



Council Meeting 21 October 2014

MINUTES

**MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON
TUESDAY, 21 OCTOBER 2014 COMMENCING AT 6.35PM.**

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 21 OCTOBER 2014 COMMENCING AT 6.35M.

229. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

229.1 Present

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr M Handcock	
Cr J Harrington	
Cr S Martin	
Cr M McPhail	
Cr M Rico	
Cr A Watkins	
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration (To 8.10pm)
Mr J Douglas	Manager Planning Services (To 7.42pm)
Ms J May	Minute Secretary

230. 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."

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

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

232. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

233. RECORD OF APOLOGIES

Cr Amor.

234. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

235. PUBLIC QUESTION TIME

Nil.

236. APPLICATION FOR LEAVE OF ABSENCE

236.1 Cr Harrington

Cr Harrington requested leave of absence for the 18 November and 9 December 2014 Council Meetings.

Cr Handcock – Cr Watkins

That Cr Harrington be granted leave of absence for the Council Meetings to be held on 18 November and 9 December 2014.

CARRIED

236.2 Cr Rico

Cr Rico requested leave of absence for the 18 November and 9 December 2014 Council Meetings.



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Cr Handcock – Cr Watkins

That Cr Rico be granted leave of absence for the Council Meetings to be held on 18 November and 9 December 2014. CARRIED

236.3**Cr McPhail**

Cr McPhail sought leave of absence for the periods 24 November to 7 December 2014 and 1 January to 22 February 2015.

Cr Handcock – Cr Watkins

That Cr McPhail be granted leave of absence for the periods 24 November to 7 December 2014 and 1 January to 22 February 2015. CARRIED

237.**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****237.1****Council Meeting 16 September 2014****Mayor O'Neill – Cr McPhail**

That the Minutes of the Council Meeting held on 16 September 2014 be confirmed with the following corrections:

- **MB Ref 215.1 Council Meeting 19 August 2014**
That the resolution be amended to replace "15 July" with "19 August"
- **the notation "ABSOLUTE MAJORITY" be inserted following the notation "CARRIED" after resolutions pertaining to:**
 - **MB Ref 220.1 T105.2 Town Planning Delegations for Review**
 - **MB Ref 221.1(A) F31.1 Review of Policy Wording for Councillors and Officers Liability Insurance**
 - **MB Ref 221.1(B)4. F34.1 Review of Delegations of the Chief Executive Officer to Finance Committee**
 - **MB Ref 224.2 Notices of Motion**
- **MB Ref 222.1 Fremantle Rowing Club Community Sport and Recreation Facilities Fund (CSRFF) 2015/16 – 2017/18 Triennium Forward Planning Grant Funding Round**
That the second last paragraph on page 11 commencing "The CEO further noted..." be deleted.
- **MB Ref 224.1 Facilitator – CEO Performance Appraisal**
The dialogue following the officer's report be deleted.

CARRIED**238.****ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION****238.1****East Fremantle Yacht Club/East Fremantle Lawn Tennis Club/East Fremantle Community Garden**

Mayor O'Neill advised that he had attended:

- the opening of the sailing season at the East Fremantle Yacht Club on 18 September 2014
- the opening of the tennis season at the East Fremantle Lawn Tennis Club on 18 October 2014
- a busy bee at the new East Fremantle Community Garden on 19 October 2014.

238.2**Gough Whitlam**

Mayor O'Neill acknowledged the passing today of Gough Whitlam, who had made a significant contribution to Australia's political history.



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

Nil.

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

Nil.

241. CORRESPONDENCE

Nil.

242. TOWN PLANNING & BUILDING COMMITTEE

242.1 Matters referred from Town Planning & Building Committee Meeting – 7 October 2014

(A) T117.8 Dalgety Street No. 71B (Lot 2)

Owner/Applicant: I Kekez & J Matijas

Application No.: P116/14

Mayor O'Neill stated that although his property at 72 Allen Street abuts the subject property at a rear corner point, after consulting the Local Government Department guidelines, he considered he did not have a proximity interest to declare.

Mr Kekez (owner) addressed the meeting in support of his proposal.

Mr Jones (rear neighbor) addressed the meeting requesting Council give consideration to approving an amended proposal locating a fence on the boundary of the two properties

The Mayor foreshadowed a deferral of this application. The owners were asked and advised that they would agree to a deferral.

