



# Council Meeting 18 November 2014

## MINUTES

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 18 NOVEMBER 2014 COMMENCING AT 6.35PM.**

**INDEX**

- 267. DECLARATION OF OPENING OF MEETING**
  - 267.1 Present*
- 268. ACKNOWLEDGEMENT OF COUNTRY**
- 269. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 270. RECORD OF APPROVED LEAVE OF ABSENCE**
- 271. RECORD OF APOLOGIES**
- 272. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 273. PUBLIC QUESTION TIME**
- 274. APPLICATION FOR LEAVE OF ABSENCE**
- 275. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
  - 275.1 Council Meeting 21 October 2014*
  - 275.2 Special Council Meeting 29 October 2014*
  - 275.3 Special Council Meeting 11 November 2014*
- 276. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
  - 276.1 City of Rockingham Christmas Function*
  - 276.2 Bahai Function*
  - 276.3 East Fremantle Croquet Club*
  - 276.4 SMRC Christmas Cocktail Party*
  - 276.5 Article in Fremantle Herald*
- 277. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 278. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
- 279. CORRESPONDENCE**
  - 279.1 Dr T Jones, 70B Allen Street*
  - 279.2 Ms J Matijas, 71B Dalgety Street*



18 November 2014

MINUTES

**280. TOWN PLANNING & BUILDING COMMITTEE**

*280.1 Order of Business*

*280.2 Dalgety Street #71B (Lot 2)  
Owner/Applicant: I Kekez & J Matijas  
Application No: P116/14*

*280.3 Matter referred from Town Planning & Building Committee Meeting – 4 November 2014*

*(A) T132.1 Proposed Amendment to the Residential Design Guidelines – Roof Materials*

**281. HEALTH & GENERAL PURPOSES**

*281.1 Southern Metropolitan Regional Council (SMRC) – Adoption of Recycle Right Plan 2014-2017*

*281.2 Progress Report on the East Fremantle Festival 2014*

**282. FINANCE**

*282.1 Monthly Financial Activity Statement for Period Ending 31 October 2014*

*282.2 Accounts for Payment – October 2014*

**283. REPORTS OF ELECTED MEMBERS**

**284. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER**

*284.1 Status Report*

*284.2 Local Government Reform – Transitional Matters*

**285. CONFIDENTIAL BUSINESS**

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

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

**288. CLOSURE OF MEETING**

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 18 NOVEMBER 2014 COMMENCING AT 6.35PM.**

**267. DECLARATION OF OPENING OF MEETING**

The Mayor (Presiding Member) declared the meeting open.

**267.1 Present**

Mayor J O'Neill	Presiding Member
Cr J Amor	
Cr C Collinson	
Cr M Handcock	
Cr S Martin	
Cr M McPhail	
Cr M Rico	
Cr A Watkins	
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration (to 7.29pm)
Mr J Douglas	Manager Planning Services (to 7.14pm)
Ms S Cocks	Principal Environmental Health Officer (to 7.26pm)
Ms J May	Minute Secretary

**268. 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."*

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

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

**270. RECORD OF APPROVED LEAVE OF ABSENCE**

Cr Harrington.

It was noted Cr Rico had been granted leave of absence for this meeting but was in attendance.

**271. RECORD OF APOLOGIES**

Nil.

**272. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

Nil.

**273. PUBLIC QUESTION TIME**

Nil.

**274. APPLICATION FOR LEAVE OF ABSENCE**

Nil.

**275. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**275.1 Council Meeting 21 October 2014**

Cr Collinson – Cr Handcock

That the Minutes of the Council Meeting held on 21 October 2014 be confirmed.

CARRIED

**275.2 Special Council Meeting 29 October 2014**

**Cr Amor – Cr McPhail**

**That the Minutes of the Special Council Meeting held on 29 October 2014 be confirmed. CARRIED**

**275.3 Special Council Meeting 11 November 2014**

**Cr Amor – Cr McPhail**

**That the Minutes of the Special Council Meeting held on 11 November 2014 be confirmed. CARRIED**

**276. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**

**276.1 City of Rockingham Christmas Function**

Mayor O'Neill advised that he, along with the CEO, had attended the City of Rockingham Christmas function on Friday, 14 December.

**276.2 Bahai Function**

Mayor O'Neill advised that he, along with other elected members, attended a very enjoyable Bahai function on Tuesday, 11 December in Cockburn.

**276.3 East Fremantle Croquet Club**

Mayor O'Neill advised that he officiated at the opening of the East Fremantle Croquet Club season on Sunday 16 December.

