation to Acquire’ form for each acquisition. Depending on the value of the item to be acquired, the Curator then seeks independent assessment from one or two professionals with a thorough knowledge of collections management, the City of Fremantle Art Collection and its

policy. This appraisal together with the recommendation from the Curator is then forwarded for final approval to the Chief Executive Officer.”

As another example, the policy of the City of Melville (which also has a large and increasingly important art collection) involves *only* Council officers, as follows:

Recommendations for purchase will be made by the Community Development Officer – Arts, which will be referred to the Director of Community Development for consideration and approval. The Chief Executive Officer has authority to recommend acquisition of any collection items within available funding.”

In fact it appears common, from a review of a number of policies, that the CEO, or delegate of the CEO, is involved, if only from a point of view of ultimately being responsible for Council's finances. This is reflected in clauses 4.2(b) and 4.2(c) of the proposed policy, which are identical to the Town of Cottesloe policy.

The CEO nevertheless believes it is appropriate the Mayor is a member, given issues of elected member accountability to the public both in terms of art work selection and the “ratepayers’ funds” involved. The CEO also believes the role of the Deputy Mayor referred to in clause 4.2(c) is appropriate.

In summary, the CEO believes the Art Acquisition Panel, as proposed, is appropriate and that it would not be difficult to source (either through advertising or a direct approach) two persons with suitable expertise to serve on the Panel.

Qualified Curator

Council has no current staff in its employ who are qualified to carry out the “qualified curator” role as contained within the policy.

Research indicates the cost of obtaining this service would likely be around \$1,500-\$2,000 for an initial review of Council's art collection, perhaps growing to \$3,000-\$4,000 in several years time, if annual purchases continued to be made.

However, some local governments, with small collections, only employ a curator every 2-3 years, thus the cost would be minimal.

There would be various options for obtaining the services of a qualified curator, or curators (see below) eg:

- (i) share the City of Fremantle curators. I have already discussed this possibility with the officers involved.
- (ii) Artsource (based in Fremantle)
- (iii) recommendation of WA Art Gallery
- (iv) recommendation of Department of Culture and the Arts (the CEO has been advised of a contact)
- (v) Cr Wilson has advised of a highly appropriate individual, known to her, who is currently employed as a part time curator.

It is likely two curators would be involved – normally curators of “moveable art” (essentially paintings) are not involved in curating sculptures and the like.

Insurance

Research indicates this would not be a significant issue. Council's current paintings are covered by building insurance and sculptures in a park would essentially be treated no differently to play equipment in a park.

For example the cost of insuring a \$45,000 sculpture would be \$80pa.

Conservation Issues

Whilst this is academic at present, if Council were to acquire more and more sculptures, depending on the nature of the works and materials used, their location, damage by the public, weather etc, maintenance and conservation costs would need to be allowed for.

Some local governments with large collections allow \$10,000-\$12,000pa for this.

In the Town's case, it would likely initially be much less, however, as indicated, it would depend on a number of factors.

Location

It is acknowledged some elected members have been keen to consider the purchase of one or more sculptures from the current "Sculpture by the Sea" exhibition, which commenced on 8 March and runs until 24 March. This issue is discussed further below.

It thus may be the case that even if this policy is adopted, elected members wish to proceed to make a purchase, prior to an Art Acquisition Panel being established. Whilst there is no absolute reason this could not occur (policies are not binding), there would nevertheless be the issue that no location has been determined.

By way of a salutary lesson, an "anonymous philanthropist" (understood to be Gina Rinehart) donated a \$160,000 sculpture from Sculpture by the Sea to the Town of Mosman Park in March 2011, which accepted the gift regardless of having no site selected. That council's subsequent actions in installing the sculpture in one location, which attracted public criticism and led to its being reinstalled elsewhere, accompanied by the Mayor stating it would be moved again if there were further complaints, indicates what can occur. Council was accused of not following due process, including consultation with locals. There were also unnecessary costs involved (the gift did not cover installation costs which were not insignificant) given the reinstallation costs.

Other local governments have purchased sculptures and left them in their Depot for long periods, whilst they explored a suitable location.

Sculpture by the Sea (Cottesloe)

Further to above comments the CEO has spoken with parties involved with the above, and the following arrangements made.

Davina Corti, Sales Manager and Advisor, has agreed to provide advice with regard to any sculpture an individual elected member, or Council generally, may be interested in.

Davina has an extensive background in fine arts (mainly in London, for example positions with Sothebys and the National Gallery) and has worked with Sculpture by the Sea every year since 2007.

In addition to advice on the aesthetic merits of art works, and individual artists, Davina can also advise on financial and technical issues, in particular longevity and conservation issues arising from the nature of the materials involved.

Such advice would potentially be very valuable as any sculptures purchased come with no warranty.

Davina also offered that any pieces which Council might be interested in could be put on hold for a few days.