Mayor O'Neill – Cr Handcock

That the application be held over to the Town Planning & Building Committee Meeting to be held on 4 November 2014 to allow a site visit by elected members and for both parties to consider a more compatible solution. CARRIED

(B) T117.9 Irwin Street No. 9 (Lot 187)

Applicant: MSG Architecture

Owner: T Monson & A Lannon

Application No. P114/14

Cr Martin – Cr Collinson

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

That the application for reroofing, comprising change of existing tiled roof to custom orb zincalume at 9 (Lot 187) Irwin Street, East Fremantle, be refused for the following reasons:

- 1. The proposed development is considered to impact on a dwelling listed on the Town's Municipal Heritage Inventory as a C+ category dwelling. The proposed impact cannot be supported.**
- 2. The proposed development does not comply with the requirements of the Acceptable Development Criteria or Performance Criteria of the Local Planning Policy Residential Design Guidelines as listed:**
 - 3.7.2 Additions and alterations to Existing Buildings.**
- 3. The proposed development does not comply with the following requirements of the Town Planning Scheme No.3:**
 - The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a),(b),(g), (o), and**



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(p) because it is incompatible with existing development and would detrimentally impact upon the heritage value of the existing dwelling and of the streetscape.

4. The proposed development does not comply with the orderly and proper planning of the area.

CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER

(C) T118.2 Local Planning Policy – Residential Design Guidelines

Cr Martin – Cr Handcock

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

That an officer's report be prepared to address the suggestion that the Local Planning Policy – Residential Design Guidelines be amended so that the requirement for the retention of tiled roofs only be for Municipal Inventory/Heritage listed properties. CARRIED

(D) T119.1 Status Report - Planning & Development Services

Cr Martin – Cr Handcock

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

That the Planning & Development Services – Status Report be received. CARRIED

(E) T119.2 Town Planning Delegations for Review

Cr Martin – Cr Handcock

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

That the current delegation to the CEO - Delegation No. 26 - be removed and the authority to approve variations to the Local Planning Policy – Residential Design Guidelines in respect to Crossovers (s3.7.14 – Footpaths & Crossovers) be delegated to the Town Planning & Building Committee. CARRIED

ABSOLUTE MAJORITY

Reason for not Supporting Officer's Recommendation

Council was of the view that the officer's recommendation could not be supported due to the contentious nature of crossovers and given that the Town Planning & Building Committee now has delegated decision making powers, requests for policy variations in relation to crossovers, can be dealt with in a timely manner.

(F) T117.3 Review of Municipal Heritage Inventory and Heritage List

The Manager Planning Services drew attention to a Council resolution dated 10 December 2013 where Council had adopted a communications strategy for the review. Notwithstanding this, he supported the Committee's desire to hold a workshop and briefing.

Cr Martin – Cr Handcock

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

That a workshop and briefing be held with elected members, Griffiths Architects and the Town Planning Advisory Panel to discuss the proposed communication plan and next steps for progressing the Heritage Review of the Town. CARRIED

Reason for not Supporting Officer's Recommendation

Elected members were of the view that more information was required on the proposed communication plan/next steps required for the progressing of the Heritage Review of the Town.

Mayor O'Neill declared a proximity interest in the matter of the East Fremantle Oval Recreation Precinct as he lives opposite East Fremantle Oval and left the meeting at 7.35pm.

In the absence of the Mayor, the Deputy Mayor assumed the Chair.



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- 242.2** **East Fremantle Oval Recreation Precinct**
By Jamie Douglas, Manager Planning Services on 2 October 2014

PURPOSE OF THIS REPORT

The Department of Sport and Recreation has requested that the grant funding of \$50,000 which was provided to assist in the preparation of a Master Plan, Outline Development Plan and supporting business case for redevelopment of the East Fremantle Football Club facilities be returned (refer attached letter). **ATTACHMENT**

It is recommended that Council consider if it wishes to proceed with further planning for redevelopment of the precinct at this time and if it does not, then the total amount of the grant funding (which is unspent) be returned.

DISCUSSION

At its meeting on 17 June 2014, Ms Fiona Winfield, Chair of the East Fremantle Oval Community Reference Group presented the Group's Final Report to Council. At the subsequent July meeting of Council, the East Fremantle Football Club's (then) CEO Adam Kelly reported to Council on the Club's actions to investigate possible co-location opportunities at the Fremantle Oval. Mr Kelly expressed the view that the Club's current preference is to remain at the East Fremantle Oval if redevelopment of the existing facilities is feasible in the near term.

It is considered that until the EFFC's plans in respect to possible co-location are resolved and the decision in respect to Council amalgamation is determined, it is difficult to progress further with redevelopment planning. It will not therefore be possible to achieve the key deliverables of the Grant Agreement within an acceptable timeframe. Accordingly, it is recommended that the grant funding of \$50,000 should be returned to the DSR.