**276.4 SMRC Christmas Cocktail Party**

Mayor O'Neill advised that he attended the SMRC Christmas Cocktail Party held at the Airforce Association Aviation Museum in Bullcreek on 6 November and urged anyone who had not visited this excellent venue to do so.

**276.5 Article in Fremantle Herald**

Mayor O'Neill referred to a recent article in the Fremantle Herald where comments on the amalgamation process had been attributed to Cr Collinson and stated that only the Mayor speaks publicly for Council. The Mayor reiterated the recent Council decisions regarding the amalgamation process and stressed it was important Council participated in the reform process to enable the best outcome for the Town.

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

Nil.

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

Nil.

**279. CORRESPONDENCE**

**279.1 Dr T Jones, 70B Allen Street**

Requesting that the matter of the proposed secondary fence at 71B Dalgety Street be held over to the Council Meeting on 18 November to allow him to be present.

**Cr Martin – Cr Handcock**

**That the letter from Dr Jones be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 280.2). CARRIED**

18 November 2014

MINUTES

**279.2 Ms J Matijas, 71B Dalgety Street**

Requesting Council consider the application for the secondary fence separately to the issue of a dividing fence between 71B Dalgety and 70B Allen Street, which will be negotiated at a later time with the neighbour.

**Cr Martin – Cr Handcock**

**That the letter from Ms Matijas be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 280.2).**

CARRIED

**280. TOWN PLANNING & BUILDING COMMITTEE**

**280.1 Order of Business**

**Cr Handcock – Cr McPhail**

**That the order of business be changed to allow members of the gallery to address the matter regarding 71B Dalgety Street.**

CARRIED

*Mayor O'Neill declared a proximity interest in the matter of 71B Dalgety Street as the corner of his property abuts the subject lot and left the meeting at 6.45pm.*

In the absence of the Deputy Mayor, the CEO requested an elected member be nominated as Presiding Member.

**Cr McPhail – Cr Handcock**

**In the absence of the Mayor, Cr Martin be appointed as Presiding Member.**

CARRIED

**280.2 Dalgety Street #71B (Lot 2)**

**Owner/Applicant: I Kekez & J Matijas**

**Application No: P116/14**

The following officer's report, previously submitted to the October Town Planning & Building Committee meeting, was again considered:

**Dalgety Street No. 71B (Lot 2)**

**Owner/Applicant: I Kekez & J Matijas**

**Application No.: P116/14**

By Christine Catchpole, Planning Officer, on 19 September 2014

**PURPOSE OF THIS REPORT**

This report considers an application for a fence inside the rear boundary comprising Colorbond sheeting and brick piers and an awning to an approved outbuilding.

The following issue is relevant to the determination of this application in regard to the fence:

- Lot boundary setback (rear) – 6.0 metres required; provided nil (fence) and 1.2 metres (awning) (R-Codes).

The variation is supported and as such the application is recommended for conditional approval.

**BACKGROUND**

**Description of Proposal**

The application is for the construction of a 1.5 metre high Colorbond fence with brick piers approximately 2.4 metres apart to be erected on a retaining wall of approximately 600 to 1,000mm in height just within the rear property boundary and extending for approximately 5.5 metres in length.

**Description of Site**

The subject site is:

- a survey strata lot of 574m<sup>2</sup>;
- zoned Residential R12.5;
- located in the Woodside Precinct; and
- a newly constructed two storey single dwelling.

**Statutory Considerations**

Town Planning Scheme No. 3 – Residential R12.5 (TPS 3)  
 Local Planning Strategy – Woodside Precinct (LPS)  
 Residential Design Codes of Western Australia (RDC)

**Relevant Council Policies**

Residential Design Guidelines 2013 (RDG)

**Impact on Public Domain**

Tree In Verge : No impact  
 Light Pole : No impact  
 Crossover : No impact  
 Footpath : No impact  
 Streetscape : No impact

**Documentation**

Plans and relevant forms date stamped received on 19 and 25 August 2014

**Date Application Received**

19 August 2014

**Any Relevant Previous Decisions of Council and/or History of an Issue on Site**

21 February 2012 Council approved a two-storey residence with loft.

7 December 2012 Building Permit issued for a two-storey residence.

**CONSULTATION**

**Advertising**

The application was advertised to the adjoining owner to the rear from 21 August to 5 September 2014. The land owner of the strata property to the rear made a submission which is outlined below.

