



# Special Council Meeting 22 October 2013

# MINUTES

**Town of East Fremantle**

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**MINUTES OF A SPECIAL COUNCIL MEETING, HELD IN THE COMMITTEE MEETING ROOM, ON TUESDAY, 22 OCTOBER, 2013 COMMENCING AT 6.32PM.**

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**SWEARING IN OF NEWLY ELECTED MEMBERS – TUESDAY, 22 OCTOBER AT 6.15PM**

The Chief Executive Officer welcomed elected members, staff and 14 members of the gallery to the Swearing-In Ceremony.

The CEO invited the newly elected members of the Council to individually state and sign the Declaration of Office in accordance with Section 2.29 of the Local Government Act.

Prior to the ceremony the CEO had provided the newly elected members with a copy of the Local Government (Rules of Conduct) Regulations 2007 and asked that they read the Regulations prior to making their declaration.

Mr James Francis O'Neill was sworn in as Mayor for the period 2013 to 2017 by the CEO.

The following members were sworn in as Councillors for the period 2013 to 2017 by the CEO:

Cr Jennifer Mary Harrington	Plympton Ward
Cr Ian Raymond Cope	Richmond Ward
Cr Michael James McPhail	Preston Point Ward
Cr Eric Anthony Watkins	Woodside Ward

**MINUTES OF A SPECIAL COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 22 OCTOBER 2013 COMMENCING AT 6.32PM.**

**266. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**266.1 Present**

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr I Cope	
Cr B de Jong	
Cr J Harrington	
Cr S Martin	
Cr M McPhail	
Cr M Rico	
Cr A Watkins	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Ms S Cocks	Principal Environmental Health Officer
Ms J May	Minute Secretary

**267. 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."*

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

There were 14 members of the public in the gallery at the commencement of the meeting.

The Presiding Member introduced elected members and staff.

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**269. RECORD OF APPROVED LEAVE OF ABSENCE**

Nil.

**270. RECORD OF APOLOGIES**

Nil.

**271. ELECTION OF DEPUTY MAYOR**

The Chief Executive Officer, as Returning Officer, conducted this election, which was in accordance with advice which had been distributed to elected members with their agenda and which outlined the requirements of the Local Government Act in relation to the election of Deputy Mayor.

The Returning Officer advised that written nominations from Cr Rico and Cr Martin had been received and asked if there were any further nominations for the position. Cr Harrington then submitted a nomination.

Following a draw by the CEO, acting as Returning Officer, the order of names on the ballot paper was announced as follows:

1. Cr Rico
2. Cr Harrington
3. Cr Martin

Crs Rico, Harrington and Martin respectively addressed elected members regarding their nomination for Deputy Mayor.

Ballot papers were distributed and collected by the Returning Officer.

Following the counting of votes by the Returning Officer and Ms Janine May as Deputy Returning Officer, Cr Harrington was declared elected as Deputy Mayor of the Town of East Fremantle for a two year period.

**272. DECLARATION OF OFFICE BY DEPUTY MAYOR**

Cr Harrington made a Declaration of Office as Deputy Mayor before Mayor O'Neill.

**273. PUBLIC QUESTION TIME**

Nil.

**274. ANNOUNCEMENTS BY THE MAYOR**

Mayor O'Neill advised that he hoped the new Council would be a proactive and cohesive one, involving mutual respect and providing good lines of communication to the community. He believed Council should respect the past and also look forward to the future and in the face of amalgamation, be a Council the East Fremantle community was proud of.

**275. ADJOURNMENT**

**Mayor O'Neill – Cr Harrington**

**That the meeting be adjourned at 7.02pm for a 30 minute break to allow elected members to enjoy refreshments with family and friends, following the earlier swearing in ceremony.** CARRIED

**276. RESUMPTION**

**Mayor O'Neill – Cr Rico**

**That the meeting be resumed at 7.40pm with all those present prior to the adjournment, in attendance.** CARRIED

**277. REPORTS OF CHIEF EXECUTIVE OFFICER**

**277.1 *Election of Committees & Delegates to External Committees & Other Bodies***  
*By Stuart Wearne, Chief Executive Officer, on 17 October 2013*

**PURPOSE**

The purpose of this report is to facilitate, following the elections held on Saturday 19 October 2013, the:

- appointment of members to Council’s Standing and other Committees; and
- appointment of delegates to represent Council on external Committees and other bodies.