RECOMMENDATION

That the Department of Sport and Recreation Grant of \$50,000 be returned to the Department on the basis that Council will be unable to meet the key deliverables of the Grant Agreement within an acceptable timeframe.

Cr Collinson – Cr Handcock

That the Department of Sport and Recreation Grant of \$50,000 be returned to the Department on the basis that Council will be unable to meet the key deliverables of the Grant Agreement within an acceptable timeframe. **CARRIED**

The Mayor returned to the meeting at 7.42pm and resumed the Chair. It was noted he did not speak or vote on the previous item.

The Manager Planning Services left the meeting at 7.42pm.

243. FINANCE

- 243.1** **Monthly Financial Activity Statement for Period Ending 31 August and 30 September 2014**
By Les Mainwaring Executive Manager Finance & Administration on 7 October 2014

PURPOSE

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

BACKGROUND

Given the absence of the Executive Manager Finance and Administration at the 16 September ordinary meeting, this report comprises the financial results from the two



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monthly periods of August/September 2014 with commentary focussing on comparisons to the year to date budget position as at 30 September 2014.

The monthly Financial Activity Statement for the period ending 30 September 2014 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

ATTACHMENT

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT**Introduction/Comments**

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

Revised Budget Forecast

The current budget forecast for the 30 June 2015 indicates a balanced budget of \$0 which is the budget position adopted 12 August 2014.

Three amendments have been identified in this August/September monthly report; and the net result of these amendments proposes a budget movement of;
\$2,500 increase in closing funds

Should the proposed budget amendments be adopted in this report, the revised budget forecast for the 30 June 2015 will increase from \$0 to a surplus of \$2,500.

\$20,000 Additional income from investigation and recovery of contract retention sum owed to Council from trust. Investigation of aged trust balances is an on-going project that will continue through to the 30 June 2015.

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

\$7,500 Carryover cost of Bus Shelter disability access upgrade on Canning Hwy, delay in project completion by Perth Transport Authority.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 99%; is \$88,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 87%; is \$267,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$202,000 more than the YTD budget (Favourable).

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

The significant unfavourable variance within operating revenue is the transfer of developer contribution for the Plympton Parking project which is yet to commence, whereas the favourable variances have come from the raising of mooring pen lease fees and early grant payment of the Home and Community Care program.

Operating Expenditure is 12% favourable to year to date budget.



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The main areas of favourable variation is timing differences on recovery of governance expenditure such as software licensing, insurance and accrued expenses and community amenities timing of waste collection and waste processing charges. Unfavourable variances in Transport are because of the early activity on road maintenance and verge maintenance.

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

The current year's capitals works programmes had not commenced at reporting date until adoption of the budget, but for carryover works such as the Plympton Steps.

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

Capital Programs YTD Progress Summaries

Annual Timeline 8% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 4% expended

Plant & Equipment 0% expended

Furniture & Equipment 4% expended

Capital expenditure is \$3,803,000 less than the YTD budget (Favourable) which represents 98% of the capital programs to be completed. The report provides details on individual capital works in progress as at 31 July 2014.

Statutory Requirements

Local Government Act 1995 (As amended)

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

Relevant Council Policies

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

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

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

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

\$20,000	I04086 Favourable recovery of contract retention held in trust
\$10,000	E04270 Additional cost of sponsorship for "Future Freo" project.
\$ 7,500	E12719 Bus Shelter disability upgrade on Canning Hwy
\$ 2,500	Increase in closing funds

Conclusion

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

Voting Requirements

Absolute Majority



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RECOMMENDATION

That Council:

1. receives the August/September Financial Activity Statement for the period ending 30 September 2014.
2. adopts the budget amendment recommendations with the following variations for the period 1 July 2014 to 30 September 2014 and amends the budget accordingly:

\$20,000	I04086	Additional revenue from Trust Recovery
\$10,000	E04270	Additional sponsorship Future Freo project.
\$ 7,500	I03055	Carryover cost of Bus Shelter disability upgrade on Canning Hwy
\$ 2,500		Increase in closing funds

Cr McPhail – Cr Handcock

That Council:

1. receives the August/September Financial Activity Statement for the period ending 30 September 2014.
2. adopts the budget amendment recommendations with the following variations for the period 1 July 2014 to 30 September 2014 and amends the budget accordingly:

\$20,000	I04086	Additional revenue from Trust Recovery
\$10,000	E04270	Additional sponsorship Future Freo project.
\$ 7,500	I03055	Carryover cost of Bus Shelter disability upgrade on Canning Hwy
\$ 2,500		Increase in closing funds

CARRIED UNANIMOUSLY
ABSOLUTE MAJORITY

243.2**Accounts for Payment – August/September 2014***By Les Mainwaring, Executive Manager Finance & Administration on 7 October 2014***PURPOSE**

To endorse the list of payments made under delegated authority for the period 1 August to 31 August and 1 September to 30 September 2014.

