



MINUTES

Council Meeting

Tuesday, 17 October 2017 at 6.36pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE EAST FREMANTLE YACHT CLUB (RIVER ROOM), PETRA STREET EAST FREMANTLE ON TUESDAY, 17 OCTOBER 2017.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.36pm.

2. ACKNOWLEDGEMENT OF COUNTRY

"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."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr L Nicholson	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr D Taylor	Executive Manager Community & Corporate Services
Mr A Malone	Executive Manager Regulatory Services
Mr S Gallagher	Operations Manager
Ms K Dore	Minute Secretary

There were two members of the public in attendance.

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

4. DISCLOSURES OF INTEREST

4.1 Financial

Mr G Tuffin, Chief Executive Officer, declared a financial interest in Item 17.1. – CEO Performance Review.

4.2 Proximity

Nil

4.3 Impartiality

Nil

5. PUBLIC QUESTION TIME

5.1 Responses to previous questions from members of the public taken on notice

Nil

5.2 Public Question Time

Ms Tjala Leysley, Alexandra Road, East Fremantle

Regarding the East Fremantle Oval development, at what stage is it at now, and what is the next stage? Is it proceeding according to a time frame? Is it yet known if it will impact the bowling club or croquet club?

The Mayor advised that Council had received confirmation from the Department of Sport and Recreation (DSR) of their \$75,000 funding contribution. He informed the meeting that the draft consultancy brief was complete and currently under review. He further advised that tenders would be sought in coming months, with the process commencing in early 2018.

The Mayor confirmed that the development project was proceeding according to its timeframe. He advised that the impacts on the Bowling and Croquet clubs had not yet been identified, but assured the meeting that the clubs involved would play a part in the decision making process. The Mayor stated that "This Council is fully supportive of the Croquet and Bowling clubs".

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Ordinary Meeting of Council (19 September 2017)

8.1 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 031017

Moved Cr A McPhail, seconded Cr Collinson

That the minutes of the Ordinary meeting of Council held on Tuesday, 19 September 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

8.2 Special Meeting of Council (2 October 2017)

8.2 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 041017

Moved Cr Collinson, seconded Cr M McPhail

That the minutes of the Special meeting of Council held on Monday, 2 October 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

I would like to recognise the hard work, cohesiveness and productivity of the current Council over the last two years. I am proud to share this list of achievements;

- *Town Hall and Council Chambers upgrade, after years of neglect and poor office conditions.*
 - *Old Police Station upgrade.*
-

- *Community Assistance Grants Scheme.*
- *Leeuwin Barracks Vision Plan.*
- *New priorities – parks, gardens and footpaths.*
- *Restructuring of the workforce to align with community direction.*
- *Thermal imaging project.*
- *Development of the Foreshore Management Plan.*
- *Foreshore management works, including John Tonkin, with more works commencing this week.*
- *Corporate Strategic Plan, in particular engaging with the business community.*
- *Public Art Strategy and related policies.*
- *Numerous Scheme Amendments.*
- *Royal George progress.*
- *Community Engagement Plan adopted.*
- *New e-Newsletter.*
- *Town Planning Advisory Panel, to a Community Design Advisory Committee.*
- *Community Perceptions Survey, Community Scorecard.*
- *Plastic bag reduction local law, introducing biodegradable dog bags.*
- *Rebranding of the Town, including a new logo!!*
- *HaCC shift to Tricolore and upgrade of the building.*
- *Funds to Glyde-in, EF Junior Cricket, EF Junior Football, EF Lawn Tennis, Fremantle Rowing Club, EF Croquet Club, EF Football Club, EF Lacrosse and more.*
- *Numerous small grants to Richmond Primary School and EF Bowling Club.*
- *Successful opposition to Perth Freight Link.*
- *Community and Business Forums.*
- *Online registrations and Planning Applications to be implemented.*
- *Trail 3 bins in Melville.*
- *New CEO and new Executive Manager of Corporate & Community Services, plus new positions of Economic & Community Development Officer, HR Officer, Administration Support for Operations, and more focus on outside staff and improvements in the infrastructure and standards of work.*
- *Inclusive budget process that aligns with the Community Strategic Plan.*

I would like to acknowledge all Councillors and thank the Deputy Mayor, Michael McPhail, for his support and loyalty, and the Chair of Town Planning, Cliff Collinson, for what at times can be a rather difficult role to fulfil.

