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TOWN OF  
EAST FREMANTLE

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# AGENDA

Council Meeting

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Tuesday, 16 February 2016 at 6.30pm

16 February 2016

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## NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 16 February 2016** in the Committee Meeting Room, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.

Dinner will be provided from 5.30pm

GARY CLARK  
Acting Chief Executive Officer

11 February 2016

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## AGENDA

1. **DECLARATION OF OPENING OF MEETING/ANNOUNCEMENT OF VISITORS**
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/APOLOGIES**
4. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
5. **PUBLIC QUESTION TIME**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
  - 6.1 *Minutes of Council Meeting 8 December 2015*
7. **PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
8. **DISCLOSURES OF INTEREST BY MEMBERS**
9. **APPLICATIONS FOR LEAVE OF ABSENCE**
10. **LATE ITEMS NOTED**

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REPORT 11.1

**TOWN PLANNING & BUILDING COMMITTEE MEETING 2 FEBRUARY 2016**

<b>RESPONSIBLE DIRECTOR</b>	Gary Clark Acting Chief Executive Officer
<b>ATTACHMENT</b>	(A) Town Planning Committee Minutes & Attachments
<b>AUTHORITY/DISCRETION</b>	Simple Majority of Council

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**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 2 February 2016, exercised its delegation in all statutory matters before it. As the Committee has no delegation to determine strategic matters, these are listed separately in the Council agenda for consideration.

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

**RECOMMENDATION**

That the Minutes of the Town Planning & Building Committee Meeting held on 2 February 2016 be received.



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REPORT NO 11.2

**REVIEW OF MUNICIPAL HERITAGE INVENTORY AND HERITAGE LIST**

<b>RESPONSIBLE DIRECTOR</b>	Jamie Douglas Manager Planning Services
<b>FILE NUMBER</b>	B/HHC2, P/PET173 & P/WAL15
<b>AUTHORITY / DISCRETION</b>	Simple Majority of Council

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**PURPOSE**

This report will complete the review of the Municipal Inventory and Scheme Heritage List in respect to all A and B categorised properties on the Municipal Inventory and recommends the status in respect to the final two properties be now determined.

**EXECUTIVE SUMMARY**

The purpose of this report is to resolve whether 173 Petra Street and 15 Walter Street are to be included on the Municipal Inventory as Management Category 'B' and included on the Scheme's Heritage List. These properties have been deferred from earlier determinations regarding the Heritage Review at the request of the owners.

The owners of 15 Walter Street object to the 'B' categorisation of their property and its inclusion on the Heritage List, because it is submitted that it has been subject to recent alterations and is not authentic. The owners of 173 Petra Street have advised they now do not oppose the 'B' categorisation and Listing of their property.

It is recommended that both properties be categorised as 'B' on the Municipal Inventory and included on the Scheme's Heritage List.

**BACKGROUND**

At its 4 December 2014 meeting Council resolved that owners and occupiers of properties categorised as 'A' and 'B' on the revised draft Municipal Inventory be given written advice of their revised assessments and of the intention to consider these properties for inclusion on the 'Heritage List' under the Scheme. There are 85 properties categorised 'A' and 595 categorised 'B'. The notification period for A and B category properties has closed and the status of all properties except those which are the subject of this report, have been determined by Council.

Owners of the properties subject of this report requested that consideration of their properties be delayed so that they could seek further advice and/or make further written submissions.

**DETAILS**

Over the course of the Heritage Review, Council has considered many hundreds of submissions. Some general statements recur in the submissions and are addressed as follows:

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- **Competency of the Consultants and the Validity of the Assessment Process —**  
While it is reasonably predictable that such comments will be made, it is unfortunate where they are made by professionals engaged by property owners and at best may be described as an unfortunate blurring between professional opinion and advocacy. The consultants were engaged following a competitive tender process and are recognised as one of the leading Practices in Heritage Conservation in this State. As already stated, the process applied and the basis for the assessments is consistent with the statutory prescribed process and 'best practice' examples applicable within other municipalities. The level of detail in the heritage assessments is appropriate for the management function for which it is designed. Where more detailed assessment is necessary, this is required at the time of development application as part of a Heritage Impact Statement.

- **The Heritage Significance of Properties Should Not Be Recognised As It Will Cause Financial Disadvantage —**

In some instances there has been confusion between listing under the State Heritage Act and the Heritage List included in the Planning Scheme. The processes are distinctly different and the level of significance required for inclusion in the MI and the Scheme's Heritage List is less than listing at state level. The planning impacts for properties included in the Scheme Heritage List are explained in section 3 of this report. In most instances the current status quo in respect to classifications on the MI are recommended for retention under this review and hence planning provisions will be unaffected. Development proposals for the extension and adaption of properties on the MI and the Heritage List will be considered by the Town, as before.

Some submitters cited real estate advice that substantial financial disadvantage could be attributed to any inclusion on the MI or Heritage List. In this regard, it is interesting to note the following statements by real estate agent Mr. Hayden Groves in a recent article in the Herald Newspaper dated 21 February 2014:

*"But acting out of fear or ignorance is fraught and I am reminded that as a Real Estate Agent, buyers will often ask the question "is it heritage listed?" which is code for "will I have all sorts of problems with relevant authorities if I want to renovate and/or demolish the building?". The reality is, an appearance on a council register is not usually a particularly onerous encumbrance."*

Mr Groves is the REIWA Deputy President and an East Fremantle resident who owns a heritage property subject to this Review and who is knowledgeable of the local market.

While planning provisions in respect to land use, development density, height, setback etc. all have significant impact upon property value, it is generally only those relating to heritage conservation which are argued against on the basis of their perceived impact upon property value and unreasonable curtailment of property rights. There is no reasonable premise for this distinction. Indeed the financial impacts of not conserving heritage and streetscape character will have substantial financial dis-benefits for the community. It is the attributes of visual amenity, streetscape character, unique heritage and ambience that are the underlying elements to the property values currently enjoyed in the Town. It is these elements which in large part attract buyers into the community. As a consequence, where there is loss of heritage significance, streetscape character and amenity due to inappropriate development, it is reasonable to expect that neighbouring properties will experience some loss of value.

Consistency in decision making and defined statutory planning provisions from which future residential amenity and development outcomes can be predicted, are essential components in stimulating investment.

**Issues and options considered**

The Council has the option to accept or reject the proposal for the inclusion of the subject properties as 'B' category on the MI and include them on the Scheme Heritage List.

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

The following provisions of the Town Planning Scheme prescribe the procedure for the preparation of a Heritage List:

7.1 Heritage List

- 7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2. In the preparation of the Heritage List the local government is to —
  - (a) have regard to the municipal inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990; and
  - (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- 7.1.3. In considering a proposal to include a place on the Heritage List the local government is to —
  - (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
  - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
  - (c) carry out such other consultations as it thinks fit; and
  - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.4. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.



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- 7.1.5. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

***Strategic Community Plan******Key Focus Area***

Area 3 Built and Natural Environment

***Aspiration***

Our town is developing in harmony with our unique character within the fabric of the region's built and natural environment

***Outcome***

Heritage Protection

**Risk management considerations**

There are no identified risks to Council.

**Financial / budget implications**

It is considered the recommendation has no financial or budget implications for Council.

**Regional significance**

The matter under consideration does not have regional significance.

**Sustainability implications**

The proposed listings will encourage the continued utilisation of existing built assets.

The proposal will enhance the social wellbeing of the community by protecting and enhancing the Town's 'sense of place'.

**Consultation**

A summary of the submissions, a response and recommended action follows for each property. The submissions in full and the relevant Heritage Assessments are attached.

Property Address	Owner Submission	Response	Recommended Action
15 Walter Street	<p>Objection to inclusion of property on the Town's Heritage List on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Modifications to original building fabric include internal alterations and rear additions. Roof covering has been replaced, gutters and roof line reconstructed and changed completely, screen doors added. The property is therefore not authentic.</li> <li>2. Town has allowed changes without regard to heritage issues in the past.</li> <li>3. The property is of little, cultural heritage significance. There is no discovered social or historic relevance to this property. To assess this property as suitable for the MI constitutes a seriously flawed and improperly researched assessment.</li> </ol>	<ol style="list-style-type: none"> <li>1. Modern introductions don't impact the significant fabric. The original authentic built form is readily discernible from the streetscape. The extension is noted in the draft Place Record Form and does not impact upon the significance of the principal building.</li> <li>2. Adaption and extension of significant places is facilitated by the Town's planning scheme and is consistent with current conservation practice.</li> <li>3. Modifications are sympathetic to the original built form and don't impact the significant fabric.</li> </ol>	<p>Maintain Management Category B.</p> <p>Include property on Heritage List.</p>

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Property Address	Owner Submission	Response	Recommended Action
173 Petra Street	The submission does not oppose the MI categorisation or Listing of the property	Noted	Maintain Management Category B. Include property on Heritage List.

**COMMENT**

In regard to the statutory requirements which are described above, it is considered relevant to note the following planning implications for properties included on the MI and Scheme Heritage List.

- The above scheme provisions are requirements of the WAPC 'Model Scheme Text' and are therefore consistent with those applied in the majority of municipalities in Western Australia.
- The Town is required to undertake periodic reviews of the MI and to include on the Heritage List properties which it determines are appropriate.
- The process for consultation and determination in respect to listings is prescribed by the Scheme. This process has been adhered to.
- The principal planning provisions relating to properties included on the Heritage List and the MI can be summarised as follows:
  - Demolition – currently under the Scheme all properties included on the Heritage List require the prior planning approval of Council for a demolition permit.
  - Properties categorised 'A' or 'B' on the MI will generally be required to replace roofing materials with similar materials although the ability to vary this exists under the Residential Design Guidelines.
  - Properties on the Heritage List are advantaged by the provisions of clause 7.5 of the Scheme which allows Council to set aside any site or development requirement where it will facilitate the conservation of the heritage place. All other properties are subject to the normal provisions of the Scheme.
  - There is nothing in the scheme which requires the reinstatement of the heritage built form should it be destroyed by fire.

The submission in respect to 15 Walter Street states;

*"(15 Walter Street) does not have any authenticity and if it is claimed to do so it is based on incorrect information being provided".*

The draft Place Record Form notes – *"No 15 Walter Street has considerable aesthetic value as an Inter- War California Bungalow. It retains most of the Characteristic features of a dwelling of this type and period."* The additions to the rear are noted.'

Adaption and extension of significant places is facilitated by the Town's planning scheme and is consistent with current conservation practice. The majority of places on the MI have been altered over time. In this instance the modifications are sympathetic to the original built form and don't impact the significant fabric.

The owner of 173 Petra Street, initially objected to the proposed listing of his property however upon considering the requirements and benefits of the planning provisions which are explained above, has since advised they do not oppose the listing.

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It is therefore considered that both properties should be confirmed as category 'B' rating on the MI and included on the Heritage List of the Scheme.

**VOTING REQUIREMENTS**

A simple majority of Council is required.

**RECOMMENDATION**

It is recommended that:

- (a) 15 Walter Street and 173 Petra Street should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with Cl 7.1.3 (d) of Town Planning Scheme No. 3.
- (b) Notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of Cl.7.1.4 of Town Planning Scheme No. 3.

**COMMITTEE RECOMMENDATION**

Mayor O'Neill moved, seconded Cr Nardi

That:

- (a) 15 Walter Street and 173 Petra Street should be confirmed as Category 'B' on the revised MI and included on the Scheme's Heritage List pursuant with Cl 7.1.3 (d) of Town Planning Scheme No. 3.
- (b) Notification in respect of all places to be included on the Scheme's Heritage List be undertaken in accordance with the provisions of Cl.7.1.4 of Town Planning Scheme No. 3.

CARRIED 5:0

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## REPORT NO 11.3

## PROPOSED AMENDMENT TO THE RESIDENTIAL DESIGN GUIDELINES – CROSSOVERS

**RESPONSIBLE DIRECTOR** Jamie Douglas – Manager of Planning Service

**AUTHOR PLANNING ASSISTANT** Andrew Malone Senior Planning Officer  
Liam Wallis Student Planner

**AUTHORITY / DISCRETION** Simple Majority of Council

### PURPOSE

This report considers proposed amendments to the Residential Design Guidelines to ensure a best practice approach for the development requirements of crossovers within the town.

