



Council Meeting 19 February 2013

MINUTES

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 19 FEBRUARY 2013 COMMENCING AT 6.30PM.

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MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 19 FEBRUARY 2013 COMMENCING AT 6.30PM.

7. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

7.1 Present

Mayor A Ferris	Presiding Member
Cr B de Jong	
Cr S Martin	
Cr R Olson	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration
Mr J Douglas	Manager Planning Service (To 7.25pm)
Ms J May	Minute Secretary

8. 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.”

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

There were 36 members of the public in the gallery at the commencement of the meeting.

The Mayor introduced elected members and staff and acknowledged former Mayor Jim O'Neill in the gallery.

10. RECORD OF APPROVED LEAVE OF ABSENCE

Cr Collinson
Cr Lilleyman

11. RECORD OF APOLOGIES

Nil.

12. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

13. PUBLIC QUESTION TIME

13.1 Pat Newton, Alexandra Road

“My husband and I asked a section of the residents of the Richmond Ward for support for the motion put to the Ratepayers Meeting. We did this in writing asking for a written response to be returned to Mr Wearne or us personally. How many responses were received at the Council Office? We know some were.

At the invitation of the Mayor, the CEO responded, advising that he did not know the exact number and would therefore take this question on notice and respond to Mrs Newton shortly. The CEO stated he did not believe there had been more than four or five at this time.



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14. APPLICATIONS FOR LEAVE OF ABSENCE

14.1 Cr Martin

Cr Martin requested leave of absence for the Council Meeting on 21 May 2013.

Cr Olson – Cr Nardi

That leave of absence be granted to Cr Martin for the Council Meeting on 21 May 2013. CARRIED

14.2 Cr Nardi

Cr Nardi requested leave of absence for the Council Meeting on 15 July 2013.

Cr Olson – Cr Nardi

That leave of absence be granted to Cr Nardi for the Council Meeting on 15 July 2013. CARRIED

14.3 Cr de Jong

Cr de Jong requested leave of absence for the Council Meeting on 21 May 2013.

Cr Olson – Cr Nardi

That leave of absence be granted to Cr de Jong for the Council Meeting on 21 May 2013. CARRIED

15. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15.1 Council Meeting – 11 December 2013

Cr Wilson – Cr Martin

That the Minutes of the Council Meeting held on 11 December 2012 be confirmed with the following corrections:

MB Ref 320.1 Application for Leave of Absence – Cr Lilleyman

The resolution be amended to read as follows:

“That leave of absence be granted to Cr Lilleyman for the Council Meetings on 19 February and 19 March 2013”.

MB Ref 336.1 Renewal of CEO’s Contract of Employment

The inclusion of the following resolution:

“Mayor Ferris – Cr Olson

That:

- 1. the report be endorsed and deemed to constitute the initiation of discussions, pursuant to Clause 5 of the CEO’s Contract of Employment.***
- 2. the CEO report further on this issue to a Special Council meeting to be held on Wednesday, 13 February 2013.***
- 3. the report to include information on the process for contract negotiation and the option of using a facilitator to assist elected members in this process.***
- 4. the CEO report for the Special Council meeting against the Performance Criteria in the contract be provided to elected members by 31 January 2013. CARRIED”***

CARRIED

15.2 Special Council Meeting – 17 December 2012

Cr Wilson – Cr Martin

That the Special Council Meeting held on 17 December 2012 be confirmed.

CARRIED

15.3 Special Council Meeting – 13 February 2013

Cr Wilson – Cr Martin

That the Special Council Meeting held on 13 February 2013 be confirmed. CARRIED



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16. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

(These announcements were circulated to elected members prior to the meeting with the advice that they would appear in the minutes of the meeting.)

16.1 Nick Jones, King Street

Letter thanking Council for a grant of \$300 for their son Sam to assist him in participating in an international soccer tournament. The letter read, in part *"Many thanks Stuart. What a delightful surprise!" We are proud to know that this level of support and acknowledgement is provided by our local government in these circumstances.*"

16.2 Teen Support Program

Thank you card and photo from all of the attendees at the Teen Support Program run over Christmas by Sue Limbert (now names the "Summer Holiday Club").

