



Council Meeting 15 September 2015

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 15 SEPTEMBER, 2015 COMMENCING AT 6.35PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON MONDAY, 15 SEPTEMBER, 2015 COMMENCING AT 6.35PM.

195. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

195.1

Present

Mayor J O'Neill

Presiding Member

Cr J Amor

Cr C Collinson

Cr S Martin

Cr M McPhail

Cr M Rico

Cr A Watkins

Mr L Mainwaring

Executive Manager Finance & Administration

Mr J Douglas

Manager Planning Services (to 8.59pm)

Ms J May

Minute Secretary

196. 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."

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

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

198. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

199. RECORD OF APOLOGIES

Cr J Harrington

Mr G Clark (Acting Chief Executive Officer)

200. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

201. PUBLIC QUESTION TIME

Nil.

202. APPLICATION FOR LEAVE OF ABSENCE

Nil.

203. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

203.1

Council Meeting 18 August 2015

Cr Collinson - Amor

That the Minutes of the Council Meeting held on 18 August 2015 be confirmed.

CARRIED 7:0

204. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

204.1

Glyde-In AGM

Mayor O'Neill advised that he and Crs Collinson and Rico attended Glyde-In's AGM on 26 August.

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- 204.2 Swan Yacht Club Commodore's Ball**
Mayor O'Neill advised that he, Crs McPhail and Amor had attended the Swan Yacht Club's Commodore's Ball on 29 August.
- 204.3 Cottesloe Forum - Perth Freight Link**
Mayor O'Neill advised that he had attended the Town of Cottesloe Perth Freight Link forum on 1 September.
- 204.4 East Fremantle Forum – Perth Freight Link**
Mayor O'Neill advised that a Perth Freight Link forum was held at the East Fremantle Tricolore Community Centre on 2 September and he thanked staff and local residents Maureen Flynn and Mel Christensen for organising the event which attracted a large number of attendees.
- 204.5 SMRC Presentation**
Mayor O'Neill advised that a number of elected members attended the SMRC Strategic Waste Management Plan presentation on 7 September and he thanked Cr McPhail, as Council's representative, for his input.
- 204.6 Perth Freight Link Rally**
Mayor O'Neill advised that a Perth Freight Link rally held on Sunday 13 September at Kitson Park attracted a large crowd, including a number of elected members. He thanked Council staff, particularly the rangers, for their assistance on the day.
- 204.7 Crs Martin and Rico**
Mayor O'Neill advised that tonight was the last Council Meeting Crs Martin and Rico would be attending following their decision to not stand for re-election at the forthcoming elections. Mayor O'Neill individually thanked both Councillors for their valuable contribution and dedication to the Town and detailed their involvement in numerous Committees and external bodies on Council's behalf:

Cr Martin – Elected October 2009

Member Town Planning Committee since 2009. Presiding Member since Nov 2013
Presiding Member Town Planning Advisory Panel since 2013
Member of Finance and Audit Committees since 2009
Member of EF Festival Committee 2009-2011 and Events Committee since 2014
Member of Art Acquisition Panel since 2013
DAP Rep since 2013
Rep to Ftle Ports Inner Harbour Community Liaison Group 2009-2013
Rep to South West Corridor Planning & Infrastructure Committee since 2013
Deputy Rep Ftle Library Advisory Committee 2009-2013
Deputy Rep Glyde-In Community Group since 2013
Deputy Rep Future Freo Committee since 2013

Cr Rico – Elected July 2006

Member Town Planning Committee since 2009
Member Finance and Audit Committees since 2006
Member of Works & Reserves and Presiding Member during 2013/14
Member of EF Festival Committee 2009-2013
Member of EF Oval Redevelopment Steering Committee 2009-2010
Rep to WALGA South Metro Zone since 2009. Deputy State Councillor.
Rep to Ftle Library Advisory Committee since 2007
Rep to South West Corridor Environment & Services Committee 2007-2011
Rep to South West Reference Group since 2014
Deputy DAP Rep since 2014
Deputy Rep Ftle Inner Harbour Community Liaison Group 2009-2013
Deputy Rep South West Corridor Planning & Infrastructure Committee 2011-2013

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205. ORDER OF BUSINESS

Cr McPhail – Cr Collinson

That the order of business be changed to allow members of the public to speak to agenda items. CARRIED 7:0

206 TOWN PLANNING & BUILDING**206.1 Minutes of Town Planning & Building Committee 1 September 2015 – Receipt**

Cr Martin – Cr Collinson

That the Minutes of the Town Planning & Building Committee held on 1 September 2015 be received. CARRIED 7:0

(A) T98.1 Review of Municipal Heritage Inventory and Heritage List

Mr Regan (resident) addressed the meeting regarding the property 209 Canning Highway.

The Mayor advised that this item would be considered following the DAP application for 90 George Street.

206.2 George Street 90 (Lot 535, 536, 537, 538)**Owner: Russell Halpern Nominees****Applicant: McDonald Jones Architect****Application No. P78/15**

By Andrew Malone, Senior Town Planner on 24 August 2015

PURPOSE OF THIS REPORT

The attached report considers a development application for planning approval to be determined by the Development Assessment Panel (DAP) for the following:

- Application for four (4) storey building on the subject site comprising eight (8) multiple dwellings; seven (7) two bedroom dwellings and one (1) three bedroomed dwelling.
- Ground floor commercial unit (73.7m²)
- Car parking for the proposed multiple dwellings will be provided to the rear of the lot located behind the commercial unit and will be accessible via George Street. A total of 10 car bays are proposed. **ATTACHMENT**

All located at 90 (Lot 535, 536, 537, 538) George Street, East Fremantle.

The proposed development application is recommended for approval for the reasons outlined within the DAP report.

RECOMMENDATION

It is recommended that this report be received and that Council endorse the Officer's recommendation for approval of the proposed development subject to the conditions as outlined in the DAP report.

The following addendum to this report, previously circulated to elected members, was also considered:

“For clarification purposes the following typographical changes have been made to the DAP report:

Condition 1:

The applicant / owner shall prior to the submission of a Building Permit, submit to Council revised plans demonstrating compliance with the residential car parking standards and commercial car parking standards (based on 2 on-street car parking bays and 2 reciprocal commercial / visitor car parking bays) of the Town Planning Scheme and Residential Design Codes, based as follows:

Type	No. Required	No. Provided
Residential Small (<75m ² or 1 bedroom)	0.75 (3.0)	3.0
Residential Medium (75-110m ²)	1.0 (3.0)	3.0
Residential Large (>110m ²)	1.25 (1.25)	2.0
Visitors car parking spaces (per dwelling)	0.25 (2.0)	-
Commercial	4.0 (4.0)	2.0 (Street)
Residential Visitor / Commercial Reciprocal	-	2.0
Total	13.25 (14)	12.0

Should the landowner be unable to comply with the above requirement, the landowner shall prior to the submission of an application for Building Permit the owner of the land shall pay to the Town of East Fremantle (Town) \$9,000 per car parking bay shortfall, representing the owner's contribution (Contribution) to works and activities undertaken in the management of Parking and Access in the George Street Precinct and surrounding residential areas in accordance with the Council's Local Planning Policy "George Street Mixed Use Precinct New Development Contribution To The Management of Access and Parking". No use of this development, the subject of this approval, may be commenced prior to the receipt of the Contribution by the Town.

The Contribution is to be held in trust by the Town, and may be used for the purposes of funding in whole or in part the development of a strategy plan and carrying out works and actions as recommended in the George Street Parking and Traffic Management Plan.

Car Parking:

All new development and proposals for change of use and redevelopment within the George Street Mixed Use Precinct are also required to be assessed as per the George Street Mixed Use Precinct New Development Contribution To The Management of Access and Parking Local Planning Policy. This requires contributions at a rate of \$9,000 per space for each car parking space not provided on-site. Council may at its discretion vary the applicable rate of the contribution in recognition of any site specific issues associated with a development proposal. This rate is applied in place of a 'cash in lieu' payment for any car parking shortfall. In considering any variations to the applicable rate of contribution Council shall have regard to those matters contained in Clauses 5.8, 7.5 and 10.2 of Town Planning Scheme No. 3, as per Condition 1 of the development approval.

Conclusion:

The parking shortfall of (2) on-site car bays (pursuant to Clause 5.8.7 two (2) off-site car parking bays out the front of the development are being utilised in the car parking shortfall) is considered insignificant given that the proposal provides on-site parking to accommodate the residential unit with two (2) parking bays conditioned as reciprocal residential and commercial visitor parking. As such it is considered appropriate car parking is being provided subject to the owner complying with the conditions as set out in the Officer's Recommendation.

The proposed changes will have no material change to the intent or conditions within the report."

Ms Megan Cordin & James Thompson (McDonald Jones Architects) provided a detailed overview of the proposal and answered numerous questions from elected members.

Considerable discussion ensued.