**BACKGROUND**

Following the election held on Saturday, 19 October 2013, Council is required to appoint members to its Standing Committees. Under section 5.11 of the Act, all previous appointments expired on election day. Although not specifically required under this legislation, it is considered the spirit of the legislation dictates that it would be appropriate, at this time, to also make new appointments (or reappointments) of delegates to the Audit and Festival Committee and the various external committees and bodies which elected members have previously been appointed to.

**REPORT**

Following is advice on Council’s Standing Committees:

- Town Planning & Building Committee (Private Domain) – Meets first 1<sup>st</sup> Tuesday of month. Committee currently has a conditional delegated authority 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.
- Finance Committee – Meets four times per year (usually on the fourth Tuesday of the month)
- Town Planning/Public Domain, Works & Reserves Committee
- Health & General Purposes Committee

Meetings of these Committees have been rare for the last several years, initially due to the fact two Council meetings per month were held and “Works” and “Health” items were referred directly to the second of these meetings. Whilst elected members resolved to revert back to one Council meeting per month on 19 June 2012, since then no “Works” or “Health” meetings have been held, with “Health” and “Works” items still going directly to full Council.

Nevertheless:

- (i) There is always the potential for some Works and Health items to be considered in Committee in the first instance.
- (ii) Under Council’s Standing Orders the Committees need to be appointed in any event.

Note that appointment to membership of a Standing Committee requires an absolute majority vote.

The following are not Standing Committees however meet regularly and require elected member appointments:

- Audit Committee
- East Fremantle Festival Committee

Following is a list of external Committees and other bodies which currently entail Council’s representation:

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- Local Government Association (South Metropolitan Zone) (3 delegates)
- Fremantle City Library Advisory Committee (1 delegate + deputy)
- Glyde-In Community Group (1 delegate + deputy)
- Southern Metropolitan Regional Council (1 delegate)
- Development Assessment Panel (1 or 2 delegates will be required – dependent on election results)
- South West Corridor Planning & Infrastructure Committee (1 delegate)
- South West Corridor Development & Employment Foundation (1 delegate + deputy)
- Fremantle Ports Inner Harbour Community Liaison Group (1 delegate + deputy)

Details, including meeting days, frequency etc are set out in the attached.

**ATTACHMENT**

**RECOMMENDATION**

That elected members:

- appoint members to Council's Standing Committees, the Audit Committee and the East Fremantle Festival Committee
- resolve that all previous appointments to the external committees and other bodies referred to in this report, have expired and make new appointments to those committees and other bodies.

**Footnote 1**

*For the appointment of members to all Standing Committees plus the Audit and East Fremantle Festival Committees it would be appropriate if elected members at first indicated, at the meeting, in discussion, their willingness to be appointed, following which the motion would be:*

*That Mayor XXX and Crs XXX, XXX, XXX, XXX be appointed to the Town Planning & Building Committee (Private Domain).*

**CARRIED**  
**ABSOLUTE MAJORITY**

**Footnote 2**

*In the case of the Southern Metropolitan Regional Council and Development Assessment Panel, if there is more than one nomination, it is recommended a formal election, to be conducted by the Chief Executive Officer, be held.*

*Consideration could also be given to candidates being allowed to outline their reasons for standing and their credentials for the position.*

**Footnote 3**

*In the event elected members have difficulty in arriving at a decision in a particular circumstance, or in the event of some other compelling reason, some decisions could be delayed.*

*Except for the appointment of the Finance & Town Planning & Building Committees, and the Development Assessment Panel representatives (since Council currently has a matter due to go to the Panel and in addition, new appointees require training) most other situations do not appear particularly urgent.*

*Existing delegates would be in a position to continue, in the interim, in most cases eg Cr Rico and Cr Martin in respect of Fremantle Library, Cr Collinson in respect of Glyde-In, Cr Collinson in respect of SMRC etc.*

**(A) Town Planning & Building Committee**

Mayor O'Neill called for nominations for membership to the Town Planning & Building Committee.

