



# Council Meeting 16 June 2015

# MINUTES

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**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 16 JUNE, 2015 COMMENCING AT 6.30PM.**

**125. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**125.1****Present**

Mayor J O'Neill	Presiding Member
Cr J Amor	
Cr J Harrington	
Cr S Martin	
Cr M McPhail	
Cr M Rico	(From 6.35pm)
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Services (to 6.52pm)
Ms J May	Minute Secretary

**126. 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."*

**127. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

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

**128. RECORD OF APPROVED LEAVE OF ABSENCE**

Cr A Watkins  
Cr C Collinson

**129. RECORD OF APOLOGIES**

Nil.

**130. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**131. PUBLIC QUESTION TIME****131.1*****Mr M de Kluyster, East Street***

*What progress has been made by the Town of East Fremantle in conjunction with the City of Fremantle to make East Street safer?*

Mayor O'Neill advised that this question would be taken on notice.

**132. APPLICATION FOR LEAVE OF ABSENCE**

Nil.

*Cr Rico entered the meeting at 6.35pm.*

**133. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****133.1*****Council Meeting 19 May 2015***

**Cr McPhail – Cr Amor**

**That the Minutes of the Council Meeting held on 19 May 2015 be confirmed.**

CARRIED 6:0

**134. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION****134.1 Condolence**

On behalf of the Town of East Fremantle, Mayor O'Neill conveyed deepest sympathy to Sean Stack, Judith Kenny and family on the tragic death of their son, Reuben.

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

Nil.

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

Nil.

**137. CORRESPONDENCE**

Nil.

**138. TOWN PLANNING & BUILDING****138.1 Minutes of Town Planning & Building Committee 2 June 2015 – Receipt  
Cr Martin – Cr McPhail**

**That the Minutes of the Town Planning & Building Committee held on 2 June 2015 be received.**

CARRIED 6:0

**138.2 Draft Strategy- 'Perth and Peel @ 3.5million'**

*By Jamie Douglas, Manager – Planning Services on 8 June 2015*

**INTRODUCTION**

The Town Planning and Building Committee considered a report and a proposed submission on the draft regional planning strategy "Perth to Peel @ 3.5 million" at its meeting on 2 June 2015 and resolved as follows:

Resolution

*Further information to be provided for Council by way of an officer's report which includes place based structure planning between Stirling Highway and Petra Street.*

CARRIED

Further consideration has been given to the issues raised by the Committee and how best to deal with the future planning for the activity centres, infill corridors and Football Oval precinct. An amended report follows.

**PURPOSE OF THIS REPORT**

The Western Australian Planning Commission has released for public comment (until 31 July 2015), a draft strategy "Perth to Peel @ 3.5 million" (The Plan) to guide future planning and development of the Perth and Peel region to 2050. This report describes the major elements of the Strategy and its impacts upon East Fremantle and proposes a submission be made in respect to the WAPC in respect to the proposed strategy.

The five documents which comprise the draft strategy and the more detailed information for each of the four-sub-regions can be found at [www.planning.wa.gov.au/3.5million.asp](http://www.planning.wa.gov.au/3.5million.asp)

**DESCRIPTION OF 'PERTH AND PEEL @ 3.5'**

The Plan is a land use planning document which is intended to guide land use planning and infrastructure provision within the greater Perth region which stretches 150 kilometres from Two Rocks in the north to Cape Bouvard in the south. Although not a statutory document, when finalised it will be given effect as a State Planning Policy and will replace 'Directions 2031 and beyond' which is its predecessor. Future Town

Planning Schemes and Metropolitan Region Scheme amendments will be required to implement the strategy principles.

The Plan builds upon the '*Directions 2031 and beyond*' infill strategy to accommodate a projected 3.5 million people by 2050 while limiting (although not stopping) further urban sprawl. The draft strategy is divided into four-sub regions with the Town of East Fremantle contained within the Central region where most of the proposed urban infill is to be contained.

The Central sub-region covers 19 local government areas (Stirling, Bayswater, Bassendean, Cambridge, Vincent, Nedlands, Subiaco, Perth, Cottesloe, Claremont, Peppermint Grove, Mosman Park, Fremantle, East Fremantle, Melville, Canning, South Perth, Victoria Park and Belmont).

This area will accommodate much of the proposed future population growth. Key strategy objects for the Central sub-region are:

- the population will increase from 782,947 (2011) to 1.2 million (2050)
- the area will need approximately 780,000 (2050) jobs, up from 546,121 (2011)
- more than 11,000 hectares of land will be conserved for green open space
- 215,000 additional dwellings will be needed to reach the 2050 infill target.

The Plan advocates for greater use of "activity centres, transport corridors and station precincts" to support higher density.

A map showing the Central sub-regional planning framework under the draft strategy is attachment one to this report.

### CONSIDERATION OF IMPACTS FOR EAST FREMANTLE

It is considered the planning framework for the Central sub-region in the draft strategy raises the following issues for the Town.

- **Residential Infill Target**

The infill target for East Fremantle has increased to 900 dwellings (from 600 dwellings under '*Directions 2013 and beyond*'). However it is not clear from the draft strategy whether this figure includes infill development already achieved since the introduction of '*Directions 2031 and beyond*'. If this is the case, then the approximately 140 dwellings approved and under construction in the last two years within the Town should be subtracted from this target number. However clarification of this target number should be sought. Notwithstanding this uncertainty, Scheme Amendment 10 provides for infill redevelopment potential within the Town sufficient to meet the previously established target of 600 dwellings. If a further 300 dwellings are to be achieved then residential development on the Lewin Barracks site and other potential strategic sites will be necessary.

**Proposed Action** – seek clarification of 900 dwellings target number

- **Green Network**

The Plan identifies a series of public open spaces which serve recreational and environmental functions. The purpose of the 'green network' is stated to be as follows:

- *preserve and enhance the existing environmental and landscape values of the sub-region for future generations to enjoy*
- *manage the availability and use of natural resources to ensure existing and potential uses can be balanced against broader environmental outcomes;*
- *safeguard existing green network components from fragmentation;*
- *create and enhance existing green networks and identify ecological linkages to connect the green network and assist in the retention of habitat for significant fauna dispersal and migration;*

- encourage or require new development to be designed to deliver on clear connection to the green network through provision of new open space or contribution to the enhancement of existing spaces; and
- provide an acceptable number of street trees to enhance the public realm in urbanised locations.

East Fremantle Oval is not included within the ‘Green network’. The total area of this reserve is 8.5 Ha and it currently contains a recreational facility of regional importance (WAFL ground). No explanation is given as to why this site has not been included in the strategy, although there are other smaller and less significant recreational assets included.

The current oval site is an MRS regional reserve and should be recognized as are all other regional reserves within the draft strategy unless some alternative use, or its inclusion within ‘corridor planning’ under the strategy is proposed. If this is the case, then further elaboration and justification of the deletion of the oval site should be included, alternatively the site (whole or in part) should be included within the ‘green network’.

**Proposed Action –** object to the deletion of the East Fremantle Oval MRS Reserve from the ‘Green Network’ pending justification for its identification for alternative uses.

- **Corridor Planning**

The planning framework shown in the attached plan supports the concept of transitioning key transport corridors into multi-functional corridors. It identifies corridors that should be the focus for investigating increased densities and a greater mix of suitable land uses.

Within East Fremantle, Canning Highway and Marmion Street are indicated as ‘Corridors’. The following figure which has been extracted from the draft report illustrates a cross section or interface of a corridor as it transitions into the existing neighbourhood.



In addition to the above cross section, The Plan includes illustrated examples of what a Corridor might look like (before and after development). It is relevant to note that all these examples (excepting vacant land around Mirrabooka Town Centre) are existing commercial strips which have low existing (visual, pedestrian and residential) amenity. The impact upon a low density suburban streetscape such as Marmion or Canning Highway (in the main) is not addressed.