16.3 Liza Harvey MLA Minister for Police: Road Safety

Letter advising that in response to a funding application by Council, the Town had been granted \$20,000 under the State Graffiti Fund towards further Bus Stop Beautification projects.

16.4 Shire of Narmbeen on behalf of Wheatbelt Railway Retention Alliance

Letter thanking Council for its donation towards the campaign for the retention of the Tier 3 Railways in the Wheatbelt region. The letter concluded *"Thank you we appreciate your kind contribution and continuing support"*.

16.5 Pat Newton

Letter regarding JP Services and stating, in part:

"The purpose of my correspondence is to thank the Town of East Fremantle for the support that is given to us as a group by the council through its involvement with the City of Fremantle in many community services as, without that support we would not be able to provide the service we give. I would also like to thank the Town of East Fremantle for hosting the March meeting of our association every year. The hospitality extended to the JPs of the area is very much appreciated."

16.6 Hans Hug, Coordinator, Fremantle Chamber Orchestra

Thanking the Mayor and Councillor for Council's support and noting Council's sponsorship is noted on all promotional material.

16.7 Pat Newton, Alexandra Road

Letter from Pat and John Newton thanking Council staff for "the prompt and efficient manner" in which they dealt with an issue regarding the verge on the crest of the hill in Alexandra Road.

16.8 Radio Lollipop

Letter and certificate thanking the Town of East Fremantle for supporting Radio Lollipop and allowing volunteers to conduct a stall at the East Fremantle Festival, which raised funds for this charity, which assists children in hospital.

16.9 Margaret Pearce

Email to Mayor Ferris from Susan Nelson the Care Manager of Pilgrim House, which read as follows:

"Good afternoon, I would like to thank Alan Ferris on behalf of Margaret Pearce a resident of Pilgrim aged care facility for his best wishes on her 90th birthday celebrated on the 28 February 2013. She was very overwhelmed and humbled by this letter and especially as it was hand delivered."

16.10 Marjorie Green, View Terrace

Card from former Councillor Marjorie Green of View Terrace to all Councillors and staff wishing the Council well *"from a very satisfied resident"*.

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16.11 Phaedra Adamson

Letter stating, in part:

"I really love all the amazing work that has been done to improve the parks around East Fremantle the George Street park is just fantastic.

Also I would like to take this opportunity to mention that there is a ranger working for you that is doing an outstanding job, I have seen him many times out and about getting jobs done. From simple fixing a gate at George Street park to overseeing the boat ramp upgrade at Zephyr Café. I don't know his name but I can see he is great at this job."

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

Nil.

18. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**18.1 Mayor Ferris – East Fremantle Oval Precinct**

Mayor Ferris advised the meeting that it was his intention, after deliberation on his "Motion of Due Notice", to change the order of business by bringing forward the CEO's report on the Electors' Meeting.

Before proceeding to call for a seconder for his motion, the Mayor invited comment from members of the public.

No queries were raised.

Mayor Ferris – Cr Wilson

That:

- 1. Council note the decision of the Electors' Meeting*
- 2. Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure*
- 3. no further work be undertaken on this project until Council has received and considered the report referred to above.*
- 4. Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development of the East Fremantle Oval Precinct.*

Considerable discussion ensued.

Cr Rico spoke against the engagement of consultants to conduct the detailed building condition assessment as she considered this work had previously been undertaken.

The motion was put.

Mayor Ferris – Cr Wilson

That:

- 1. Council note the decision of the Electors' Meeting**
- 2. Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure**
- 3. no further work be undertaken on this project until Council has received and considered the report referred to above.**
- 4. Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development of the East Fremantle Oval Precinct.**

CARRIED

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Rico requested that the voting of Council members be recorded.

Crs Nardi, Martin, Olson, Wilson, de Jong and the Mayor voted in favour of the recommendation with Cr Rico having voted against the motion.