Submission	Officer Assessment
<p><b>70B Allen Street (rear neighbour)</b></p> <p>Objects to the proposed structure due to non-compliance with R-Codes Part 5.3.1.</p> <p>Given the proximity of the proposed structure to the house and outdoor living space at 70 B Allen Street it is important that the fence has visual amenity. 70B Allen Street is a battle-axe lot where the house and the outdoor living area are positioned close to the rear boundary line. As such the fence will have a higher impact on amenity than it would on a larger lot.</p> <p>The proposed structure affects the amenity of the neighbouring property due to its proximity to the boundary. It is likely to result in a lack of alignment in rear fencing for 70B Allen Street as the remainder of the</p>	<p>The applicant cannot erect the fence proposed on the boundary as it is proposed to be erected on top of the retaining wall which is inside the property boundary.</p> <p>The fence will result in negligible overshadowing as 70B Allen Street is to the west, not to the south of the subject lot. Furthermore, the outdoor living space of the property has a patio and trees which already contribute to overshadowing. The minimal shadow line from a fence to the east will not dramatically alter the existing amount of shadow at the rear of the property. A greater shadow would be cast if the owner of 71B Dalgety Street planted shrubs or trees along the rear boundary.</p> <p>The boundary fence issues are irrelevant to the assessment of this application as they would be subject to the Dividing Fences Act. The Building Commission who administers the Dividing Fences Act has advised</p>

<p>rear boundary is shared with the property at 71A Dalgety Street.</p> <p>It is unsightly to have a large fence positioned behind a smaller fence. Also a fence when erected on the boundary will be difficult to maintain due to the proximity of the two fences (cleaning, weeding, pest control).</p> <p>The structure should be reconsidered by the applicant with a view to presenting a proposal that has less impact on the amenity of the neighbouring property and results in an outcome that can be practically maintained. The land owner believes that there is a policy issue for the Town as this kind of application contributes to ratepayers having to build two fences at the rear of the property (unsightly, difficult to maintain, expensive and in breach of the R-Codes).</p>	<p>that the fence proposed is considered a “secondary fence” not a “dividing fence” and would not be considered under the Dividing Fences Act. It is therefore to be considered as a structure within the setback area under the R-Code provisions and is subject to a planning application. If the two neighbours cannot reach a satisfactory resolution through mediation then the matter can be dealt with by a local magistrate under the Dividing Fences Act.</p> <p>The owner of 71A Dalgety Street has not proposed or erected a boundary fence at this stage as the block is vacant. Erection of a fence along the rear of 71A Dalgety Street will involve further discussions between the owners of the two properties. It is not possible to comment on what may eventuate for this section of fencing.</p> <p>The “unsightly” appearance of the retaining wall for the owners of 70B Allen Street would be rectified by a dividing fence or vegetation on the boundary line.</p> <p>As a general rule the Town does not get involved with dividing fence issues as the Dividing Fences Act is in place to deal with such matters.</p>
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**Town Planning Advisory Panel Comments**

The plans were not referred to the Town Planning Advisory Panel as the proposal was considered minor in nature and to have no impact on the streetscape.

**Site Inspection**

By Planning Officer 29 August 2014

**ASSESSMENT**

Approval of the fence and piers is required as the structure is within the 6.0 metre setback required under the RDC and does not meet the setback provision of Table 1. The retaining wall has been constructed as part of overall redevelopment of the site with a new residence which was approved on 21 February 2012. The rear fence will be erected on top of the retaining wall and complete the boundary fencing of the property.

Since the construction of the outbuilding in the south west corner of the lot (also approved in February 2012) the owner now wishes to add an awning to the northern side of the outbuilding to provide shelter for a BBQ. The awning is technically within the 6.0 metre rear setback and therefore does not comply with the requirements of the RDC.

The fence and awning can be supported despite non-compliance with the setback provision of the RDC as both structures are considered to meet the “Design Principles” of the RDC in that the setback of the fence and the awning results in:

- *no building bulk impact on the adjoining property;*
- *adequate direct sunlight and ventilation to the building and open spaces on the adjoining site being maintained; and*
- *the extent of overlooking and resultant loss of privacy on adjoining properties being minimised,*

and that the fence and awning makes:

- *more effective use of space for enhanced privacy for the outdoor living areas;*
- *does not have any adverse impact on the amenity of the adjoining property; and*



- *does not restrict direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties.*

Approval of the fence to a height of 1.5 metres above the retaining wall and the outbuilding awning is supported subject to conditions stipulating the fence and piers not exceed 1.5 metres in height above the existing retaining wall and the finish of the piers on the side facing 70B Allen Street to be finished to the satisfaction of the Chief Executive Officer. It is also considered precautionary to apply a condition relating to the awning as it is at a level higher than the adjoining property and may have the potential to cause reflectivity concerns.