Marmion Street and Canning Highway converge through the Town leaving little separation between the two proposed ‘Corridors’. This convergence prohibits any reasonable attempt to transition densities from the proposed R60+ high density down to the existing neighbourhood density of R12.5 (in parts). It is axiomatic that if the extent of the transition area is reduced the impact upon existing neighbourhood character will be increased, if R60+ density along the ‘Corridor’ is to be achieved. Within in this context a ‘once size fits all’ approach to ‘Corridor’ planning should not be

supported and will be contrary to the stated aims of the proposed planning framework to consider and preserve existing built heritage and suburban character.

Attachment Two to this report is an overlay of the proposed corridors and the existing Petra Street Activity Centre on the existing tenure and development pattern. This overlay shows the impacts of the proposed corridor plans. As can be seen the existing suburban character and development between the proposed higher density corridors will be severely impacted because of insufficient space between the two corridors to allow for a transition of development density. The impacted area also contains many significant heritage sites, two activity centres (including the East Fremantle Town Centre which is currently subject to redevelopment) and the East Fremantle Football Oval precinct.

It is also relevant to note that within this impacted area the proposed corridors are bisected by the Stirling Highway (and potential Freight Link). Accordingly, consideration of the impacts of the movement network is also a necessary prerequisite to achieving appropriate planning outcomes for the future. In light of the above it is considered that the identified area should be subject to a Local Area Plan (Structure Plan) which deals with the various issues in a co-ordinated manner prior to the designation of development density, building form and landuse.

Accordingly it is considered the draft report should ;

- end the extent of the Canning Highway and Marmion Street 'Corridors' between Petra Street and Stirling Highway since there is insufficient area to achieve a reasonable transition from proposed R60+ density to the prevailing existing neighbourhood behind the corridors, or
- acknowledge the need for a Structure Plan with densities, built form and transition areas which are appropriate to the physical constraints and existing built heritage and suburban character

#### **Proposed Actions –**

- Object to the delineation of a "Corridor" for Marmion Street and Canning Highway between Stirling Highway and Petra Street because the convergence of these routes, numerous significant heritage sites and the prevailing streetscape character are not supportive of the proposed infill density.
- Amend Figure 5 and corresponding Figures in the Plan by the delineation of a Future Structure Plan Area with extent from East Street eastwards to Carrington Street and incorporating the area of the proposed Corridors and the land between them. Include a notation on The Plan that density, built form and landuse shall be determined by Future Structure Plan.
- **Activity Centres**

Activity Centres are defined under *State Planning Policy 4.2 Activity Centres for Perth and Peel* as "community focal points comprising uses such as commercial, retail, higher density housing, entertainment, tourism, civic, higher education and medical services". SPP 4.2 defines a hierarchy of centres based on the future importance of each centre from a network perspective and the magnitude of development expected for a centre. The hierarchy provides a guide for public authorities in the preparation of long-term capital investment programs and to promote more private investment. The policy provides minimum and desirable residential density targets and mixed-use land use targets (refer to following table which is Appendix 1 in The Plan) for each level of the hierarchy as a guide for planning and development.

The Plan identifies 50 activity centres across the Central sub-region. In accordance with SPP 4.2, Petra Street is defined as a 'District Centre' and The East Fremantle Town Centre is a "Neighbourhood Centre". Because of their limited extent and



intensity of use, “Neighbourhood Centres” are not included in The Plan, as these are considered to be more appropriately planned at the local level.

**APPENDIX 1 – RESIDENTIAL DENSITY AND DIVERSITY TARGETS WITHIN ACTIVITY CENTRES AS PER STATE PLANNING POLICY 4.2: ACTIVITY CENTRES FOR PERTH AND PEEL**

Activity centre hierarchy	Residential density target per gross hectare	Diversity performance target mix of land uses by retail floorspace area	Centre size — shop/ Mix of land uses retail floorspace as a component proportion of the centre's total floor	
			retail floorspace	retail floorspace
Perth capital city	N/A	N/A	N/A	N/A
Strategic metropolitan centres	30	45	Above 100,000 m <sup>2</sup>	50% Above 50,000 m <sup>2</sup>
Secondary centres	25	35	40% Above 20,000 m <sup>2</sup>	30% Above 10,000 m <sup>2</sup>
District centres	20	30	N/A	N/A
Neighbourhood centres	15	25	N/A	N/A

\* Total floorspace is defined as total shop-retail and mix of land uses floorspace.

A comparison between the functions, characteristics and performance targets of district and neighbourhood centres is detailed in SPP 4.2 as follows:

Typical Characteristics	Typical Characteristics	
	District Centre	Neighbourhood Centre
<b>Function</b>	District centres have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments.	Neighbourhood centres provide for daily and weekly households shopping needs, community facilities and a small range of other convenience services.
<b>Transport Connectivity</b>	Focal point for bus network.	Stopping/transfer point for bus network.
<b>Typical Retail Types</b>	Discount department stores; supermarkets; convenience goods; small scale comparison shopping; personal services; some specialty shops.	Supermarket/s; personal services, convenience shops
<b>Typical Office Development</b>	District level office development; local professional services.	Local professional services
<b>Future Indicative Service Population (trade) area</b>	20,000 - 50,000 persons	2000–15,000 persons (about 1 km radius)
<b>Walkable Catchment for residential density target</b>	400m	200m

<b>Residential Density Target per gross hectare</b>	Minimum 20 - Desirable 30	Minimum 15 - Desirable 25
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The following diagram shows the location of the various major centres in the area.



The future of the Petra Street centre and the appropriate zoning for that part contained within the Town of East Fremantle were analysed as part of the Scheme Amendment 10 Planning Review which concluded as follows;

*“It is uncertain why Petra Street was identified as a District Centre, given that it has historically only ever functioned as a neighbourhood centre. Given that Melville Plaza is located only 1.5km away, and the constrained nature of the commercial properties at the intersection of Petra Street and Canning Highway, it is unclear how the Petra Street centre could ever adequately fulfil the functions of a ‘district centre’.”*

SPP 4.2 requires the preparation of Activity Centre Structure Plans for district centres, but not for local centres. Such a structure plan could examine the development potential and constraints in more detail. As the centre is currently located across the local government boundary, such a structure plan should be prepared and implemented jointly with the City of Melville. The structure plan could review its role and function in light of the opportunities and constraints that affect the

centre. However, recent discussions with City of Melville Town Planners indicate the City does not propose to review the status of the Centre at this time.

Proposed Action – It is recommended that The Plan be amended to include a notation in respect to the Petra Street District centre as follows:

*The hierarchy of this centre is to be further determined by a structure plan which reviews its role and function in light of the opportunities and constraints that affect the centre.*

### RECOMMENDATION

That:

1. Council endorse the report and the following objections and proposed actions as its Submission to the Western Australian Planning Commission draft strategy “Perth to Peel @ 3.5 million”.
2. in respect to the draft strategy “Perth to Peel @ 3.5 million” the Town of East Fremantle submits the following:

The Town of East Fremantle:

- (a) seeks clarification of 900 dwellings target number for East Fremantle and queries whether this target is additional to the infill dwellings already established since the adoption of the “Directions 2031 and beyond” strategy or if it is inclusive of this number.
- (b) objects to the deletion of the East Fremantle Oval MRS Reserve from the ‘Green Network’ pending justification for its identification for alternative uses.
- (c) objects to the delineation of a “Corridor” for Marmion Street and Canning Highway between Stirling Highway and Petra Street because the convergence of these routes, numerous significant heritage sites and the prevailing streetscape character are not supportive of the proposed infill density.
- (d) seeks amendment of Figure 5 and corresponding Figures in the Draft Strategy by the delineation of a Future Structure Plan Area with extent from East Street eastwards to Carrington Street and incorporating the area of the proposed Corridors and the land between them. Include a notation on The Plan that density, built form and land use shall be determined by a Future Structure Plan.
- (e) seeks amendment of Figure 5 and corresponding Figures in the Draft Strategy to include a notation in respect to the Petra Street District centre as follows;  
*‘The hierarchy of this centre is to be further determined by a structure plan which reviews its role and function in light of the opportunities and constraints that affect the centre.’*

**Cr Martin – Cr McPhail**

That:

1. Council endorse the report and the following objections and proposed actions as its Submission to the Western Australian Planning Commission draft strategy “Perth to Peel @ 3.5 million”.
2. in respect to the draft strategy “Perth to Peel @ 3.5 million” the Town of East Fremantle submits the following:

The Town of East Fremantle:

- (a) seeks clarification of 900 dwellings target number for East Fremantle and queries whether this target is additional to the infill dwellings already established since the adoption of the “Directions 2031 and beyond” strategy or if it is inclusive of this number.
- (b) objects to the deletion of the East Fremantle Oval MRS Reserve from the ‘Green Network’ pending justification for its identification for alternative uses.