BACKGROUND

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

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

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

Local Government (Financial Management) Regulations 1996 – Regulation 13

Comments/Discussion

The List of Accounts paid for the period beginning 1 August and ending 30 September 2014 requires endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts paid for the periods beginning 1 August and 31 August 2014 and 1 September and 30 September be received, as per the following summary tables:



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August 2014		
Voucher Nos	Account	Amount
4770 – 4782	Municipal (Cheques)	\$26,368.27
EFT 19679 – EFT 19810	Electronic Transfer Funds	\$529,242.78
Payroll	Electronic Transfer Funds	\$179,223.54
	Municipal Total Payments	\$734,834.59

September 2014		
Voucher Nos	Account	Amount
4783 – 4796	Municipal (Cheques)	\$8,871.98
EFT 19811 – EFT 19959	Electronic Transfer Funds	\$781,138.99
Payroll	Electronic Transfer Funds	\$185,233.39
	Municipal Total Payments	\$975,244.36

Cr McPhail – Cr Handcock

That the List of Accounts paid for the periods beginning 1 August and 31 August and 1 September and 30 September 2014 be received.

CARRIED**243.3*****Dog Amendment Regulations 2014 – Changes Affecting Dog Local Laws***

By Les Mainwaring Executive Manager Finance & Administration on 6 October 2014

PURPOSE

To re-establish existing dog control laws within the Town boundaries.

BACKGROUND

The Town's Dog Local Laws previously established both authorised dog exercise areas and/or prohibited dogs absolutely from specific areas under the Town of East Fremantle's control.

From the 1 November 2013, the Dog Amendment Act removed local government's ability to make Local Laws in respect of:-

- A/** areas available for use as authorised off lead dog exercise areas, and,
- B/** areas at which dogs are prohibited at all times and under all circumstances (excluding approved assistance dogs consistent with the Disability Discrimination Act 1992).

In order to relieve local governments from having to follow the lengthy process of removing these provisions from their Local Laws by following the Local Laws adoption process set out in section 3.12 of the Local Government Act 1995, the Dog Regulations provided a sunset date of 31 July 2014 for the operation of those clauses to cease. Dog amendment regulations were gazetted in May 2014.

This meant that local governments with Local Laws that contain clauses which establish authorised dog exercise areas, or prohibit dogs from areas, would become inoperative from the 31 July 2014.



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Should local governments wish to re-establish exercise areas or specify places where dogs are prohibited, they are to do so via an absolute majority resolution in accordance with amended Section 31 of the Dog Act 1976, rather than through a Local Law process.

REPORT

Currently where people are acting in good faith by exercising their dogs off lead in accordance with sign posted authorised dog exercise areas, they are now technically breaching Section 31 of the Dog Act 1976. During this interim period, Rangers have taken a common-sense approach and are respecting the previous arrangements where residents/visitors are acting in good faith in accordance with the existing signage.

Council can resolve the situation quickly by simply adopting an absolute majority resolution reaffirming all current authorised dog exercise areas and areas at which dogs are prohibited as identified previously under the Town's Dog Local Laws.

If Council carries a resolution reaffirming existing arrangements then no delays are required for advertising of either proposed dog exercise areas and/or prohibited areas, and the resolution will have immediate effect in re-establishing dog control laws within the Town.

The Senior Ranger has confirmed in writing with Ms Vicki Gilmore, Legislation Officer with the Department of Local Government and Communities that should Council choose to keep the same areas that are currently listed in the Dog Local Laws, as either authorised dog exercise areas or places where dogs are prohibited, then public notice will not be necessary as public consultation on these areas occurred as part of the Dog Local Laws making process.

This option gives immediate effect to existing dog control laws, and offers the least disruption to Council, residents and visitors to the Town as most are already aware of the relevant sign posted areas. It also doesn't inhibit the modification of future dog control laws now that the process has been simplified.