### EXECUTIVE SUMMARY

This report details proposed amendments to the Town of East Fremantle Local Planning Policy Residential Design Guidelines. The proposed amendments are a response to a number of compliance issues/ matters within the town in relation to crossovers and as a general ongoing review of Council's strategy with regard to the development of the Town.

Given the extent of development within the Town and the nature of the development, access to properties via a 3.0 metre wide crossover is not considered appropriate across the whole Town. Recently there have been an increase in the number of requests for wider crossovers and crossover compliance has become a significant statutory planning matter.

The intention of this report is to ensure a consistent, best practice approach is taken by the council in regards to the development requirements of crossovers. It is therefore recommended that Council amend Element 3.7.14 Footpaths and Crossover A 2.2., 2.3 and 2.4 of the Residential Design Guidelines. The amendments would require lots 12 metres in width or less to have a maximum crossover width of 3 metres. For lots 12 metres or more the maximum width would be 30% of the lot frontage up to a maximum 5.0 metres. No crossovers would be allowed to exceed 5.0 metres in width. It is also proposed that any materials will be determined at discretion of the Chief Executive Officer in consultation with the Works Department of the Town and for the purposes of the Policy the Town Planning and Building Committee does not need to be considered / determine crossover material.

<b>Suburb/Location</b>	Town of East Fremantle
<b>Applicant</b>	NA
<b>Owner</b>	NA
<b>Zoning</b>	N/A
<b>Site area</b>	NA
<b>Structure plan</b>	NA

### BACKGROUND

Council on 21 October 2014 resolved:

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

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*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.*

Currently all crossover variations are required to be presented to the Town Planning and Building Committee for approval.

At its meeting on 7 July 2015 the Town Planning and Building Committee resolved as follows:

*It is recommended that Council approve:*

- A full review of Council's crossover requirements to be undertaken which gives due regard to the policies of other local governments to ensure the Town is applying best practice to the construction of crossovers. At the conclusion of the review of the Policy a report to be present to the Town Planning and Building Committee recommending amendments to the Policy where appropriate.*
- A letter is drafted to the owners of the 4 non-compliant properties advising that Council is undertaking a review the Local Planning Policy: Footpaths and Crossover and their non-compliance proceedings are to be placed on hold pending the outcome of the review.*

Further, at its meeting on 5 May 2015 the Town Planning and Building Committee resolved as follows:

*A. It is recommended that the application for retrospective planning approval for an increased crossover width located at 19 (Lot 5008) Locke Crescent, East Fremantle, as described on the plans date stamped received 10 March 2015 be refused for the following reasons:*

- 1. 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 with regard to:*
  - 3.7.14 Footpaths and Crossovers*
- 2. The proposed development does not comply with the following requirements of the Town Planning Scheme No.3:*
  - The proposed development conflicts with Clause 1.6 Aims of the Scheme.*
  - The proposed development conflicts with Clause 4.2 Objectives of the Zones Residential Objectives.*
  - The proposed development conflicts with the provisions of the Town of East Fremantle Town Planning Scheme No. 3 Clause 10.2 (a), (c), (o), (p) and (q) because it is incompatible with adjoining development and would detrimentally impact upon the amenity of the area.*
- 3. The proposed development does not comply with the orderly and proper planning of the area.*

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- B. *It is further recommended that the applicant be required to remove the existing crossover and make good the footpath to Council's specifications and requirements within twenty eight (28) days of this determination. Any new crossover which is constructed is to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's RDG Policy all to the satisfaction of the Chief Executive Officer in consultation with relevant officers. All cost associated with the removal and replacement of the crossover to Council's specifications and requirements are to be borne by the applicant.*

Of the 40 properties previously reviewed by the Planning Department, there are a significant number of properties that have crossovers greater than the current Acceptable Development Criteria requirement of 3.0 metres maximum width and are constructed of the material other than that identified within the Policy.

A full assessment has not been undertaken of all crossovers within the Town, however it is clear some of the many variations to crossover design, are old crossovers which have not been altered but were either constructed prior to the adoption of the current Local Planning Policy – Residential Design Guidelines or the Local Planning Policy 123 'Footpaths and Crossover', which has since been revoked. Others were approved under delegation by the Chief Executive Officer. It is noted that several were also appealed to the Minister for approval. However these established crossovers do direct the presentation of the streetscape. Increasingly new dwellings want larger crossovers. This will be discussed in greater detail later in this report.

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

As noted in the Background section of this report.

**Documentation**

Nil

**DETAILS**

A review of the Local Planning Policy – Residential Design Guidelines Crossover requirements and a recommendation to amend the Policy to facilitate the orderly and proper planning of the Town.

**Issues and options considered****Legislation / Strategic Community Plan / policy implications****STATUTORY PROCESS FOR AMENDING A LOCAL PLANNING POLICY**

Local planning policies are amended under Part 2, Clause 2.4 of TPS No. 3 – 'Procedures for Making and Amending a Local Planning Policy' which requires that a proposed policy amendment be advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days.

Subsequent to the closure of the submission period, Council is then required to review the proposed amendment in light of any submissions made and resolve whether or not to adopt the amended Policy with or without modification. Should the amended Policy be adopted, notice of the Policy is to be published once in a newspaper circulating in the Scheme area and the Policy has effect upon publication of this notice.

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**Legislation** Town Planning Scheme No. 3  
Local Planning Policy – Residential Design Guidelines

**Strategic Community Plan**

**Key Focus Area** Area 4 Governance and Leadership

**Aspiration** The community is served by a leading and listening local government.

**Outcome** 4.4 Clear policies and procedures to guide the planning and operations of the Council.

**Policy** Amend the Local Planning Policy – Residential Design Guidelines – Crossover Requirements

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are no financial/budget implications.

**Regional significance**

There is no regional significance.

**Sustainability implications**

There are no sustainability implications.

**Consultation**

As noted above, local planning policies are advertised for 2 consecutive weeks in a local newspaper and that submissions may be made during a period of not less than 21 days, after Council has resolved to support the proposed amendment.

Should the amended Policy be adopted, notice of the Policy is to be published once in a newspaper circulating in the Scheme area and the Policy has effect upon publication of this notice. This is the bare minimum requirement for engaging the local community about such a significant policy change. It is proposed to include the proposed notifications of the change to the Policy also on the Town's website and Facebook page to promote community engagements and the new policy.

**COMMENT**

Flexibility in determining wider crossovers is important. Wider crossovers facilitate off-street car parking, reducing curb side parking, facilitating safe access/ egress to a lot and improving the street presentation. Larger lots can facilitate the design of a wider crossover without the crossover impacting on the streetscape or dominating the lot frontage. Crossovers are generally designed to align with the driveway of the dwelling, therefore a crossover of a similar dimension maintains the symmetry of the overall access way design.

Given the extent of non-compliant crossovers and the need to apply 'best practice' to governance of the Town's Policies, a review of the Council's crossover requirements in the Local Planning Policy – Residential Design Guidelines was undertaken. This involved extensive investigations of practices employed by other Council's and a review of the existing

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compliance matters the Town's administration regularly addresses. It would appear that crossover compliance has become a significant statutory planning matter for the council. Such matters are taking up a significant amount of administration's time and resources.

The outcome of the investigation into the existing requirements for crossovers was:

- Council's either had a maximum crossover width of 6.0 metres or
- Council's requiring crossovers to be a percentage of the overall frontage of the property.

The following provisions of the RDG guide the assessment of crossovers.

*Desired Outcomes*

- New footpaths and crossovers to match existing streetscapes;*
- Maintenance of existing footpaths and crossovers;*
- Maximum of one crossover per lot or subdivided lot; and,*
- Street trees to be conserved or replaced where a new crossover requires their removal.*

*Acceptable Development Provisions*

- A1 *Crossovers to stop at footpaths and preserve footpath continuity and pedestrian priority.*
- A2.1 *Footpaths to be between 1.2m and 2m wide. Footpaths are to have a clearly defined edge.*
- A2.2 *Crossovers to be maximum 3m wide. Wider crossovers shall be considered to facilitate access and egress on sloping sites. Crossovers to have a concrete edge when abutting the footpath.*
- A2.3 *Precinct Materials:*
- *Plympton (with the exception of George Street)  
Two coat laterite seal paths;  
Laterite bitumen crossovers; and  
Grass verges to be reinstated.*
  - *Woodside, Richmond & Riverside  
Concrete paths; and,  
Black asphalt crossovers.*
  - *Richmond Raceway  
Two coat laterite seal paths outside Richmond Raceway area;  
Concrete paths within Richmond Raceway area;  
Black asphalt crossovers outside Richmond Raceway area; and,  
Laterite bitumen crossovers within Richmond Raceway area.*
  - *Richmond Hill  
Concrete paths; and,  
Black asphalt or brick paved crossovers.*
- A2.4 *Any other materials will be at the discretion of the Council.*
- A3 *All crossovers, ramps and footpaths shall be to Australian Standards.*
- A4 *Retain existing trees or replace existing tree where required.*
- A5.1 *Maximum of one crossover per lot or subdivided lot unless approved by the council.*
- A5.2 *Relevant drawings indicating location of existing and proposed crossover where required. This is to include existing and proposed site plans.*



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*Performance Criteria*

- P1 Pedestrian walk ways will take priority over vehicular access. Re-kerbing is to be done wherever footpaths are replaced.*
- P2 Footpaths and crossovers to match the existing relevant Precincts.*
- P3 All crossovers, ramps and footpaths to the requirement of Australian Standards.*
- P4 No street trees will be removed for a crossover unless approved by the Council and an approved replacement tree is planted.*
- P5 Installation of crossovers and removal of redundant crossovers to be carried out after consultation with the owner of the property. Redundant crossovers to be removed, at the applicants cost, prior to the issue of a building permit for the relevant property.*

Crossover requirements are incorporated within the Residential Design Guidelines. The above provisions specify a maximum of one (1) crossover per lot under the 'Acceptable Development Provisions'. ADP, A2.2 states that crossover width shall be a maximum of 3.0 metres but does provide for wider crossovers for sloping sites, at Council's discretion.

Upon analysis of other similar policies of other Councils, it is considered that it would not be desirable to have a 'one shoe size fits all' policy requirement, such as limiting crossovers to a maximum of 3.0 metres. Crossovers wider than 3.0 metres may sometimes be necessary for safety, access, egress, or design reasons.

Often the need for wider crossovers does not become apparent until after Planning Approval has been issued for a developing including the assessment/ approval of the crossover, however the owner then revises the proposed crossover when the development has been nearly finalised as they are seeking a larger crossover than the permitted 3.0 metre wide crossover. Alternatively crossovers are notated on the plans as 'constructed to Council specifications'. When the proposed crossover is being constructed the applicant then seeks to vary Council's specifications either due to proposed width or material. Applications for amended crossovers are not uncommon. Such width variations raise few planning/ aesthetic issues however they do require an exercise of discretion by Council. The approval process for an application seeking Council discretion for a crossover can often be 4-8 weeks depending on Town Planning and Building Committee meeting dates, therefore extending significantly the finalisation of developments. It is considered the proposed amendments to the Policy requirements and the Town's crossover specifications can streamline this process to the benefit of the Town and ratepayers.

Crossover provisions/ requirements have resulted in unreasonable delays in the development approval process and increase the demands upon staff and Committee members, both in planning and in the Works Department.

The proposed changes are as follows:

- A2.2 Current Policy - Crossovers to be a maximum 3m wide. Wider crossovers shall be considered to facilitate access and egress on sloping sites. Crossovers to have a concrete edge when abutting the footpath
- A 2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:
- For lots 12 metres in width or less the maximum width is 3.0 metres; and

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- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: Proposed to be deleted.

A2.4 Current policy - Any other materials will be at the discretion of the council

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.

No changes are proposed to the Performance Criteria of the Guidelines. Pedestrian footpaths will still take priority over vehicle access ways.

The proposed changes to the policy would facilitate a variety of crossover widths, depending on the lot width and would provide for a variety of material, so long as the footpath (where one exists) continues uninterrupted across the width of the site. Council currently has to determine applications for crossovers where they do not conform with Council's crossover policy requirements. Crossover material is primarily an operational issue which should be managed internally by administration. New materials such as exposed aggregate are frequently being utilised in development applications, however such materials are currently required to be presented to the Town Planning and Building Committee for consideration.