- (c) objects to the delineation of a “Corridor” for Marmion Street and Canning Highway between Stirling Highway and Petra Street because the convergence of these routes, numerous significant heritage sites and the prevailing streetscape character are not supportive of the proposed infill density.
- (d) seeks amendment of Figure 5 and corresponding Figures in the Draft Strategy by the delineation of a Future Structure Plan Area with extent from East Street eastwards to Carrington Street and incorporating the area of the proposed Corridors and the land between them. Include a notation on The Plan that density, built form and land use shall be determined by a Future Structure Plan.
- (e) seeks amendment of Figure 5 and corresponding Figures in the Draft Strategy to include a notation in respect to the Petra Street District centre as follows;

*‘The hierarchy of this centre is to be further determined by a structure plan which reviews its role and function in light of the opportunities and constraints that affect the centre’.*

CARRIED 6:0

## 138.3

**Royal George Hotel Redevelopment Provisions**

*By Jamie Douglas – Manager Planning Services on 26 May 2015*

**PURPOSE**

This report provides information to elected members concerning the actions Council has adopted to encourage the conservation and re-development of the Royal George Hotel.

Clarification of Council’s position regarding its aspirations for the Royal George Hotel will help to ensure that communication with stakeholders is consistent.

**BACKGROUND**

Elected Members will be aware of various proposals from community representatives and parliamentarians to facilitate the conservation of the Royal George Hotel. Within this context consideration has been given to the desirability of applying conditions of sale (should the State Government dispose of the property) which require the preparation of a conservation plan and certain other restrictions on the use and development of the site.

**COMMENT**

It is considered that any such provisions are likely to be a disincentive to prospective developers if they require substantial additional analysis and design work to be undertaken in advance of (and in addition to) the formulation of a development application.

It is considered the application of property sale conditions:

- would potentially increase costs to prospective developers,
- may unreasonably limit the scope of redevelopment proposals
- would not necessarily guarantee a development approval
- may conflict with the statutory provisions of the scheme and the recently revised planning approach for the site adopted by council which is detailed below, and
- may frustrate the development assessment process by Council or the Development Assessment Panel.

**Scheme Amendment to facilitate Conservation and Redevelopment of the Royal George Hotel Site:**

At its meeting of 17 March 2015 Council ‘Finally Approved’ Scheme Amendment 10 which is currently before the Minister for Planning for Approval. The following extract from the relevant planning report details the planning approach which has been adopted to encourage redevelopment and conservation of the site.

**Amendment 10.3 Royal George Hotel Special Zone**

The Royal George Hotel is located on a triangular shaped 1,500m<sup>2</sup> parcel of land and bounded by Duke and George Streets and Stirling Highway. The southern portion of the site (700m<sup>2</sup>) containing the hotel building is currently zoned 'Mixed Business - George Street Precinct' and as such, all the provisions that apply to the Precinct also apply to the Hotel site. The northern triangular portion of the site (800m<sup>2</sup>) containing car parking and landscaping is zoned Residential R20 consistent with zoning and coding of the balance of the Plympton Ward.

The Royal George Hotel building and site are unique and any redevelopment of the building or site will require special and detailed consideration of the historical building and its setting. As the current zoning arrangements have not resulted in the successful reuse of the hotel building, a more flexible zoning arrangement is proposed that will allow for the preservation and reuse of the building, through creative planning and design initiatives.

The entire lot is to be included within a special zone with specific objectives and development criteria that specifically preserve the building and encourage redevelopment which respects the amenity of the nearby residential areas. This more flexible planning framework has been designed to encourage the owner of the building to work with the Council in preparing redevelopment strategies for the preservation and reuse of the building.

Amendment 10 includes the following clauses specific to the Royal George Hotel Site:

1. **Inserting the following in Clause 4.2 Objectives of Zones "Special Zone – Royal George Hotel"**
  - *To encourage the preservation and re-use of the Royal George Hotel building;*
  - *To accommodate the redevelopment of the Royal George Hotel site in a manner which will complement the preservation of the hotel building;*
  - *To enhance and promote George Street as a vibrant main street.*
2. **Insert new clause 5.10 Special Zone – Royal George Hotel**
3. **Insert new clause 5.10.1**
  - (i) *An application for the refurbishment or reuse of the Royal George Hotel building is to be accompanied by a heritage plan that will ensure preservation of the hotel building.*
  - (ii) *A heritage plan may include development standards and requirements for the development of balance of the land on which the hotel building is located.*
  - (iii) *The Council may consider innovative approaches to the development of land on which the hotel is located, if the development will lead to the on-going reuse of the hotel building for a purpose consistent with the objectives of the zone.*

**CONCLUSION**

It is important to note that under clause 10.2(c) of the Planning Scheme, Council is required to have due regard to any new town planning scheme amendment which has been granted consent for public submissions to be sought. Accordingly clause 10.2(c) when read in conjunction with clause 7.5 (which allows Council to vary any scheme requirement where it will facilitate the conservation of a heritage site) will enable the immediate application of the Amendment 10 provisions in the assessment of a development application. Should an application be considered by the DAP then it would be the subject of an assessment by Council staff, Council would advise the DAP of its recommendation and the DAP would be subject to the same statutory framework as the Council in making its decision.

It is therefore concluded that the best means of facilitating redevelopment and conservation of the Royal George Hotel site is through the recently adopted planning process which has been established by Council for the subject site.

The conservation of the Royal George Hotel is contingent on any development of the site generating sufficient return to attract investment. Therefore Council's position should be to encourage the owner of the building to work with the Council in preparing financially viable redevelopment strategies for the preservation and reuse of the building.

#### RECOMMENDATION

Council resolves that the best means of facilitating redevelopment and conservation of the Royal George Hotel site is through;

1. the recently adopted planning process which has been established as part of Scheme Amendment 10 to the Town of East Fremantle Planning Scheme No.3 and,
2. encouraging the owner of the building to work with the Council in preparing financially viable redevelopment strategies for the preservation and reuse of the building.

#### Cr Martin – Cr McPhail

##### That Council:

1. resolves that the best means of facilitating redevelopment and conservation of the Royal George Hotel site is through;
  - (i) the recently adopted planning process which has been established as part of Scheme Amendment 10 to the Town of East Fremantle Planning Scheme No.3 and,
  - (ii) encouraging the owner of the building to work with the Council in preparing financially viable redevelopment strategies for the preservation and reuse of the building.
2. requests the state government to apply a two year time limit on the commencement of restoration of the building, as a condition of the sale.

CARRIED 4:2

#### Reason for Varying the Officer's Recommendation

Council wishes to ensure that the restoration takes place in a timely manner to minimise further dilapidation and ensure restoration of this important heritage building.