I would also like to state that I have proudly served the Town for 16 years as a Councillor and Mayor, and I have never been more proud of our achievement than over the last 2 years. The Town is, in my opinion, far more proactive in meeting the challenges that it faces now than it ever has been.

Undoubtedly that was because of the staff, many having been here for decades, who have supported the new CEO and the changes that have been introduced. The new staff have seized upon the challenges that a small local government needs to address and taken up that challenge. At last we have given them something to be proud of. A workplace that recognises our most valuable asset, the staff of the Town of East Fremantle, with appropriate support structures.

I would like to thank the CEO for his professionalism and dedication to his role. Without him we would have achieved very little.

I would like to recognise the calibre of this Council. This, in my experience, is the most talented I have had the pleasure to be part of. So for all your support and loyalty to the Town, I thank you.

10. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**
Nil.

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11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (3 October 2017)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

To submit the minutes and delegated decisions of the Town Planning & Building Committee for receipt by Council.

Executive Summary

The Committee, at its meeting on 3 October 2017, exercised its delegation in all statutory matters.

There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed minutes of the Town Planning & Building Committee meeting are now presented to Council to be received.

11.1 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 051017

Moved Cr Collinson, seconded Cr White

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 3 October 2017 be received.

(CARRIED UNANIMOUSLY)

12.1 PLANNING REPORTS

12.1.1 Adoption of Wood Encouragement Policies

File ref	C/POL1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Policy 3.1.7 Wood Encouragement Policy – Council 2. Policy 3.1.8 Wood Encouragement Policy - General

Purpose

The purpose of this report is to:

- consider adopting Policy 3.1.7 Wood Encouragement Policy – Council
- seek Council authorisation to advertise draft Policy No 3.1.8 Wood Encouragement Policy – General for a period of 21 days.

Executive Summary

Draft Policy 3.1.7 has been developed to clearly articulate how the Town will encourage the use of wood in the construction and fit out of Council buildings and infrastructure.

Draft Policy 3.1.8 has been developed to clearly articulate how the Town will encourage the use of wood in the construction and fit out of new dwellings and additions and alterations of existing dwellings.

Council has expressed a desire, where possible and practical, to develop an environmental and built form policy that encourages the sustainable use of wood as a construction material within East Fremantle.

Background

The Town in late 2016 had David Rowlinson from PlanetArk present to a Council Forum, where Council was briefed on the aims to encourage the increased use of responsibly sourced wood as a building material. A key part of this initiative is the development and adoption of a Wood Encouragement Policy.

A Wood Encouragement Policy generally requires responsibly sourced wood to be considered, where feasible, as the primary construction material in building and fit out projects. Two Policies are proposed:

- Wood Encouragement Policy - Council
- Wood Encouragement Policy - General

As a result administration progressed further research into the development of two Wood Encouragement Policies, a policy for Council; relating to Council buildings and a second general policy related to the use of wood in the construction and fit out of new dwellings and additions and alterations of existing dwellings.

Consultation

No consultation is proposed for Policy 3.1.7 which relates to Council buildings and infrastructure.

Policy 3.1.8 relating to the use of wood in the construction and fit out of new dwellings, and additions and alterations of existing dwellings to be advertised for a period of 21 days. Any submissions received will be collated and presented with the report to Council for final adoption.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Priority 3: Built Environment - Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Strategic Priority 4: Natural Environment - Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 Conserve, maintain and enhance the Town's open spaces.

4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Site Inspection

Not applicable

Comment

Policy 3.1.7 - Wood Encouragement Policy – Council

This Policy aims to encourage the increased use of responsibly sourced wood as a building material in Council projects where feasible for the development of buildings and infrastructure in the Town. A key part of this initiative to encourage the increased use of responsibly sourced wood is the development and adoption of this Wood Encouragement Policy. The Policy requires responsibly sourced wood to be considered, where feasible, as the primary construction material in council building and fit out projects.

Policy 3.1.8 - Wood Encouragement Policy – General

This Policy aims to encourage the increased use of responsibly sourced wood as a building material in the construction and fit out of new dwellings and additions and alterations of existing dwellings, where feasible, in the Town.