19. ORDER OF BUSINESS

Cr Olson – Cr Nardi

That the order of business be changed to bring forward the CEO's report on the Electors' Meeting for consideration. CARRIED

20. REPORTS OF CHIEF EXECUTIVE OFFICER

20.1 2011/12 Electors' Meeting

By Stuart Wearne, Chief Executive Officer, on 15 February 2013

PURPOSE

The purpose of this report is to facilitate consideration of decisions taken at the 2011/12 Electors' Meeting.

BACKGROUND

Under Section 5.33(1) of the Local Government Act 1995, all decisions made at an Electors' Meeting "are to be considered at the next ordinary council meeting or, if that is not practicable" at the next meeting thereafter.

Section 5.33(2) of the Act provides that *if* the Council makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes. (author's italics)

At the 2011/12 Electors' Meeting, held on Monday, 4 February 2013 only one formal decision was involved, with the following resolution being passed:

"This meeting calls upon the Town of East Fremantle Council to:

- *not proceed with any further planning of the rezoning of the East Fremantle A Class reserve which is bounded by Marmion, Fletcher, Moss and Allen Streets and it remain as an A class reserve in its entirety.*
 - *leave the croquet and bowling clubs in their present locations with their current land holding.*
 - *a community group be formed that will work with the Council to ensure better public access and passive recreational development and landscaping to the East Fremantle Oval A class reserve that better address it's A class reserve status and community recreational needs."*
- ATTACHMENT**

With respect to the resolution, Council's options are, having considered the matter:

- (i) to make no formal decision and to then proceed to other business. The minutes would record the decision of the Electors' Meeting was received and effectively the status quo would remain.
- (ii) to make a formal decision to take no action on the matter, or to reaffirm any relevant previous decisions of Council, or to pass a resolution of similar effect.
- (iii) to make a decision in accordance with the resolution passed at the Electors' Meeting.
- (iv) to make an alternative decision in relation to the resolution at the Electors' Meeting.
- (v) to defer the matter for further consideration.

REPORT

The author does not propose to discuss the merits, or otherwise, of the decision taken at the Electors' Meeting, and consequently makes no comment on the abovementioned five options with regard to how Council should deal with the decision, with the exception of option (iv).

This is because, based on:

- (i) informal discussions amongst elected members which have taken place since the Electors' Meeting
- (ii) the consequent motion the Mayor has foreshadowed for the Council meeting of 19 February

there appears a consensus regarding how elected members currently wish to proceed on the matter at this stage, subject to formal discussion at the Council Meeting and consideration of any input from members of the public.

The Mayor's foreshadowed motion is as follows:

"That:

1. *Council note the decision of the Electors' Meeting*
2. *Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure*
3. *no further work be undertaken on this project until Council has received and considered the report referred to above.*
4. *Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development of the East Fremantle Oval Precinct."*

The Chief Executive Officer recommends that the Mayor's motion be debated as the first item of business (ie as per the agenda) and this report be brought forward and considered at the same time.

As the above motion is the Mayor's motion, rather than a recommendation arising out of an officer's report, it is more appropriate the Mayor speak to the basis of the motion rather than the Chief Executive Officer address this aspect in this report.

However the CEO places on record his full support for the motion and is fully prepared to speak on the motion, and/or any related matters, if invited.

RECOMMENDATION

That:

1. the report be received.
2. the following motion, as foreshadowed by the Mayor, be endorsed as Council's response to the decision taken at the 2011/12 Electors' Meeting:

"That:

1. *Council note the decision of the Electors' Meeting*
2. *Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure*
3. *no further work be undertaken on this project until Council has received and considered the report referred to above.*
4. *Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development of the East Fremantle Oval Precinct."*

Mr O'Neill addressed the meeting stating that:

- he would have been more supportive of the Mayor's motion had a preamble advising that there would be no sale of the A Class Reserve, been included.
- there needed to be immediate action taken regarding the state of the football ground to make it safe and cited fallen signs left for months, ready public access to the decommissioned toilet block and numbers falling off the scoreboard as some examples.
- no one wanted to see the Football Club go but the area needed to be better used to allow other sporting groups to benefit from improved facilities.