Cr McPhail – Cr Rico

That:

- A. Council receives the report**
- B. Council recommends to the Development Assessment Panel that this application be refused.**
- C. should the Metro South West JDAP determine to approve DAP Application reference DP/15/00854 (TOEF Ref P78/15) and accompanying plans date stamp received 17 July 2015, Council recommends the following conditions be imposed:**

1. The applicant / owner shall prior to the submission of a Building Permit, submit to Council revised plans demonstrating compliance with the residential car parking standards and commercial car parking standards (based on 2 on-street car parking bays and 2 reciprocal commercial / visitor car parking bays) of the Town Planning Scheme and Residential Design Codes, based as follows:

Type	No. Required	No. Provided
Residential Small (<75m ² or 1 bedroom)	0.75 (3.0)	3.0
Residential Medium (75-110m ²)	1.0 (3.0)	3.0
Residential Large (>110m ²)	1.25 (1.25)	2.0
Visitors car parking spaces (per dwelling)	0.25 (2.0)	-
Commercial	4.0 (4.0)	2.0 (Street)
Residential Visitor/Commercial Reciprocal	-	2.0
Total	13.25 (14)	12.0

Should the landowner be unable to comply with the above requirement, the landowner shall prior to the submission of an application for Building Permit the owner of the land shall pay to the Town of East Fremantle (Town) \$9,000 per car parking bay shortfall, representing the owner's contribution (Contribution) to works and activities undertaken in the management of Parking and Access in the George Street Precinct and surrounding residential areas in accordance with the Council's Local Planning Policy "George Street Mixed Use Precinct New Development Contribution To The Management of Access and Parking". No use of this development, the subject of this approval, may be commenced prior to the receipt of the Contribution by the Town.

The Contribution is to be held in trust by the Town, and may be used for the purposes of funding in whole or in part the development of a strategy plan and carrying out works and actions as recommended in the George Street Parking and Traffic Management Plan.

2. Visual privacy in relation to 34 Sewell Street resulting from the proposal should be compliant with the Deemed to Comply provisions of the R Codes
3. Revised plans being submitted to the satisfaction of the CEO which allow for exposure of a significant portion of the adjacent parapet limestone wall to the west.
4. Commercial unit shall only operate between the hours of 8.00am and 6.00pm Monday to Sunday based on a reciprocal car parking arrangement with the residential visitor car parking bays.
5. Two (2) residential / commercial visitor car parking bays to be provided within the car parking area on-site and to be clearly demarcated for the purposes of visitor / commercial utilisation at all times.
6. Appropriate signage to be provided to the front entrance to indicate visitor / commercial car parking is available within the development. The signage to be clearly visible and shall be approved to the satisfaction of

- the Chief Executive Officer prior to an application for a Building Permit being submitted to Council.
7. The vehicular access leg is to remain open and accessible 24 hours a day to ensure ease of access for residential and commercial visitors.
 8. Prior to the applicant submitting an application for a Building Permit, the development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer as detailed in the Local Planning Policy – Element 3.7.16.4.3 Fremantle Port Buffer of the Residential Design Guidelines.
 9. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within Area 2 of the Fremantle Port Buffer and the proposed built form of the development within the precinct is to be adhered to. The wording of the memorial shall be placed on all strata titles as follows:
The subject lot (strata) is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.
 10. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title(s) of the development site, prior to the issue of a Building Permit. This notification shall be sufficient to alert prospective landowners that the dwellings are located within the commercial zone of George Street. The wording of the memorial shall be placed on all strata titles as follows:
The subject lot (strata) is located within proximity to George Street Mixed Use Commercial Zone. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a commercial area.
 11. A Site and Traffic Management Plan for trades persons and delivery vehicles / site storage to be approved by the Chief Executive Officer in consultation with relevant officers, prior to a Building Permit being submitted.
 12. Prior to occupation of the dwellings, the applicant to provide a secure external bicycle parking area with a minimum of four bicycle parking bays to be provided to the satisfaction of the Chief Executive Officer.
 13. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant Officers.
 14. All plant such as exhaust fans, air conditioners etc. shall be screened from view where it is located on balconies or the external walls of buildings adjacent to any public road or public space.
 15. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Chief Executive Officer prior to the commencement of works. Any alterations to the approved plans required as a result of the Strategy / Plan shall be incorporated into the Building Permit plans. The approved Strategy / Plan shall be implemented to the satisfaction of the Chief Executive Officer.
 16. A detailed landscaping plan including all balcony privacy treatments to be submitted and approved by the Chief Executive Officer prior to the commencement of site works. The plan to include location, species and planting details, having regard to water-wise garden practices.
 17. All privacy screening as indicated on the plans to the balconies / communal areas to be provided to a minimum height of 1.6 metres and to comply with the privacy requirements of the 'Deemed to Comply' provisions of the Residential Design Codes to the satisfaction of the Chief Executive Officer.
 18. Public art/ ground floor façade / entrance shall be provided in accordance with the illustrations (or similar) on the plans to the satisfaction of and

- approved by the Chief Executive Officer prior to an application for a building Licence being submitted to Council.
19. The building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours.
 20. The works 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.
 21. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 22. The proposed development is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant Officers.
 23. All stormwater to be disposed of on site, an interceptor channel installed if required and a drainage plan is to be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 24. All parapet walls to be fair faced brickwork or cement rendered or similar to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 25. 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. If Council refuses to approve such works, then this condition cannot be satisfied and this planning approval is not valid.
 26. Prior to the installation of externally mounted air-conditioning plant, a development application, which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997, is to be lodged and approved to the satisfaction of the Chief Executive Officer. (Refer footnote (f) below)
 27. This planning approval to remain valid for a period of 24 months from the date of this approval.

Footnote:

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

- (a) *this decision of Council 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 licence 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) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act.*

Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”. CARRIED 4:3

Reasons for not supporting the officer’s recommendation

1. The height, bulk, scale, materiality and articulation of the façade and form do not integrate well with the surrounding heritage precinct.
2. The design standard of the application does not equate with the significant discretions sought.
3. Approval of this application will set a significant precedent without sufficient justification for design excellence and respect for a heritage precinct.

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

Nil.

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

Nil.

209. CORRESPONDENCE

209.1 *Review of Municipal Heritage Inventory and Heritage List*

Griffiths Architects: *Advising that following an inspection of 17 Angwin Street it is recommended Council retain the place on the MHI in the B-C range and on aesthetic value recommending B, and enclosing a revised MHI Place Record.*

Cr Rico – Cr Martin

That the letter from Griffiths Architects be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 210.1).

CARRIED 7:0

209.2 *Review of Municipal Heritage Inventory and Heritage List*

Paul Hawkins: *Requesting consideration of the listing of 3 Riverside Road be held over until a thorough appraisal has been done.*

Cr Rico – Cr Martin

That the letter from Paul Hawkins be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 210.1).

CARRIED 7:0

210. TOWN PLANNING & BUILDING (CONTD)

210.1 *T98.1 Review of Municipal Heritage Inventory and Heritage List*

Cr Martin made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Rico made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Rico made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of serving on the East Fremantle Oval Community Reference Committee with Mrs Maureen Flynn who owns property 62 Allen Street which is

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recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Rico made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the former CEO Stuart Wearne owning property 10 Fortescue Street which is recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Martin made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of Maryanne Brown being a member of my golf club and objecting to the proposed listing of her property 42 Bedford Street on the Heritage List, 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”.

Mayor O’Neill made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of Cr Harrington owning property 31 Allen Street which is recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Collinson made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Amor made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr Watkins made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr McPhail made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of working closely on the anti Perth Freight Link campaign with Mrs Maureen Flynn who owns property 62 Allen Street which is recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr McPhail made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the Mayor Jim O’Neill owning property 72 Allen Street and Cr Harrington owning property 31 Allen Street which are all recommended for inclusion on the Heritage List, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly”.

Cr McPhail made the following impartiality declaration in the matter of the Review of Municipal Heritage Inventory and Heritage List “As a consequence of the former CEO Stuart Wearne owning property 10 Fortescue Street which is recommended for inclusion on the Heritage List, 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 Martin raised the issue of being unaware of the address of many residents within the Town with whom she may have a work/friendship relationship and therefore no knowledge of whether their properties are included in the heritage listing

(1) Cr Martin – Cr Collinson

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

That:

- (a) Where appropriate the relevant Place Record Forms should be revised to reflect the physical and historic information in the owners’ submissions.**
- (b) 169 Canning Highway, 39 Dalgety Street, 15 Fortescue Street and 57 Duke Street are classified Management Category ‘C’ and not considered for inclusion on the Heritage List at this time.**

CARRIED 7:0

Mayor O’Neill declared an interest in the listing of his property at 72 Allen Street and left the meeting at 8.40pm.

In the absence of the Presiding Member, the Executive Manager, Finance & Administration called for nominations for this position.