A key part of this initiative to encourage the increased use of responsibly sourced wood is the development and adoption of the Wood Encouragement Policy. The Policy requires responsibly sourced wood to be considered as a building material, where feasible, as the primary construction material in building and fit out projects being undertaken within the Town. This policy does not in any way mandate the use of wood in new dwellings or additions and alterations, only that wood is at least considered as a preferred choice of material for construction and fit out in any development or redevelopment of a property.

General

There are currently two regional and seven local councils that have adopted similar policies in Australia.

Currently the only Council in Western Australia that has formally adopted a Wood Encouragement Policy is the Shire of Nannup, although PlanetArk are in the advanced stages of discussion with a number of other councils in Western Australia to introduce such policies.

Trees provide environmental, health and amenity benefits in relation to solar and privacy screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness within a Local Government area. The use of wood as a construction material is also considered to have mutual environmental, health, ecological and sustainable benefits which provide urban design benefits for the local community. The development of this policy, where feasible, introduces the following objectives:

- (a) To encourage the designing of residential development in a manner that promotes the use of wood within the built form.
- (b) To reinforce Council's preference for quality wood buildings in the development of briefs for residential development within the Town.
- (c) To encourage the use of wood in the construction and fit out of buildings and infrastructure.
- (d) To recognise all of the benefits that make wood a smart choice for residential buildings and infrastructure;
- (e) To encourage the use of wood in the construction and fit out of any development/ redevelopment of a property within the Local Government area, where it is practical to do so.

Council recognises the importance of the timber and forestry industries to the broader Western Australian community. These policies address Council's desire to be environmentally and ecologically sustainable.

12.1.1 OFFICER RECOMMENDATION

Moved Cr Collinson, seconded Cr Watkins

That Council:

1. adopts Policy 3.1.7 “Wood Encouragement Policy – Council”
2. advertises draft Policy 3.1.8 “Wood Encouragement Policy – General” for public comment for a period of 21 days.

AMENDMENT

Moved Cr M McPhail, seconded by Cr Nardi

That Policies 3.1.7 and 3.1.8, as presented, be amended with the addition of the following text (under the sub-heading Policy):

“Timber is the only major building material that helps tackle climate change. Wood uses much less energy - known as embodied energy - than most other building materials, giving wood products a significantly lower carbon footprint. As a result wood can be used as a low-emission substitute for materials that require larger amounts of fossil fuels to be produced.”

(CARRIED UNANIMOUSLY)

12.1.1 COUNCILLOR RESOLUTION 061017

Moved Cr Collinson, seconded Cr Watkins

That Council:

1. adopts amended Policy 3.1.7 “Wood Encouragement Policy – Council”
2. advertises draft Policy 3.1.8 “Wood Encouragement Policy – General” for public comment for a period of 21 days.

(CARRIED UNANIMOUSLY)

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 30 September 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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.

Staff recommend that Council receives the Financial Activity Statement for the period ending 30 September 2017.

Background

The report comprises the monthly financial results with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 30 September 2017 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

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 covering activities undertaken during the financial year.

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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.

Financial Implications

The September 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

The matter being put to the council is not likely to have a direct impact on the strategies of the council.

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

STRATEGIC PRIORITY 5: Leadership and Governance

A proactive, approachable Council which values community consultation, transparency and accountability.

Site Inspection

Not applicable

Comment

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

Revised Budget Forecast

The current budget forecast for the 30 June 2018 indicates a breakeven of \$0 which is not represented by any change to date.

Operating YTD Actuals (compared to the YTD Budget)

The September 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 101%; is \$64,000 more than the YTD budget. (Favourable)

Operating Expenditure 84%; is \$437,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$573,000 more than the YTD budget (Favourable).

Operating Revenue is 1% Favourable to the year to date budget.

The significant areas of favourable variations for operating revenue include:

- General Purpose Funding
There are favourable year to date budget timing variances for; Rates Administration Fees \$34,000 and Rates Instalment Interest Charges \$24,000 which will be offset during the year.
-

- **Governance**
Sundry Income has a favourable year to date budget timing variance amounting to \$20,000, which is mainly attributable to the transfer of Long Service Leave entitlements, which as per the Local Government Long Service Leave Regulations, are to be received from other Local Governments, for former and current employees.
- **Community Amenities**
Commercial Service charges has a favourable year to date budget timing variance amounting to \$88,000 which will be offset in October.
- **Recreation & Culture**
The Swan Yacht Club Rental has a favourable year to date budget timing variance amounting to \$43,000 which will be offset in November.