The Town does not restrict the use of material to a dwelling, nor does it restrict colour, however with respect to crossover, Council has requirements for only certain materials to be utilised. This in some instances is not practical. For example, many new dwellings being constructed are built in concrete or pale renders. However the policy requires only red asphalt to be utilised in some precincts. The red asphalt does not match the pastels of the dwelling and therefore highlights the crossover, instead of the crossover integrating with the dwelling and the street, minimising the impact of the crossover on the street. It is therefore considered Council should not restrict the use of crossover material and colours in precincts. Council administration should be able to determine the impact of a crossover material as an operational issue to the satisfaction of the Chief Executive Officer in consultation with relevant staff.

The assessment of policy requirements of other Council's is done at an administration level. Lot sizes/ widths vary throughout the Town and vary depending on the precinct they are located in. The proposed changes recognise the differences throughout the town and allow for varying crossover widths dependant on the lot width. For example a lot in the Richmond Hill Precinct with a frontage of 20 metres would be allowed a crossover width of 6.0 metres (30% of 20 metres), however the maximum width permitted would be 5.0 metres as per the amended policy. The existing frontage would be able to facilitate a 5.0 metre crossover without the crossover dominating the lot. A lot in the Plympton Precinct measuring 11 metres would be permitted a maximum width of 3.0 metres (30% of 11 metres is 3.3 metres, however maximum width for lots under 12 metres is 3.0 metres maximum width). The proposed amendments to the policy would provide for a greater degree of flexibility. Where an applicant/ owner wants a crossover of over 30% of the frontage (maximum of 5 metre) then an application to Council would be required to be submitted to Council for determination.

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The proposed amendment provides for a variety of options for the owner and the flexibility to have a crossover width that matches the driveway/ access leg width. There are many examples of driveways being 5-6 metres in width only for the crossover to reduce to 3.0 metres, impacting on the overall symmetry of the verge/ crossover/ driveway. This at times can look unusual.

The proposed amendments provides for flexibility of design and material, whilst still recognising the precinct differences throughout the Town.

There are no changes proposed to:

*A4 Retain existing trees or replace existing tree where required.*

Or

*P4 No street trees will be removed for a crossover unless approved by the Council and an approved replacement tree is planted.*

Council has and continues to ensure that trees are and will be protected. The proposed changes to this Policy does not impact on the preservation tree canopy, as applicants as a requirement of this Policy still require Council approval to remove a verge tree. Additionally any proposed tree removal is assessed and reviewed during the planning assessment process of a development application and is generally discussed with the applicant/ owner. The design of a dwelling and the location of the driveway should ensure that the need to remove a tree is a rare occurrence.

Pursuant to clause 2.4.3 of the Town of East Fremantle Town Planning Scheme No. 3, Council will be required to publish notice of the Policy amendments (if adopted) in a newspaper circulating in the Scheme area, however Council as noted previously, Council will notify the local residents via alternative means also.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

1. Council endorse the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions A2.2, A2.3, A2.4 as outlined:

A2.2 **Amended Policy** - The following outlines the prescribed maximum crossover widths:

- For lots 12 metres in width or less the maximum width is 3.0 metres and
- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

A2.3 Precinct materials: **Proposed to be deleted.**

A2.4 **Amended Policy** - All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.

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AGENDA

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All other Policy requirements relating to the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers are to remain the same. Policy numbers to be amended and modified as required.

2. Pursuant to Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, Council resolves to publicly advertise the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines - September 2012'.
3. The Town of East Fremantle to amend as required Council's Crossover Specification requirements to align with the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions.

**COMMITTEE RECOMMENDATION****Cr White – Mayor O'Neill**

1. Council endorse the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions A2.2, A2.3, A2.4 as outlined:

**A2.2 Amended Policy - The following outlines the prescribed maximum crossover widths:**

- For lots 12 metres in width or less the maximum width is 3.0 metres and
- For lots 12 metres or more the maximum width is 30 % of the lot frontage up to a maximum width of 5.0 metres. No crossovers are to be constructed over the maximum width of 5.0 metres.

**A2.3 Precinct materials: Proposed to be deleted.**

**A2.4 Amended Policy - All crossover materials will be at the discretion of the Chief Executive Officer. Crossovers are to be constructed as per Council's Crossover Specification requirements.**

All other Policy requirements relating to the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers are to remain the same. Policy numbers to be amended and modified as required.

2. Pursuant to Clause 2.4 of the Town of East Fremantle Town Planning Scheme No. 3, Council resolves to publicly advertise the proposed amendments to the 'Local Planning Policy - Residential Design Guidelines - September 2012'.
3. The Town of East Fremantle to amend as required Council's Crossover Specification requirements to align with the Local Planning Policy - Residential Design Guidelines 3.7.14 Footpaths and Crossovers Performance Criteria and Acceptable Development Provisions. CARRIED 5:0

16 February 2015

## AGENDA

REPORT NO 12.1.1

**MONTHLY FINANCIAL ACTIVITY STATEMENT 31 DECEMBER 2015**

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Administration
<b>FILE NUMBER</b>	F/FNS2
<b>ATTACHMENT</b>	(A) Monthly Financial Activity Statement
<b>AUTHORITY / DISCRETION</b>	Simply Majority

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**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.

It is therefore recommended that Council receives the Financial Activity Statement for the period ending 31 December 2015.

**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 31 December 2015 is appended and includes the following:

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

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.

**DETAILS**

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

Revised Budget Forecast

The current budget forecast for the 30<sup>th</sup> June 2016 indicates a surplus of \$375,336 which is represented by;

+\$ 20,900 The original budget Surplus adopted 20<sup>th</sup> July 2015.

+\$404,436 Additional surplus funds from EOY 30 June 2015 (OCM 081215)

-\$ 50,000 Allocated to Town Planning Study for the Leeuwin Barracks (OCM081215)

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AGENDA

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Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 101%; is \$119,000 more than the YTD budget. (Favourable)

Operating Expenditure 104%; is \$175,000 more than the YTD budget. (Unfavourable)

After non-cash adjustments, the total operating cash forecast is \$742,000 more than the YTD budget (Favourable).

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

The significant favourable variances greater than \$20,000 within operating revenue are General Income \$29,000 due to receipt of the LGIS members dividend; early timing difference of HACC funding \$35,000; and development applications \$25,000 mainly due to one large application.

Operating Expenditure is 4% Unfavourable to year to date budget.

The main areas of favourable variation for operating expenditure is timing differences in Governance - Consultants Strategic Business Planning \$94,000, Employee costs \$103,000, and Consultants Legal/Administration \$46,000 which will be offset during the year; Community Amenities – Domestic Refuse Collection \$21,000, Waste Composting Facility \$55,000 and bulk Green waste \$38,000 which is mainly due to invoices received in the following month, Planning employee costs \$22,000 which will be offset during the year. Transport which includes Road and Street Maintenance, and Street Pruning have favourable balances amounting to \$109,000, which is mainly due to seasonal factors and will be offset during the year.

Other areas of favourable variance are spread across various programs as detailed in the report.

The significant areas of unfavourable variation for operating expenditure include Governance - Computer System Support \$22,000 which is a timing difference from the introduction of On-Line backup and disaster recovery, and firewall upgrades plus software license renewals for Synergy, Microsoft and VMware; Recreation & Culture – East Fremantle Oval \$29,000 mainly due to pre-season turfing and sewer repairs, East Fremantle Festival \$30,000 timing difference; Transport - Footpath & Cycleways, Verges, Street Cleaning, Tree replacement and Drainage with balances amounting to \$154,000 which is mainly due to seasonal factors and will be offset during the year.

Elevated levels of depreciation in Recreation & Culture \$418,000 and Transport \$371,000 due to the increase in valuation of infrastructure assets have significantly distorted the operating expenditure figures in the Recreation and Transport programs. Variations in depreciation are non-cash therefore there is no impact on the cash position.

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

The current year's capitals works programmes are at early mobilisation stage at reporting date.

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

Capital Programs YTD Progress Summaries

Annual Timeline 50% of year elapsed

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AGENDA

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Land & Buildings 2% expended

Infrastructure Assets 6% expended

Plant & Equipment 49% expended

Furniture & Equipment 6% expended

Capital expenditure is \$1,833,000 less than the YTD budget (Favourable) which represents 89% of the capital programs to be completed. The report provides details on individual capital works to have progressed as at 31 December 2015.

**Issues and options considered**

No budget revisions recommended to date.

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

Local Government Act 1995 (As amended)  
Local Government (Financial Management) Regulations 1996  
(As amended)

**Strategic Community Plan**

**Key Focus Area**

Area 4: Governance and Leadership

**Aspiration**

The community is served by a leading and listening local government.

**Outcome**

4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.

**Policy**

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.

**Risk management considerations**

No options for budget revision are presented for risk consideration. The budget forecast is a surplus of \$375,336.

**Financial / budget implications**

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

There are no positive or negative impacts on the current budget forecast.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

There is no regional significance.

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AGENDA

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**Sustainability implications**

Not applicable. The recommendation of this report has no direct sustainability implications although the intent of budget monitoring is to promote economic sustainability.

**Consultation**

Nil

**COMMENT**

The attached Financial Activity Statement for the period 1 July 2015 to 31 December 2015 is presented to the Council for timely information. The current annual forecast of a \$375,336 surplus is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level; however figures are subject to the annual half yearly review budget project.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council receives the Financial Activity Statement for the period ending 31 December 2015.



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AGENDA

## REPORT 12.1.2

**MONTHLY FINANCIAL ACTIVITY STATEMENT 31 JANUARY 2016**

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Administration
<b>FILE NUMBER</b>	F/FNS2
<b>ATTACHMENT</b>	(A) Monthly Financial Activity Statement
<b>AUTHORITY / DISCRETION</b>	Simply Majority

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**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.

It is therefore recommended that Council receives the Financial Activity Statement for the period ending 31 January 2016.

**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 31 January 2016 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 on Council activities undertaken during the financial year.

**DETAILS**

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

Revised Budget Forecast

The current budget forecast for the 30 June 2016 indicates a surplus of \$375,336 which is represented by;

+\$20,900 The original budget Surplus adopted 20 July 2015.

+\$404,436 Additional surplus funds from EOY 30 June 2015 (OCM 081215)

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16 February 2015

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**AGENDA**

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-\$ 50,000 Allocated to Town Planning Study for the Leeuwin Barracks (OCM081215)

The budget forecast will receive comprehensive assessment during the Half Yearly Budget Review.

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 102%; is \$178,000 more than the YTD budget. (Favourable)

Operating Expenditure 104%; is \$235,000 more than the YTD budget. (Unfavourable)

After non-cash adjustments, the total operating cash forecast is \$890,000 more than the YTD budget (Favourable).

Operating Revenue is 2% Favourable with year to date budget.

The significant favourable variances greater than \$20,000 within operating revenue are General Income \$28,000 due to receipt of the LGIS members dividend; early timing difference of HACC funding \$45,000; and development applications \$23,000 mainly due to one large application.

Operating Expenditure is 4% Unfavourable to year to date budget.

The main areas of favourable variation for operating expenditure is timing differences in Governance - Consultants Strategic Business Planning \$112,000, Employee costs \$125,000, and Consultants Legal/Administration \$33,000 which will be offset during the year; Community Amenities – Domestic Refuse Collection \$23,000 and, Waste Composting Facility \$53,000 which is mainly due to invoices received in the following month, Planning employee costs \$29,000 which will be monitored during the year. Transport which includes Road and Street Maintenance, and Street Pruning have favourable balances amounting to \$149,000, which is mainly due to seasonal factors and will be offset during the year.

Other areas of favourable variance are spread across various programs as detailed in the report.

The significant areas of unfavourable variation for operating expenditure include; Recreation & Culture – East Fremantle Oval \$22,000 mainly due to pre-season turfing and sewer repairs, East Fremantle Festival \$30,000 timing difference; Transport - Footpath & Cycleways, Verges, Street Cleaning, Tree replacement and Drainage with balances amounting to \$158,000 which is mainly due to seasonal factors and will be offset during the year.