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Ms Flynn addressed the meeting urging Council to take advantage of the skills and enthusiasm of many members of the community who wished to be involved in this project and advised that since the Electors' Meeting 130 people had contacted her indicating their interest in being actively involved. She stated the community wanted to work alongside the East Fremantle Football Club to see an improved facility but urged the Council to ensure that the football club was held responsible for their share of the cost of that improvement. Ms Flynn stated that she would like to see a plan adopted with a time frame, even perhaps over a 10 year period. Ms Flynn concluded by saying that she would like somehow for the Pearce family (who donated the land for the Oval) to be acknowledged and felt the community in 2013 could provide donations to develop a Pearce Foundation to assist with community projects.

Mr Edinger stated that he was addressing the meeting as a resident of Allen Street however advised that the ground maintenance concerns would be conveyed to the Club. Mr Edinger hoped that all members of the East Fremantle community, not just those living in close proximity to the Oval, would be given the opportunity to provide feedback on this important issue. Mr Edinger also urged members of the community who wanted to see the local clubs remain, to actually join and use those club facilities to ensure their retention.

Mr McCann addressed the meeting stating that he considered the selling off of any part of the A Class Reserve to be a backward step. Mr McCann stated that Lotterywest provides funding for fitness circuits, community amphitheatres, skateboard tracks and if parts of the reserve were separated from the East Fremantle Football Club these areas could be eligible for funding. Mr McCann stated that the Oval should be behind a pool fence which would be available to members of the public except on match days when it would be locked to allow paid admission. Mr McCann circulated a concept plan for the Precinct which he had drawn and which he stated reflected a community starting point as a vision for the area. Mr McCann stated that he agreed with Ms Flynn's suggestion of a 10 year plan and that Lotterywest welcomed such long term plans.

Mrs Newton addressed the meeting stating that the Oval was a disgrace with rubbish and dangerous signs etc lying around. Mrs Newton considered this was a reflection on the Club, not the community or Council. She pointed out that John Pearce, a descendent of the Pearce family lived in the Town. Mrs Newton considered that Council needs to look at its units in Allen Street which are a disgrace. She noted a Council report which was tabled at the Electors Meeting stated that the condition of these units was unknown and she considered this was completely unacceptable, as Council should know the condition of all of its property.

Mr Flynn acknowledged and thanked the Mayor, officers and Council for the motion proposed tonight which he felt would help diffuse the situation. Mr Flynn sought an update on the progress of the Concept Plan with the state government, following Council's meeting held with government representatives

The Mayor commented that the meeting was purely to advise state government representatives what was being proposed and there had been no further action.

Ms Churack advised that she had photos of current work taking place at Claremont Oval should Council representatives wish to view these. Ms Churack hoped that with the situation being diffused, this wouldn't mean that the project would be put on hold indefinitely and then in say two years time residents are faced with this situation again.

The Mayor assured Ms Churack that the establishment of a community working group would be considered by Council shortly and the building assessment report would be available within 4-6 weeks and Council wished to continue to push the project forward.

Ms Churack asked whether Council had someone with the expertise to explore and formulate applications for funding for this work.

The Mayor advised that Council would require the services of an expert to source funding options.

The CEO advised that in relation to the Council units in Allen Street, it was not the case that the condition of these properties was unknown. The Chief Executive Officer advised that each of the buildings had been the subject of a detailed property assessment by the former Building Surveyor, which was being used as the basis of a progressive upgrade program and furthermore the buildings were managed by letting agents and were inspected each six months, with written property condition reports issued in relation to each inspection.

Cr Martin – Cr Nardi

1. The report be received
2. The following motion, as adopted by Council at tonight's meeting, be endorsed as Council's response to the decision taken at the 2011/12 Electors' Meeting:

"That:

1. *Council note the decision of the Electors' Meeting*
2. *Council engage an appropriate consultant to undertake a detailed building condition assessment on the East Fremantle Football Club buildings and associated infrastructure*
3. *no further work be undertaken on this project until Council has received and considered the report referred to above.*
4. *Council facilitates the establishment of a community group to work with, and provide input to Council, in respect of any future development of the East Fremantle Oval Precinct."*

CARRIED UNANIMOUSLY

21. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

Nil.