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Mayor O'Neill and Crs Rico, Martin, Collinson, McPhail and de Jong nominated for this Committee.

**Cr Rico – Cr Harrington**

**That Mayor O'Neill and Crs Rico, Martin, Collinson, McPhail and de Jong be appointed to the Town Planning & Building Committee.**

CARRIED  
ABSOLUTE MAJORITY

**(B) Finance Committee**

Mayor O'Neill called for nominations for membership to the Finance Committee.

Mayor O'Neill and Crs Rico, Martin, Watkins, Cope, McPhail and de Jong nominated for this Committee.

**Cr Watkins – Cr Rico**

**That Mayor O'Neill and Crs Rico, Martin, Watkins, Cope, McPhail and de Jong be appointed to the Finance Committee.**

CARRIED  
ABSOLUTE MAJORITY

**(C) Audit Committee**

All members of the Finance Committee agreed to nominate for the Audit Committee.

**Cr Rico – Cr Martin**

**That Mayor O'Neill and Crs Rico, Martin, Watkins, Cope, McPhail and de Jong be appointed to the Audit Committee.**

CARRIED  
ABSOLUTE MAJORITY

**(D) Town Planning/Public Domain, Works & Reserves Committee**

Mayor O'Neill called for nominations for membership to the Town Planning/Public Domain Committee.

Mayor O'Neill and Crs Watkins, Martin, Harrington, Collinson, Cope, McPhail and de Jong nominated for this Committee.

**Cr Martin – Cr de Jong**

**That Mayor O'Neill and Crs Watkins, Martin, Harrington, Collinson, Cope, McPhail and de Jong be appointed to the Town Planning/Public Domain, Works & Reserves Committee.**

CARRIED  
ABSOLUTE MAJORITY

**(E) Health & General Purposes Committee**

Mayor O'Neill called for nominations for membership to the Health & General Committee.

Mayor O'Neill and Crs Martin, Harrington and Collinson nominated for this Committee.

**Cr Collinson – Cr de Jong**

**That Mayor O'Neill and Crs Martin, Harrington and Collinson be appointed to the Health & General Purposes Committee.**

CARRIED  
ABSOLUTE MAJORITY

**(F) East Fremantle Festival Committee**

Mayor O'Neill called for nominations for membership to the East Fremantle Festival Committee.

Crs Collinson, Harrington, McPhail and de Jong nominated for this Committee.

**Cr Rico – Cr Collinson**

**That Crs Collinson, Harrington, McPhail and de Jong be appointed to the East Fremantle Festival Committee.**

CARRIED  
ABSOLUTE MAJORITY

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**(G) Local Government Association (South Metropolitan Zone)**

Mayor O'Neill called for nominations as Council's delegates to the Local Government Association (South Metropolitan Zone).

Crs Rico, Collinson and McPhail nominated as delegates for this Committee. Cr Watkins nominated for the deputy delegate position.

In providing some background to the issue, the CEO noted that in response to Council being unrepresented at some meetings, Council had, earlier this year, appointed him as a proxy, with voting rights, as was the case with some other CEOs.

After an initial vote was taken the CEO sought clarification on whether he had been appointed proxy or not.

The Mayor indicated this had not been the case and suggested it was a matter which could be revisited at a later date if required.

Cr Collinson stated that he supported the CEO being appointed as a deputy delegate and Cr Rico concurred with this.

**Cr de Jong – Cr Martin**

**That Crs Collinson, Rico and McPhail be appointed as Council's delegates and Cr Watkins and the CEO be appointed deputy delegates to the Local Government Association (South Metropolitan Zone).** CARRIED

**(H) Fremantle/East Fremantle Library Advisory Committee**

Mayor O'Neill called for nominations as Council's delegate to the Fremantle/East Fremantle Library Advisory Committee.