Elevated levels of depreciation in Recreation & Culture \$489,000 and Transport \$434,000 due to the increase in valuation of infrastructure assets have significantly distorted the operating expenditure figures in the Recreation and Transport programs. Variations in depreciation are non-cash therefore there is no impact on the cash position.

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

The current year's capitals works programmes are at early mobilisation stage at reporting date.

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

Capital Programs YTD Progress Summaries

Annual Timeline 58% of year elapsed

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## AGENDA

Land & Buildings 2% expended

Infrastructure Assets 6% expended

Plant & Equipment 49% expended

Furniture & Equipment 9% expended

Capital expenditure is \$1,831,000 less than the YTD budget (Favourable) which represents 89% of the capital programs to be completed. The report provides details on individual capital works to have progressed as at 31 January 2016.

**Issues and options considered**

No budget revisions recommended to date.

**Legislation / Strategic Community Plan / policy implications****Legislation**

Local Government Act 1995 (As amended)  
 Local Government (Financial Management) Regulations 1996  
 (As amended)

**Strategic Community Plan****Key theme**

Key Focus Area 4: Governance and Leadership

**Objective**

Aspiration: The community is served by a leading and listening local government

**Strategic initiative**

4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community

**Policy**

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.

**Risk management considerations**

No options for budget revision are presented for risk consideration. The budget forecast is a surplus of \$375,336.

**Financial / budget implications**

The January 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no positive or negative impacts on the current budget forecast.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

There is no regional significance.

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AGENDA

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**Sustainability implications**

Not applicable. The recommendation of this report has no direct sustainability implications although the intent of budget monitoring is to promote economic sustainability.

**Consultation**

Nil

**COMMENT**

The attached Financial Activity Statement for the period 1 July 2015 to 31 January 2016 is presented to the Council for timely information. The current annual forecast of a \$375,336 surplus is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level; however figures are subject to the annual half yearly review budget review.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council receives the Financial Activity Statement for the period ending 31 January 2016.

16 February 2015

## AGENDA

## REPORT 12.1.3

**ACCOUNTS FOR PAYMENT - DECEMBER 2015 AND JANUARY 2016**

**RESPONSIBLE DIRECTOR** Executive Manager Finance & Administration

**FILE NUMBER** F/FNS2

**ATTACHMENT** (A) Monthly List of Payments December 2015  
(B) Monthly List of Payments January 2016

**AUTHORITY / DISCRETION** Simply Majority

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**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 months of December 2015 and January 2016.

It is therefore recommended that Council receives the List of Accounts paid for the period 1 December to 31 December 2015 and 1 January to 31 January 2016, as per the summary tables.

**BACKGROUND**

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

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached are itemised lists of all payments made under delegated authority during the said period.

**DETAILS**

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

The list of payments is to be presented to Council at the next Ordinary Meeting after it has been prepared, and recorded in the minutes of that meeting.

**Issues and options considered**

No options to consider.

**Legislation / Strategic Community Plan / policy implications**

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

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16 February 2015

**AGENDA****Strategic Community Plan****Key Focus Area**

Area 4: Governance and Leadership

**Aspiration**

The community is served by a leading and listening local government

**Outcome**

4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community

**Policy**

F8.1 Ordering of Goods and Services.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Accounts for Payment are sourced from budget allocations. All amounts quoted in this report are inclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Nil

**COMMENT**

The List of Accounts paid for the months of December 2015 and January 2016 requires endorsement by the Council.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That the List of Accounts paid for the periods 1 December to 31 December 2015 and 1 January to 31 January 2016 be received, as per the following summary tables:

<b>DECEMBER 2015</b>		
<b>Voucher Nos</b>	<b>Account</b>	<b>Amount</b>
4943 – 4961	Municipal (Cheques)	\$17,701.55
EFT 21749 – EFT 21917	Electronic Transfer Funds	\$1,078,632.12
Payroll	Electronic Transfer Funds	\$225,373.14
Superannuation	Electronic Transfer Funds	\$34,399.88
Credit Card	CEO	2,407.09
	<b>Total Payments</b>	<b>\$1,358,513.78</b>

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## AGENDA

<b>JANUARY 2016</b>		
<b>Voucher Nos</b>	<b>Account</b>	<b>Amount</b>
4962 – 4963	Municipal (Cheques)	\$543.66
EFT 21918 – EFT 21993	Electronic Transfer Funds	\$274,914.98
Payroll	Electronic Transfer Funds	\$200,845.03
Superannuation	Electronic Transfer Funds	\$34,169.51
Credit Card	CEO	778.00
	<b>Total Payments</b>	<b>\$511,251.18</b>

REPORT NO 12.1.4

**LORD MAYOR'S DISTRESS RELIEF FUND**

<b>RESPONSIBLE DIRECTOR</b>	Acting Chief Executive Officer
<b>FILE NUMBER</b>	F/DNS1
<b>AUTHORITY / DISCRETION</b>	Simple Majority

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**PURPOSE**

To authorise a donation to the Lord Mayor's Distress Relief Fund for the Waroona and districts fire disaster.

**EXECUTIVE SUMMARY**

Given the recent devastating bush fires in the Waroona and surrounding districts, it is proper that Council provide assistance to those who have lost so much.

It is therefore recommended Council provide a \$1,000 donation to this fund.

**BACKGROUND**

Council's Donations Policy states that Council should determine funding *for appeals, which arise from major events or catastrophes, and are usually part of a Lord Mayor's Appeal, such as floods, fire, cyclones etc.*

Enquiries with southwest local governments revealed:

**City of Kwinana**

Donation of \$2,000 (check going to Council Meeting 20 January)  
They previously donated a similar amount to Esperance fires.

**City of Rockingham**

Staff arranged a free dress day fundraiser on Friday, 15 January.  
Council's Autumn Centre is holding a fundraising dinner.  
Various organisations are applying for the council's Community Grants Program to hold events, with proceeds going to the relief fund.

**City of Fremantle**

Donation of \$10,000

**City of Cockburn**

Donation being discussed at present between Directors.  
Staff arranged a free dress day fundraiser – amount raised matched by Council.

**DETAILS**

The Lord Mayor's Distress Relief Fund is the recognised state emergency fund and provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia.

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## AGENDA

**Issues and options considered**

The costs of administering the Lord Mayor's Distress Relief Fund are wholly absorbed by the City of Perth so 100% of all funds raised go directly to those in need.

**Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	There is no relevant legislation
<b>Strategic Community Plan</b>	A donation of this nature is not relevant to the Strategic Community Plan.
<b>Key Focus Area</b>	N/A
<b>Aspiration</b>	N/A
<b>Outcome</b>	N/A
<b>Policy</b>	Donation Policy (No F2.5)

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

As there are sufficient funds in the current budget to cover this expenditure, there are no negative budget implications.

Current financial year impact

<b>Account no.</b>	E08203 Donations - All Other
<b>Budget Item</b>	370
<b>Budget amount</b>	\$5,000
<b>Amount spent to date</b>	\$2,700
<b>Proposed cost</b>	\$1,000
<b>Balance</b>	\$1,300

Future financial year impact

The donation is only applicable to the 2015/16 year.

**Regional significance**

Council's actions in this regard will have no regional significance.

**Sustainability implications**

There are no sustainability implications.

**Consultation**

Consultation is not required.

**COMMENT**

It is considered East Fremantle residents would be supportive of Council's actions in providing financial assistance to the relief efforts for these West Australian bushfire victims.

16 February 2015

AGENDA

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**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That a donation of \$1,000 be made to the Lord Mayor's Distress Relief Fund to assist bushfire victims of Waroona and surrounding districts.

16 February 2015

AGENDA

REPORT NO 12.1.5

## REVIEW POLICY 117 – LEEUWIN CARPARK & LAUNCHING RAMP (CARPARK NO.1) – PARKING FOR RATEPAYERS

<b>RESPONSIBLE DIRECTOR</b>	Executive Manager Finance & Administration
<b>FILE NUMBER</b>	R/RSN1
<b>ATTACHMENT</b>	(A) Draft Leeuwin Carpark (No 1) & Launching Ramp – Parking for Ratepayers Policy (B) Draft Leeuwin Carpark (No 1) & Launching Ramp – Parking for Ratepayers Procedure
<b>AUTHORITY / DISCRETION</b>	Simple Majority Resolution of Council

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### PURPOSE

For Council to adopt a revised policy for Leeuwin Carpark & Launching Ramp (Carpark No1) parking permits for ratepayers

### EXECUTIVE SUMMARY

In reviewing this policy it has been discovered that the parking permits scheme is currently utilised by only a small section of the eligible boating community. To correct this situation would be uneconomic for the Town therefore a more appropriate alternative would be to gradually phase out the scheme over a 2 year period.

It is therefore recommended that Council;

1. issues a final non-renewable permit for two years duration.
2. amends No.117 Council Policy for Leeuwin Carpark & Launching Ramp (Carpark No1) – Parking for Ratepayers, to include clause 6. This policy will cease in operation from 30 June 2018.
3. includes in the draft 2016/2017 budget consideration for fees and charges a fee of \$100 for the 2 year renewal of Leeuwin No1 Carpark ratepayer parking Permits.

### BACKGROUND

The policy commenced in 1997 and for a small fee (currently \$45) allows owner/occupier ratepayers access to an annual parking permit for unlimited use of the Leeuwin No1 Boat Ramp Car Park. In 2012/2013 \$1.36 million was spent on a full upgrade of the finger jetties and car park design, with subsequent parking fees set at \$12.00 per day.

### DETAILS

To be eligible for a permit, ratepayers must have a motor vehicle, boat and trailer registered to the principal place of residence. Company vehicles are ineligible if they are not registered to the principle place of residence.

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AGENDA

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The permit system is not actively promoted and currently there are 37 permits issued annually from a residential rate base of 3127 properties. Department of Transport records indicate that there are 378 registered boats within the Town.

Based on these statistics, 1.2% of ratepayers currently benefit from the subsidy, or 9.8% of boat owners.

**Issues and options considered**

Discussions from the November 2015 Council Forum included indications that the boat ramp should operate on a user pays basis, given the Council investment in the facility. There was a reasonable consensus that we should consider phasing out the subsidy and that no new permits should be issued although it was noted that this should be approached carefully given that a benefit was being taken away, therefore it may need to be phased out over a number of years. Other issues raised were to either substantially increase the fee, limit the use to weekdays or set a maximum number of times it could be used.

The permit system is quite labour intensive in terms of processing the application, preparing permits, issuing permits, preparing a schedule of permit holders and then the ongoing requirement for Rangers to check vehicle and trailer registrations against the schedule details of permits issued. This ensures no discrepancies between nominated vehicles and trailers on the permit schedule, given that permits are not transferrable to other users. It would be reasonable to consider that the \$45 fee is consumed by administration.

If boat users tended to go out at least 10 times per year on average, then potential revenue foregone would currently be \$4,440. This represents approximately 3% of current parking revenue.

With 378 boat owners in Town, it is reasonable to assume that more than 37 boat owners are ratepayers of the Town, therefore the permit system is not benefitting all whom are potentially eligible, the system also discriminates against ratepayers with private use vehicles as part of an employment contract. The consensus was that there needed to be a change from the status quo. The situation is that not all eligible ratepayers are benefitting from the scheme, however to do so would become uneconomic for the Town. Exploring the options of continuing or discontinuing the scheme are as follows.

One alternative is to broaden the eligibility criteria, or promote the scheme; however this will come with significantly increased administration costs and revenue shortfall. If half of the balance of boat owners were eligible, then conceivably the demand for eligible ratepayer parking permits could increase to 210, which would amount to an administrative cost of \$9450 and revenue shortfall of \$25,200. If it was opened up to all residents we could be looking at administration of \$17,000 and parking revenue shortfall of \$45,000. The option of promoting and widening the scope of the permit system received no support at the Forum.