Cr McPhail nominated Cr Martin. Cr Collinson seconded the nomination. In the absence of any further nominations, Cr Martin assumed the Chair.

(2) Cr Collinson – Cr McPhail

- (a) That 72 Allen Street be confirmed as Category ‘B’ on the revised MI and included on the Scheme’s Heritage List pursuant with CI 7.1.3 (d) of Town Planning Scheme No. 3.**

CARRIED 6:0

Mayor O’Neill returned to the meeting at 8.42pm and resumed the Chair. It was noted he did not speak or vote on the previous motion.

Cr Martin declared an interest in the listing of 18 Silas Street which abuts a property she co-owns at 31 May Street and left the meeting at 8.43pm.

(b) Cr Collinson – Cr McPhail

- That 18 Silas Street be confirmed as Category ‘B’ on the revised MI and included on the Scheme’s Heritage List pursuant with CI 7.1.3 (d) of Town Planning Scheme No. 3.**

CARRIED 6:0

Cr Martin returned to the meeting at 8.44pm and it was noted she did not speak or vote on the previous motion.

Cr Rico declared an interest in the listing of 9 Petra Street which abuts her property at 11 Petra Street and left the meeting at 8.44pm.

(c) Cr Collinson – Cr McPhail

- That 9 Petra Street be confirmed as Category ‘B’ on the revised MI and included on the Scheme’s Heritage List pursuant with CI 7.1.3 (d) of Town Planning Scheme No. 3.**

CARRIED 6:0

Cr Rico returned to the meeting at 8.45pm and it was noted she did not speak or vote on the previous motion.

The two items of correspondence from Griffiths Architects and Paul Hawkins, referred from Correspondence (MB Ref 209.1 & 209.2) were tabled.

(3) Cr Collinson – Cr McPhail

That:

- (a) With the exception of the properties identified in 1(b) and 2(a)-(c) above, and 87 Petra Street for which an extension of time has been requested, all properties in the**

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MINUTES

Woodside Precinct shown on the attached MHI Index as Management Category 'B' should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with Cl 7.1.3 (d) of Town Planning Scheme No. 3.

- (b) 4 Parker Street and 18 Angwin Street, should be confirmed as category 'A' on the revised MI and included on the Scheme's Heritage List.*
- (c) 11 Dalgety Street and 17 Angwin Street be confirmed as category 'B' on the revised MI and included on the Scheme's Heritage List.*
- (d) Notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of Cl.7.1.4 of Town Planning Scheme No. 3.*
- (e) an extension of time be granted to an October Council Meeting for the owner of 3 Riverside Road to consult with Council.*

Amendment

Cr Amor

That proposed condition 3(c) be amended to delete the property 17 Angwin Street.

THE MOTION LAPSED THROUGH WANT OF A SECONDER

The substantive motion was put.

(3) Cr Collinson – Cr McPhail

That:

- (a) With the exception of the properties identified in 1(b) and 2(a)-(c) above, and 87 Petra Street for which an extension of time has been requested, all properties in the Woodside Precinct shown on the attached MHI Index as Management Category 'B' should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with Cl 7.1.3 (d) of Town Planning Scheme No. 3.**
- (b) 4 Parker Street and 18 Angwin Street, should be confirmed as category 'A' on the revised MI and included on the Scheme's Heritage List.**
- (c) 11 Dalgety Street and 17 Angwin Street be confirmed as category 'B' on the revised MI and included on the Scheme's Heritage List.**
- (d) Notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of Cl.7.1.4 of Town Planning Scheme No. 3.**
- (e) an extension of time be granted to an October Council Meeting for the owner of 3 Riverside Road to consult with Council.**

CARRIED 6:1

Reason for Varying the Officer's Recommendation

On the basis of additional information from owners and additional advice from the Manager Planning Services who supported the variations to the report.

Cr Amor requested the voting of elected members be recorded.

Crs Rico, Martin, McPhail, Collinson, Watkins and the Mayor voted for the motion with Cr Amor having voted against the motion.

The Manager Planning Services left the meeting at 8.59pm

211. FINANCE**211.1 Monthly Financial Activity Statement for Period Ending 31 August 2015**

By Les Mainwaring Executive Manager Finance & Administration on 10 September 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

The report comprises the financial results from the month of August 2015, with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 31 August 2015 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 30th June 2016 indicates a small surplus of \$20,900 which was the original budget position adopted 20th July 2015.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 103%; is \$188,000 more than the YTD budget. (Favourable)

Operating Expenditure 70%; is \$436,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$547,000 more than the YTD budget (Favourable).

Operating Revenue is 3% Favourable with year to date budget.

The significant favourable variances within operating revenue are the timing of rates instalment fees and instalment interest charges \$33,000 which will offset in September; early receipt of a \$50,000 grant for development of the Recreation and Community Facilities Plan; early timing difference of HACC funding \$38,000; the early raising of yacht club lease payments \$59,000.

Operating Expenditure is 30% favourable to year to date budget.

The main area of favourable variation for operating expenditure is timing differences on Community Amenities waste collection and waste processing charges which are invoiced the following month. Other areas of favourable variance are spread across various programs as detailed in the report.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The current year's capitals works programmes are just beginning to mobilise at reporting date given the timing of budget adoption.

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

Capital Programs YTD Progress Summaries

Annual Timeline 17% of year elapsed

15 September 2015

MINUTES

Land & Buildings 0% expended

Infrastructure Assets 0% expended

Plant & Equipment 0% expended

Furniture & Equipment 0% expended

Capital expenditure is \$2,052,000 less than the YTD budget (Favourable) which represents 100% of the capital programs to be completed. The report provides details on individual capital works to be progressed as at 31 August 2015.

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

Conclusion

The attached Financial Activity Statement for the period 1 July 2015 to 31 August 2015 is presented to the Council for timely information. The current annual forecast of a small \$20,900 surplus is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

Voting Requirements

Simple Majority

RECOMMENDATION

That the Financial Activity Statement for the period ending 31 August 2015 be received.

Cr Rico – Cr McPhail

That the Financial Activity Statement for the period ending 31 August 2015 be received. CARRIED 7:0

211.2***Accounts for Payment – August 2015***

By Les Mainwaring, Executive Manager Finance & Administration on 9 September 2015

PURPOSE

To endorse the list of payments made under delegated authority for the period 1 August to 31 August 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 August to 31 August 2015 requires endorsement by the Council.

RECOMMENDATION

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

AUGUST 2015		
Voucher Nos	Account	Amount
4911 – 4920	Municipal (Cheques)	\$10,974.10
EFT 21293 – EFT 21409	Electronic Transfer Funds	\$538,957.24
Payroll	Electronic Transfer Funds	\$196,990.79
Superannuation	Electronic Transfer Funds	30,854.78
Credit Card	CEO	3.50
	Municipal Total Payments	\$777,780.41

Cr McPhail – Cr Rico

That the List of Accounts paid for the period beginning 1 August to 31 August 2015 be received. CARRIED 7:0

212. REPORTS OF ELECTED MEMBERS

Nil.

213. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER

213.1 WALGA Governance Review – Discussion Paper

By Gary Clark, Acting CEO, 9 September 2015

Purpose

To provide feedback to WALGA regarding proposed changes to the Association’s Constitution, Corporate Governance Charter and Standing Orders.

Background

A review of the Association’s governance structure was undertaken in 2011. This review focused on the structure and effectiveness of State Council and the Zones. It is proposed that the primary focus of this review will be the governance processes of WALGA and the effectiveness of the relationship with Zones rather than a focus on structure.

This Discussion Paper will focus on the following:

- a) Review of Documentation – Key issues – Section 2 of this paper
- b) Technical drafting – Correction of technical wording issues and the alignment of issues in the three governance documents – Section 3 of this paper
- c) Review of State Council and Zone processes and effectiveness – Section 4 of this paper

A review of the three Association governance documents is to be undertaken. The primacy of the documentation is as follows:

- I. Constitution
- II. Corporate Governance Charter

- a. Code of Conduct
- b. Confidentiality Agreement
- III. Standing Orders
 - a. State Council
 - b. Annual General Meeting

As a principle there will be an alignment of the documentation to make sure that all three documents are consistent. Over time there have been reviews of the Constitution and the Corporate Governance Charter without reviews of the Standing Orders and this has created some inconsistencies.

Comment

The feedback requested from elected members by 16 September 2015. Responses based on the feedback are set out below:

2.1 Constitution

General feedback is sought on the Constitution, as well as responses to the following discussion points. The Constitution can be found at: <http://www.walga.asn.au/MemberResources/GovernanceStrategy/GovernanceReviewDiscussionPaper.aspx>

2.1.1 Clause 9 – State Council Ex-Officio Members

There is an inconsistency between the Association's Constitution and the Corporate Governance Charter. The Constitution provides for 2 ex-officio members: the WALGA President and LGMA WA President. The Corporate Governance Charter provides for 3 ex-officio members: the WALGA President, LGMA WA President and Lord Mayor of the City of Perth.