22. TOWN PLANNING & BUILDING COMMITTEE

Cr de Jong – Cr Olson

That the Minutes of the Town Planning & Building Committee Meeting held on 5 February 2013 be received. CARRIED

23. FINANCE

23.1 Monthly Financial Activity Statement for Periods Ending 31 December 2012 and 31 January 2013

By Les Mainwaring Executive Manager Finance & Administration on 12 February 2013

PURPOSE

To provide financial information to Elected Members. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

BACKGROUND

Given that no ordinary meeting was held in January, this report comprises the financial results from the two monthly periods of December 2012 and January 2013 with commentary focussing on the position as at 31 January 2013. A more comprehensive half yearly budget review will be presented to the audit committee, following this meeting.

The monthly Financial Activity Statement for the period ending 31 January 2013 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; with additional 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 revised budget forecast for the 30th June 2013 is a \$75,719 surplus.

At the OCM 6 December 2012 there was a revision to the original budget forecast of \$60,520 resulting from consideration of the additional end of year surplus of \$130,199. Allocation of the additional end of year surplus was as follows;

\$15,199 Carried forward as additional operating surplus
\$44,000 E11673 Glasson Park Project
\$ 6,000 E11259 Raceway Park BBQ
\$65,000 E11246 East Fremantle Oval Master Plan

Operating YTD Actuals

Operating Revenue 92%; is \$645,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 99%; is \$66,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$491,000 less than the YTD budget (Unfavourable).

The main reason for the significant unfavourable variance in Operating revenue is the timing of capital grant revenue items that will not be claimed until completion of the associated projects, which includes the final \$412,500 grant for the Leeuwin Launching Ramp project, \$120,000 for the Plympton Parking project and \$92,000 for the Preston Point Road roundabout. Interest on investments is \$57,000 unfavourable as a result of lower interest rates and the movement of Trust cash into trust.

Operating Expenditure is now generally in line with budget.

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.

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

Capital Programs YTD Progress Summaries after 58% of the year has elapsed

Land & Buildings 10% expended

Infrastructure Assets 65% expended

Plant & Equipment 23% expended

Furniture & Equipment 56% expended

Capital expenditure is \$2,670,000 less than the YTD budget (Favourable) which represents the balance of capital programs to be completed. The report provides details on individual capital works in progress as at 31 January 2013.

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 a periodic basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The December 2012 and January 2013 Financial Activity Statement shows variances in income and expenditure when compared with year to date budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2012 to 31 January 2013 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statements for the periods ending 31 December 2012 and 31 January 2013 be received.

The Executive Manager Finance & Administration provided an overview of the Financial Activity Statements for the December/January period.

Cr Martin drew attention to the reference to Public Relations under the "Members of Council" heading and advised that this matter had been raised previously and it had been agreed that it was not appropriate under this heading.

Cr Martin also queried the budget variance of \$11,000 for the George Street Parking and Access Management item given this project had a tendered price.

The Mayor advised that both this items would be discussed at the next Finance Committee Meeting.

Cr Olson – Cr de Jong

That the Financial Activity Statements for the periods ending 31 December 2012 and 31 January 2013 be received. CARRIED

23.2***Accounts for Payment – December 2012/January 2013***

By Les Mainwaring, Executive Manager Finance & Administration on 13 February 2012

PURPOSE

To endorse the list of payments for the period 1 December to 31 December 2012 and 1 January to 31 January 2013.

BACKGROUND

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The Lists of Accounts are attached.

ATTACHMENT

REPORT**Comments/Discussion**

The List of Accounts for the periods beginning 1 December and ending 31 December 2012 and 1 January and ending 31 January 2013 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the Lists of Accounts for the period beginning 1 December and ending 31 December 2012 and 1 January and ending 31 January 2013 be received, as per the following tables:

<i>December 2012</i>		
Voucher Nos	Account	Amount
4476 – 4495	Municipal (Cheques)	\$21,448.18
EFT 16621 – EFT 16778	Electronic Transfer Funds	\$872,260.36
Loans	Electronic Transfer Funds	64,519.93
Payroll	Electronic Transfer Funds	\$197,033.22
	Municipal Total Payments	\$1,155,261.69