Section 5.2 (1) of the Town's current Dog Local Laws reads as follows:

Places which are dog exercise areas

Subject to clause 5.1 (Places where dogs are prohibited absolutely) and sub clause (2) of this clause, for the purposes of section 31 and 32 of the Act, the following are dog exercise areas -.

Authorised Dog Exercise Areas

- (1) Preston Reserve, Preston Point Road*
- (2) Henry Jeffery Oval, Preston Point Road*
- (3) Upper Wauhop Park, Wauhop Road*
- (4) Silas Street Reserve, Corner of George Street and Silas Street (From George Street tunnel to St. Peters Road within the bollard lined grassed reserve area).*
- (5) River foreshore area (currently sign posted from the boundary line of John Tonkin Reserve Car Park to rock groyne adjacent to Swan Yacht Club lease area).*

Section 5.2 (2) reads-

Sub clause (1) does not apply to –

- (a) Land which has been set apart as a children's playground;*
- (b) An area being used for sporting or other activities, as permitted by the Local Government, during the times of such use; or*
- (c) A car park.*

Section 5.1 (1) and (2) of the Towns Dog Local Laws read as follows:-



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Places where dogs are prohibited absolutely

5.1(1) *Dogs are prohibited absolutely from entering or being in any of the following places –*

- (a) A public building unless permitted by a sign*
- (b) A theatre or picture gardens*
- (c) All premises or vehicles classified as food premises or business or food vehicles under the Health (Food Hygiene) Regulations 1993 or Food Standards Code, and*
- (d) A public swimming pool.*

5.1 (2) reads as follows:-

If a dog enters or is in a place specified in sub clause (1), every person liable for the control of the dog at the time commits an offence.

Comment

Should local government wish to amend or establish new exercise areas, or specify places where dogs are prohibited, then this can be achieved via absolute majority Council resolution in accordance with amended section 31 of the Dog Act 1976, rather than through a local law process.

Council may wish to consider the option of developing a process for identifying new exercise areas and/or areas where dogs are prohibited or modify the use of existing areas, noting that local governments are required to give 28 days notice of the intention to specify changes to dog exercise or prohibited areas to allow for sufficient public consultation to take place.

Statutory Requirements

Local Government Act 1995 (As amended)

Dog Act 1976 (Section 31)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Nil

Conclusion

That Council re-establishes all current authorised dog exercise areas and areas at which dogs are prohibited absolutely as identified previously under the Towns Dog Local Laws.

Voting Requirements

Absolute Majority

RECOMMENDATION

That Council declares:

1. the following areas as dog exercise areas;
 - Preston Reserve, Preston Point Road
 - Henry Jeffery Oval, Preston Point Road
 - Upper Wauhop Park, Wauhop Road
 - Silas Street Reserve, Corner of George Street and Silas Street (From George Street tunnel to St Peters Road within the bollard lined grassed reserve area).
 - river foreshore area (currently sign posted from the boundary line of John Tonkin Reserve Car Park to rock groyne adjacent to Swan Yacht Club lease area)
- except for –



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- land which has been set apart as a children's playground;
 - an area being used for sporting or other activities, as permitted by the Local Government, during the times of such use; or
 - a car park.
2. the following areas as dog prohibited areas;
- a public building unless permitted by a sign
 - a theatre or picture gardens
 - all premises or vehicles classified as food premises or business or food vehicles under the Health (Food Hygiene) Regulations 1993 or Food Standards Code, and
 - a public swimming pool.

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

Absolute Majority Resolution Required

Cr Harrington – Cr McPhail

That Council declares:

1. the following areas as dog exercise areas;
- Preston Reserve, Preston Point Road
 - Henry Jeffery Oval, Preston Point Road
 - Upper Wauhop Park, Wauhop Road
 - Silas Street Reserve, Corner of George Street and Silas Street (From George Street tunnel to St Peters Road within the bollard lined grassed reserve area).
 - river foreshore area (currently sign posted from the boundary line of John Tonkin Reserve Car Park to rock groyne adjacent to Swan Yacht Club lease area)
- except for –
- land which has been set apart as a children's playground;
 - an area being used for sporting or other activities, as permitted by the Local Government, during the times of such use; or
 - a car park.
2. the following areas as dog prohibited areas;
- a public building unless permitted by a sign
 - a theatre or picture gardens
 - all premises or vehicles classified as food premises or business or food vehicles under the Health (Food Hygiene) Regulations 1993 or Food Standards Code, and
 - a public swimming pool.

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

CARRIED UNANIMOUSLY
ABSOLUTE MAJORITY

Cr McPhail made the following impartiality declaration in the matter of Fremantle Rowing Club 2014 Corporate Challenge: "As a consequence of my membership of the Fremantle Rowing Club, 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".