### RECOMMENDATION

That Council exercise its discretion in granting approval to vary:

- *Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to allow a rear boundary setback of less than 6.0 metres,*

for a Colorbond and brick pier fence and an outbuilding awning at No. 71B (Lot 2) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 19 and 25 August 2014 subject to the following conditions:

1. The height of the Colorbond fence and the piers not to exceed 1.5 metres above the existing retaining wall.
2. The finish of the piers facing 70B Allen Street to be to the satisfaction of the Chief Executive Officer, in consultation with relevant officers.
3. If requested by Council within the first two years following installation, the metal roofing of the awning to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
4. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
5. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
7. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
8. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
9. This planning approval to remain valid for a period of 24 months from date of this approval.

### Footnote:

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*

18 November 2014

## MINUTES

- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Emails from Dr Jones and Ms Matijas, referred from Correspondence (MB Ref 279.1 & 279.2), were tabled.

Dr Jones (neighbour) addressed the meeting requesting that if the secondary fence was to be approved, Council impose a condition requiring limestone render at the bottom of the fence to match the pillars.

Ms Matijas (owner) addressed the meeting in support of the proposal circulating diagrams indicating the current situation and proposed fence. Ms Matijas advised that following approval of the secondary fence, negotiations would commence with the adjoining owner regarding a dividing fence, therefore negating any requirement to render the secondary fence.

**Cr McPhail – Cr Collinson**

**That Council exercise its discretion in granting approval to vary:**

- ***Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to allow a rear boundary setback of less than 6.0 metres***

**for a Colorbond and brick pier fence and an outbuilding awning at No. 71B (Lot 2) Dalgety Street, East Fremantle, in accordance with the plans date stamped received on 19 and 25 August 2014 subject to the following conditions:**

1. **The height of the Colorbond fence and the piers not to exceed 1.5 metres above the existing retaining wall.**
2. **The finish of the piers facing 70B Allen Street to be to the satisfaction of the Chief Executive Officer, in consultation with relevant officers.**
3. **If requested by Council within the first two years following installation, the metal roofing of the awning to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.**
4. **The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
5. **With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
6. **All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
7. **All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.**
8. **Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council**

must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.

- 9. This planning approval to remain valid for a period of 24 months from date of this approval.

**Footnote:**

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

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Mayor O'Neill returned to the meeting at 7.12pm and resumed the Chair. It was noted he did not speak or vote on the previous item.

**280.3 Matter referred from Town Planning & Building Committee Meeting – 4 November 2014**

**(A) T132.1 Proposed Amendment to the Residential Design Guidelines – Roof Materials**

**Cr Martin – Cr Handcock**

The adoption of the Committee's recommendation which is as follows:

That this matter be held over to the December Town Planning & Building Committee meeting pending further discussion with the consultant and planning staff.

CARRIED

The Manager Planning Services left the meeting at 7.14pm.

**281. HEALTH & GENERAL PURPOSES**

**281.1 Southern Metropolitan Regional Council (SMRC) – Adoption of Recycle Right Plan 2014-2017**

*By Shelley Cocks, Principal Environmental Health Officer on 4 November 2014*

**INTRODUCTION**

The Southern Metropolitan Regional Council (SMRC) has prepared the attached Recycle Right Plan 2014 – 2017. At its meeting on 26 June 2014 the SMRC considered the Recycle Right Plan 2014 -2017 and resolved that it be adopted and distributed to each of the member Councils with a request that the plan and associated brand be used to drive waste education across the region.

**ATTACHMENT**

**DISCUSSION:**

The Recycle Right Plan 2014 - 2017 has been prepared by the staff and consultants of the SMRC with input from both SMRC Regional Councillors and members of the Regional Executive Group. The Plan was unanimously adopted on 26 June 2014 by the SMRC for implementation.

The 2014 -2017 Recycle Right Plan has the following purpose and includes 5 outcomes:

**“PURPOSE:** COLLABORATION TO MAINTAIN AND IMPROVE WASTE MANAGEMENT ACROSS THE COMMUNITIES IN THE SOUTH METRO REGION

*Outcome 1: Informing the Recycle Right Strategy with a strong evidence base.*

*Outcome 2: Delivering a consistent recycling message.*

*Outcome 3: Provide options for non-green and yellow bin materials.*

*Outcome 4: Maximise effectiveness through collaborations and partnership.*

*Outcome 5: Monitoring outcomes and refine performance.”*

The Plan is an evidence based action plan that aims to drive positive behavioural change in the community in order to meet State Waste Authority requirements, as included in the SMRC Strategic Waste Management Plans (SWMP).