<i>January 2013</i>		
Voucher Nos	Account	Amount
4496 – 4510	Municipal (Cheques)	\$16,720.05
EFT 16779 – EFT 16927	Electronic Transfer Funds	\$820,254.34
Loans	Electronic Transfer Funds	2,570.79
Payroll	Electronic Transfer Funds	\$228,197.00
	Municipal Total Payments	\$1,067,742.18

Cr Olson – Cr de Jong

That the Lists of Accounts for the period beginning 1 December and ending 31 December 2012 and 1 January and ending 31 January 2013 be received. CARRIED

24. REPORTS OF ELECTED MEMBERS

Nil.

25. REPORTS OF CHIEF EXECUTIVE OFFICER (CONTINUED)**25.1 Development Assessment Panel – Elected Member Nominations**

By Stuart Wearne, Chief Executive Officer, on 18 January 2013

PURPOSE

The purpose of this report is:

- (i) to advise elected members of a recent request from the Director General of the Department of Planning for the Town to again nominate two “full” and two “alternate” (ie deputy) members of the Development Assessment Panel (DAP) which will “serve” (the WAPC term) the Town of East Fremantle and other local governments which are included in “our” designated DAP area.
- (ii) to facilitate Council nominations pursuant to the above.

BACKGROUND

On 19 April 2011 Council elected the Mayor and Cr Wilson to the DAP member positions and Crs de Jong and Nardi to the two alternative DAP member positions.

Since then no planning applications involving the Town have been referred to the Panel.

Appointments of all local government DAP members expires on 26 April 2013. Members whose term has expired will be eligible for reconsideration at this time.

REPORT

Nominations to the four positions are to be received by the Department of Planning no later than Thursday, 28 February 2013.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two year term, expiring on 26 April 2015. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, either do not renominate or are not re-elected. In this instance, the deputy local DAP members will take the place of the formal local DAP members. If both local and alternative (deputy) local members are not re-elected, the local government will need to renominate for the Minister’s consideration of appointment.

The WAPC suggests Council should consider the above matters in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment. Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions.

In short, the following will apply to the Panels:

- There are to be a total of 5 members on each DAP – 3 specialist members and 2 elected local government members.
- The Chairperson will always be an independent member with, it is claimed, considerable knowledge of the Western Australian planning and development assessment framework. The range of expertise required of the specialist members appointed to the panel may include (but not be limited to) planning, architecture, urban design, engineering, landscape design, environment, law, property development or management.
- The 3 specialist members will be appointed from the register maintained by the Minister. The two local government representatives will be nominated by the relevant local government, from the respective local government’s pool of councillors. All Panel members will be required to attend a mandatory training workshop on planning law and the Code of Conduct which is to apply to the Panel.

At the meeting the CEO, as “Returning Officer”, will call for nominations for all four positions. A normal (secret vote) election process will be carried out if there is more than one nomination for a particular position.

RECOMMENDATION

That the Minister be advised the following elected members are nominated with respect to 2 DAP member positions and 2 alternate DAP member positions, as indicated:

_____ (DAP member)

_____ (DAP member)

_____ (alternate DAP member)

_____ (alternate DAP member)

Mayor Ferris and Cr Wilson nominated for the DAP member positions.

Crs de Jong and Nardi nominated for the alternative DAP member positions.

Cr Olson – Cr Wilson

That the Minister be advised the following elected members are nominated with respect to 2 DAP member positions and 2 alternate DAP member positions, as indicated:

- Mayor Ferris (DAP member)
- Cr Wilson (DAP member)
- Cr de Jong (alternate DAP member)
- Cr Nardi (alternate DAP member)

CARRIED

25.2 Gerard McCann – Locke Park

The CEO discussed a number of matters raised in a letter which Mr McCann had recently sent to elected members concerning Locke Park and the Plympton Steps. RECEIVED

26. CONFIDENTIAL BUSINESS

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

Nil.

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

Nil.

29. CLOSURE OF MEETING

There being no further business, the meeting closed at 7.40pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **18 February 2013**, Minute Book reference **7. to 29.** were confirmed at the meeting of the Council on*

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Presiding Member