243.4 Fremantle Rowing Club 2014 Corporate Challenge

By Les Mainwaring Executive Manager Finance & Administration on 6 October 2014

PURPOSE

To consider entering the Fremantle Rowing Club Corporate Challenge as a corporate sponsor with entry for two teams.



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BACKGROUND

The Town of East Fremantle has supported the Fremantle Rowing Club's corporate challenge over the past four years, culminating in the entry of two teams last year that achieved creditable success in the heats of fours and eights races.

The highlight of the tournament came when the combined Town of East Fremantle eights team came from behind to outclass their City of Fremantle colleagues in a head to head clash that thrived on local government rivalry.

ATTACHMENT**REPORT**

The lead up to the challenge requires teams to form up and attend a weekend induction day, followed by four weeks of 5:30am morning training sessions in order to acquire the necessary skills, fitness, technique and team work required for successful competition.

Participants found health benefits by increasing fitness levels in the lead up to the summer season as well as the all-important team building that goes with synchronised training and competition. The intent is to fill one team each from elected members and staff to create a good balance.

Last year the Town entered as a corporate sponsor with rowing team, plus an additional rowing team for the sum of \$4,100. Entry fees have remained the same as last year.

Registration for entry closes 24 October 2014 and Council is required to consider all sponsorship proposals, although rowing teams could be entered for team building aspects only.

Statutory Requirements

Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

\$12,000 is available for general sponsorship.

Conclusion

That Council continues support for involvement in the 2014 corporate rowing challenge.

Voting Requirements

Simple Majority

RECOMMENDATION

That Council delegates to the CEO authority to register as a corporate sponsor for the Fremantle Rowing Club 2014 Corporate Challenge, and arrange for the entry of teams as necessary.

Cr Collinson – Cr McPhail

That Council delegates to the CEO authority to register as a corporate sponsor for the Fremantle Rowing Club 2014 Corporate Challenge, and arrange for the entry of up to three teams.

CARRIED**244. REPORTS OF ELECTED MEMBERS****244.1 Cr McPhail – SMRC**

Cr McPhail provided an update on current matters relating to the SMRC.

The Executive Manager Finance & Administration left the meeting at 8.10pm.



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245. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER**245.1 WALGA's Poll Provisions Advocacy Position***By Gary Clark Acting Chief Executive Officer on 9 October 2014***PURPOSE**

To provide Council's views to WALGA to assist them to advocate on behalf of the sector about the poll provisions contained in Schedule 2.1 of the Local Government Act 1995.

BACKGROUND

The State Government have sought to vary the poll provisions to make it more difficult for communities to resist their local government structural reform agenda. One strategy has been the consideration of boundary changes rather than amalgamations because the poll provisions don't apply to a boundary change.

The attached information page from WALGA provides additional background.

ATTACHMENT**REPORT**

WALGA's current policy position, from their annual general meeting, is to advocate for the poll provision to apply to *"significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia"*

WALGA is now seeking to determine what the majority of local governments consider would define as a "significant boundary adjustment". They have provided two options;

1. Seeking a poll on any boundary change with the assumption that the community would determine the significance through the level of interest the proposed change generates and therefore the level of turn out for any poll.
2. Setting a percentage variation in population, rateable properties, or revenue to trigger the community's right to call a poll.

Statutory Requirements

Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Nil

Conclusion

Given WALGA's comments about the difficulty in forecasting the criteria for determining what might constitute "significantly affected" or a "significant boundary adjustment" it would appear that the option one would be preferred.

Voting Requirements

Simple Majority

RECOMMENDATION

That WALGA be advised that Council supports the poll provisions, contained in Schedule 2.1 of the Local Government Act 1995, applying to any local government boundary change proposal.



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Cr Collinson – Mayor O'Neill

That WALGA be advised that Council supports the poll provisions, contained in Schedule 2.1 of the Local Government Act 1995, applying to any local government boundary change proposal.

CARRIED UNANIMOUSLY

245.2

Future Freo Project

By Gary Clark Acting Chief Executive Officer on 9 October 2014

PURPOSE

Council is asked to nominate a representative to the steering committee for the Future Freo Project.

BACKGROUND

Council has entered into a sponsorship agreement with the Committee for Perth's Future Freo project.

Council has been asked to nominate a representative steering committee for the project. The role of the steering committee is outlined in the attached agreement.