Presumably the issue will be discussed further at the Council Meeting.

At the time of writing I forwarded advice to elected members regarding a "private tour" of Sculpture by the Sea – which involved an invitation just received.

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It is accepted that given the lack of notice, no elected member may have been able to avail themselves of this opportunity.

Prior to the Council Meeting I will seek to ascertain if another tour for Town of East Fremantle Councillors, could be arranged.

RECOMMENDATION

That Council:

1. receive the report
2. adopt the Acquisition of Public Art Policy as attached to this report.

Absolute Majority Resolution Required

The CEO noted that following completion of his report:

1. Cr Wilson had circulated an email to elected members and himself regarding a tour of the Sculptures@Bathers exhibition on Wednesday, 20 March at 5.30pm.
2. The Mayor had sought an amendment to the proposed Acquisition of Public Art Policy to include a second elected member to the Art Acquisition Panel.

Considerable discussion ensued.

Cr Martin – Cr de Jong

That Council:

1. receive the report
2. adopt the Acquisition of Public Art Policy attached to these minutes, with the following amendments:

4.1(a) That the third dot point be amended to read:

“three nominees of the Council, one being an elected member and two being persons with professional expertise in the acquisition of art works.”

4.2(b) That the words “final consideration” be replaced with “advice in regard to public safety, conservation and integration with landscape and architecture”

4.2(c) That this section read:

“After the receipt and consideration of advice from the Arts Acquisition Panel Committee and the CEO, the CEO has authority to approve the acquisition of any collection items within the limits of available funding, subject to prior consultation with the Mayor.

CARRIED
ABSOLUTE MAJORITY

(THE AMENDED/ADOPTED POLICY HAS BEEN ATTACHED TO THESE MINUTES.)

47.2 Date for Meeting with East Fremantle Lacrosse Club and East Fremantle Cricket Club

The CEO had previously circulated a letter from the East Fremantle Lacrosse Club requesting a meeting between the East Fremantle Lacrosse Club, East Fremantle Cricket Club and Council to discuss proposed options for an upgraded shared sports and recreation facility. The Clubs had suggested either Tuesday, 23 or 30 April 2013 (between 6-8pm) as a suitable date.

The CEO sought feedback from elected members on their availability. All elected members present, except Cr Rico, advised they were available either date. Cr Rico undertook to check her diary and advise the CEO. The CEO also undertook to check with the Mayor.



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47.3 Ringbarked Tree

The CEO circulated photos of a tree located near the pumping station on Riverside Road which had been ringbarked. Investigations were currently underway and discussions were currently being held with the Swan River Trust in respect to the erection of a large sign or signs and/or fencing and/or a reward being offered for information with regard to who may be responsible. It had been observed that vegetation along the Niegarp Track, possibly involving the same sightlines, had also incurred damage.

47.4 Ken Dyer

The CEO advised, with regret, the resignation of Council's Operations Manager, Ken Dyer, who would be leaving Council's employ shortly. The CEO noted that Ken had been an outstanding employee and would be greatly missed by Council.

47.5 Ovarian Cancer Afternoon Tea

The CEO read correspondence from Janine May thanking Council for a \$600 donation and the use of the facilities at the East Fremantle Tricolore Soccer Club for a Ovarian Cancer Afternoon Tea fundraiser she had organised on Wednesday, 20 March 2013 which raised approximately \$4,400. The CEO stated that all acknowledgement should go to Janine May for the magnificent job she had done in raising funds for this important cause. The CEO also thanked Cr Richard Olson for his work in arranging a contribution of \$430 from the Town of Mosman Park staff social club fund.

48. CONFIDENTIAL BUSINESS**48.1 A9.1 Appointment of External Auditor**

Cr Olson – Cr Nardi

That this matter be dealt with on a confidential basis, in accordance with Section 5.23(2)(c) of the Local Government Act, which involves confidentiality provisions in relation to a contract.

CARRIED

Cr Olson made the following impartiality declaration in the matter of the Appointment of an External Auditor: "As a consequence of working with one of the applicants, Macri & Partners, in my employment with the Town of Mosman Park, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

Cr Rico raised issues in relation to the ratings awarded to the quotations.

Cr Nardi – Cr Olson

That Council appoint:

- **Bill Thomas (Registered Co. Auditor #302989)**
- **Chris McLaughlin (Registered Co. Auditor #302919)**

as the nominated auditors from Anderson Munro and Wylie Chartered Accountants for one (1) financial year with an option of a further two (2) financial years, to be entirely at Council's discretion, covering the reporting periods 1 July 2012 to 30 June 2015.

CARRIED

ABSOLUTE MAJORITY

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

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

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

Nil.

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

Nil.

51. CLOSURE OF MEETING

There being no further business, the meeting closed at 8.37pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **19 March 2013**, Minute Book reference **30. to 51.** were confirmed at the meeting of the Council on*

.....

Presiding Member