The significant areas of unfavourable variations for operating revenue include:

- **Recreation & Culture**
The Riverside Road Mooring Pens has an unfavourable year to date budget timing variance amounting to \$45,000 which is attributable to nine mooring pens being vacant as at the date of this report. Ongoing advertising regarding availability of mooring pens will continue.
- **Transport**
The Launching Ramp Parking Fees has an unfavourable year to date budget timing variance amounting to \$24,000 which is mainly due to seasonal factors.

Operating Expenditure is 16% Favourable to the year to date budget.

The significant areas of favourable variations for operating expenditure include:

- **Governance**
Communications, Advocacy and Public Relations has a favourable year to date budget timing variance amounting to \$37,000 as the projects are in their early stages.
Employee Costs has a favourable year to date budget timing variance amounting to \$39,000 which will be offset during the year.
- **Education & Welfare**
There is a favourable year to date budget timing variances for HACC Salaries \$29,000 which will be monitored.
- **Community Amenities**
There are favourable year to date budget timing variances for; Domestic Refuse Collection \$29,000, Annual Bulk and Green Waste \$23,000 and SMRC and Waste Composting Facility \$63,000 which is mainly due to invoices received in the following month.
- **Recreation & Culture:**
East Fremantle Oval has a favourable year to date budget timing variance amounting to \$31,000 which is mainly due to seasonal factors and will be offset during the year. Returfing to sections of the ground will commence in October/November.

The City of Fremantle Library has a favourable year to date budget timing variance amounting to \$100,000 due to the invoice having not been received as at the date of this report.

- **Transport**
-

Kerbing Maintenance has a favourable year to date budget timing variance amounting to \$25,000 which will be offset during the year.

The significant areas of unfavourable variations for operating expenditure include:

- Transport
Verge Maintenance has an unfavourable year to date budget timing variance amounting to \$35,000 which is mainly due to greater emphasis having placed on this project as at this time of the year.

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

The majority of Infrastructure projects have not commenced as at September.

Tenders have been called for: Town Hall Furniture Supply and Installation and Road and Footpath Resurfacing Projects. These tenders closed on 15 September 2017.

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

Capital Programs YTD Progress Summaries

Annual Timeline 25% of year elapsed

Land & Buildings 15% expended

Infrastructure Assets 0% expended

Plant & Equipment 40% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,039,000 less than the YTD budget (Favourable) which represents 91% of the capital programs to be completed.

All amounts quoted in this report are exclusive of GST.

12.2.1 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 071017

Moved Cr A McPhail, seconded Cr White

That Council receives the Financial Activity Statement for the period ending 30 September 2017.

(CARRIED UNANIMOUSLY)

12.1.2 Accounts for Payment – September 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – September 2017

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of September 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 September to 30 September 2017, as per the summary table.

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 an itemised list of all payments made under delegated authority during the said period.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

STRATEGIC PRIORITY 5: Leadership and Governance

A proactive, approachable Council which values community consultation, transparency and accountability.

Site Inspection

Not applicable.

Comment

The attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

12.2.2 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 081017

Moved Cr A McPhail, seconded Cr White

That the list of accounts paid for the period 1 September to 30 September 2017 be received, as per the following summary table:

SEPTEMBER 2017		
Voucher No	Account	Amount
5107 - 5111	Municipal (Cheques)	\$1,057.94
EFT24653 – EFT24775	Electronic Transfer Funds	\$983,735.90
Payroll	Electronic Transfer Funds	\$243,511.99
Superannuation	Electronic Transfer Funds	\$42,044.25
Credit Card	Corporate Credit Card	\$1,839.86
	Total Payments	\$1,272,189.94

(CARRIED UNANIMOUSLY)

12.3 GOVERNANCE REPORTS

12.3.1 Proposed Waste Amendment Local Law

Applicant	N/A
File ref	A/LLW1
Prepared by	Chris Liversage, Consultant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Draft Town of East Fremantle Waste Amendment Local Law2. Waste Local Law 2017 with marked changes

Purpose

To present a draft Waste Amendment Local Law for consideration by Council for public consultation.