The other alternative was to develop an exit strategy, recognising the inequity to current eligible ratepayers that has developed over time and the cost involved in continuing with the subsidy on a broader basis, together with the need to recover facility costs given the recent substantial investment at the boat ramps and carpark. A common theme was to phase out the subsidy, to be done in a way that provides a soft landing with plenty of warning. A suggested proposal would be to issue a final non-renewable permit for 2 years duration (2016-2018), for \$100.00. No further permits would be issued beyond issue date, which would make a clean end to

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administration of the scheme, and two years would create a sufficient break in the annual renewal cycle to allow phasing out to occur in a controlled manner.

There would also be a requirement to amend the existing policy by including a sunset clause that "This policy will cease in operation effective from 30 June 2018".

**Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	N/A
<b>Strategic Community Plan</b>	
<b>Key Focus Area</b>	Area 4 Governance and Leadership
<b>Aspiration</b>	Review revenue strategies to enable the Town to sustainably provide services to the community.
<b>Outcome</b>	4.9 A financially sustainable Town
<b>Policy</b>	117 Council Policy for Leeuwin Carpark & Launching Ramp (Carpark No 1) – Parking for Ratepayers

**Risk management considerations**

N/A

**Financial / budget implications**Current financial year impact

<b>Account no.</b>	112181
<b>Budget Item</b>	Parking Fees
<b>Budget amount</b>	\$140,000 Income
<b>Amount spent to date</b>	\$90,000 Income
<b>Proposed cost</b>	\$4,440 Income foregone (37 x 10 x \$12) \$25,200 Income foregone (210 x 10 x \$12) \$45,000 Income foregone (378 x 10 x \$12)
<b>Balance</b>	\$50,000 Income

Future financial year impact

<b>Annual operating cost</b>	\$4,440 Income forgone
<b>Estimated annual income</b>	\$0
<b>Capital replacement</b>	N/A
<b>20 Year Strategic Financial Plan impact</b>	\$88,800; or \$504,000; or \$900,000 Income foregone
<b>Impact year</b>	N/A

All amounts quoted in this report are exclusive of GST.

**Regional significance**

N/A

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### **Sustainability implications**

#### Environmental

Not Applicable

#### Social

Not Applicable

#### Economic

The policy is currently impacting the Town by approximately \$4440 given that it is not actively promoted, however this has the potential to impact in the range of \$25200 - \$45000 pa if the policy was to continue. This would prove to be uneconomic in the longer term for the Town; therefore we need to consider the future of a policy that currently benefits 37 ratepayers.

### **Consultation**

Nil

### **COMMENT**

To continue with the permit system in its current form is inequitable because it is not benefiting all eligible ratepayers or residents.

The cost of the scheme will become prohibitive with promotion or a wider scope of eligibility, and given the level of investment that has gone into boating facilities in recent years, to expand the scheme does not adhere to the user pays principle.

To phase the scheme out over a two year period appears to be reasonable in the circumstances and provides plenty of notice to the 45 affected parties.

It should be noted that the Procedure document which accompanies this Policy, forms part of our administrative Procedures Register, is provided to elected members purely for information and therefore does not form part of the report recommendation.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council:

1. issues a final non-renewable permit for two years duration.
2. amend No.117 Council Policy for Leeuwin Carpark & Launching Ramp (Carpark No1) – Parking for Ratepayers, to include clause 6. This policy will cease in operation from 30 June 2018.
3. includes in the draft 2016/2017 budget consideration for fees and charges a fee of \$100 for the 2 year renewal of Leeuwin No1 Carpark ratepayer parking Permits.

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REPORT NO 12.1.6

## REVIEW POLICY F7.2 – COUNCIL MEMBER FEES AND ALLOWANCES

<b>RESPONSIBLE DIRECTOR</b>	Executive Manager Finance & Administration
<b>FILE NUMBER</b>	C/POL1
<b>ATTACHMENT</b>	(A) Draft Payment of Council Member Fees and Allowances Policy
<b>AUTHORITY / DISCRETION</b>	Council resolution

### PURPOSE

For Council to consider a revised policy for Council Member Fees and Allowances

### EXECUTIVE SUMMARY

Council are to consider the merits of changing the periodic payment of Council Member fees and allowances from quarterly to monthly in arrears.

As a separate issue Council is also to consider the advance payment of ICT allowance to newly elected members.

It is therefore recommended that Council:

1. amends Policy F7.2 to include "Payments to Council Members to be paid as a proportionate lump sum retrospectively in the month following the end of each month, with payments to Council Members who resign or retire prior to the end of a month being paid on a pro-rata basis".
2. amends Policy F7.2 to include "Newly elected members may seek reimbursement of ICT hardware set up costs as an advance to the ICT Allowance".

In line with the current Policy register review, the Policy will be converted to the new format and numbering system.

### BACKGROUND

Policy F7.2 was previously reviewed in 2008 and allowed for Council Members to be paid as a proportionate lump sum retrospectively at the end of each quarter – September, December, March and June, with members retiring or resigning prior to the end of a quarter being paid on a pro-rata basis.

### DETAILS

At the Council Forum 15 December 2015 a matter was raised to a) increase Councillor payment frequency to monthly, and b) provide ICT Allowance payments in advance for newly elected members.

Currently sitting members are paid a combination of expense allowances, sitting fees and an ICT allowance.

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Quarterly payments are as follows:

Mayor	\$10,500
D/Mayor	\$ 5,406
Councillor	\$ 4,500

Monthly payments would be;

Mayor	\$ 3,500
D/Mayor	\$ 1,802
Councillor	\$ 1,500

**Frequency of Payments**

During discussion at the Council Forum, it appeared that the matter of considering a change in payment frequency was not unanimous but did receive sufficient support for further consideration.

It would be a personal preference of whether one receives payments quarterly or monthly, however it would be preferable for either one or the other, rather than the option of either. Receiving payments quarterly allows for a larger lump sum that can be used for more substantial planned purposes, especially as this is usually a supplementary source of income. Moving to monthly payments would diminish the effect of the sum paid, although will provide more of a minor assistance to cash flow for the benefit of shorter term requirements.

Enquiries with neighbouring South West Group City councils indicates that there is no set pattern on the frequency of elected member payments with two of the five still offering quarterly payments, three offering monthly, and one offering a combination that includes fortnightly. The majority of councils pay in arrears.

There would be an increase in administration time that would be absorbed with an increase in frequency of payment, however these could be minimised if it was accepted that payments could be disbursed during the course of normal payment runs as long as they are expedited prior to the end of the following month.

**ICT Allowance for Newly Elected Members**

The ICT allowance of \$3,000 is currently included as a quarterly payment of \$750 or alternatively would be \$250 per month. The allowance is not just intended for purchase of hardware devices, but also for ongoing communication expenses of internet, phone and required printing stationery. The allowance is untied and is paid as a contribution toward any ICT expenses incurred, however there is no obligation to prove expenditure against ICT related costs.

The matter was raised as to whether we should make special dispensation to pay the ICT allowance in advance to newly elected members so that they can set themselves up with the required hardware devices and communication requirements. There is also the need to provide sufficient allowance for the ongoing ICT costs of phone and internet, therefore it may be more appropriate to provide newly elected Councillors with the option of seeking reimbursement for any upfront cost of hardware devices purchased as required, however leaving the remainder of the ICT allowance to cover recurrent communication costs. It is expected that this situation is likely to be relatively infrequent, given that it is quite commonplace for people to have connection with ICT communications and hardware, however where there is a need for a newly elected member to purchase equipment a reimbursement option would be available to respond when necessary.



**Issues and options considered**

The issue for Councillors is simply a matter of whether they would prefer to receive the existing larger sum of \$4,500 per quarter or \$1,500 per month.

The ICT allowance can include built in flexibility to cater for reimbursement of hardware costs for newly elected members, which would be deducted from future payments of either \$750 per quarter or \$250 per month.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** Local Government Act 1995; Sect 5.98

**Strategic Community Plan**

**Key Focus Area** Area 4 Governance & Leadership

**Aspiration** The Community is served by a leading and listening local government.

**Outcome** 4.4 Clear policies and procedures to guide the planning and operations of the Council.  
Maintain up to date policies and procedures to ensure clarity of the Council's intent on planning and operational matters

**Policy** F7.2 Council Member Fees and Allowances

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are no additional budget implications.

Current financial year impact

<b>Account no.</b>	E04253/E04255/E04256
<b>Budget Item</b>	Mayor/Councillor Sitting Fees
<b>Budget amount</b>	\$144,500; \$3,600; \$14,500
<b>Amount spent to date</b>	\$67,766; \$1,812; \$7,250
<b>Proposed cost</b>	\$ No Change
<b>Balance</b>	\$76,734; \$1,788; \$7,250

Future financial year impact

<b>Annual operating cost</b>	\$162,600
<b>Estimated annual income</b>	Nil
<b>Capital replacement</b>	Not Applicable
<b>20 Year Strategic Financial Plan impact</b>	\$3,252,000
<b>Impact year</b>	Annual

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All amounts quoted in this report are exclusive of GST.

**Regional significance**

There is no regional significance.

**Sustainability implications**

There are no sustainability implications.

**Consultation**

Nil

**COMMENT**

It is a personal choice of Council whether they wish to continue being paid quarterly, or whether they believe monthly fees are more appropriate. There is no consensus in the South West Group of six Councils, including East Fremantle, where currently it is evenly split between quarterly and monthly payment practices.

The recommendation provides Council with the option of considering moving to monthly payment practices.

Flexibility has also been considered in allowing newly elected members to claim reimbursement for ICT set up costs of hardware if required.

**VOTING REQUIREMENTS**

Simple Majority

S5.63(1)(c) of the Local Government Act allows elected members to participate fully in discussions and voting on the payment of allowances, expenses benefits or gifts provided by the local government to you as a member. This exemption applies only to those allowances, expenses, benefits or gifts authorised by the Act.

**RECOMMENDATION**

That Council:

1. amends Policy F7.2 to include "Payments to Council Members to be paid as a proportionate lump sum retrospectively in the month following the end of each month, with payments to Council Members who resign or retire prior to the end of a month being paid on a pro-rata basis".
2. amends Policy F7.2 to include "Newly elected members may seek reimbursement of ICT hardware set up costs as an advance to the ICT Allowance".



## REPORT NO 12.2.1

**STATUTORY REVIEW OF LOCAL LAWS UNDER S3.16 OF THE LOCAL GOVERNMENT ACT 1995****RESPONSIBLE DIRECTOR**

Acting Chief Executive Officer

**AUTHOR**

Chris Liversage Consultant

**ATTACHMENT**

(A) Public submission

**AUTHORITY / DISCRETION**Absolute majority of Council

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**PURPOSE**

For Council to receive the outcome of the public submissions period for the statutory review of local laws as required by s3.16 of the Local Government Act 1995.

**EXECUTIVE SUMMARY**

As required by s3.16 of the Local Government Act 1995, public comment was requested with respect to the Town's local laws. While no substantive comments were received and the Town has now complied with this obligation, it is clear many are no longer required or are out of date and should be repealed or replaced. Further action in this regard will be presented to Council on a case by case basis.

**BACKGROUND**

Local governments are required to review their local laws every 8 years under s3.16 of the Local Government Act 1995.

At its meeting held on 17 November 2015 Council resolved to initiate a review of its local laws. A request for submissions was duly published in the 'West Australian' newspaper on 21 November 2015, on the Town's notice board and on its website.

**DETAILS**

One submission was received at the close of the submissions period on 15 January 2016 from the Outdoor Media Association of Australia. While the Association made no specific comment, it requested that it be informed of any future changes to signs and hoardings type local laws.

While the Town has now complied with its statutory obligation to undertake a formal review, as reported to Council on 17 November, it is clear that many require repeal or replacement due to their age or changes to other legislation.

**Issues and options considered**

The Town could simply leave all local laws as they are. However many are clearly outdated, conflict with Acts of Parliament or regulations, or were made under repealed legislation. Almost all will require replacement.

**Legislation / Strategic Community Plan / policy implications****Legislation**

Section 3.16 of the Local Government Act 1995 provides that:

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
  - a. *the local government proposes to review the local law;*
  - b. *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - c. *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*  
\* Absolute majority required.

**Strategic Community Plan****Key Focus Area**

Area 4 Governance and Leadership

**Aspiration**

The Community is served by a leading and listening local government.

**Outcome**

4.3 Efficient regulatory tools to enhance public safety and amenity.  
*Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town.*

**Policy**

There are no Council policies relevant to this matter.