*The Manager Planning Services left the meeting at 6.52pm.*

## 139. FINANCE COMMITTEE

### 139.1 **Monthly Financial Activity Statement for Period Ending 31 May 2015**

*By Les Mainwaring Executive Manager Finance & Administration on 6 June 2015*

#### PURPOSE

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

#### BACKGROUND

This report comprises the monthly financial results from the period ending 31 May 2015 with commentary focussing on comparisons to the May year to date budget position.

The monthly Financial Activity Statement for the period 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<sup>th</sup> June 2015 indicates a surplus budget of \$32,248 which is the budget position after accepting the monthly financial report received 19 May 2015.

*The history of the budget forecast is as follows;*

*Original Budget adopted with a projected surplus of \$0*

*At the OCM 21 October 2014 amendments resulted in an increase in closing funds of \$2,500.*

*At the OCM 18 November 2014 amendments resulted in a change in closing funds of \$0.*

*At the OCM 9 December 2014 recognition of an increase in opening funds of \$162,448.*

*At the OCM 17 February 2015 amendments resulted in a change in closing funds of \$0*

*At the OCM 17 March 2015 amendments from the half yearly budget review process resulted in a decrease of closing funds of \$154,700.*

*At the OCM 21 April 2015 amendments resulted in an increase to closing funds of \$22,000*

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 101%; is \$65,000 more than the YTD budget. (Favourable)

Operating Expenditure 94%; is \$499,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$612,000 more than the YTD budget (Favourable).

Operating Revenue is 1% favourable to year to date budget.

The significant favourable variances have come from timing of parking revenues as the boating season drops off.

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

The main areas of favourable variation are governance expenditure relating to projects and the timing of employee costs, community amenities timing of waste collection and waste processing charges, and the timing of TPS and Municipal Inventory project expenses. There is an unfavourable variance from the time spent on footpath and cycleway maintenance and wages recovery of overheads due to a lower volume of hours.

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

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

Capital Programs YTD Progress Summaries

Annual Timeline 92% of year elapsed

Land & Buildings 46% expended

Infrastructure Assets 64% expended

Plant & Equipment 101% expended

Furniture & Equipment 29% expended

Capital expenditure is \$996,000 less than the YTD budget (Favourable) which represents 39% of the capital programs to be completed. The report provides details on individual capital works in progress as at periods end.

**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 May 2015 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no budget amendments recommended for this period.

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2014 to 31 May 2015 is presented to the Council for timely information. The current annual forecast of a \$32,248 surplus and is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

**Voting Requirements**

Absolute Majority

**RECOMMENDATION**

That Council receives the Financial Activity Statement for the period ending 31 May 2015.

**Cr Rico – Cr McPhail**

**That Council receives the Financial Activity Statement for the period ending 31 May 2015.** CARRIED 6:0



16 June 2015

## MINUTES

- 139.2** **Accounts for Payment – May 2015**  
*By Les Mainwaring, Executive Manager Finance & Administration on 2 June 2015*

**PURPOSE**

To endorse the list of payments made under delegated authority for the period 1 May to 31 May 2015.

**BACKGROUND**

The Acting 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 period.

**ATTACHMENT****REPORT****Statutory Requirements**

Local Government (Financial Management) Regulations 1996 – Regulation 13

**Comments/Discussion**

The List of Accounts paid for the period beginning 1 May to 31 May 2015 requires endorsement by the Council.

**RECOMMENDATION**

That the List of Accounts paid for the period beginning 1 May to 31 May 2015 be received, as per the following summary table:

<b>MAY 2015</b>		
<b>Voucher Nos</b>	<b>Account</b>	<b>Amount</b>
4880 – 4889	Municipal (Cheques)	\$5,697.70
EFT 20979 – EFT 21101	Electronic Transfer Funds	\$331,080.75
Credit Card	CEO	2.00
Payroll	Electronic Transfer Funds	\$157,890.88
	<b>Municipal Total Payments</b>	<b>\$494,671.33</b>

**Cr McPhail – Cr Amor**

**That the List of Accounts paid for the period beginning 1 May to 31 May 2015 be received.**

CARRIED 6:0

- 139.3** **Notice of Intention to Impose Differential Rates 2015/2016**  
*Author: Les Mainwaring, Executive Manager Finance & Administration 4 June 2015*

**PURPOSE**

This report recommends endorsement by Council for advertising of the proposed differential rates, for which public submissions are sought over a period of not less than 21 days, prior to Council adopting the differential rates.

**BACKGROUND**

In line with the Town's annual financial cycle for the next financial year, endorsement by Council of differential rates is now required for the purpose of advertising and seeking public submissions.

This year Councillors had a slight change of approach to the previous budget cycle process and participated through two full Council "Budget Challenge" workshops on the 27 May 2015 and 2 June 2015, where the information tabled included a draft 4 year

budget summary by program, a 4 year Forward Capital Works program covering infrastructure, buildings, public art and office equipment and any other proposed capital budget items that have been deferred for further planning processes, a 10 year plant replacement program and a 10 year Long Term Financial Plan. Also a schedule of account detail of all draft operating income and expenditure over 4 years.

This year's budget preparation has also occurred within the backdrop of the failed amalgamation process, where within the space of 3 months, the executive group had to quickly shift from 2 years of planning to wind up the Town, onto an immediate twofold focus of planning for an extended future whilst reigniting any plans and processes that had been deferred during the amalgamation preparations. This has created quite a backlog of administration that has forced a slight acceleration of normal processes over the course of the next 2 years.

Within the context of the above administrative demands, the executive group have sought to implement prioritised operating objectives and forward capital works programs based upon condition priorities within the context of a balanced draft budget, using reasonable funding estimations. As a result the draft budget is based upon a general rate yield increase from rates of 6.25%, which compares to the 5.0% increase from 2014/15. This higher than usual yield stems from the need to undertake a greater degree of corporate planning and to accelerate a number of administrative projects as a result of the lag caused through preparing for amalgamation rather than preparing for the future, however still maintains a lower median rating environment than neighbouring Mosman Park, Claremont and Cottesloe.

Differential rates proposed to achieve a rate yield of 6.25% are shown in the following table;

RATE TYPE	Rate in \$	# Of Properties	Rateable Value \$ \$'000	Rate Revenue \$ \$'000	Interim Rates \$ \$'000	Total Revenue \$ \$'000
<b>Differential General Rates</b>						
Residential (GRV)	6.2286	2845	91,256	5,445	18	5,463
Commercial (GRV)	9.6647	94	11,283	1,089		1,089
<b>Sub-Totals</b>		2939	102,539	6,534	18	6,552

Minimum Rates	\$					
Residential (GRV)	1000	282		282		282
Commercial (GRV)	1500	1		2		2
<b>Sub-Totals</b>		283		284		284
<b>Grand Totals</b>		3222	102,539	6,818	18	6,836

When examining the draft budget and considering adding projects not currently provided for or amending existing projects, elected members should be mindful of the following consideration that:

- A 1% movement in rates is the equivalent of \$64,000;

**COMMENT**

Rating objects of each differential rate category are shown in the attachments.

**ATTACHMENT**Gross Rental Value (GRV) Revaluation 2014

The Valuer General's Office completed their triennial GRV revaluations in 2014 and provided the following statistical summary for the Town. The figures below were the average movement in GRV's between general valuations and it does provide an indication of the relative strength in value between sectors during the preceding 3 years. In 2014 indications were a general weakening of the Commercial/Industrial sector in comparison to growth in residential valuation. Recognition of the relative strength between sectors in 2014 is still relevant when setting rates strategies for today, where it would be deemed as prudent if easing was introduced to the commercial sector.

+28%	Residential
+9%	Commercial
+7%	Industrial
-4%	Vacant Land
+27%	Overall Total

Ministerial Approval

Ministerial approval is not required prior to levying differential rates given that no rate is more than twice the lowest differential rate to be imposed.