Executive Summary

A Town of East Fremantle Waste Local Law was gazetted on 31 March 2017. As part of the process to make local laws, Parliament scrutinises them via the Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL has requested that the Town make two minor amendments to the Waste Local Law. The amendments are considered straightforward. The draft amendment local law is to be advertised for a period of 6 weeks, after which Council may consider any comments received and decide whether or not to make the local law.

That Council

1. *in accordance with s3.12(3)(a)(b) of the Local Government Act 1995, gives state-wide and local public notice stating that:*
 - a. *it proposes to make a Waste Amendment Local Law, and a summary of its purpose and effect;*
 - b. *copies of the proposed local law may be inspected at the Town offices; and*
 - c. *submissions about the proposed local law may be made to the Town within a period of not less than six weeks after the statutory public notice is given.*
2. *provide a copy of the local law to the Ministers for the Environment and Local Government in accordance with s3.12(4) of the Local Government Act 1995;*
3. *note that the results of the public submission period will be presented to Council for consideration.*

Background

The Town is in the process of updating its local laws.

Waste collection and disposal is regulated by the Waste Avoidance and Resource Recovery Act (WARR) which came into force on 1 July 2008. The Town of East Fremantle Waste Local Law was duly published in the Government Gazette on 31 March 2017, and regulates the collection of municipal waste in the district.

The WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) has requested that:

- the definition of 'vectors of disease' be deleted from clause 1.6 of the local law; and
- an addition be made to the local law to deal with objection and appeal rights.

The JSC advises that:

The Committee understands that the following definition of 'vectors of disease' was included in the Local Law at the suggestion of the Department of Local Government and Communities.

...

In the Committee's view this definition is problematic as it is limited to insects (so does not cover, for example, rats) and only those insects listed or prescribed by the Town. In the Committee's view the definition unnecessarily limits clause 3.1(c)(i) of the WALGA template and is unworkable.

The definition is accordingly not within power and contravenes Committee term of reference 10.6(a), which provides that the Committee is to consider whether and instrument 'is within power'.

In addition, the JSCDL has requested the addition of a clause to add appeal and objection rights available under Part 9 of the Local Government Act 1995. In doing so, the Committee advised that:

The (local law) fails to include that part of the WALGA template waste local law titled 'objection and appeal rights'.

Although Part 9, Division 1 applies to any decision made by a local government, the Committee has historically, preferred that appeal rights be expressly provided for in the body of a local law. By including it in this Instrument there will be an 'effective', highly visible mechanism for review of an administrative decision rather than an implicit review.

The Explanatory Memorandum does not explain the absence of this important clause but the Committee became aware of its omission in WALGA's Waste Local Law template in November 2016. The Committee advised WALGA accordingly but unfortunately too late for the Town (and a number of other local governments) that had downloaded WALGA's incorrect version at the time of making the Local Law. The Committee has advised other local governments that this is a matter between the relevant local government and WALGA.

In order to rectify these issues, the Committee requested that Council provide written undertakings to the Committee by Friday 22 September that the Town will:

- within 6 months, amend the local law to delete the definition of 'vectors of disease' and include an express 'Objection and appeal rights' clause consistent with the WALGA template waste local law.
- provide a copy of the minutes of the meeting at which the Town of East Fremantle Council resolved to provide the undertaking.
- where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.
- make all necessary consequential amendments.
- not enforce the local law in a manner contrary to the undertaking.

In the meantime, the Committee resolved to give a Notice of Motion in the Legislative Council to disallow the Local Law. However, the giving of the Notice should not be taken to indicate that the Committee has resolved to recommend disallowance of the Local Law at this stage. The giving of a Notice allows both the Town and the Committee additional time to deal with and respond to the issues.

The above undertaking was considered and adopted by Council at its meeting held on 19 September 2017.

There is no reason not to agree with the Committee's request. As such, a simple amendment to delete the definition of 'vectors of disease' in clause 1.6 and the addition of a proposed clause 5.1 as follows (and consequential renumbering of the balance of Part 5 of the Local Law) should be made:

5.1 Objection and appeal rights

Division 1 of Part 9 of the Local Government Act 1995 applies to a decision under this local law to grant, vary or cancel –

- (a) An approval under clause 2.6(b);
- (b) An exemption under clause 2.7(2);
- (c) An authorisation under clause 2.8(b);
- (d) An approval under clause 2.9(1);
- (e) An authorisation under clause 3.2(1)(c);
- (f) An approval under clause 3.2(2);
- (g) An approval under clause 3.3.