**Risk management considerations**

While local laws are over ridden by 'higher' legislation such as State or Commonwealth Acts or regulation, there is a risk that this conflict may not be properly dealt with, or an incorrect action undertaken, thus exposing the Town to risk.

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**Financial / budget implications**

There are costs involved with the drafting, advertising and Gazettal of new local laws, as well as updating associated fines and penalty and recovery systems. These costs forms part of the \$20,000 budget allocation for local law review

**Regional significance**

There is no regional significance.

**Sustainability implications**

Not applicable.

**Consultation**

As noted above, the statutory process required under s3.16 has been undertaken.

Any new local laws to replace the Town's existing set must be made under a separate process using s3.12 of the Local Government Act 1995 (although some variations are required depending on the source legislation but generally relate to the scope of activity or Minister), but all of which must be adopted by Council as drafts, advertised for comment, and considered again by Council before being made.

**COMMENT**

The Town has complied with its obligations under s3.16 of the Act; new local laws are required in many cases. As reported to Council on 17 November while each needs to be considered on a case by case basis, the following action is likely:

A brief description of each, and action required on face value is summarised below:

Gazettal Date	GG Page		Title	Draft Recommendation
9/02/1923	207	By-Law	Rates - Discount	Repeal
17/09/1954	1606-8	By-Law	Erection and Use of Petrol Pumps	Repeal
2/04/1958	635	By-Law	Clearing of Rubbish, Inflammable Matter & Other Substances on Land	Repeal (Refer Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials By-law)
3/10/1963	2936-7	By-Law	Building Lines	Repeal
8/02/1965	469-79	By-Law	Standing Orders	Review.
26/06/1981	2347	Amend		
4/03/1977	725	Amend	Signs, Hoardings and Bill Postings – Draft Model No 13	Repeal. Superseded. (Original By-Law 11/6/63, Amend 10/12/64, Amend 21/6/74 not listed)
6/01/1978	18	Amend		
4/03/1977	727	By-Law	Vehicle Wrecking	Repeal
6/01/1978	17	Amend		Covered in Town Planning Scheme
4/03/1977	726	Amend	Street Lawns and Gardens	Repeal. Covered in Activities on Thoroughfares & Public Places Local Law. (Original By-Law 7/2/63, Amend 12/2/71, Amend 21/6/74 not listed)
19/05/1978	1579	Amend		
4/03/1977	723	By-Law	Public Reserves	Repeal. Covered in Local Government Property Local Law.
6/01/1978	19	Amend		
20/01/1978	222	By-Law	Prevention of Damage to Obstruction of and Misuse of Council Property and of Property on a Public Reserve	Repeal. Covered in Local Government Property and Activities on Thoroughfares Local Laws.
20/01/1978	217	By-Law	Prevention of Damage to Footpaths	Repeal. Covered in Activities of Thoroughfares Local Law.
20/01/1978	219-22	By-Law	Safety, Decency, Convenience and Comfort of Persons Bathing	Repeal.
2/04/1993	1950-1	Amend		
25/08/2004	3744	Amend		
3/08/1979	2209-10	By-Law	Nuisances and Miscellaneous Matters	Repeal. Covered in Urban Environment & Nuisance Local Law
10/04/1981	1233	Amend		
2/04/1993	1950-1	Amend		
4/01/1985	128	By-Law	Depositing and Removal of Refuse, Rubbish, Litter and	Repeal. Covered under the Local Government Act 1995 s3.25
2/04/1993	1950-1	Amend		

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Gazettal Date	GG Page		Title	Draft Recommendation
			Disused Materials	
7/08/1987	3112-19	By-Law Repeal??	Signs, Hoardings & Billposting	Review.
8/11/1999	5665-82	Local Law	Parking and Parking Facilities	Review.
16/10/2002	5177-92	Local Law	Local Government Property	Review.
16/10/2002	5197-5216	Local Law Amend	Activities on Thoroughfares & Trading in Thoroughfares & Public Places	Review.
25/08/2004	3742-3			
16/10/2002	5193-6	Local Law	Urban Environment and Nuisance	Review
25/08/2004	3739-41	Local Law	Bee Keeping	Review
25/08/2004	3733-38	Local Law	Fencing	Review.
25/08/2004	3723-32	Local Law	Dogs Local Law	Review.

From the table above it is clear that there are a number of old local laws that are simply no longer used and should be repealed. Of the remainder, most were made from 2002 – 2004 and should be updated to reflect current circumstances and remove any conflict with 'higher' legislation.

For example:

- The Dog Act and its associated Regulations were amended in late 2013 to the effect that exercise areas must now be established by a Council resolution after a period of public consultation;
- There have been numerous changes to the Local Government Act 1995, although the effect on local laws has been minimal;
- A new Public Health Bill is presently before Parliament;
- The Cat Act came into effect in 2012;
- Changes to regulations that affect parking by persons with disabilities; and
- A number of others.

In many cases however, it is apparent that it may be easier, quicker and cheaper for many local laws to simply be repealed and replaced with more up to date versions. Again, these will be submitted for consideration on a case by case basis.

### VOTING REQUIREMENTS

Absolute majority.

### RECOMMENDATION

That Council notes the outcome of the statutory review of local laws required under s3.16 of the Local Government Act 1995.

**Absolute Majority Resolution Required**

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REPORT NO 12.2.2

**REVIEW OF PARKING LOCAL LAW**

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Administration
<b>AUTHOR</b>	Chris Liversage, Local Laws Consultant & Les Mainwaring Executive Manager Finance & Admin
<b>ATTACHMENT</b>	(A) Draft Parking Local Law
<b>AUTHORITY / DISCRETION</b>	Simple Majority

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**PURPOSE**

To recommend Council consider a new Parking Local Law to replace the *Town of East Fremantle Parking and Parking Facilities Local Law 1999*.

**EXECUTIVE SUMMARY**

Section 3.16 of the Local Government Act 1995 requires local governments to undertake a review of their local laws every eight years. This draft local law has been considered by relevant staff and circulated to elected members for comment. As part of Council's review, the attached revised Parking Local Law is recommended for statutory advertising.

**BACKGROUND**

The Town is undertaking a review of its local laws.

The *Town of East Fremantle Parking and Parking Facilities Local Law* was adopted by Council in August 1999 and published in the Government Gazette on 8 November 1999 and has not been amended since then.

Since 1999, there have been a number of changes to legislation that relates to Parking, mainly via the Road Traffic Code 2000. The local law refers to the previous version, being the 1975 Code. In itself, dealing with the requirements of the new Code will require a significant number of changes.

Other changes include the effect of the Local Government (Parking for People with Disabilities) Regulations 2014 which came into effect on 1 December 2014. The Regulations replaced previous provisions governing the use of parking bays set aside for persons with a disability (previously known as 'ACROD' bays).

While the Town's parking local law does not contain provisions regulating parking by persons with a disability and the regulations now largely deal with the use of the specially designated parking bays, there are some minor areas left over for local governments to regulate. For example, many local governments include a provision in Parking Local Laws that provide for a person with a disability parking permit to stay in a time restricted zone for twice the time otherwise allowable.



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Clauses 6.6(3) to 6.6(10) of the current local law deal with impounding of vehicles. Powers relating to impounding are now dealt with by sections 3.37 – 3.48 of the Local Government Act 1995. Section 3.39 provides that an employee authorised by a local government for the purpose may remove and impound any goods that are involved in a ‘contravention that can lead to impounding’.

A ‘contravention that can lead to impounding’ means anything prescribed to be a contravention that can lead to impounding; Regulation 29 of the Local Government (Functions and General) Regulations 1996 provides that:

*A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —*

*(a) it occurs in a public place; and*

*(b) either —*

*(i) the presence of the goods —*

*(I) presents a hazard to public safety; or*

*(II) obstructs the lawful use of any place;*

*or*

*(ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.*

Providing the local law provides for a similar provision to clause 6.6(1) (vehicle not to be left in a public place for more than 24 hours) the remainder of the clause is not required.

Similarly Schedule Five (Fees Relating to Obstructing Vehicles) is not required. Council can set fees for impounding and storing vehicles when adopting its annual budget.

Penalty provisions should also be updated. Clause 7.1(3) provides for a maximum penalty under the local law of \$1,000. The upper limit is now \$5,000; and a minimum penalty should also be set to avoid a potentially disappointing outcome where a magistrate imposes a fine less than the original modified penalty.

Modified penalties (on the spot fines) are listed and set in Schedule 1. They are proposed to range from \$100 to \$200, after having remained unchanged since 1999. It may assist the Town to have them all set at the same amount, although higher amounts are useful in delineating more serious issues.

In addition, it is proposed to make a Penalty Units local law. This will provide for a ‘penalty unit’ to be a certain dollar amount. Where a local law refers to a penalty unit for a modified penalty, it will reflect the amount set in the Penalty Unit local law – in future if the Town decides to increase modified penalties, it simply needs to amend the amount referred to in the PU local law, and all others are automatically updated.

**DETAILS**

A proposed new Town of East Fremantle Parking Local Law is attached. It is based on one developed by the City of Stirling in late 2008, and in turn comes from a model provided by the WA Local Government Association.

While many features are similar to the current local law, some salient points are:

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- Part 2 deals with metered zones. The Town has a limited number in place at present. Provisions have been updated generally, including additional payment methods if used in future.
- Clause 4.2 deals with parking permits. Permit parking, can be required by the Town simply erecting a sign. This clause is widely scoped to give the Town the ability to deal with a variety of situations as well as any issues that may presently be confronting it. The local law establishes the ability for the Town to issue permits and provides for a penalty if the correct permit is not displayed.

Council policies or resolutions, or delegated authority can then be used to establish matters such as:

- Eligibility for a permit;
  - How many permits might be issued;
  - If a permit expires annually or carries on indefinitely;
  - Times of the day or week that restrictions might apply;
  - Circumstances under which infringements might or might not be withdrawn; and
  - Any fee that might be payable to issue a permit or replace a lost one.
- There are no restrictions on delegation. Council can decide this as it sees fit.
  - Parking stations are simply established by the Town under clause 1.4. Extending the local law to private property can be done by agreement, without the need to change the Local Law. Again, this could be done by the CEO under delegated authority and subject to whatever conditions Council might put upon the delegation, but would prove particularly useful if the Town was of a mind to use the local law to (for example) assist a business affected by long term parkers who might also not be customers; similarly as part of any agreement to extend the local law to private property, the Town might require signs to be erected to the standard set in the local law.
  - The draft local law refers to 'disability parking permits', (previously ACROD parking permits) made under the *Local Government (Parking for People with Disabilities) Regulations 2014*. These permits allow a person with a disability to park in specially marked and sized bays; the local law further provides that where a timed restriction exists in any parking facility under the Town's care, control and management an eligible person can park there for twice the time otherwise allowed. This is a common provision used by many local governments and it is recommended that the Town also does so.
  - Clause 7.9 provides that parking on a verge without the consent of the adjoining occupier is an offence, as is the case under the current local law.
  - Enforcement provisions in Part 9 are similar to what the Town has in place at present but include additional provisions such as:
    - For a minimum fine to be imposed if a matter proceeds to a court hearing – other local governments have had a rather disappointing experience of magistrates occasionally imposing a fine less than the original modified penalty;
    - Provisions tying modified penalties in Schedule 1, to the amounts set out in a proposed Penalty Units Local Law. This will allow for ease of updating modified penalties in future without the need to amend a whole raft of local laws.

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- Note that while they do not form part of the proposed local law, relevant extracts from Acts and Regulations that affect the subject area have been included as notes and text boxes in the body of the draft local law to assist with gaining a full understanding.

**Issues and options considered**

No issues or options are considered

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

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.

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 addition, 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 purpose of this local law is to enable the Town to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the Town's care, control and management.*

*Effect:*

*A person parking a vehicle within the parking region is to comply with the provisions of the Local Law.*

**Strategic Community Plan**

**Key Focus Area**

Area 4 Governance and Leadership

**Aspiration**

The Community is served by a leading and listening local government.

**Outcome**

4.3 Efficient regulatory tools to enhance public safety and amenity.  
Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town.