Growth

Growth in the rateable value of properties during 2014/2015 represented about \$36,000 in additional interim revenue. This was the result of some unusually large rate inclusions, such as Kaleeya Hospital, and was not seen as a regular year for interims. For this reason interim rate revenue has been estimated at \$18,000 for 2015/16.

Minimum Rate

Minimum rates have been increased to a level of \$1000 for residential which is a \$119 increase over last year's \$881, and Commercial \$1,500 which is a \$413 increase over last year's \$1,087. These settings are considered more appropriate as recognition of the minimum benefit received from works and services provided which includes an estimated waste collection and disposal benefit of \$522.

Domestic Waste Charges Included

It is noted that general rates for 3127 domestic premises are inclusive of the refuse & recycling collection charges estimated at \$470, and ratepayers are also provided with a tip pass valued at \$52.

With the provision of weekly rubbish and recycling, we are estimating collection of 1,120 tonnes of recycling, general waste collection of 2,580 tonnes and green waste collection of 346 tonnes from kerbside pickups.

There are 95 Commercial properties for who the waste and recycling service charge is added separately.

**STATUTORY REQUIREMENTS****6.33. Differential general rates**

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*

- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
  - (b) *a purpose for which the land is held or used as determined by the local government;*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

### **6.36. Local government to give notice of certain rates**

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
  - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
  - (b) *is to contain —*
    - (i) *details of each rate or minimum payment the local government intends to impose;*
    - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*

*and*

  - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

As outlined, the proposed differential rates increase of 6.25%, plus interim rates of \$18,000 will yield an amount of \$6.836 million, which is calculated to meet the requirements of the current draft budget shortfall.

**CONCLUSION**

Differential general rates need to be endorsed for advertising with sufficient time to allow for submissions prior to adopting the draft budget.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council resolves to endorse the following differential rates with a general yield increase of 6.25% across Residential and Commercial categories and calls for public submissions under Section 6.36 of the Local Government Act 1995.

*Differential General Rate*

- Residential rate is 6.2286 cents in the dollar of (GRV)
- Commercial rate is 9.6647 cents in the dollar of (GRV)
- Minimum General Rate for any Residential Property is \$1000 and any Commercial Property is \$1500

**Cr McPhail – Mayor O’Neill**

**That Council resolves to endorse the following differential rates with a general yield increase of 6.25% across Residential and Commercial categories and calls for public submissions under Section 6.36 of the Local Government Act 1995.**

*Differential General Rate*

- Residential rate is 6.2286 cents in the dollar of (GRV)
- Commercial rate is 9.6647 cents in the dollar of (GRV)
- Minimum General Rate for any Residential Property is \$1000 and any Commercial Property is \$1500. CARRIED 5:1

Cr Amor requested that the voting of Council members be recorded.

Crs Rico, Harrington, Martin, McPhail and the Mayor voted in favour of the recommendation with Cr Amor having voted against the motion.

**140. REPORTS OF ELECTED MEMBERS****140.1 Fremantle Ports Inner Harbour Community Liaison Group**

Cr Harrington reported on a recent meeting of the above Group that she and Cr McPhail had attended.

**140.2 Fremantle Library Advisory Committee**

Cr Rico advised that at the last meeting of this Committee a short film was screened on the planned new library and administration building. Cr Rico queried whether Council could request that the film be shown at the next Concept Forum.

The Acting CEO undertook to make enquiries with the Library.

**140.3 SMRC**

Cr McPhail provided an update regarding the City of Cockburn’s intent to withdraw from the SMRC.

**141. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER****141.1 Meeting & Christmas Closure Schedule 2015/16**

*By Gary Clark, Acting Chief Executive Officer, on 3 June 2015*

**PURPOSE**

The purpose of this report is to facilitate decisions by Council on the meeting schedule for 2015/16 and the related issue of the Christmas closure period.

Council is required, under Section 13 of the Local Government (Administration) Regulations 1996, to advertise, at least once a year, its meeting schedule for the next twelve months. The previous schedule was to 30 June 2015 thus the meeting schedule for 2015/16 will need to be determined and advertised prior to July 1 2015.

### BACKGROUND

With respect to the above, at the Council Meeting of 20 May 2014, Council resolved as follows:

*That:*

1. *a Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2014 when the meeting is held on the 2<sup>nd</sup> Tuesday)*
2. *a Town Planning & Building Committee meeting be scheduled for the 1<sup>st</sup> Tuesday of the month.*
3. *a Town Planning Advisory Panel Meeting be scheduled for the 4<sup>th</sup> Tuesday of the month (except during December 2014 when no meeting will be held).*
4. *meetings of the Finance Committee be scheduled for the 27 August and 5 November 2014 and the 25 February and 27 May 2015.*
5. *Special Council Meetings or meetings of any of the standing committees to be called if such meetings are required.*
6. *the above arrangements not to apply for January 2015.*
7. *the administration centre and operations areas be closed:*
  - *from midday Friday, 12 December 2014 to allow all staff members to attend a Christmas function.*
  - *from midday Wednesday, 24 December 2014 to Monday, 5 January 2015 (consisting of 3½ working days: half a day from midday Wednesday, 24 December, Monday, 29 December, Tuesday, 30 December, Wednesday, 31 December)*
8. *the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.*

CARRIED  
ABSOLUTE MAJORITY

### REPORT

As the present system of a monthly Town Planning & Building Committee meeting, Concept Forum and Council Meeting appears to be working well, it is not proposed to change this format.

The Town Planning & Building Committee's delegated authority has streamlined the development approval process and is recommended to continue.

#### Finance/Audit Committees

It is proposed to hold the following ordinary Finance/Audit Committee Meetings during the 2015/16 year:

- 4 November 2015
- 24 February 2016
- 25 May 2016

#### Works & Reserves and Health & General Committees

Following the introduction of the Concept Forums, there has been no requirement for meetings of these Committees to be convened.

#### December and January Meetings

Given the difficulty of finalising tasks associated with this time of the year prior to the normal Christmas closure, it is again proposed to bring forward the Council Meeting to the second Tuesday of the month ie Tuesday, 8 December 2015. As the Concept Forum is normally scheduled for this date, it is proposed to hold the Forum on the following Tuesday, (15 December 2015).

As per normal practice, no meetings have been scheduled for January 2016, however, should any urgent business arise which needs to be considered during this recess, a special Council meeting can be convened.

#### Christmas Closure

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

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

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

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

- from midday Friday, 11 December 2015 to allow all staff members to attend a Christmas function.
- from midday Thursday, 24 December 2015 to Monday, 4 January 2016 (consisting of 3½ working days: half a day from midday Thursday, 24 December, Tuesday, 29 December, Wednesday, 30 December and Thursday, 31 December)

This closure will be advertised as part of the meeting schedule and again in December 2015 to provide adequate notice to the public of the closure.

#### **CONCLUSION**

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

#### **RECOMMENDATION**

That:

1. a Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2015 when the meeting is held on the 2<sup>nd</sup> Tuesday)
2. a Town Planning & Building Committee meeting be scheduled for the 1<sup>st</sup> Tuesday of the month.
3. a Town Planning Advisory Panel Meeting be scheduled for the 4<sup>th</sup> Tuesday of the month (except during December 2015 when no meeting will be held).
4. meetings of the Finance/Audit Committees be scheduled for the 4 November 2015 and the 24 February and 25 May 2016.
5. the above arrangements not to apply for January 2016.
6. the administration centre and operations areas be closed:
  - from midday Friday, 11 December 2015 to allow all staff members to attend a Christmas function.
  - from midday Thursday, 24 December 2015 to Monday, 4 January 2016 (consisting of 3½ working days: half a day from midday Thursday, 24 December, Tuesday, 29 December, Wednesday, 30 December, Thursday, 31 December)
7. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising.