Cr Rico nominated as Council's delegate and Cr Martin and Cr Harrington nominated as Council's deputy delegates.

**Cr Collinson – Cr de Jong**

**That Cr Rico be appointed as Council's delegate and Cr Martin and Cr Harrington be appointed as Council's deputy delegates to the Fremantle/East Fremantle Library Advisory Committee.** CARRIED

**(I) Glyde-In Community Group**

Mayor O'Neill called for nominations as Council's delegate to the Glyde-In Community Group.

Cr Collinson nominated as Council's delegate and Cr Martin nominated as the deputy delegate to the Glyde-In Community Group

**Cr Harrington – Cr Rico**

**That Cr Collinson be appointed as Council's delegate and Cr Martin be appointed as Council's deputy delegate to the Glyde-In Community Group.** CARRIED

**(J) Neighbourhood Watch Committee**

Mayor O'Neill called for nominations as Council's delegate to the Community Policing Committee.

Cr McPhail nominated as Council's delegate and Cr Harrington as Council's deputy delegate to the Neighbourhood Watch Committee.

**Cr Rico – Cr de Jong**

**That Cr McPhail be appointed as Council's delegate and Cr Harrington be appointed as Council's deputy delegate to the Neighbourhood Watch Committee.** CARRIED

**(K) Southern Metropolitan Regional Council**

Mayor O'Neill called for nominations as Council's delegate to the Southern Metropolitan Regional Council.

Crs Collinson and McPhail nominated for the position.

*Cr McPhail left the meeting at 8.06pm, returning at 8.08pm.*

Both candidates addressed elected members in support of their nomination.

Ballot papers were distributed and collected by the Chief Executive Officer, as Returning Officer.

Following the counting of votes by the Returning Officer and Ms Janine May as Deputy Returning Officer, Cr McPhail was declared elected as Council's representative on the Southern Metropolitan Regional Council for a two year period.

**(L) Development Assessment Panel**

It was noted that Cr de Jong was Council's sole DAP member at the present time and would represent Council at any DAP hearing until other members are appointed and suitably trained.

**Cr Martin – Cr Rico**

**That the appointment of the other DAP member and the two alternative members be deferred until the Presiding Member of the Town Planning & Building Committee had been decided.** CARRIED

**(M) South West Corridor Development and Employment Foundation**

Mayor O'Neill called for nominations as Council's delegate to the South West Corridor Development and Employment Foundation.

There were no nominations from elected members as Council's delegate to the South West Corridor Development and Employment Foundation.

**(N) South West Corridor Planning & Infrastructure Committee**

Mayor O'Neill called for nominations as Council's delegate to the South West Corridor Planning & Infrastructure Committee.

Cr Martin nominated as Council's delegate to the South West Corridor Planning & Infrastructure Committee and Cr McPhail nominated as the deputy delegate.

**Cr de Jong – Cr Rico**

**That Cr Martin be appointed as Council's delegate and Cr McPhail be appointed as Council's deputy delegate to the South West Corridor Planning & Infrastructure Committee.** CARRIED

**(O) Fremantle Ports Inner Harbour Community Liaison Group**

Mayor O'Neill called for nominations as Council's delegate to the Fremantle Port Authority Inner Harbour Community Liaison Group.

Cr de Jong nominated as Council's delegate and Cr Harrington nominated as Council's deputy delegate to the Fremantle Ports Inner Harbour Community Liaison Group

**Cr Collinson – Cr Watkins**

**That Cr de Jong be appointed as Council's delegate and Cr Harrington be appointed as Council's deputy delegate to the Fremantle Ports Inner Harbour Community Liaison Group.** CARRIED

**278. CLOSURE OF MEETING**

There being no further business, the meeting closed at 8.30pm.

*I hereby certify that the Minutes of the special meeting of the **Council** of the Town of East Fremantle, held on **22 October 2013**, Minute Book reference **266. to 278.** were confirmed at the meeting of the Council on*

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*Presiding Member*