**Policy**

117 Leeuwin Boat Ramp Resident & Ratepayer Parking

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Permits  
133 Residential Parking Permits

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are costs associated with drafting, advertising, and Gazettal of the proposed local law. These costs forms part of the \$20,000 budget allocation for local law review

**Regional significance**

As this local law relates solely to parking regulations within the Town, there is no regional significance.

**Sustainability implications**

There are no sustainability implications.

**Consultation**

As mentioned previously, Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice for a period of 6 weeks after first publication stating that it proposes to make a local law.

**COMMENT**

The Town's current parking and Parking Facilities Local Law is well out of date and should be reviewed and replaced.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That

1. in accordance with s3.12(3)(a)(b) and (3a) of the Local Government Act 1995, state wide and local public notice be given stating that it is proposed to make a *Parking Local Law*, and a summary of its purpose and effect;
2. it be noted that:
  - a. Copies of the proposed local law may be inspected at the Town offices;
  - b. Submissions about the proposed local law may be made to the Town within a period of not less than 6 weeks after the notice is given;
  - c. In accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
  - d. In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
3. the results be presented to Council for consideration of any submissions received.

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REPORT NO 12.2.3

**REVIEW OF DOGS LOCAL LAW**

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Administration
<b>AUTHOR</b>	Chris Liversage, Local Laws Consultant & Les Mainwaring Executive Manager Finance & Admin
<b>ATTACHMENT</b>	(A) Draft Dogs Local Law
<b>AUTHORITY / DISCRETION</b>	Simple Majority

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**PURPOSE**

To recommend Council consider a new Dogs Local Law to replace the *Town of East Fremantle Dogs Local Law 2004*.

**EXECUTIVE SUMMARY**

Section 3.16 of the Local Government Act 1995 requires local governments to undertake a review of their local laws every eight years. This draft local law has been considered by relevant staff and circulated to elected members for comment. As part of Council's review, the attached revised Dogs Local Law is recommended for statutory advertising.

**BACKGROUND**

The Town is undertaking a review of its local laws.

The *Town of East Fremantle Dogs Local Law* was published in the Government Gazette on 25 August 2004 and has not been amended since then.

A significant number of activities dealt with by the Dogs local law have been affected by changes to other legislation, and in particular changes to the Dog Act 1976 in 2012 and the new Dogs Regulations 2013.

The Dog Act 1976 and Dog Regulations 2013 now deal with many areas previously dealt with by local laws. This includes:

- Registration of dogs;
  - 'Dangerous dogs' as defined by the Act;
  - Operation of dog management facilities (pounds), including:
    - Issues in relation to the impounding of dogs;
    - Attendance of a pound keeper at the pound; and
    - Release of impounded dogs.
  - Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
  - How off leash dog exercise areas are established;
  - Dogs wandering at large;
  - Dogs not under control;
  - Dog attacks;
  - Provisions about assistance animals such as guide dogs;
-

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- Modified penalties applicable for minor offences.

The only matters that a local government may now make local laws about are listed in section 51 of the Dog Act:

**51. Local law making powers**

*A local government may so make local laws —*

(a) *providing for the registration of dogs;*

*[(b) deleted]*

(c) *specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*

(d) *requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*

(e) *providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*

(f) *providing for the detention, maintenance, care and release or disposal of dogs seized;*

(g) *as to the destruction of dogs pursuant to the powers hereinbefore conferred;*

*[(h) deleted]*

(i) *providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

The extent of changes required are such that a new local law is required.

**DETAILS**

A proposed new Town of East Fremantle Dogs Local Law is attached. It deals only with those matters that are allowed under s51 of the Dog Act, which are basically:

- Confinement and fencing rules;
- Setting the maximum number of dogs that can be kept on a property without the Town's approval; and
- A requirement to remove dog excreta

There is a recent model provided by the WA Local Government Association for Dogs, and as such this version is based on one made by the City of Wanneroo in late 2015.

Areas where dogs are prohibited, and where dogs may be exercised off leash must now be set by Council resolution, and giving local public notice under sections 31 and 32 of the Dog Act.

It is recommended that East Fremantle Oval, Moss Street, be added to those areas where dogs may be exercised off a leash in order to cater for residents on the south side of Canning Highway. Note that this excludes times where the reserve is used for training or sporting games.

The current exercise areas are also recommended for continuation, and as reflected in the recommendation to Council below which also sets out the process to ensure those areas are properly established. A small addition to the description of the foreshore area is recommended, being 'as indicated by signs'. This will assist to ensure that:

- wildlife breeding / roosting areas are reasonably protected;
- dog owners are less able to put an argument that exercising a dog off lead on grassed or paved areas adjacent to the riverside is part of the river foreshore beach areas; and
- the Town is able to temporarily amend dog exercise areas in the river foreshore as required by circumstances such as erosion repair works.

**Issues and options considered**

N/A

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

Section 49 of the Dog Act specifies that local laws to regulate dogs are to be made in accordance with the process set out by sections 3.11 to 3.17 of the *Local Government Act 1995*.

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 purpose of the proposed Dog Local Law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on the premises and the manner of keeping of those dogs, and to prescribe areas in which dogs are prohibited and dog exercise areas.

*Effect*

The effect of the proposed Local Law is to extend the controls over dogs which exist under the Dog Act 1976 and Regulations.

**Strategic Community Plan**

**Key Focus Area**

Area 4 Governance and Leadership

**Aspiration**

The community is served by a leading and listening local government.

**Outcome**

4.3 Efficient regulatory tools to enhance public safety and amenity.  
Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town.

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**Policy**

Policy No 007 reads:

*Where a person desires to keep more than two dogs the Senior Ranger or, in his/her absence, the Principal Environmental Health Officer, write seeking the written opinion of adjacent neighbours in determining the proposal.*

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are costs associated with drafting, advertising, and Gazettal of the proposed local law. These costs forms part of the \$20,000 budget allocation for local law review.

**Regional significance**

As this local law relates solely to the control of dogs within the Town, there is no regional significance.

**Sustainability implications**

There are no sustainability implications.

**Consultation**

As mentioned previously, Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice for a period of 6 weeks from initial publication stating that it proposes to make a local law.

**COMMENT**

The Town's current Dog Local Law is out of date and should be reviewed and replaced.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That:

1. in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
2. in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
3. the results be presented to Council for consideration of any submissions received.
4. the following proposals be advertised for local public comment for a period of at least 28 days and the results referred to Council:
  - (a) pursuant to s31(2B) of the Dog Act 1976, dogs to be prohibited absolutely from being in, entering or being in any of the following places:
    - a public building, unless permitted by a sign;
    - a theatre or picture gardens;
    - food premises and food transport vehicles; and
    - a public swimming pool.
  - (b) for the purposes of sections 31 and 32 of the Act, the following are proposed to be dog exercise areas –
    - River Foreshore portion (beach areas only) as indicated by signs;



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- Preston Point Reserve, Preston Point Road;
- Henry Jeffery Oval, Preston Point Road;
- Upper Wauhop Park, Wauhop Road;
- East Fremantle Oval, Moss Street; and
- Reserve, corner George Street and Silas Street.

This does not apply to those parts of the proposed exercise areas that –

- have been set apart as a children's playground;
- are being used for sporting or other activities, as permitted by the Town, during the times of such use; or
- is a car park.

REPORT NO 12.2.4

**PROPOSED PENALTY UNITS LOCAL LAW**

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Admin
<b>AUTHOR</b>	Chris Liversage, Local Laws Consultant & Les Mainwaring Executive Manager Finance & Admin
<b>ATTACHMENT</b>	(A) Draft Penalty Units Local Law
<b>AUTHORITY / DISCRETION</b>	Simple Majority

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**PURPOSE**

The Town is in the process of updating its local laws. One of the recommended changes is to introduce a Penalty Units Local Law. While it has no direct external or public effect, its early introduction will allow any new or amended local law to make reference to it

**EXECUTIVE SUMMARY**

The introduction of this local law will make it easier in the future to update infringement amounts without having to review individual local laws to increase penalties.

**BACKGROUND**

The Town is in the process of updating its local laws. Many were made in 1999 - 2002, and require updating to the point where replacement in many instances is warranted, and will be presented to Council on a case by case basis.

At the same time, the Town should take the opportunity to introduce new measures to streamline administration of the local laws. This includes provision for penalty units instead of precise dollar amounts in the various Schedules of modified penalties (on the spot fines) in each local law, tied to a Penalty Units Local Law.

This is very similar to Regulations and Codes used in State legislation. If there is a need to broadly amend penalties across many local laws in future, it will be a case of simply amending the amount provided for as a penalty unit in the Penalty Units Local law, instead of amending each local law individually.

Note that this does not preclude the Town from detailing precisely what the dollar amounts might be for offences in administrative material, on signs, on its website or in handouts to the public. The intent is simply to make it easier to update infringement amounts in future.

**DETAILS**

A proposed Town of East Fremantle draft Penalty Units Local Law is attached. It provides that whenever a local law refers to a penalty unit, the amount is \$10.00 per unit.

**Issues and options considered**

N/A

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**Legislation / Strategic Community Plan / policy implications**

**Legislation**

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 summarized in the notice for a period of 6 weeks after it first appears.

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 set the amount of a penalty unit where referred to in any of the Town's local laws.*

*Effect:*

*Where a local law refers to a penalty unit, the amount is as set in the Penalty Units local law.*

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.

**Strategic Community Plan**

**Key Focus Area**

Area 4 Governance and Leadership

**Aspiration**

The Community is served by a leading and listening local government.

**Outcome**

4.3 Efficient regulatory tools to enhance public safety and amenity.  
Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town.

**Policy**

This Local Law does not relate to Council policies.

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are costs associated with drafting, advertising, and Gazettal of the proposed local law. These costs forms part of the \$20,000 budget allocation for local law review.

**Regional significance**

As this local law relates solely to penalties within the Town, there is no regional significance.

**Sustainability implications**

There are no sustainability implications.

**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 for a period of 6 weeks after it first appears.

**COMMENT**

This proposed local law will provide an administrative benefit in making future changes to other local laws easier.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That

1. in accordance with s3.12(3)(a)(b) and (3a) of the Local Government Act 1995, state wide and local public notice be given stating that it is proposed to make a *Penalty Units Local Law*, and a summary of its purpose and effect;
2. it be noted that:
  - a. copies of the proposed local law may be inspected at the Town offices;
  - b. submissions about the proposed local law may be made to the Town within a period of not less than 6 weeks after the notice is given;
  - c. in accordance with s3.12(4), as soon as the notice is given, a copy be supplied to the Minister for Local Government;
  - d. in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
3. the results be presented to Council for consideration of any submissions received.

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REPORT NO 12.2.5

## SOUTHERN METROPOLITAN REGIONAL COUNCIL – STRATEGIC WASTE MANAGEMENT PLAN

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Admin
<b>FILE NUMBER</b>	H/HRW3
<b>ATTACHMENT</b>	(A) Draft Strategic Waste Management Plan – Executive Summary
<b>AUTHORITY / DISCRETION</b>	Simple Majority of Council

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### PURPOSE

For Council to adopt the Southern Metropolitan Regional Council (SMRC) Draft Strategic Waste Management Plan (SWMP)

### EXECUTIVE SUMMARY

The SMRC have prepared their strategic waste management plan and now seek endorsement from member councils before final adoption by the SMRC.

The SMRC have undertaken an intensive study on the current operations and future options that would be available to optimise the three key focus areas of Resource Recovery, Business Sustainability and Community & Stakeholder Relationships.

It is recommended that Council adopts the SMRC's Draft Strategic Waste Management Plan

### BACKGROUND

SMRC owns and operates the Regional Resource Recovery Centre (RRRC) on behalf of its member councils. The RRRC encompasses a Materials Recovery Facility (MRF), Green Waste Facility (GWF) and a Waste Composting Facility (WCF). The latter is a composting, drum-based, Mechanical Biological Treatment (MBT) Advanced Waste Technology (AWT) facility and the centrepiece of the RRRC. Fully commissioned in 2003, it represented the cutting edge of waste management technology and a pioneering facility for Australia.

Since the project's inception, the waste industry has changed in ways unforeseeable at the time. Landfill gate fees did not increase at the rate projected, while various Energy from Waste (EfW) technologies have developed, promising the same or higher diversion rates at lower gate fees.