**FINANCIAL/BUDGET IMPLICATIONS:**

The direct cost of implementation of the Recycle Right Plan is minimal. The implementation of the Plan involves consistency in waste education messages and actions across the region, and this can be undertaken within the existing budget allocation.

**RECOMMENDATION:**

That Council endorses the Southern Metropolitan Regional Council's Recycle Right Plan 2014 – 2017 and integrates it into the promotion and marketing of the Town's waste services to achieve consistent regional waste messaging where practicable.

**Cr McPhail – Cr Handcock**

**That Council endorses the Southern Metropolitan Regional Council's Recycle Right Plan 2014 – 2017 and integrates it into the promotion and marketing of the Town's waste services to achieve consistent regional waste messaging where practicable.** CARRIED

**281.2**

***Progress Report on the East Fremantle Festival 2014***

*By Shelley Cocks Principal Environmental Health Officer on 5 November 2014*

**PURPOSE**

The purpose of this report is to update Council on the progress of the 2014 East Fremantle Festival.

**BACKGROUND**

The Town of East Fremantle's Festival is planned for Sunday 7 December 2014 from 1:00pm until 7:00pm. The festival will be held on George Street, between East Street and Duke Street.

A Lotterywest grant was applied for and awarded to the Town to contribute to the cost of staging the festival. This is the eighth consecutive Lotterywest grant that has been awarded to the Town for the festival. The total of the grant this year is \$19,906. The Fremantle Herald has agreed to sponsor the festival again this year, matching 'dollar for dollar' spent on advertising in their newspapers.

The festival is now fully subscribed with artisan market stalls, general festival stalls, street food vendors and a local Fair Trade corner. Several of the George Street businesses have also indicated that they will be joining in on the festivities and selling their wares and food and beverage options out on George Street.

All major event infrastructure has been booked, the road closure permit has been finalised and a traffic management company has been organised.

This year the Events Committee resolved that the festival would have a multicultural theme, with an Italian flavour, to celebrate the Town's heritage.

To deliver the theme, some Italian acts have been booked including Commedia Academy, The Black Nonnas, The Sirens (performing Italian music) and Venetian Stilt Walkers. Theo Kalogeracos, known in the culinary world as a master pizza chef (2013 World Master Pizza Maker) will be doing pizza making demonstrations mid afternoon.

Festival food will include offerings from multicultural food stalls selling Gelato ice cream, waffles, Italian pizza, Spanish paella, Malaysian satays, Turkish gozlemes, South American empanadas, Argentinian BBQ ribs, Japanese pastries, South East Asian street food, tapas, freshly made juices, slushies, ice creams, nuts, icy poles and other festival treats. There will be two small alfresco areas with shady umbrellas at either end of George Street. The popular Young George will be organising wine tastings for festival attendees this year.

There will be two stages this year. The main stage will be located on the corner of George Street and Sewell Street, and the minor stage on George Street, near the corner of Duke Street. Stage performances will include local favourites Dilip and the Davs, The Charisma Brothers, The Foxleys, Acid Tea and students from the Penny Lane Workshop in Duke Street.

There will be roving entertainers bringing colour to George Street, including stilt walkers and the Ozmosis Catalan Street Band.

To keep a vibe going throughout George Street, there will be a busking spot or two. A call out is currently being organised to encourage talented locals to come and pitch to the crowds.

In Glasson Park, the kids will be spoilt for choice with free activities. There will be pasta jewellery making, plaster painting and mask making. There will be free face painting and giant games to play, as well as inflatable amusements. There will also be pop up performances of slapstick comedy and magic. Incredible Creatures and Ranger's Reds Wildlife Display will be located in Glasson Park for the entire festival.

The promotional plan that is being implemented for the festival this year includes posters and flyers, advertising in the Herald papers, sending media releases to local newspapers and other media outlets (newspapers and radio stations), inserting the festival program into the Fremantle Herald, posting information on the Council website and other event websites and a Festival Facebook page.

The Festival income and expenditure are within the budget at this time.

#### **RECOMMENDATION**

Council endorse the progress report on the 2014 East Fremantle Festival.

**Cr Collinson – Cr Amor**

**Council endorse the progress report on the 2014 East Fremantle Festival.**

CARRIED

*The Principal Environmental Health Officer left the meeting at 7.26pm.*

## **282. FINANCE**

**282.1 *Monthly Financial Activity Statement for Period Ending 31 October 2014***  
*By Les Mainwaring Executive Manager Finance & Administration on 10 November 2014*

#### **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 financial results from the monthly period October 2014 with commentary focussing on comparisons to the year to date budget position as at 31 October 2014.