ATTACHMENT

REPORT

It would be preferable to have an elected member and a staff member attend steering committee meetings for ease of reporting back to Council on the progress of the project. However as the agreement limits the Town of East Fremantle to one representative it would be appropriate to nominate an elected member that will ensure relevant information is reported back to staff for discussion at the next Council Concept Forum.

The nominated representative will need to provide a short biography and photograph to the Committee for Perth.

Statutory Requirements

Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

The inclusion of East Fremantle in the scope of the Future Freo project will help ensure that the community is represented when the project outcomes are promoted to government and industry stakeholders.

The project has the potential to positively impact the three strategic key focus areas of Community Identity, Infrastructure and Services and Lifestyle.

Financial/Resource/Budget Implications

Nil

Conclusion

Council will nominate and elected member to represent the Town of East Fremantle on the steering committee for the Future Freo project.

Voting Requirements

Simple Majority

RECOMMENDATION

That the Committee for Perth be advised that Councillor _____ is nominated as the Town of East Fremantle's representative on the steering committee for the Future Freo project.



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Mayor O'Neill – Cr Collinson

That the Committee for Perth be advised that Councillor Michael McPhail is nominated as the Town of East Fremantle's representative on the steering committee for the Future Freo project with Councillors Martin and Harrington appointed as deputy representatives. CARRIED

Cr Rico drew attention to an error in point 8 of Appendix A of the sponsorship agreement and the CEO undertook to have this amended.

245.3***Proposed Council Forum***

By Gary Clark Acting Chief Executive Officer on 9 October 2014

PURPOSE

To request Council's support for establishing a monthly Council Forum to enable Councillors and staff to discuss matters outside the formal council meeting framework.

BACKGROUND

The Department of Local Government and Communities (DLGC) produced guidelines for Council Forums in January 2004.

It was acknowledged that many local governments conducted informal sessions to allow elected members and staff to share information, discuss strategic and policy issues, hear briefings from stakeholders and report on activities. These sessions were generally not open to the public and there was some criticism about transparency and accountability.

The guidelines were intended to provide some balance between the need for communication between staff and elected members and the need for transparency in decision making.

REPORT

There is evidence that regular meetings outside of the formal council meeting framework leads to better informed elected members. A high level of communication helps to maintain a level of trust and confidence between elected members and staff.

A Council Forum is an opportunity to share all information that does not require a formal decision of Council. Information such as reports from Councillors and updates from officers on the progress of projects doesn't need any decisions but serve to better inform and alert everyone to emerging issues. This allows the Council meeting to be restricted to decision making and often results in a shorter Council meeting.

The attached guidelines indicate that a concept forum using the model procedures would be of most use to the Town of East Fremantle. Agenda headings could include stakeholder briefings, strategic or concept issues, project updates, answers to Councillor's questions, Councillor reports and staff reports.

Given the recent suggestions for items to be included in future forums there may be a need to hold more than one per month. It may be possible to hold a forum after the Council meeting to hear Councillor reports. This could be open to the public.

The second Tuesday of the month is the only Tuesday that does not have a monthly meeting although this is when the Works Committee meets every second month. It is therefore suggested that the forum be held on the second Thursday of the month to avoid public holidays and the preparation of the agendas for the other meetings.

Statutory Requirements

Part 5 of Local Government Act 1995 (As amended)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Nil

Conclusion

A Council Concept Forum held on the second Thursday of each month in accordance with the DLGC guidelines will provide opportunity for improved communication and better informed elected members.

Agenda headings should include stakeholder briefings, strategic or concept issues, project updates, answers to Councillors' questions, Councillor reports and staff reports.

Voting Requirements

Simple Majority

RECOMMENDATION

That a Council Concept Forum be held on the second Thursday of each month in accordance with the DLGC Guideline 05 – Council Forum.

Mayor O'Neill – Cr Handcock

That a Council Concept Forum be held monthly on a day to be confirmed in accordance with the DLGC Guideline 05 – Council Forum. CARRIED

245.4 Status Report**ATTACHMENT****Cr Collinson – Cr McPhail**

That the status report be received. CARRIED

246. CONFIDENTIAL BUSINESS

Nil.

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

Nil.

248. ADJOURNMENT**Cr Collinson – Cr McPhail**

That the meeting be adjourned at 8.46pm. CARRIED

249. RESUMPTION**Cr McPhail – Cr Handcock**

That the meeting be resumed at 8.48pm. CARRIED

250. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**250.1 Community Visioning – Adoption of Brief****Cr McPhail – Cr Handcock**

That the matter of the adoption of a Community Visioning Brief be heard. CARRIED

Community Visioning – Project Brief

By Gary Clark Acting Chief Executive Officer on 14 October 2014

PURPOSE

To authorise the Acting Chief Executive Officer to appoint James Best of BBC Consulting to facilitate the Community Visioning Project.