(For reference, an approval under clause 2.6(b) relates to a request to vary the position of a bin on collection day; an exemption under clause 2.7(2) relates to general exemptions; an authorisation under clause 2.8(b) relates to the removal of a receptacle from any premises; an approval under clause 2.9(1) is for conditions of the bulk refuse collection to be varied; an authorisation under clause 3.2(1)(c) allows removal of waste from premises; an approval under clause 3.2(2) allows for removal of rubbish from receptacles on private premises; and an approval under clause 3.3 relates to removal of waste from receptacles in a public place).

A *Town of East Fremantle Waste Amendment Local Law 2017* is attached. Also attached is a copy of the *Town of East Fremantle Waste Local Law 2017* with the proposed amendments shown 'marked'.

Consultation

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

In addition, as part of the process, local governments are required to send a copy of proposed local laws to the Minister for Local Government, and any other Minister responsible for an area affected by the local law (in this case, Environment).

Statutory Environment

Section 3.12 of the Local Government Act 1995 sets out the requirements for making a local law. This proposed local law must be made under the same process as described in s3.12 of the Local Government Act, other than that in this case, approval of the CEO of the Waste Authority is required before the local law is made.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law:

Purpose:

The objective of this local law is to amend the Town of East Fremantle Waste Local Law 2017 to delete a definition of 'vectors of disease' and to add an objections and appeals clause.

Effect:

The Town of East Fremantle Waste Local Law 2017 is amended.

Policy Implications

Nil.

Financial Implications

Cost of advertising the draft local law for public comment.

Strategic Implications

Amending the local law will remove the risk of its being disallowed.

Strategic Priority 4: Natural Environment - "Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity."

4.2 Enhance environmental values and sustainable natural resource use

4.2.1 Reduce waste through sustainable waste management practices

Site Inspection

Not applicable

Comment

As noted above, there is no reason not to amend the local law.

12.3.1 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 091017

Moved Cr Nardi, seconded Cr A McPhail

That Council:

1. in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, gives state-wide and local public notice stating that:
 - a. it proposes to make a Waste Amendment Local Law, and a summary of its purpose and effect;
 - b. copies of the proposed local law may be inspected at the Town offices; and
 - c. submissions about the proposed local law may be made to the Town within a period of not less than six weeks after the statutory public notice is given.
2. provide a copy of the local law to the Ministers for the Environment and Local Government in accordance with s3.12(4) of the *Local Government Act 1995*;
3. note that the results of the public submission period will be presented to Council for consideration.

(CARRIED UNANIMOUSLY)

12.3.2 Adoption of Policies – Public Art Policy and Public Art Panel Policy

File ref	A/ART1
Prepared by	Wendy Cooke, Project Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 October 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Public Art Policy (No 4.2.5) 2. Public Art Panel Policy (No 4.1.5)

Purpose

The purpose of this report is for Council to consider adopting the following policies in relation to Public Art:

- Public Art Policy
- Public Art Panel Policy

Executive Summary

At the 18 September 2017 Council Meeting, Council adopted the Town of East Fremantle Public Art Strategy. The attached policies have been developed to support the Strategy and provide a clear process and reference to ensure consistent decision making.

Background

The Town of East Fremantle commissioned Helen Curtis, from Apparatus to develop a Public Art Strategy. The process included the development of a discussion paper, meetings with staff and elected members, consultation with interested community members, the preparation of a draft Strategy which was then advertised for further public comment.

The attached policies have been prepared to support the Strategy and to update existing policy.

Please note that a Local Planning Policy – “Percent for Public Art” which details the process for public art to be included in developments in the Town of East Fremantle, is subject to a separate report to Council at a later date.

A summary of each of the proposed Policies is provided below:

1. Public Art Policy

The Public Art Policy has been developed to clearly articulate how the Town of East Fremantle will administer the procurement and management of public art. Other documents have been developed to support this policy and provide detailed procedures for administering aspects of the Public Art Strategy

The vision is to develop public art that captures the spirit of East Fremantle, is responsive to East Fremantle’s history, distinct neighbourhoods, Town Centre and river foreshore.

This policy will affect art and public art acquisitions including paintings and donated artworks.