**Absolute Majority Resolution Required**

**Cr Harrington – Cr Amor****That:**

1. a Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2015 when the meeting is held on the 2<sup>nd</sup> Tuesday)
2. a Town Planning & Building Committee meeting be scheduled for the 1<sup>st</sup> Tuesday of the month.
3. a Town Planning Advisory Panel Meeting be scheduled for the 4<sup>th</sup> Tuesday of the month (except during December 2015 when no meeting will be held).
4. meetings of the Finance/Audit Committees be scheduled for the 4 November 2015 and the 24 February and 25 May 2016.
5. the above arrangements not to apply for January 2016.
6. the administration centre and operations areas be closed:
  - from midday Friday, 11 December 2015 to allow all staff members to attend a Christmas function.
  - from midday Thursday, 24 December 2015 to Monday, 4 January 2016 (consisting of 3½ working days: half a day from midday Thursday, 24 December, Tuesday, 29 December, Wednesday, 30 December, Thursday, 31 December)
7. the Chief Executive Officer be delegated the authority to call and convene the above meetings and to carry out the required advertising. CARRIED 6:0

ABSOLUTE MAJORITY

**141.2*****Review of Delegations to the Chief Executive Officer and Committees***

*By Gary Clark, Acting Chief Executive Officer on 3 June 2014*

**PURPOSE**

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

**BACKGROUND**

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

**REPORT****Comments/Discussion**

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

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

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

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

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



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

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

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

#### Financial/Budget Implications

Nil

#### Discussion

Following the annual review of delegations at the Council Meeting on 17 June 2014, a number of delegations were raised for further consideration.

Changes made following those further reviews are denoted in bold italics and delegations removed from the Chief Executive Officer are shown as 'strikethrough' text in the attached Delegation table.

Changes recommended by officers in this current review are highlighted in yellow.

In respect to the delegation exercised by the Town Planning & Building Committee, following the resignation by Cr Handcock, Council at its meeting on the 17 March 2015 resolved as follows:

*“Pursuant to Council’s decision regarding delegated decision making made on 21 May 2013, in the current circumstances of Cr Handcock having resigned, and not having been replaced on the Committee, it be the decision of Council that from 1 March 2015 until the matter is further reviewed, four Town Planning & Building Committee elected members, instead of the current five as per clause 2(a) of that decision, be sufficient to exercise delegated authority and that three Committee members shall comprise a quorum.”*

It is proposed that this delegation continue until Committee membership is reviewed, following the October 2016 elections.

#### RECOMMENDATION

It is recommended that:

1. the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.
2. pursuant to s5.17(1)(a) of the Local Government Act, the Town Planning & Building Committee be delegated the power to determine all applications for planning approval or advice to referral agencies and other Planning Authorities not otherwise included within the current delegations to the Chief Executive Officer subject to the following conditions:
  - (a) at least four Committee members vote in favour of the Committee recommendation
  - (b) the Committee determination accords with the Reporting Officer’s recommendation or an amended recommendation that is supported by the Manager Planning Services or his delegate.

**Absolute Majority Resolution Required**

*Cr Harrington – Cr McPhail*

*That:*

1. *the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.*
2. *former delegations D18 and D19 (Legal Advice) be reinstated as approved delegations of authority to the Chief Executive Officer.*

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3. *the condition requiring monthly advice to elected members on delegate D43 be retained.*
4. *pursuant to s5.17(1)(a) of the Local Government Act, the Town Planning & Building Committee be delegated the power to determine all applications for planning approval or advice to referral agencies and other Planning Authorities not otherwise included within the current delegations to the Chief Executive Officer subject to the following conditions:*
  - (a) *at least four Committee members vote in favour of the Committee recommendation*
  - (b) *the Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Manager Planning Services or his delegate.*

Amendment

Cr Amor – Mayor O'Neill

That Condition 2 be amended to read:

*"That former delegations D18 and D19 be subject to a further report from the Acting CEO which addresses the merits of imposing conditions if the delegations are reinstated."*

CARRIED 4:2

The substantive motion, as amended, was put.

**Cr Harrington – Cr McPhail****That:**

1. **the Delegations of Authority to the Chief Executive Officer attached to and forming part of these minutes be approved.**
2. **former delegations D18 and D19 (Legal Advice) be subject to a further report from the Acting CEO which addresses the merits of imposing conditions if the delegations are reinstated.**
3. **the condition requiring monthly advice to elected members on delegate D43 be retained.**
4. **pursuant to s5.17(1)(a) of the Local Government Act, the Town Planning & Building Committee be delegated the power to determine all applications for planning approval or advice to referral agencies and other Planning Authorities not otherwise included within the current delegations to the Chief Executive Officer subject to the following conditions:**
  - (a) **at least four Committee members vote in favour of the Committee recommendation**
  - (b) **the Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Manager Planning Services or his delegate.**

CARRIED 6:0  
ABSOLUTE MAJORITY**141.3*****Proposed Perth Freight Link – Council Position****Author – Wendy Cooke, Project Coordinator**Reporting Officer - Gary Clark, Chief Executive Officer***PURPOSE**

For council to consider its position in relation to the proposed Perth Freight Link (PFL), and the impact of the current route as outlined by Main Roads WA. Having an endorsed collective stance on this issue will provide clarity for elected members, the community and other stakeholders.

**BACKGROUND**

This report provides information about the proposed PFL route as determined by Main Roads WA and offers a position for Council in relation to advocating on behalf of the Town of East Fremantle residents, ratepayers and other impacted stakeholders.

**REPORT**

Information from the Main Roads WA website advises that 'the \$1.6 billion Perth Freight Link, officially launched on 19 May 2014 as part of the Federal Budget is the largest road infrastructure project ever to be undertaken in Western Australia, and provides the 'missing link' in the Perth Urban Transport Corridor, through a dedicated, high productivity, east-west freight connection between Perth's heartland industrial areas - Kewdale and Welshpool, and Fremantle Port. Current stop-start traffic will be replaced with free-flowing vehicle movement. The project will link with the \$1 billion Gateway WA project and the \$1.12 billion NorthLink WA (Perth to Darwin Highway) project to provide a free flowing 85km route from Muchea to Fremantle Port and Perth's southern industrial and trade centres – delivering significant benefits to the economy, industry, motorists and local communities'.

There are two major contracts (for Section 1 and Section 2) scheduled to be awarded later in 2015. Infrastructure works are expected to commence in early 2016 and be completed in 2019.

Commencement of construction of the PFL is subject to environmental approval.

The first section of Roe Highway Stage 8 will provide improved access into the Murdoch Activity Centre, including Fiona Stanley Hospital in the first half of 2017.

The website outlines the project infrastructure works as:

- A 5.2 km extension of Roe Highway, west of the Kwinana Freeway to Stock Road in Coolbellup;
- Upgrading of Stock Road through O'Connor and Willagee, with grade separated interchanges at Winterfold Road, South Street and Leach Highway;
- Upgrading Leach Highway and High Street with grade separated interchanges at Carrington Street, High Street and Marmion Street;
- Improvements to High Street in Fremantle.

Funding sources include the Commonwealth Government \$925 million; Western Australian Government - \$650 million towards the Perth Freight Link project.

The State Government's contribution comprises \$591 million in new funding, plus \$59 million which is already committed for upgrades on High Street, Fremantle. Part of the State Government's contribution will be recouped from the Heavy Vehicle User Charge.

The State Government cites the Perth Freight Link will resolve major problems with a growth in freight traffic on mixed use routes – a mix of heavy and light vehicles have an adverse impact on public safety; and reduced freight efficiency and productivity – high volume of freight traffic along Leach Highway is constrained by regular 'stop-start' traffic as a result of the large number of traffic lights.