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BACKGROUND

Council resolved the following at its meeting on the 18th June 2014:

"Community Visioning for East Fremantle

That Council:

- (a) embarks upon a Visioning project as outlined in this motion;*
- (b) allocates an amount of \$30,000 in the 2014/2015 draft budget in order to facilitate the visioning project; and*
- (c) visioning project be designed in such a way as to augment the current Strategic Plan and Strategic Community Plan, in line with existing timeframes but taking into account the need to incorporate the community outcomes of the Visioning process at the earliest practical opportunity.*
- (d) engage suitably qualified external consultant, James Best in the first instance, as an independent facilitator to assist the Town and Council with the Visioning Project in accordance with the Terms of Reference.*

Terms of Reference

- 1. Appoint an external visioning consultant to facilitate the creation of a long term aspiration-based plan that could guide the future direction of the community of East Fremantle.*
- 2. Facilitating conversations on the changing nature of local community and our external environment, and the need to better understand the values and hopes of residents in order to create a great place for people to live, work and visit*
- 3. Creating partnerships – 'us together' using the Oregon Model of visioning. (Considered to be best practice for identifying the visions of the community as it is a process through which any community can create a shared vision for their future and in essence, begin to make that vision a reality).*
- 4. Reporting findings using the Visioning framework to assist strategic planning, policy and decision-making that will be especially useful during the Local Government reform transition period and beyond*
- 5. Sustainability Implications: the development of a Community Vision for East Fremantle will ensure that the community actively participates in shaping and planning for its future. This will help to foster:*
 - Sustainable, inclusive, communities within the Town*
 - Sustainable community groups who will gain from developing a network-of-networks and knowledge sharing opportunities created through the visioning*
 - Developing a greater understanding of what matters to residents and visitors – their ideas, suggestions, concerns and what locals want to do across the community*
 - Ensuring that the current and future Local Government Authority is responsive to identified community priorities*
 - Report findings and recommendations to Council for consideration.*

REPORT

The Acting Chief Executive Officer met with James Best on Friday 10th October to get some background on the visioning methodology. The process appears to align with the terms of reference within the June decision of Council.

There is potential to build social capacity that could sustain any place making initiatives for the East Fremantle community should the local government reform process result in the Town of East Fremantle being amalgamated into a larger local government.

The Acting Chief Executive Officer has requested Mr Best prepare a project brief that includes a community engagement plan, project milestones, project deliverables and a cost estimate. It was intended that Council approve the project brief however that would delay the commencement of the project until after the November Council meeting.

Council may wish to authorise the Acting Chief Executive Officer to appoint BBC Consulting subject to the Project Brief being satisfactory. This would be done in consultation with nominated Councillors.

Statutory Requirements

Local Government Act 1995 (As amended)



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Relevant Council Policies

Council's purchasing policy requires that at least three verbal or written quotations be obtained for purchases between \$1,001 and \$19,999.

No alternative quotations have been obtained. It may have been prudent to obtain alternative quotes in June. However the timeframe for the project would not be feasible if there were any further delays in appointing a consultant.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

Nil

Conclusion

In order to commence the project before Christmas it would be expedient to authorise the Chief Executive Officer to engage the consultant subject to a satisfactory project brief.

Voting Requirements

Simple Majority

RECOMMENDATION

That Council;

1. authorise the Acting Chief Executive Office to engage James Best of BBC Consulting to facilitate the Community Visioning Project subject to a satisfactory project brief.
2. direct the Acting Chief Executive Officer to consult with the Mayor and Councillors _____ and _____ about the suitability of the project brief.
3. note that the non-compliance with the purchasing policy.

Cr McPhail – Cr Harrington

That Council;

1. authorise the Acting Chief Executive Office to engage James Best of BBC Consulting to facilitate the Community Visioning Project subject to a satisfactory project brief.
2. direct the Acting Chief Executive Officer to consult with the Mayor and Councillors McPhail and Harrington about the suitability of the project brief.
3. note that the non-compliance with the purchasing policy.

CARRIED UNANIMOUSLY

251.

CLOSURE OF MEETING

There being no further business, the meeting closed at 9.08pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 October 2014**, Minute Book reference **229. to 251.** were confirmed at the meeting of the Council on*

.....

Presiding Member