The monthly Financial Activity Statement for the period ending 31 October 2014 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 \$2,500 which is the budget position adopted 21<sup>st</sup> October 2014.

Two amendments have been identified in this October monthly report; and the net result of these amendments proposes a budget movement of;  
\$0 increase in closing funds

Should the proposed budget amendments be adopted in this report, the revised budget forecast for the 30<sup>th</sup> June 2015 will remain as a surplus of \$2,500.

\$50,000 Additional income as a Transfer from Restricted Cash Reserve for the release of the unspent grant for the East Fremantle Oval master plan project.

\$50,000 Additional expenditure for return of DSR East Fremantle Oval master plan project.

*Previous amendments identified to September 2014 where;*

\$20,000 Additional income from contract retention.

\$10,000 Additional cost of sponsorship for the "Future Freo" project

\$7,500 Cost of Bus Shelter disability access upgrade on Canning Hwy.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 99%; is \$60,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 94%; is \$183,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$154,000 more than the YTD budget (Favourable).

Operating Revenue is 1% unfavourable with year to date budget.

The significant unfavourable variance within operating revenue is the transfer of developer contribution for the Plympton Parking project which is yet to commence,

whereas the significant favourable variance has come from the early grant payment of the Home and Community Care program.

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

The main areas of favourable variation are governance expenditure relating to projects and community amenities timing of waste collection and waste processing charges. Unfavourable variances in Recreation & Culture are due to the return of an unspent grant, and Transport because of the early activity on road maintenance and verge maintenance.

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 33% of year elapsed

Land & Buildings 15% expended

Infrastructure Assets 30% expended

Plant & Equipment 25% expended

Furniture & Equipment 4% expended

Capital expenditure is \$1,997,000 less than the YTD budget (Favourable) which represents 74% of the capital programs to be completed. The report provides details on individual capital works in progress as at 31 October 2014.

**Statutory Requirements**

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

**Relevant Council Policies**

Significant accounting policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

**Strategic Plan Implications**

Nil

**Financial/Resource/Budget Implications**

The July 2014 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

The following budget amendments are recommended for various forecast projections recognised after adoption of the original budget;

\$50,000 344 Transfer from Restricted Cash Reserve

\$50,000 E11246 Additional expenditure for return of unspent grant.

\$0 Change in closing funds

**Conclusion**

The attached Financial Activity Statement for the period 1 July 2014 to 31 October 2014 is presented to the Council for timely information. The current annual forecast of a balanced budget is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

**Voting Requirements**

Absolute Majority

**RECOMMENDATION**

That Council:

1. Receives the October Financial Activity Statement for the period ending 31 October 2014.
2. Adopts the budget amendment recommendations with the following variations for the period 1 July 2014 to 31 October 2014 and amends the budget accordingly:
 

\$50,000	344	Transfer from Restricted Cash Reserve
\$50,000	E11246	Additional expenditure for return of unspent grant.
\$ 0		Change in closing funds

**Cr McPhail – Cr Handcock**

That Council:

1. **Receives the October Financial Activity Statement for the period ending 31 October 2014.**
2. **Adopts the budget amendment recommendations with the following variations for the period 1 July 2014 to 31 October 2014 and amends the budget accordingly:**

\$50,000	344	Transfer from Restricted Cash Reserve
\$50,000	E11246	Additional expenditure for return of unspent grant.
\$ 0		Change in closing funds

CARRIED**282.2****Accounts for Payment – October 2014***By Les Mainwaring, Executive Manager Finance & Administration on 10 November 2014***PURPOSE**

To endorse the list of payments made under delegated authority for the period 1 October to 31 October 2014.

**BACKGROUND**

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

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

**ATTACHMENT****REPORT****STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996 – Regulation 13

**Comments/Discussion**

The List of Accounts paid for the period beginning 1 October to 31 October 2014 requires endorsement by the Council.

**RECOMMENDATION TO COUNCIL**

That the List of Accounts paid for the period beginning 1 October to 31 October 2014 be received, as per the following summary table:



18 November 2014

## MINUTES

<b>October 2014</b>		
<b>Voucher Nos</b>	<b>Account</b>	<b>Amount</b>
4797 – 4811	Municipal (Cheques)	\$12,145.03
EFT 19960 – EFT 20146	Electronic Transfer Funds	\$700,569.21
Credit Card	CEO	1,380.97
Payroll	Electronic Transfer Funds	\$247,916.22
	<b>Municipal Total Payments</b>	<b>\$962,011.43</b>

**Cr McPhail – Cr Handcock**

**That the List of Accounts paid for the period beginning 1 October to 31 October 2014 be received.** CARRIED

*The Executive Manager Finance & Administration left the meeting at 7.29pm.*

### 283. REPORTS OF ELECTED MEMBERS

Nil.