Discussion:

Should the Lord Mayor of the City of Perth be added to the Constitution or left as discretionary with reference only in the Corporate Governance Charter?

Town of East Fremantle Response:

Don't support the Lord Mayor of Perth being one of 3 ex officio members at all.

2.1.2 Clause 10 – Meetings of State Council

Currently the Constitution does not include a reference to Standing Orders, it only references the requirement for State Council to establish a Corporate Governance Charter and Code of Conduct.

Discussion:

Are State Council's meeting procedures as set out in the Standing Orders, and applying to all meetings of State Council, worthy of mention in the Constitution?

Town of East Fremantle Response:

Yes

2.1.3 Clause 14 – Zones

There is a requirement to clarify that an Elected Member who has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act (where a Council is also suspended) becomes ineligible to be a Zone delegate during this period of suspension.

Discussion:

Comments are invited on adding the ineligibility reference as set out above.

Town of East Fremantle Response:

Ineligibility must be consistent and should be across the Zone as well.

2.1.4 Clauses 17 and 18 – President and Deputy President

Currently, there is no restriction on the term the WALGA President may serve, whereas there is a two term confinement on the Deputy President position. The President and Deputy President are elected by State Council for two year terms following the election of State Councillors by the Zones. Following a State Councillor's election as President, the Zone that elected that State Councillor is entitled to elect a replacement State Councillor to maintain that Zone's representation around the State Council table.

Discussion:

Should the term limit for the two positions be consistent? If consistency is preferred, then should non-restricted terms be considered or restricted terms?

Town of East Fremantle Response:

Terms should be consistent and no more than 2 consecutive terms ie 4 years.

2.1.5 Clause 19 – Vacancy President and Deputy President

The current provisions for filling a vacancy in the office of President and Deputy President follow:

- (1) *If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.*
- (2) *Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.*
- (3) *If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced.*
- (4) *A State Council representative elected to fill a vacancy of Deputy President pursuant to clause 18 shall still be eligible for election for a subsequent two (2) full consecutive terms.*

Discussion:

Do the provisions clearly express the election process? Do the provisions permit the efficient and timely election of either position when a pre-term vacancy arises? Can the provisions be improved to facilitate democratic election principles?

Town of East Fremantle Response:

These provisions are difficult to interpret however the intent is democratic.

2.2 Corporate Governance Charter

General feedback on the Corporate Governance Charter is sought, as well as responses to the following discussion points. The Corporate Governance Charter can be found at:

<http://walgga.asn.au/MemberResources/GovernanceStrategy/GovernanceReviewDiscussionPaper.aspx>

2.2.1 Clause 7 – Role of State Councillor

State Councillors are the Association's Board members, elected by Zones. State Councillors, through collective decisions of State Council, have ultimate

responsibility for the successful operation of the Association. This includes responsibility for policy positions, strategic direction and financial operations.

The Role of a State Councillor is currently described as follows:

(i) General roles and responsibilities

State Councillors have ultimate responsibility for the overall successful operations of the Association. The principal roles of State Councillors relate to:

- *all major policy positions and issues;*
- *the strategic direction of the Association;*
- *financial operations and solvency; and*
- *all matters as prescribed by law.*

Broadly speaking, the fundamental duties that State Councillors must fulfil include:

- (i) *act in good faith and in the best interests of the organisation for a proper purpose;*
- (ii) *act with care and diligence;*
- (iii) *act honestly;*
- (iv) *avoid actual or potential conflict of interest;*
- (v) *not to improperly use information or their position;*
- (vi) *prevent insolvent trading by the Association; and*
- (vii) *avoid actual or potential conflicts of interest.*

State Councillors, as directors of a Board, are required to act consistently in the “best interests of the organisation as a whole”. This effectively means that the duties of a State Councillor are owed to all Member Local Governments.

Whilst it is recognised that State Councillors must represent the interests of their respective Zones, the interests of the Association and its collective membership must always come first.

Individual State Councillors have no individual authority to participate in the day-to-day management of the Association, including making any representations or agreements with Member Local Governments, suppliers, customers, employees or other parties or organisations.

(ii) Confidentiality and Code of Conduct

*Pursuant to the Association’s Constitution (clause 10) and in accordance with agreed ethical and behavioural standards, State Councillors will abide with confidentiality requirements and the State Council’s Code of Conduct. The Code is enclosed as **Schedule 2** to the Charter.*

*All State Councillors are required to sign a Confidentiality and Code of Conduct Agreement which outlines their obligations to the Association in relation to the treatment of confidential information and behavioural requirements within the Code of Conduct. A copy of the Confidentiality and Code of Conduct Agreement is enclosed as **Schedule 3** to the Charter.*

(iii) Expectations of State Councillors in State Council meetings

A State Councillor shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings at all State Council meetings. This will include, but not be limited to:

- *behaving in a business-like manner;*
- *acting in accordance with the policy resolutions of the Association’s State Council;*
- *abiding by the provisions of the Confidentiality and Code of Conduct Agreement;*
- *addressing issues in a confident and firm, yet courteous manner;*
- *using judgement, common sense and tact when discussing issues;*

- *minimising side comments, chatter and irrelevant remarks;*
- *ensuring that others are afforded a reasonable opportunity to put forward their views (ie refraining from interruption or interjection when a speaker has the floor); and*
- *being particularly sensitive in interpreting any request or indication from the President that aims to ensure the orderly and good-spirited conduct of the meeting.*

State Councillors are expected to be forthright in State Council meetings and have a duty to question, request information, raise any issue, fully canvass all aspects of any issue confronting the Association and cast their vote on any resolution according to their own judgement.

However outside the Boardroom, State Councillors will support the spirit of all State Council decisions in discussions with Member Local Governments, Zones, staff and other parties when acting in their capacity as a State Councillor. The Association respects the right of State Councillors when acting in their local or regional elected membership role to advocate the position of their local or regional constituency.

All information received by a State Councillor in the course of the exercise of their official duties that is deemed by the Chief Executive Officer to be confidential remains the property of the Association. It is improper to disclose information, or allow information to be disclosed, unless the disclosure has been authorised.

(iv) Annual General Meeting Directions and Decisions

In accordance with clauses 22 and 23 of the Constitution, the State Council is to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

Where State Council considers that a direction or decision from an Annual General Meeting is not in the best interests of the Association, the Chief Executive Officer shall give notice to Ordinary Members of the decision of State Council and the reasons for that decision.

(v) Emergency Contact Procedures

As there is the occasional need for urgent decisions, State Councillors should leave with the Secretariat any contact details, either for themselves or for a person who knows their locations, so that all State Councillors can be contacted within 24 hours in case of urgent business.

Discussion:

Does the role of a State Councillor adequately capture the contemporary requisites and expectations of the position?

Town of East Fremantle Response:

Yes

2.2.2 Clause 7 – Role of State Councillor – Zone Meetings

There is scope to consider broadening sub-clause (iii) 'Expectations of State Councillors in State Council Meetings' to include expectations when attending Zone Meetings to reflect the collegiate approach to State Council Policy positions that arise through formal decision making processes.

Discussion:

There is a requirement in Local Government that Elected Members support their Council's formal resolutions, and not speak adversely or negatively on decisions that Council has made. Should this transfer to the expectation of the behaviour of State Councillors?

Town of East Fremantle Response:

Yes. State Councillors should be expected to support resolutions.

2.2.3 Clause 8 – Role of President

The President's role is currently described as follows:

The President's role is a key one within the Association. The President is considered the "lead" State Councillor and utilises experience, skills and leadership abilities to facilitate governance processes.

The President is to represent and advocate the resolutions of State Council. Whilst State Council retains ultimate responsibility for Association decision making, any issues that require an immediate or urgent decision outside of State Council ordinary and extraordinary decision making processes, and where it is impractical to seek State Council consideration, may be dealt with by the President in consultation with the Deputy President. Such actions shall not contravene existing policy or previous decisions of State Council and must be undertaken in observance to any specified parameters. Any exercise of this power will require an agenda item to be submitted to the next ordinary meeting of State Council seeking ratification.

In common with the Chairman of most governing boards, the President will:

- *chair State Council meetings in a manner which results in consensus and commitment to decisions;*
- *represent the views of State Council to management and act as a link between meetings;*
- *be the 'interface' of the organisation with external stakeholders;*
- *act as spokesperson and media contact on such matters as are required, in consultation with the Chief Executive Officer of the Association;*
- *develop an effective working relationship with the Chief Executive Officer;*
- *ensure timely and accurate dissemination of information to State Councillors;*
- *be responsible for State Council performance and advise and counsel State Councillors in regards to their performance on State Council;*
- *establish Policy Forums, as required, to report directly to State Council; and*
- *co-opt persons for Local Government vacancies to boards and committees where no nominations have been received following two rounds of advertising.*

Discussion:

1. Does the role of the President adequately capture the contemporary requisites and expectations of this important function?
2. Further, should a clause be added to the Corporate Governance Charter to clarify the role of the Deputy President, which is to fulfil the role of the President in the President's absence?