According to Main Roads WA, the overarching goal of the Perth Freight Link is to

- create a high productivity East - West freight connection between Perth's main industrial centers and Fremantle Port.
- improve road safety and reduce freight's impact on community through greater segregation of freight and passenger vehicle movements along key urban arterial roads.
- enhance State productivity by improving access to Fremantle Port and Perth's key strategic industrial areas to meet current and future growth in freight traffic.

Main Roads envisage the project sections 1 and 2 will result in a number of benefits that include improved safety for all traffic uses; an estimated 500 trucks a day removed from Leach Highway by 2031; fourteen current sets of traffic lights to be eliminated or bypassed, resulting in reduced free flowing vehicle movement with shorter journey times, cutting congestion and the current patterns of 'stop-start' traffic; reduced operating costs

for transport industry, business and commuters through freer flowing traffic movement; environmental benefits through non-stop traffic movements which lessen exhaust emissions with lower fuel usage and reduced noise levels etc.

A list of benefits are listed on the Main Roads WA website <https://www.mainroads.wa.gov.au/BuildingRoads/Projects/UrbanProjects/Pages/Perth-Freight-Link.aspx> and the communique circulated at the information session provided by Main Roads representatives at the Council Concept Forum on Tuesday 12 May 2015.

### **Issues and Concerns for the Town of East Fremantle**

As the proposed project has been gaining momentum, Council has been seeking clarification over some concerns in relation to:

- Environmental impacts such as diesel emission particulates and noise;
- Pedestrian and cyclist safety;
- Traffic connectivity and local traffic congestion;
- Status and progress of Government investment in the development of the Outer Harbour in Naval Base/Kwinana – the state government has already indicated that the Fremantle Port is nearing capacity <http://www.planning.wa.gov.au/publications/843.asp>);
- The development of a full business case to determine how the current proposed PFL Section Two compares to other alternative solutions to managing freight traffic to the Fremantle Port i.e. utilising rail as a freight link, a traffic tunnel, continue to invest in developing the Outer Harbour at Naval Base/Kwinana.

The community consultation and engagement process being undertaken by Main Roads WA has recently come into question by the Premier of Western Australia, following concerns raised by 77 home owners in Palmyra who were contacted by letter advising them of the proposed resumption and demolition of their homes to make way for the proposed Section Two of the PFL.

The Minister for Transport the Hon. Dean Nalder has also been quoted in the media as saying he is 'still not convinced that that (sic) is the best possible route'.

On the 6 May 2015, the Mayor and Cr McPhail attended a meeting at the City of Fremantle to hear views from the alliance of lobby groups, Rethink the Perth Freight Link.

The alliance is a coalition of local lobby groups such as the 'Save the Beelihar Wetlands', 'Road 2 Rail (R@R)', Fremantle Tangney Greens etc.

The purpose of the alliance is to facilitate cooperation between the supporting groups where this would be of benefit to the campaign overall and to enable a well-strategised cohesive approach. More specifically the alliance aims to be a vehicle for cross-promoting events and activities and preventing clashes and unnecessary duplication of effort. It is envisaged that the alliance will have the organisational capacity and authority to pull together really large actions such as big demonstrations, forums, rallies or fund-raising events; seek to draw in further stakeholders who would actively support the campaign; and distribute press releases and other joint promotional material where required.

In addition, the Mayor was present at a meeting that was attended by residents affected by the proposed route, along with the Hon. Mark McGowan MLA (Leader of the Opposition), Mr Peter Tinley AM MLA (Member for Willagee) and Ms Simone McGurk MLA (Member for Fremantle).

The CEO attended a workshop for the Perth and Peel @ 3.5 million strategy (released by the Department of Planning) on Thursday 4<sup>th</sup> of June. The merits of the project were discussed and alternatives suggested for investigation. One suggested alternative was a rail link between the port and an intermodal hub in Latitude 32 adjacent to the proposed

Outer Harbour. The intermodal hub would be linked to the existing rail and road network from the south and east. This would allow road freight to be distributed from and delivered to the hub for transfer to and from the rail. The infrastructure investment would benefit both ports and allow them to be operated together for maximum efficiency.

### **Proposed Strategy**

The City of Fremantle is currently commissioning Prof Peter Newman to undertake research into the Perth Freight Link, the scope of which is:

1. In a primarily graphical and statistical format articulate, test and draw out the economic and local amenity implications of the following scenarios:
  - Perth Freight Link as proposed by Government.
  - Major rail based option from the Inner Harbour using:
    - the existing Perth Freight Link alignment and
    - modified alignment better suited to rail.
    - Cap the Inner Harbour capacity and move growth to a new outer harbour.
2. Prepare a referenced compendium of publically available statistical information, including in particular the current and projected freight movements over a 20 to 30 year time horizon, as a resource guide for Council.
3. Present for Working Group review about the end of April 2015 (or earlier if possible) the narrative for each option as well as indicative graphics as the basis for completing the Position Paper.
4. Prepare draft Position Paper for end May 2015 review by the Working Group.
5. Prepare the final Position Paper inclusive of any comments agreed with the Working Group, noting that the City of Fremantle will produce the final version, using CUSP electronic files, to a standard suitable for use in the public realm.

The cost of this research totals \$20,000 and following discussion with the City of Fremantle, it is envisaged that the Town of East Fremantle could contribute 25% of the total cost of the report, which would equate to \$5,000.

### **Statutory Requirements**

Nil

### **Relevant Council Policies**

Nil

### **Strategic Plan Implications**

Key Focus Area – Infrastructure and Service

Aspiration – the needs of our community are met through the provision of quality infrastructure and services

Outcome 2.2: Our infrastructure connects our community

### **Financial/Resource/Budget Implications**

Consultants Account EO4239 - \$5,000 - 2015/16 Budget

### **Conclusion**

With a number of issues still not clear in relation to the proposed Perth Freight Link and the Minister for Transport indicating he is not convinced that all options in relation to route have been exhausted, a position on this matter will ensure that Council can advocate effectively on behalf of the residents, ratepayers and stakeholders in the Town of East Fremantle.

### **Voting Requirements**

Simple Majority

**RECOMMENDATION**

That Council:

1. oppose the proposed Perth Freight Link and provide research that demonstrates alternatives that provide a higher long term cost/benefit.
2. collaborate with the City of Fremantle to ensure a consistent message is communicated in relation to the Town and City's opposition of the Perth Freight Link.
3. contribute \$5,000 towards the cost of the research commissioned by City of Fremantle.
4. provide in kind support for the alliance of community groups to run their campaign against the PFL if required – eg meeting venues, advice, quotes from the Mayor etc.
5. promote awareness of the 'Rethink the Perth Freight Link Alliance' on the Town's Facebook page and website.
6. promote the Town's stance on the Perth Freight Link to East Fremantle residents through the Town's newsletter, Facebook page and website and via media statements.
7. communicate concerns to Main Roads WA and seek clarification on issues such as environmental impacts – noise and pollution; traffic impacts – pedestrian and cycle access, connectivity and traffic congestion in the Town of East Fremantle.

The Acting CEO tabled the following amended recommendation based on further discussions held with the City of Fremantle regarding this issue:

*That Council:*

1. *reject the proposed Perth Freight Link and request that the State Government comprehensively assess the cost/benefit of all viable alternatives.*
2. *Request that the State Government report the implications that the Perth Freight Link, and the sale of the Fremantle Port, will have on the long established plans for Latitude 32, the Kwinana Intermodal Freight Terminal and the Outer Harbour.*
3. *collaborate with the City of Fremantle to ensure a consistent message is communicated in relation to the Town and City's opposition of the Perth Freight Link.*
4. *contribute \$5,000 towards the cost of the report commissioned by City of Fremantle.*
5. *provide in kind support for the alliance of community groups to run their campaign against the PFL if required.*
6. *promote awareness of the 'Rethink the Perth Freight Link Alliance' on the Town's Facebook page and website.*
7. *promote the Town's stance on the Perth Freight Link to East Fremantle residents and other relevant stakeholders.*
8. *communicate concerns to Main Roads WA and seek clarification on issues such as environmental impacts – noise and pollution; traffic impacts – pedestrian and cycle access, connectivity and traffic congestion in the Town of East Fremantle.*

*Cr McPhail - Cr Amor*

*The tabled recommendation.*

Cr Martin advised that she supported the proposed motion with the addition of the words "including sound barriers" in point 8.