2. Public Art Panel – the panel will replace the existing ‘Arts Acquisition Panel’.

The objective of this policy is to establish a Public Art Panel to guide the Town of East Fremantle Public Art Strategy in accordance with associated policies, processes and procedures.

Policy Scope

The Town of East Fremantle Public Art Panel should comprise Elected Members, staff and dedicated experts in the field. It is important that Panel Membership covers a range of expertise in public art to ensure a balance of skill and opinion.

The Panel will conduct itself according to the role given to it by the Council, which would outline the Panel's responsibilities, operations and composition.

Proposed Role of the Panel

The Public Art Panel will:

1. Oversee and make recommendations to the Council on matters related to:
 - 1.1 the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - 1.2 the development of public art project briefs;
 - 1.3 to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town's Percent for Public Art Policy
2. Consider the recommendations of specialist selection panels;
3. Assess the implementation of the public art annual action plan.

Positions on the Panel will be non-paid

Consultation

Helen Curtis	Apparatus (Consultant)
Gary Tuffin	Chief Executive Officer
Andrew Malone	Executive Manager Regulatory Services
Christine Catchpole	Senior Planner
Stacey Towne	Urban Project Planner
Wendy Cooke	Project Coordinator

Statutory Environment

N/A

Policy Implications

These policies will replace 'Acquisition of Public Art Policy No. 151' & the Terms of Reference for the Art Acquisition Panel.

Financial Implications

An amount is allocated in the Annual Budget for Public Art acquisition, with accumulated funds currently in the Art & Sculpture Reserve. The 2017/20178 total amount is \$191,000.

Strategic Implications

Strategic Priority 1: Social - "A socially connected, inclusive and safe community"

1.3 Strong community connection within a safe and vibrant lifestyle

1.3.1 Partner and educate to build a strong sense of community safety

1.3.2 Facilitate opportunities for people to develop community connections and foster local pride

1.3.3 Enrich identity, culture and heritage through programs, events and celebrations

1.3.4 Facilitate community group capacity building

Site Inspection

Not applicable

Comment

Public Art is a growing industry and many local governments in Perth have adopted public art strategies and policies to guide Council commissioned works.

The attached policies will replace the existing Art Acquisition policy and the Terms of Reference for the Art Acquisition Panel and bring them in line with the adopted Town of East Fremantle Public Art Strategy.

12.3.2 OFFICER RECOMMENDATION / COUNCILLOR RESOLUTION 101017

Moved Cr M McPhail, seconded Cr Collinson

That Council:

1. adopt the Town of East Fremantle Public Art Policy No 4.2.5 and Public Art Panel Policy No. 4.1.5
2. revoke the Acquisition of Public Art Policy No. 151.

(CARRIED UNANIMOUSLY)

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13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil.
14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
Nil.
15. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil.
16. **NEW BUSINESS OF AN URGENT NATURE**
Nil.
17. **MATTERS BEHIND CLOSED DOORS**

17. PROCEDURAL MOTION

Moved Cr Collinson, seconded Cr White

That Council resolve the meeting be closed to the public to discuss item 17.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(a)*.

(CARRIED UNANIMOUSLY)

Two members of the public departed the room at 7.16pm.

Staff members, S Gallagher, A Malone, D Taylor, G Tuffin and K Dore, departed the room at 7.17pm.

17.1 CEO Performance Review

Elected members considered a confidential report regarding this matter.

CONFIDENTIAL ATTACHMENT

COUNCIL RESOLUTION 111017

Moved Mayor O'Neill, seconded Cr M McPhail

That Council resolve:

- 1) to advise the CEO that he has exceeded expectation in addressing Key Result Areas (KRAs) for the previous 12 months; and**
- 2) to adopt the recommendation of the CEO Performance Review Group.**

(CARRIED UNANIMOUSLY)

Staff members, S Gallagher, A Malone, D Taylor, G Tuffin and K Dore returned to the room at 7.36pm.

PROCEDURAL MOTION

Moved Cr White, seconded Cr Harrington

That Council come from behind closed doors.

(CARRIED UNANIMOUSLY)

Two members of the public returned to the room at 7.40pm.

18. CLOSURE

There being no further business, the Presiding member declared the meeting closed at 7.44pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **17 October 2017**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

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Presiding Member

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