Town of East Fremantle Response:

Yes. The role of Deputy President should be clarified.

2.2.4 Clause 9 – Role of the Chief Executive Officer

The Chief Executive Officer's role is currently described as follows:

The Chief Executive Officer is appointed by and accountable to the State Council.

The Chief Executive Officer is responsible for the ongoing management of the Association in accordance with the strategy and policies approved by the State Council.

Within the State Council meeting, the Chief Executive Officer will provide advice, information and seek to clarify any issues raised, but will not enter into debate or deliberations. The Chief Executive Officer's responsibilities will include:

- *managing the day-to-day operations of the Association;*

- *developing, with the State Council, a consensus for the Association's vision and mission and constructing strategic and business plans to implement the vision and mission;*
- *establishing and maintaining an effective system for identifying, monitoring, analysing and managing organisational risk and ensuring sound internal compliance and control;*
- *ensuring that State Council is kept informed of all relevant or requested information in a timely manner;*
- *ensuring that all proposals which affect the strategic direction of the Association are channelled through State Council for consideration;*
- *recruiting and negotiating the terms and conditions of appointment for all employees and appointing senior managers to the Executive Team;*
- *promoting an organisational culture that is aligned with the values, standards and strategies adopted by State Council;*
- *ensuring a safe workplace for all personnel;*
- *being the spokesperson for the Association on all operational matters and such other issues as required by the President;*
- *establishing and maintaining a Register of Powers, Authorities, Discretions and Duties delegated by the State Council; and*
- *being the custodian of records, books, documents and securities of the Association. Pursuant to clause 13 (2) of the Association's Constitution, the State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Constitution.*

Discussion:

Does the role of the Chief Executive Officer adequately describe the expectations of Members in the management of the Association?

Town of East Fremantle Response:

Appears to be adequate. Perhaps this could be re-examined by a consultant.

2.2.5 Clause 11 – State Council Meetings

The Corporate Governance Charter currently states:

State Council meetings are fundamental to the governance of the Association. The State Council meeting is the main opportunity for State Councillors to:

- *obtain and exchange information with the Chief Executive Officer and senior management team;*
- *obtain and exchange information with each other; and*
- *make decisions.*

The following guidelines have been adopted for all meetings of State Council:

- *a willingness to deal with the business – “canvass fully, then decide”;*
- *set a start time and aim for two hours maximum;*
- *aim to finish the job;*
- *where there is no disagreement, no debate is needed;*
- *adhere to clear rules of meeting and debate;*
- *if the majority accept, move on (“win some, lose some”);*
- *concentrate on the issue, resist the temptation for personal attack and the claiming of territories;*
- *create space for those who want to have a say;*
- *speak up and speak clearly;*
- *know the Agenda - do your homework;*
- *ensure phones are turned off in meetings; and*
- *in media releases, endeavour to acknowledge difference if present, whilst representing the State Council view or decision.*

Discussion:

Review of this clause is recommended to ensure satisfaction that the functions relating to State Council meetings reflect contemporary expectations.

Town of East Fremantle Response:

A review of the clause is supported.

2.2.6 Clause 13 – State Council Meeting Agenda

The Corporate Governance Charter currently states:

The State Council meeting agenda will generally address the following:

- *Standing matters, including attendance, announcements, previous minutes, business arising from minutes and declarations of interest*
- *Emerging Issues*
- *Matters for Decision*
- *Matters for Noting*
- *Organisational Reports including Key Activity Reports and Policy Forum Updates*
- *The President’s Report*
- *The Chief Executive Officer’s Report, and*
- *Meeting Assessment.*

Discussion:

Should there be allocation for a report from an Ex-Officio member? Currently the LGMA (WA) President attends all meetings; however there is no item for a report. WALGA, by comparison, has a reporting item at LGMA meetings through the CEO’s Ex Officio capacity.

Town of East Fremantle Response:

Yes

2.2.7 Clause 13 (iv) – Emerging Issues

This subclause currently states:

Urgent issues that are not dealt with in the State Council agenda may be discussed in the “Emerging Issues” section at the beginning of State Council meetings.

The emerging issues section will be primarily used for notifying State Council of critical issues of relevance to Local Government that arise from Zone, Committee or Policy Forum meetings. Where a State Councillor seeks to raise an emerging issue at a State Council meeting, at least 24 hours notification must first be provided to the President and/or Chief Executive Officer.

Any resolutions that arise from the consideration of an emerging issue must be carried by an appropriate resolution, in accordance with clause 12 of the Association’s Constitution.

It is considered inappropriate to utilise Emerging Issues as a means of seeking resolution from State Council on any of the following matters:

- *variations to the Constitution;*
- *amendments to the Code of Conduct;*
- *amendments to the Standing Orders;*
- *any addition, amendment, withdrawal, modification or substitution of powers of the State Council; or*
- *delegations to any person or committee.*

Discussion:

1. Does the current process for inclusion of Emerging Issues in the State Council agenda require review
2. Should emerging issues require approval of State Council to be formally considered at a State Council meeting?

Town of East Fremantle Response:

1. Yes. Difficult to understand or interpret especially in regard to being considered inappropriate.

2. Yes

2.2.8 Clause 16 – LGIS Board and Local Government House Trust

Presently, the Corporate Governance Charter contains extensive detail on the formation and operation of Delegated Committees e.g. Honours Committee. However, the LGIS Board and the Local Government House Trust are not mentioned to the same extent.

Currently the following is provided:

State Council has established a Board with full delegated powers, namely the Local Government Self-Insurance Schemes Board. Decisions of the Board are taken independent of the need for ratification of State Council.

The Local Government House Trust is a Trustee which owns and operates Local Government House.

It is suggested that more detail can be included outlining the Board and Trust.

Local Government Self Insurance Scheme Board

The LGIS Board is ultimately responsible for all matters relating to implementing the objectives and purposes of the Insurance Schemes.

State Council has resolved that the Board will function and be regarded for all intents and purposes as a Board of Directors. Board members are therefore Directors, and are required to act in the discharge of all their responsibilities as if they are Directors of a corporation.

The LGIS Board has its own Corporate Governance Charter which is endorsed by State Council.

Local Government House Trust

The Local Government House Trust was established in 1980 with the objective of providing a building for the Local Government Associations.

The Trust is overseen by a Board of Management comprising of the following;

- I. President and Deputy President of WALGA
- II. a State Councillor from the country constituency
- III. a State Councillor from the metropolitan constituency
- IV. a representative from the beneficiaries of the country constituency
- V. a representative from the beneficiaries of the metropolitan constituency
- VI. the Chief Executive Officer of WALGA

There is a need to document in the Corporate Governance Charter the appointment and reappointment process and terms for State Councillors and also the representatives from the country and metropolitan constituency.

Discussion:

Comment is invited on the matters discussed above.

Town of East Fremantle Response:

The Corporate Governance Charter should provide for the formation, governance arrangements and delegations for both entities.

2.2.9 Clause 17 – Committees with Delegated Powers

The current Committees with delegated powers include the Finance and Services Committee, Municipal Waste Advisory Council, Selection Committee and Honours Panel.

It is suggested the Committee process could be improved by including the following provisions in the Corporate Governance Charter:

Terms of Reference:

This will include the scope and limitations of the Committee.

Membership and Term:

Description of skills and abilities of members, and the term they will serve, which is suggested should coincide with State Council terms.

Appointment process for State Councillors and non-WALGA members:

Currently, the Corporate Governance Charter states that the President may appoint members to delegated committees.

It is proposed that a formal process of appointment to delegated committees is established with appointments made by State Council utilising the Selection Committee where appropriate. At the beginning of each two-year State Council term, State Council should appoint State Councillors to delegated committees. Further, State Council should consider and endorse the appointment of external members to delegated committees based on recommendations from the Selection Committee following a thorough nomination and selection process.

This proposal would reflect the contemporary practice in the Local Government sector when establishing a formal Committee of a Council.

Discussion:

Comment is invited on this proposal.

Town of East Fremantle Response:

Agree with the suggestion to include the provisions in the Corporate Governance Charter.

2.2.10 Clause 20 – Monitoring

This clause currently states:

A fundamental function of the State Council is to monitor the strategic direction, performance, management of risk and compliance of the Association. With this general principle in mind, the State Council is charged with monitoring both financial and non-financial KPIs.

Financial KPIs

The State Council will closely follow:

- *annual membership contributions;*
- *the Balance Sheet;*
- *Income and Expenditure Statement;*
- *financial performance against annual budget;*
- *debtors (over 90 days);*
- *creditor's days;*
- *financial indicators (e.g. liquidity ratio, debt/asset ratio);*
- *the annual audit of financial statements; and*
- *compliance with the Association Financial Management Policies (e.g. Financial Planning, Financial Condition, Budget Reallocation).*

Currently, financial KPIs are monitored by the Finance and Services Committee with State Council considering the Finance and Services Committee Minutes at each State Council meeting.