Given the mover and seconder of the motion agreed, the additional wording was included in the proposed motion.

**Cr McPhail – Cr Amor**

**That Council:**

1. **reject the proposed Perth Freight Link and request that the State Government comprehensively assess the cost/benefit of all viable alternatives.**
2. **Request that the State Government report the implications that the Perth Freight Link, and the sale of the Fremantle Port, will have on the long established plans for Latitude 32, the Kwinana Intermodal Freight Terminal and the Outer Harbour.**

3. collaborate with the City of Fremantle to ensure a consistent message is communicated in relation to the Town and City's opposition of the Perth Freight Link.
4. contribute \$5,000 towards the cost of the report commissioned by City of Fremantle.
5. provide in kind support for the alliance of community groups to run their campaign against the PFL if required.
6. promote awareness of the 'Rethink the Perth Freight Link Alliance' on the Town's Facebook page and website.
7. promote the Town's stance on the Perth Freight Link to East Fremantle residents and other relevant stakeholders.
8. communicate concerns to Main Roads WA and seek clarification on issues such as environmental impacts – noise, including sound barriers, and pollution; traffic impacts – pedestrian and cycle access, connectivity and traffic congestion in the Town of East Fremantle. CARRIED 6:0

**141.4** *Policy – CEO Leave Approval*  
*By Gary Clark, Acting CEO, 9 June 2015*

**Purpose**

To adopt a policy for approve the CEO's requests to take leave.

**Background**

Council has requested that the Acting CEO develop a policy to ensure accountability about the accrual and taking of leave by the CEO.

**Comment**

The CEO is an employee of the Council and is therefore accountable to Council in accordance with the contract of employment.

The CEO is required by the Local Government Act 1995 to ensure that systems are in place to record the financial transactions of the local government. In the case of employee's leave entitlements the payroll system is designed to record the accrual and taking of leave. These transactions must be supported by substantiating documentation (such as authorised leave applications) to allow verification by internal or external audit.

The accrual of leave is substantiated by the contract of employment or the appropriate employment award. The taking of leave is substantiated by a leave application signed and authorised by the relevant manager or the CEO. The authorisation by a manager or the CEO is appropriate for all employees except the CEO because the CEO is only accountable to the Council.

Requiring the Council to authorise the CEO's leave is administratively inefficient. The solution is for the Mayor to liaise with the CEO and authorise leave forms after being advised of the relevant leave balances.

Council can be kept informed when leave has been approved, who has been appointed to act as CEO during the leave and the relevant amount of accrued leave.

**Statutory Requirements**

Nil

**Relevant Council Policies**

Nil

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

Nil

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## MINUTES

**Conclusion**

The attached draft policy will ensure that Council's expectations about the accrual and taking of leave by the CEO are clear. **ATTACHMENT**

**Voting Requirements**

Absolute Majority

**RECOMMENDATION**

That Council adopt the attached policy titled "CEO Leave Approval".

*Cr Amor – Cr Martin*

*That the CEO Leave Approval Policy be adopted with the following amendments:*

**Leave Applications**

*The third paragraph include the following after the word "Officer":*

*"for periods up to 4 weeks. Council to approve appointments of the Acting CEO for periods over 4 weeks."*

**Leave Accruals**

*Replace "10 weeks" with "8 weeks"*

*Replace "26 weeks" with "13 weeks".*

LOST 2:4

**Cr McPhail – Cr Martin**

**That the item be held over and discussed at the next Concept Forum. CARRIED 4:2**

Reason for not Supporting the Officer's Recommendation

It was considered a more appropriate forum to develop the Policy.

**142. CONFIDENTIAL BUSINESS****Meeting Closure**

**Cr Martin – Cr McPhail**

**That the meeting be closed to members of the public for the purposes of discussing the following confidential matters in accordance with section 5.23 (2)(c) and (e) of the Local Government Act 1995. CARRIED 6:0**

**142.1 Southern Metropolitan Regional Council – Materials Recovery Facility Business Plan**

Elected members considered a confidential report prepared by the Executive Manager, Finance & Administration. **CONFIDENTIAL ATTACHMENT**

**Cr McPhail – Cr Martin**

**That Council:**

- 1. receives the confidential draft Major Trading Undertaking Business Plan for the Sale of Materials Recovery Facility.**
- 2. adopts the draft Major Trading Undertaking Business Plan for the Sale of Materials Recovery Facility. CARRIED 6:0**

**142.2 Lease – Preston Point Sports Club – Preston Point Reserve, Preston Point Road**

Elected members considered a confidential report prepared by the Executive Manager, Finance & Administration. **CONFIDENTIAL ATTACHMENT**

*Mayor O'Neill made the following impartiality declaration in the matter of the Preston Point Sports Club: "As a consequence of the architect involved with the clubroom redevelopment and responsible for the plan used as Addendum 1 of the lease, John Chisholm, being known to me and engaged by me previously, 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".*



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Cr Harrington – Cr McPhail

That Council:

1. agrees in principle to the lease proposal.
2. authorise the Acting Chief Executive Officer to execute a lease with the East Fremantle Lacrosse Club (Inc) and East Fremantle Cricket Club (Inc) on behalf of Council for a 20 year lease and administration fee of \$1,500 plus outgoings.
3. notes that formalisation of the lease is subject to Ministerial Approval.

CARRIED 6:0

**143. OPENING OF MEETING TO THE PUBLIC**

Cr McPhail – Cr Martin

That the meeting be reopened to members of the public at 8.35pm. CARRIED 6:0

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

Nil.

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

**145.1 Southern Metropolitan Regional Council – MOU for Materials Recovery Facility Project**

Cr McPhail – Cr Harrington

That the SMRC MOU for Materials Recovery Facility Project be considered as a matter of an urgent nature. CARRIED 6:0

**146. CONFIDENTIAL BUSINESS**

Meeting Closure

Cr McPhail – Cr Harrington

That the meeting be closed to members of the public for the purposes of discussing the following confidential matter in accordance with section 5.23 (2)(c) of the Local Government Act 1995. CARRIED 6:0

**146.1 Southern Metropolitan Regional Council – MOU for Materials Recovery Facility Project**

Elected members considered a confidential report prepared by the Executive Manager, Finance & Administration. **CONFIDENTIAL ATTACHMENT**

Cr McPhail – Cr Harrington

That Council:

1. agrees in-principle to the signing of an MOU for the Materials Recovery Facility Project.
2. receives the draft MOU for the Materials Recovery Facility Project.
3. authorises the Chief Executive Officer, in consultation with the Mayor, to execute an MOU for the Materials Recovery Facility, with minor amendments.

CARRIED 5:1

Cr Rico requested that the voting of Council members be recorded.

Crs Martin, Harrington, Amor, McPhail and the Mayor voted in favour of the recommendation with Cr Rico having voted against the motion.

**147. OPENING OF MEETING TO THE PUBLIC**

Cr McPhail – Cr Martin

That the meeting be reopened to members of the public at 8.59pm.



**148. CLOSURE OF MEETING**

There being no further business, the meeting closed at 9.00pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 June 2015**, Minute Book reference **125. to 148.** were confirmed at the meeting of the Council on*

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*Presiding Member*