### 284. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER

#### 284.1 Status Report

**ATTACHMENT**

Following a query from Cr Handcock regarding “Review of Policy Wording for Councillors and Officers Liability Insurance” (page 5), the CEO undertook to delete the “closed” notation.

**Cr Collinson – Cr Martin**

**That the amended status report be received.**

CARRIED

#### 284.2 Local Government Reform – Transitional Matters

*By Gary Clark Acting Chief Executive Officer on 14 November 2014*

##### **PURPOSE**

To obtain decisions about the formation of a Local Implementation Committee (LIC), the creation of Wards for the new local government and the preparation of the 2015/16 Annual Budget.

##### **BACKGROUND**

The State Government announced its support for the majority of the Local Government Advisory Board (LGAB) recommendations on the 22<sup>nd</sup> October 2014. The LGAB recommended that the Town of East Fremantle be amalgamated with the City of Fremantle and that the suburbs of Bicton, Palmyra, Hamilton Hill and North Coogee be included within a larger City of Fremantle.

##### **REPORT**

As amalgamation preparation progresses there will be key governance decisions that will need to be made at Council level or through a Local Implementation Committee. The formation of a Local Implementation Committee (LIC), the creation of Wards for the new local government and the preparation of the 2015/16 Annual Budget are three of the early matters that need to be decided for the amalgamation preparation process to continue.

Local Implementation Committee

The Local Government Reform Toolkit (the Toolkit) provides for a LIC to oversee the reform process. A LIC will need to be formed to oversee the planning and implementation of a transition plan as well as the integrated plans and budget for the new local government.

The LIC will not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and will not have any delegated authority or decision making powers. The LIC will not have any management functions and cannot involve itself in management processes or procedures, however, it will have a strategic leadership overview to ensure the best interests of the communities are represented.

The LIC terms of reference will be developed using the examples provided in the Toolkit and endorsed by each local government. At this stage Council is simply requested to nominate the Mayor and Deputy Mayor as the Town of East Fremantle representatives on the LIC.

Wards

The LGAB recommended that the new City of Fremantle be established with no wards. This was a significant departure from the expectations of both local governments. The attached report by the City of Fremantle CEO, Graeme Mackenzie provides a comprehensive commentary on the need to establish ward boundaries for the new local government and the options for achieving them. The following comment from that report is relevant;

*“The Minister has also indicated that he would consider an application to defer the first elections of any new local government until early in 2016, if there was a strong desire to establish ward boundaries for the first elections. This would allow time for a proposal to be lodged by the appointed Commissioner/s in July 2015, have the proposal go through the relevant processes, be gazetted, and allow the WA Electoral Commission and Council officers to prepare for the elections. It is anticipated elections could be held in March/April 2016.*

*Whilst Officers will continue to seek legal mechanisms that allow for consideration and gazettal of ward boundaries prior to July 2015, in the event that cannot be done, council needs to consider whether it prefers the first council elections of the new local government to be held in October 2015 without wards or to allow a Commissioner/s to remain in office for a longer period and defer elections until early 2016. The on balance sentiment of senior officers is to prefer the latter. It should be noted that the Town of East Fremantle and the City of Fremantle must jointly support any proposal otherwise the outcome will be dictated by state government.”*

Council has the choice of allowing the elections for the new local government to proceed in October 2015 without wards or supporting a joint proposal to establish wards and request that the Minister for Local Government delay the elections until early 2016 to allow the proposal to be considered.

2015/16 Budget

There are a number of governance matters relating to preparation for amalgamation that will Council consideration as planning progresses however establishing the consultation and oversight for the preparation of the 2015/16 Budget needs is a high priority. The following extract from Graeme Mackenzie’s report explains;

*“If a Commissioner/s is not appointed until 1 July 2015, there needs to be an agreed approach to the preparation of the first budget for the new entity, so that the Commissioner/s can adopt the budget in the knowledge that it has the support of the outgoing entities. That approach needs to involve the Town of East Fremantle and potentially the new areas being annexed from the City of Melville and the City of Cockburn.*

*Interestingly, in the nine new local governments being formed through boundary adjustment arrangements, the responsibility for the budget rests entirely with the continuing local government. Whilst there will be varying forms of cooperation and engagement by those councils, it is ultimately the continuing council that will determine the budget allocations.*