Discussion:

1. This section requires reviewing as a number of the monitoring functions are carried out by the Finance and Services Committee, and comment is invited on appropriate content.
2. Further, should State Council have a more structured role in monitoring financial KPIs?

Town of East Fremantle Response:

The Finance and Services Committee should monitor the financial KPI's. State Council should focus on more strategic financial matters such as long term financial planning.

2.2.11 Clause 33 – Relationship between State Council, Zones and Local Governments

This clause outlines the relationship between State Council, Zones and Member Local Governments and includes sub clauses on the following:

State Council

- State Council Co-Chairs
- Forum of Co-Chairs
- Policy Forums
- Zones
- Member Local Governments

Clause 33 states

The structural framework for the Association includes three levels of representation:

- **State Council** - consisting of 24 members representing Zones within the country and metropolitan constituencies;
- **Zones** – 12 country and 5 metropolitan Zones; and
- **Member Local Governments**

(i) State Council

State Council is the peak decision making body for the Association and is responsible to Zones and Member Local Governments for fulfilling their constitutional responsibilities. Zones and Member Local Governments can make direct submissions to State Council, either through their representative(s) on State Council or the Association Secretariat.

(ii) State Council Co-Chairs

Two State Councillors are appointed by the President as Co-Chairs for each of the four policy portfolios of governance and strategy, infrastructure, environment and waste and planning and community development. The role of the Co-Chairs is to act as the key advocates for their respective policy portfolios.

Specific duties include liaison with the respective Executive Manager on key policy positions and developments in the portfolio including the preparation of submissions and when required, endorsement of interim submissions. Co-Chairs may also be invited to attend meetings with relevant Government Ministers at the discretion of the President.

(iii) Forum of Co-Chairs

The Forum of State Council Co-Chairs acts as the primary policy and advocacy support to the President and the Association. The Forum is established by the Association President and comprises the President and two State Councillors for each of the four policy areas (infrastructure, governance and strategy, environment and waste, planning and community development). The Forum of Co-Chairs has no delegated authority and works within current Association policy positions. The Forum of Co-Chairs considers and discusses strategic priority policy issues affecting the Association and the Local Government sector for future State Council consideration.

(iv) Policy Forums

Within the core policy portfolios of the Association, policy development is facilitated by Policy Forums.

Policy Forums are convened on an as-needs basis by the Association President to develop policy for the Association in relation to a particular issue or range of issues. Policy Forums can be of any size and may include membership from elected representatives and officers from affected or interested Member Local

Governments. In some instances, a Policy Forum may be a day-long symposium open to all Local Governments which concludes upon the adoption of a common resolution. In other cases, Policy Forums may be a specialised working group assembled to develop policy or legislative initiatives for the Association. Zones and Member Local Governments may be directly involved with Policy Forums, and can participate or make formal submissions.

(v) Zones

The country and metropolitan constituencies in Western Australia are divided into groupings called Zones. Zones consist of Local Governments grouped together on the basis of population, commonalities of interest and geographical alignment considerations. Pursuant to the Association's Constitution, the membership of Ordinary Members to Zones shall be determined from time to time by State Council. The number of Zones shall be determined from time to time by the Ordinary Members of the Association at a Special or Annual General Meeting.

There are 12 Country Zones and 5 Metropolitan Zones. For the country constituency, each Zone has one (1) representative on State Council who will represent the interests of the Local Governments within that Zone. Metropolitan Zones have between two (2) or three (3) representatives to State Council, with the number of representatives determined by the population size of Local Governments within the Zone. The total number of country and metropolitan representatives to State Council is 24 (12 country and 12 metropolitan).

Clause 14 of the Association's Constitution requires that Zone undertake the following functions:

- *electing a representative or representatives and deputy representative or deputy representatives to the State Council;*
- *considering the State Council agenda;*
- *providing direction and/or feedback to their representative or representatives on the State Council; and*
- *any other functions deemed appropriate by the members of the Zone.*

(vi) Member Local Governments

Member Local Governments are the shareholders of the Association and the focus of core Association activities is to be directed towards the provision of political advocacy, programs and services which meet their collective needs.

Under the structural framework of the Association, Member Local Governments have the capacity to be directly involved in the development of policy for Local Government. Member Local Government can access the Association through the State Council, Secretariat, Policy Teams and Policy Forums, or through their respective Zones.

A potential reform option, which was contemplated in the previous Governance review in 2011, is considering the formation of an Executive Committee.

Under this model, State Council would maintain its primacy as the Association's governing Board but would be able to delegate some powers to an Executive Committee, which would be in a position to meet more regularly than the current two-monthly cycle of State Council meetings.

The Executive Committee could be utilised for policy and advocacy decisions required outside of the State Council meeting cycle and could be delegated powers that are currently the responsibility of the Finance and Services Committee.

Should the formation of an Executive committee be contemplated, it could then take on the political, policy and advocacy roles and responsibilities of the State Council Co-Chairs (see clause 33(ii) above) and the Forum of Co-Chairs (clause 33(iii) above).

Currently, the Co-Chairs, corresponding to WALGA's four key policy development portfolios (Governance, Infrastructure, Environment and Waste, and Planning and Community Development) consider and provide input to interim submissions prior to their submission to the relevant agency.

The membership of the Forum of Co-Chairs is the President and the two State Councillors who act as Co-Chairs for each of the Association's key policy portfolios: Governance and Strategy, Infrastructure, Environment and Waste and Planning and Community Development.

Consideration could also be given to reviewing the Policy Forum concept as opposed to the previous construct of four portfolio Policy Teams (six members each) where a State Councillor would be allocated to at least one policy team. The four Policy Teams corresponded to each of WALGA's four key policy development portfolios: Governance, Infrastructure, Environment and Waste, and Planning and Community Development.

The Policy Teams were recently replaced by Policy Forums which are explained in Clause 33(iv) above.

Current Policy Forums are:

- Mining Communities Policy Forum
- Metropolitan Mayors Policy Forum
- WARR Act Policy Forum
- Container Deposit Legislation Policy Forum
- Freight Policy Forum

Discussion:

Comment is invited on Clause 33 generally, and specifically:

- the potential for an 'Executive Committee' to be formed;
- the utility of the Co-Chairs and Forum of Co-Chairs; and,
- a review of the Policy Forum / Policy Teams concept and their appointment processes.

Town of East Fremantle Response:

Support the formation of an Executive Committee.

An Executive Committee would make Co-Chairs redundant.

Policy development processes should be reviewed to fit into the Executive Committee functions but ensure quality and timely consultation with the membership.

2.2.12 Proposed New Clause – Recommendations to Representative Bodies

WALGA provides representatives to approximately 120 State Government and Local Government Committees and Boards. There may be a need to capture in the Governance Charter the reporting requirements of the selected representatives.

Discussion:

To what extent should the Corporate Governance Charter capture reporting requirements of representatives back to WALGA?

Town of East Fremantle Response:

With over 120 WALGA reps it may be onerous to report back. Maybe some bodies could be prioritised. Representatives should report back where the activities impact on policy or strategic priorities.

2.2.13 Code of Conduct and Confidentiality Agreement

A review is to be carried out to make the documents more contemporary and with general consistency with Local Government Codes of Conduct.

Discussion:

Comment is invited in relation to the Code of Conduct and Confidentiality Agreement.

Town of East Fremantle Response:

Support a review of the Code of Conduct especially in regards to breaches. Consequences for breaches should be an effective deterrent.

2.3 Standing Orders

The current Standing Orders can be found at:

<http://walga.asn.au/MemberResources/GovernanceStrategy/GovernanceReviewDiscussionPaper.aspx>

2.3.1 Clause 7 – Order of Business

Alignment with the Corporate Governance Charter is required.

Discussion:

Comment is invited on Clause 7 of the Standing Orders.

2.3.2 Proposed New Provision – Alleged Breach of Standing Orders

The Standing Orders are silent on any process for dealing with an allegation of a breach of their provisions, which does not align with the Code of Conduct dealing with breaches of the Corporate Governance Charter.

The contemporary practice in Local Government centres on Regulation 4 of the Rules of Conduct Regulations, which provides for a minor breach complaint opportunity.

Discussion:

1. Should State Council's Standing Orders contemplate complaints-handling procedures?
2. Could this be dealt with by amending the Code of Conduct to reflect appropriate behaviours during meetings of State Council?
3. Should the Code of Conduct be amended so that a breach of the Standing Orders equates to a breach of the Code of Conduct?

Town of East Fremantle Response:

Standing orders should have complaints handling procedures. A breach of the Standing Orders should not be a breach of the code of conduct unless it is continued after being warned.

4. Review of State Council and Zone Effectiveness

General feedback is sought in relation to the effectiveness of Zones and State Council. The following subjects may provoke feedback.

4.1 State Council Decision Making Process

The current decision making process of State Council is inclusive. Zones consider State Council items and the recommendations to State Council at their meetings. The Zones are able to move amendments to, or oppose, the recommendations to State Council.

At the State Council meeting, every Zone's resolution regarding State Council items will be considered by all State Councillors. This is done by a process of composite resolutions, where the original recommendation is blended with all Zone motions to form a new, 'composite' resolution.

In this way, the input from Zones is crucial to the State Council decision making process and means that, in practice, State Council invariably arrives at a representative and consensus position.

4.1.1 Inclusiveness vs. Timeliness of State Council Decisions

There has been discussion in recent times about the timeliness of State Council decision making, particularly when State Council seeks to ensure all Zones are able to input into the decision making process. State Council strives to find a balance between timeliness and inclusiveness in their decision making processes and can be reluctant to make decisions without Zone consultation. Notwithstanding, the ability for State Councillors to bring 'Emerging Issues' to the State Council meeting provides State Council with some flexibility to make decisions in a more timely manner when necessary.

Another relevant issue is the treatment of motions from Zones. Currently, State Council considers other Zone resolutions en bloc during their meeting, and then the Zone resolutions are referred to the relevant WALGA business or policy unit for action. This process can also take time for Zones to receive a response. One option would be for State Councillors to raise sector-wide issues when Zone resolutions are considered for State Council to make a more timely decision or for the State Council to formally prioritise Zone resolutions when they are considered.

Discussion:

1. Does the current State Council decision-making process strike the right balance between timeliness and inclusiveness?
2. Should the method in which State Council considers Zone resolutions be changed?

Town of East Fremantle Response:

1. Yes
2. No

4.1.2 Zone Motions – Consistency with Council Policy

There has been discussion on the issue of some zone representatives bringing forward items that are not supported or are actively opposed by their Council. Some have therefore suggested that motions at Zone meetings should require the support of the mover's Council.

This would ensure that the Zone is confident that the motion being considered has undergone some thought and research. Conversely, requiring a Council resolution to submit a motion to a Zone meeting would increase the time required for policy issues to be considered and would reduce the flexibility of Zones to make their own decisions. Further, as Zones are autonomous in their construct, it may be considered inappropriate to restrict matters that can be considered by Zones.

Discussion:

Should zone motions be required to have the Local Government's consent or be consistent with their Council's policy position?

Town of East Fremantle Response:

Don't think that motions should require Local Government's support. It is a matter for individual local governments to ensure that their representatives represent the views of the Council.

4.2 Zone Autonomy

While Zones have a requirement to elect one or more State Councillors and to consider the State Council agenda, they have the autonomy to build on or expand this role.

Some Zones are more active than others in this regard. Some Zones expand on the role of the Zone and undertake some of the following activities:

- developing and advocating positions of regional significant affecting Local Government;

- progressing regional Local Government initiatives;
- identifying relevant issues for action by WALGA;
- presentations from external stakeholders;
- networking and sharing information; and
- contributing to policy development.

Other Zones are more minimalist in their approach and have not taken the opportunity to expand their role beyond that defined in the Constitution.

Discussion:

Any comment relating to Zone Autonomy is invited.

Town of East Fremantle Response:

The diversity should be respected and the Zones left to determine their level of activity.

4.3 Zone Presentations and Delegations

Zones have the opportunity to receive delegations and presentations from politicians and government departments and agencies.

This provides the Zone with opportunities for information exchange and communication between Local Governments and stakeholders.

The Zone meetings are also a primary point of contact between WALGA and its members. The Association has the opportunity to update Local Government representatives on the work of the Association and Zone meetings present the opportunity for Zone delegates to ask questions of the WALGA President and senior WALGA staff.

Discussion:

Any comment relating to Zone Presentations and Delegations is invited.

Town of East Fremantle Response:

Presentations and Delegations are important.

4.4 Comprehensive State Council Agenda

The comprehensive State Council Agenda is a key component in WALGA's policy development and advocacy process. It contains discussion in relation to policy issues on a range of topics that affect different Local Governments differently. Two issues are discussed below: the timeliness of the State Council agenda distribution and the format of the State Council agenda.

4.4.1 Timeliness of State Council Agenda

The production of the comprehensive State Council agenda runs to a relatively tight timetable that seeks to balance relevance of the issues covered in the agenda with time available for reading and analysis by member Local Governments, Zone delegates and State Councillors.

	Deadline for Agenda Items	Electronic Distribution – Deadline to Printer	Hardcopy Distribution	Zone Meetings
Number of Days prior to the State Council Meeting (including weekends)	27 days prior to State Council meeting	21 days prior to State Council meeting	16 days prior to State Council meeting.	12-5 days prior to State Council meeting.

There has been commentary that Zone delegates require more time to read the agenda; however, there are nine days between the electronic distribution of the State Council agenda and the first of the Zone meetings. The agenda timetable could be amended to provide more time for Zone delegates to read the agenda, but it would be at the risk of the agenda no longer being up to date with policy issues.

Discussion:

Is the State Council agenda timetable appropriate, or should it be amended in some way?

Town of East Fremantle Response:

The timeliness of Agenda seems appropriate.

4.4.2 State Council Agenda Format

Currently the State Council agenda is distributed to Local Governments via email in pdf form three weeks prior to the State Council meeting and is sent to a printing company at the same time. Then, approximately 400 copies are printed and posted to Local Governments to arrive approximately two weeks before the State Council meeting.

Discussion:

Is it still appropriate for hard-copy agendas to be printed and posted to Local Governments or, is the electronic version sufficient?

Town of East Fremantle Response:

It would be appropriate that agendas were electronic. There is no need to provide hard copies.

Statutory Requirements

Nil

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Nil

Conclusion

The feedback will assist WALGA to review its governance processes.

Voting Requirements

Simple majority

RECOMMENDATION

That the Town of East Fremantle's responses to the WALGA Governance Review Discussion paper be communicated to WALGA.

Cr McPhail – Cr Rico**That:**

1. Council endorses the submission.
2. the Town of East Fremantle's responses to the WALGA Governance Review Discussion paper be communicated to WALGA. CARRIED 7:0

213.2 Legal Representation for Council Members and Employees Policy & Delegation

Author – Janine May, PA to the CEO, 4 September 2015

Reporting Officer - Gary Clark, Chief Executive Officer

PURPOSE

To adopt a policy which provides legal and financial protection for elected members and staff in carrying out their legislative functions and responsibilities in a correct and appropriate manner.

BACKGROUND

This is a risk that elected members or staff become joined in a legal action simply because they are performing the role that they are elected or employed to perform.

It is appropriate that the local government provide legal and financial protection where elected members and staff are performing their functions in an appropriate manner.

The Department of Local Government & Communities provides information regarding this matter in its Operational Guidelines No 14. The attached draft policy is based on the model policy contained in these guidelines.

ATTACHMENT**COMMENT**

At the August Council Concept Forum the Acting CEO raised the matter of the Town taking action where a staff member was defamed. Clause 2.2 of the attached draft policy specifically excludes the reimbursement of costs where an employee or elected member institutes defamation proceedings.

The Acting CEO advises that, in the case of an employee, there is a risk that defamatory remarks can be made that have the potential to adversely affect the health and wellbeing of the employee. This would become an occupational health and safety matter and the CEO would be obliged to act to protect the employee. An OH&S policy will be drafted to address this risk and will be separate to the policy under consideration.

Following an invitation at this Forum for elected members to provide feedback on the draft policy, no comments have been received.

Section 6 of the draft Policy refers to a delegation to the CEO where a delay in the approval of an application would be detrimental to the legal rights of the applicant. This delegation limits costs to a maximum of \$10,000. Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs. The delegation relating to this authority is attached.

ATTACHMENT**Statutory Requirements**

Local Government Act 1995

Relevant Council Policies

There is no existing Council policy relating to this matter.

Strategic Plan Implications

N/A

Financial/Resource/Budget Implications

There are no foreseeable implications. Costs will be incurred if a matter arises.

Conclusion

The draft policy and delegation will ensure elected members and staff can perform their statutory duties with appropriate legal protection.

Voting Requirements

Policy - Simple majority

Delegation – Absolute majority

RECOMMENDATION 1

That Council adopt the attached Legal Representation for Council Members and Employees Policy. **Simple majority resolution required**

RECOMMENDATION 2

That Council adopt the attached delegation D/GOV.04 to the CEO to authorise applications under the Legal Representation for Council Members and Employees Policy **Absolute majority resolution required**

Cr McPhail – Cr Rico

That the policy and delegation be held over pending clarification of:

- the intent of clauses 2.1 (c) and 2.2
- clause 3.7 where the CEO is the applicant and the associated delegation in this case. **CARRIED 7:0**

213.3

Disposal of Surplus Property Policy & Delegation

Author – Janine May, PA to the CEO, 4 September 2015

Reporting Officer - Gary Clark, Chief Executive Officer

PURPOSE

To adopt a policy and delegation that provides public transparency in the disposal of surplus/confiscated/uncollected goods, plant and equipment whilst achieving the best possible price.