*However, that is not the case in the three amalgamation arrangements where the existing local governments are disbanded and new entities formed on 1 July 2015. Under these arrangements, the budget cannot be adopted by the existing entities, but the Commissioner/s as he/she/they are the governing body of the new local government.*

*So, officers are of the view that if a budget is prepared that is supported by both the City of Fremantle and the Town of East Fremantle and has broad support from the other suburbs of the new local government evidenced by submissions; a Commissioner/s will be much more comfortable formally approving the budget in a timely manner so as to provide the much needed cash flows to continue service provision to the community.*

*It is recommended that a formal arrangement be discussed with the Town of East Fremantle and put in place before the end of 2015 so that the process is clear. That arrangement may be an MOU or project brief, adopted by both councils and overseen by a joint budget committee of some description.*

*There is also the question of how to engage the areas that are being brought into the new City of Fremantle through boundary adjustments. These areas do not have the same legislative powers or responsibilities as the wholly amalgamating local governments and on balance officers do not support having representatives from those areas on a joint budget committee. However, having a process that facilitates and encourages the current ward councillors of those areas to meet regularly with the committee to discuss budget arrangements as they affect their areas has merit. Again the arrangement needs to be discussed and agreed with East Fremantle."*

The Acting CEO agrees that the development of the budget should be a joint approach and it would seem that the LIC would be the appropriate governance framework to oversee preparation with consultation from the suburbs that are subject to the boundary changes. The draft budget would then be endorsed by both local governments and commended to the new local government.

**Statutory Requirements**

Local Government Act 1995 (As amended)

**Relevant Council Policies**

Nil

**Strategic Plan Implications**

As discussed in the body of this report.

**Financial/Resource/Budget Implications**

Nil

**Conclusion**

Establishing a LIC to provide oversight of the amalgamation transition process is consistent with the Metropolitan Reform Toolkit recommendations.

A system of wards appears to have support within both local governments. Any ward proposal submitted to the LGAB would need to have a strong endorsement by both local governments to have any chance of success.

The LIC would be the logical structure to oversee the preparation of the 2015/16 budget for the new local government.

**Voting Requirements**

Simple Majority

**RECOMMENDATION**

That Council:

1. Nominate the Mayor, the Deputy Mayor and Councillor \_\_\_\_\_ (Proxy) to represent the Town of East Fremantle on a Local Implementation Committee with the City of Fremantle.
2. Seek to have a ward system implemented prior to the inaugural elections of the new City of Fremantle, currently scheduled for October 2015;
3. In the event that it is not possible to achieve 2 above, then Council seek to have the election date deferred so as to allow a ward system to be in place;
4. Seek an urgent joint meeting with the City of Fremantle to seek agreement on an appropriate ward structure for the new City of Fremantle;
5. Note that officers of the City of Fremantle are seeking legal advice to ascertain whether it is possible for a joint submission or proposal for wards to be lodged by the existing councils for the new City of Fremantle; and
6. Consult with the City Fremantle for an agreed structure to be adopted to allow the preparation of a budget for the new City of Fremantle.

**Cr Handcock – Cr McPhail**

That Council:

1. **Nominate the Mayor, Presiding Member of the Town Planning & Building Committee and Councillor McPhail (Proxy) to represent the Town of East Fremantle on a Local Implementation Committee with the City of Fremantle.**
2. **Seek to have a ward system implemented prior to the inaugural elections of the new City of Fremantle, currently scheduled for October 2015;**
3. **In the event that it is not possible to achieve 2 above, then Council seek to have the election date deferred so as to allow a ward system to be in place;**
4. **Seek an urgent joint meeting with the City of Fremantle to seek agreement on an appropriate ward structure for the new City of Fremantle;**
5. **Note that officers of the City of Fremantle are seeking legal advice to ascertain whether it is possible for a joint submission or proposal for wards to be lodged by the existing councils for the new City of Fremantle; and**
6. **Consult with the City Fremantle for an agreed structure to be adopted to allow the preparation of a budget for the new City of Fremantle.** CARRIED

Reason for not supporting the officer’s recommendation

It was considered Cr Martin had expertise in planning matters and project management and the Act allows for the Deputy Mayor to proxy for the Mayor in any event.

**285. CONFIDENTIAL BUSINESS**

Nil.

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

Nil.

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

Nil.

**288. CLOSURE OF MEETING**

There being no further business, the meeting closed at 8.05pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **18 November 2014**, Minute Book reference **267. to 288.** were confirmed at the meeting of the Council on*

.....

\_\_\_\_\_  
*Presiding Member*