BACKGROUND

In September last year whilst reviewing a number of delegations, Council requested the Acting CEO seek information on disposal of property policies from other councils.

COMMENT

Following a review of a number of policies and delegations from various local governments, the attached draft policy and delegation has been prepared for Council's consideration. **ATTACHMENT**

An invitation was extended to elected members at the last Concept Forum to provide feedback on the draft policy. At the close of the comment period, no feedback had been received.

Statutory Requirements

Local Government Act 1995:

- s.3.39 Power to remove and impound
- s.3.47 Disposal of confiscated or uncollected goods
- s.3.58 Disposal of property

Relevant Council Policies

There is no existing Council policy relating to this matter, however, the proposed delegation will replace existing delegations D09 Disposal of Property and D32 Disposing of Property, Confiscated or Uncollected Goods which read as follows:

<p><i>The authority to sell, lease or otherwise dispose of property.</i></p>	<ul style="list-style-type: none"> • <i>Procedures for sale to comply with Section 3.58 of the Local Government Act</i> • <i>All items sold, to be listed and sale price to be reported to Council.</i> • <i>Awarding of the tender to the most acceptable tenderer</i> • <i>Register of all disposals over \$10,000 to be maintained.</i>
<p><i>To dispose or sell any goods that have been:</i></p> <ul style="list-style-type: none"> • <i>ordered to be confiscated under Section 3.43</i> 	<p><i>The procedure for disposing of goods laid down in Section 3.58.</i></p>

- | | |
|--|--|
| <ul style="list-style-type: none"> • <i>impounded and have not been collected within the periods shown in Section 3.47(2b).</i> | |
|--|--|

Strategic Plan Implications

N/A

Financial/Resource/Budget Implications

N/A

Conclusion

The draft policy and delegation will ensure that clear guidelines exist for the disposal of surplus, confiscated or uncollected property.

Voting Requirements

Delegation – Absolute majority

Policy - Simple majority

RECOMMENDATION 1

That Council adopt the attached Disposal of Surplus Property Policy.

Simple majority resolution required.

RECOMMENDATION 2

That Council adopt the attached delegation D/GOV.02 to the CEO to authorise disposal of surplus, confiscated or uncollected goods, plant and equipment.

Absolute majority resolution required.

(A) Cr Martin – Cr Rico

That Council adopt the attached Disposal of Surplus Property Policy. CARRIED 7:0

(B) Cr Rico – Cr McPhail

That Council adopt the attached delegation D/GOV.02 to the CEO to authorise disposal of surplus, confiscated or uncollected goods, plant and equipment.

CARRIED 7:0

ABSOLUTE MAJORITY

213.4***Review of Code of Conduct for Council Members and Staff Policy***

Author – Janine May, PA to the CEO, 25 August 2015

Reporting Officer - Gary Clark, Chief Executive Officer

PURPOSE

To update Council's existing Code of Conduct Policy in line with current legislation.

BACKGROUND

Council's Code of Conduct has not been reviewed since 2001.

Following an invitation at the last Concept Forum for elected members to provide feedback on the draft policy, Cr Watkins provided comment generally supporting the document.

COMMENT

The revised policy is based on WALGA's Model Code of Conduct.

ATTACHMENT

Statutory Requirements

Local Government Act 1995 s.5.103 Codes of Conduct

Local Government (Administration) Regulations 1996 (Regs 34B and 34C)

Local Government (Rules of Conduct) Regulations 2007

Relevant Council Policies

Policy 091 Code of Conduct – last reviewed 21 August 2001.

Strategic Plan Implications

N/A

Financial/Resource/Budget Implications

N/A

Conclusion

This review will update an important Council Policy clarifying Council’s expectations on the conduct of elected members and staff members. It is important this Policy is updated prior to the Council elections in October.

Voting Requirements

Simple Majority

RECOMMENDATION

That Council adopt the amended Code of Conduct for Council Members and Staff Policy attached to this report.

Cr Rico – Cr McPhail

That Council adopt the amended Code of Conduct for Council Members and Staff Policy attached to this report subject to a correction to 4.6(ii) replacing the word “required” with “deemed” and the following being reviewed at the earliest possible date:

- Clause 3.4(a) & (b) in reference to elected members
- Clause 4.6(b)(iii) dot point 3 being clarified.

CARRIED 7:0

213.5

Review of Delegation D17 Employment of Acting CEO

Author – Janine May, PA to the CEO, 4 September 2015

Reporting Officer - Gary Clark, Chief Executive Officer

PURPOSE

To amend the delegation to authorise the CEO to appoint an Acting CEO for a period not exceeding the CEO’s leave entitlement for one year’s service. **ATTACHMENT**

BACKGROUND

Elected members were advised at the August Concept Forum of the need to amend this delegation to reflect the CEO’s annual leave entitlement.

COMMENT

The current delegation reads as follows:

Delegation	Conditions
<i>To appoint an Acting Chief Executive Officer in his absence</i>	<i>Subject to period involved being no more than four weeks in consultation with the Mayor.</i>

As the Chief Executive Officer is entitled to five weeks leave, it would currently require the preparation of a report and a Council resolution to appoint an Acting CEO if the CEO wished to take their annual leave entitlement at one time.

Statutory Requirements

Local Government Act 1995 s5.42

Relevant Council Policies

CEO Leave Approval Policy (No 1.1.1).

Strategic Plan Implications

N/A

15 September 2015

MINUTES

Financial/Resource/Budget Implications

N/A

Conclusion

It is impractical and inefficient to require the CEO to obtain Council approval for relief arrangements for a period less than five weeks.

Voting Requirements

Absolute Majority

RECOMMENDATION

That Council adopt the revised delegation to the CEO regarding the employment of an Acting CEO attached to this report.

Cr McPhail – Cr Martin

That Council adopt the revised delegation to the CEO regarding the employment of an Acting CEO attached to this report.

CARRIED 7:0
ABSOLUTE MAJORITY

214. CONFIDENTIAL BUSINESS

Cr Martin – Cr McPhail

That this part of the meeting be closed to members of the public in accordance with Section 5.23(2)(a) of the Local Government Act 1995, at 9.40pm. CARRIED 7:0

214.1 CEO Recruitment

A confidential report prepared by the Executive Manager Finance & Administration was considered. **CONFIDENTIAL ATTACHMENT**

Considerable discussion ensued.

Cr Collinson – Cr Rico

That Council approves of the preferred recruitment firm WALGA Executive Recruitment to assist the Employment Committee with the executive search and selection for a Chief Executive Officer. CARRIED 6:1

215. REOPENING OF MEETING TO PUBLIC

Cr McPhail – Cr Martin

That the meeting be reopened to members of the public at 9.55pm. CARRIED 7:0

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

Nil.

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

217.1 East Fremantle welcomes Asylum Seekers into it's Community

Cr Martin – Cr Collinson

That a motion regarding the safe shelter of Syrian refugees be considered a matter of an urgent nature. CARRIED 7:0

Cr McPhail – Cr Collinson

Council endorses and supports the Mayor's September 9 offer to the Premier for Syrian refugees to be given safe shelter within the East Fremantle community's Leeuwin Barracks. CARRIED 7:0

217.2 South West Group – Advancement of the Kwinana Outer Harbour
Cr Watkins – Cr Collinson
That a motion regarding the fast tracking of the Kwinana Outer Harbour be considered a matter of an urgent nature. CARRIED 7:0

Cr McPhail – Cr Martin
Council requests the South West Group prepare a lobbying strategy to advocate for the fast tracking of Kwinana Outer Harbour construction and delivery with federal and state authorities. The Kwinana Outer Harbour is an essential component of a sensible, long term solution to Perth’s freight system. Advancing this should be a high priority for the South West region and Western Australia.

Amendment
Mayor O’Neill – Cr Amor
That the words “South West Group” be replaced with the words “Cities of Fremantle, Cockburn and Kwinana”. CARRIED 7:0

The amended substantive motion was put.

Cr McPhail – Cr Martin
Council requests the Cities of Fremantle, Cockburn and Kwinana prepare a lobbying strategy to advocate for the fast tracking of Kwinana Outer Harbour construction and delivery with federal and state authorities. The Kwinana Outer Harbour is an essential component of a sensible, long term solution to Perth’s freight system. Advancing this should be a high priority for the South West region and Western Australia. CARRIED 7:0

218. CLOSURE OF MEETING
There being no further business, the meeting closed at 10.10pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 15 September 2015, Minute Book reference 195. to 218. were confirmed at the meeting of the Council on
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Presiding Member