As a response to the change in technological and legislative environments, SMRC is considering the possibility of decommissioning the drum technology in the short (2018/2020) or longer term (2020/2023), coinciding with loan repayment completion. Although the facility still achieves its diversion target at the promised cost, given newly available alternatives, SMRC can investigate transitioning to other system options to provide the same or better performance at lower cost.

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This Plan is the first step in a process, which aims to rationalise costs, provide the foundation for improving the sustainability, and performance of SMRC waste service practices and procedures, and assist in achieving the state's waste diversion from landfill targets.

**DETAILS**

The Plan's development and delivery methodology involved:

- Characterising the existing waste management landscape for SMRC;
- Forecasting future trends;
- Establishing the Strategic Vision, Themes and Targets;
- Forecasting future waste management needs;
- Analysing two recycling collection options;
- Analysing ten bin system collection and processing options (plus additional garden organic options);
- Undertaking Multi-Criteria Analysis to prioritise options; and
- Investigating alternative modes of governance for regional action (collaboration with other groups or councils) as a means of optimising services and cutting costs.

SMRC and its Members intend to remain leaders in delivering innovative and sustainable waste management solutions for the benefit of communities and the environment. The delivery of the vision is achieved by undertaking actions across three Key Focus Areas:

- Business Sustainability
- Resource Recovery
- Stakeholder Relationships

This will be achieved under the plan by:

- Placing waste minimisation to landfill at the core of the business.
- Delivering waste management solutions that are effective and efficient.
- Identifying partnership opportunities to deliver waste management solutions.
- Working towards solutions that add value to residual products
- Attracting new customers and partners to optimise processing capacity.
- Delivering sustainable waste management solutions in an efficient and effective manner
- Reflecting the current commercial environment, and developing the flexibility to continually evolve as conditions change
- Understanding and integrating the expectations of member councils into a governance structure that is equitable and representative
- Providing the community with the right level of knowledge and education so that positive waste separation behaviour change happens in the household
- Placing education as a foundation for addressing all areas of the waste hierarchy paramount in the reduction of waste to landfill and a significant role in delivering an efficient operation

**Issues and options considered**

The Town of East Fremantle and cities of Fremantle, Melville and Cockburn have already achieved WA's 2020 diversion target due to the processing of their MSW through the WCF at SMRC's RRRRC, which helps to achieve an overall diversion of 65% or more.

The State of Western Australia is aiming to significantly increase resource recovery and waste diversion from landfill. The diversion target applies to the sum of the municipal solid waste

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collected by each council and has been set at 50% on 30 June 2015 rising to 65% by 30 June 2020

Whilst the Town, in collaboration with other project participants, has been leading the way in achieving State diversion targets and has actually been ahead of required targets, the Town needs to plan for beyond 2020 when State diversion targets are likely to increase above 65% which is about the limit of diversion given the current technology.

The SWMP recommends that SMRC implements a two stage model, which combines the resource recovery achievements of a three bin waste stream system with the higher diversion rates of EfW when commercially viable. Pursuing the two stage option could eventually lead to a diversion rate estimated at 89%

All implementation options involve decommissioning most or all of the WCF drums, which have proven to be very expensive technology to maintain. The utility of maintaining one drum to pre-process organics should be determined via a trial. This trial could proceed with particular emphasis on the organic composition relative to the average cost of processing through a drum.

Furthermore, the introduction of an organics bin has the additional benefit of pre-preparing the MSW bin for EfW processing since it removes much of the low calorific ("wet" materials such as food and green) from the future EfW stream.

The Plan recognises that SMRC has legacy costs associated with the RRRC (contracts, leases etc.). These legacy costs, when calculated and added to the total system costs do not affect the ranking of options in the SWMP, however, it is noted that these costs should be fully quantified and mitigated as part of the implementation plan for a 3 bin system.

The SWMP gives significant weighting to the public policy position of the State Government. That is, that the State Government expects:

- The waste hierarchy to be implemented;
- Councils should have a 3 bin system separating food and/or green, recycling and residuals;
- EfW should only be used for the residual bin (which may include food but must not include garden organics); and
- EfW contracts should not foreclose on future options for councils to pursue diversion through higher value recovery methods

In terms of the future use of the RRRC Site, various options analysis were explored to ensure efficiency and economic gains.

The recommendations relating to future use of the site are to:

- Tender the MRF to a commercial operator;
- Trial RRRC drums for organics;
- Tender WCF site for organics (with Green Waste (GW) option);
- Based on tender price review GW processing (If < \$50 (current cost) then roll GW into organics processing; retain gate revenues);
- Retain the weighbridge; and
- Lease vacant sheds as appropriate (based on collection model going forward).

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Options for SMRC's governance were examined to explore potential efficiency and productivity gains. The alternative models involved outsourcing management, operational activities, overhead and office arrangements as well as services, to a single member council or alternative entities.

There were no obvious efficiency dividends to be gained by wholesale governance restructure. Overall the transition costs outweighed any benefits. The only possible dividends identified were associated with reducing the SMRC's statutory role and function (i.e. doing less of its core role), which are beyond the scope of The SWMP and would involve statutory amendments.

The SWMP recommends maintaining SMRC's role in service provision and contracting (along with its statutory functions as a regional council) but with a greater emphasis on outsourcing operational service delivery to private sector experts.

SMRC has already embarked upon this path by tendering the MRF operations. This is a valuable model for exploring potential cost savings in the WCF or the organics processing, should this recommendation be adopted.

It is recommended that member councils give permission for SMRC to conduct a full review of waste collection and management contracts in order to identify potential economies of scale, by facilitating council cooperation and joint contracts. In the long term it can also lead to alignment between council contracts, which may be fundamental to establishing new waste processing facilities throughout the region.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Local Government Act 1995
<b>Strategic Community Plan</b>	
<b>Key Focus Area</b>	Area 2: Infrastructure and Waste Services
<b>Aspiration</b>	The needs of our community are met through the provision of high quality infrastructure and waste services
<b>Outcome</b>	2.3 Promoting sustainable environmental management and use of sustainable resources
<b>Policy</b>	There is no Policy relating to this issue.

### Risk management considerations

The SWMP clearly shows that of all waste strategies we could choose to achieve comparative or better resource recovery, our current 2 bin system with drum technology is the most expensive option. Whilst this technology has been a model of success over the past 15 years, to continue with this method of technology will not achieve business sustainability in the future. The higher cost environment would likely lead to the breakdown of the project participants agreement and hence the risk of an early winding up of the SMRC project.



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**Financial / budget implications**Current financial year impact

This is a waste strategy paper, therefore there are unlikely to be any specific current financial year impacts. Impacts are likely to present in years two to four being the lifespan of the SWMP.

<b>Account no.</b>	Various
<b>Budget Item</b>	Sanitation – Household Refuse (Sub Program)
<b>Budget amount</b>	\$1,322,800 Nett
<b>Amount spent to date</b>	\$608,600 Nett
<b>Proposed cost</b>	\$ No Estimate
<b>Balance</b>	\$714,200

Future financial year impact

The major future financial year impacts are expected to be; a) Sale of the MRF which would result in capital receipts to lower debt obligations and lower gate fees however it is too early to estimate what these financial impacts will be, b) A review of our waste streams to place the SMRC in the best position to take advantage of new and existing lower cost waste technologies however it is also too early to make detailed estimates of the changes.

<b>Annual operating cost</b>	\$1,422,200
<b>Estimated annual income</b>	\$ 99,400
<b>Capital replacement</b>	No Estimate
<b>10 Year Strategic</b>	Projected savings as per above.
<b>Financial Plan impact</b>	
<b>Impact year</b>	2016-2019

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The recommendations in the SWMP have regional significance to the waste diversion strategies for neighbouring project participants City of Melville, City of Cockburn and City of Fremantle and the Town

**Sustainability implications**Environmental

The Town's current resource recovery practice diverts 65% of waste from landfill which is well above the current state waste diversion target of 50%; however the state diversion target increases to 65% in 2020. By making strategic changes to waste streams the diversion rate could be increased to 89% within 4 years.

Social

No social impact

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Economic

The Town's current resource recovery practice was the most expensive method from ten differing options analysed in the recent study when preparing The SWMP. The choosing of any other option would reduce the ongoing costs of waste.

**Consultation**

There was no external consultation for this particular report.

**COMMENT**

The SMRC has had to re-evaluate its position and direction in response to a combination of the feedback from project participants and the changing face of the resource recovery environment.

The SWMP has provided a pathway that will both respond to the needs of project participants and set a direction that will enable stakeholders to benefit from the advantages that will come with new resource recovery technology and methodologies. It will also allow the member councils to keep abreast of the changing legislative environment.

Given the draft Plan comprises 309 pages, elected members have been provided with the executive summary only. The full Plan is available for perusal upon request.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council adopts the SMRC's Draft Strategic Waste Management Plan.

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REPORT NO 12.2.6

## SOUTHERN METROPOLITAN REGIONAL COUNCIL – STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN

<b>RESPONSIBLE DIRECTOR</b>	Les Mainwaring Executive Manager Finance & Admin
<b>FILE NUMBER</b>	H/HRW3
<b>ATTACHMENT</b>	(A) Strategic Community Plan (B) Corporate Business Plan
<b>AUTHORITY / DISCRETION</b>	Simple Majority of Council

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### PURPOSE

For Council to adopt the Southern Metropolitan Regional Council (SMRC) Draft Strategic Community Plan and Corporate Business Plan

### EXECUTIVE SUMMARY

The SMRC have reviewed their strategic direction and now seek endorsement from member councils before final adoption by the SMRC.

The SMRC have aligned their direction with outcomes derived from the primary informing plan, The Strategic Waste Management Plan 2015-2019. The change in direction is necessary for the SMRC to maintain their three key focus areas of Resource Recovery, Business Sustainability and Community & Stakeholder Relationships.

The SMRC intends to become more of a coordinator and facilitator of waste management activities into the future, rather than a direct investor and operator of waste facilities as has been done in the past.

It is recommended that Council adopts the SMRC's Revised Draft Strategic Plan and Corporate Business Plan

### BACKGROUND

At the SMRC's Ordinary Meeting of Council held on 29 October 2015 it was resolved that the revised Draft Strategic Community Plan and Corporate Business Plan be forwarded to member Councils for their comment and/or adoption.

The review of the Plan has maintained the three key focus areas of Resource Recovery, Business Sustainability and Community & Stakeholder Relationships, whilst including revised objectives and strategies incorporated from the recently drafted Strategic Waste Management Plan 2015-2019.

### DETAILS

The 2014/2015 period was significant for the SMRC with change to continue in the waste industry in the coming years. This applies to both the operating industry, with new sustainable waste treatment technologies and the policy environment coupled with community attitudes.

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Given significant change on the horizon, it is important for the SMRC to remain vigilant and be prepared for any operational or structural change whilst continuing to serve member Councils.

An example of SMRC's response to change was the intensive research that went into the development and preparation of the Regional Strategic Waste Management Plan (SWMP) that will become the primary informing plan for future business strategy. An initial part of future business strategy was the potential sale by tender of the Materials Recycling Facility at Canning Vale to be considered from March 2016.

In developing the plan, the SMRC has engaged with Member Councils and the Community Advisory Group, taking on the robust two-way discussions in order to set a fresh direction. The approach taken will foster and encourage a more responsive and outward looking organisation to harness the great change underway in resource recovery. The challenge over the next two to four years is to maintain the Member Councils as a cohesive force in waste diversion through the SMRC; given the paradox that one member is also a landfill operator. This is why it has been important to embrace changes to objectives and strategies to incorporate the recently drafted informing plan, The Strategic Waste Management Plan 2015-2019, within the existing three key focus areas.

#### **Issues and options considered**

In this first revision of the 2013 Strategic Community Plan, the three key focus areas of Resource Recovery, Business Sustainability and Community & Stakeholder Relationships have been confirmed however much has changed at the strategy and objective level as a result of a detailed study into expected waste industry changes in the medium term.

The revised Strategic Community Plan represents a change in direction to enable the SMRC to be positioned to meet these challenges of new sustainable waste treatment technologies, changes in policy environment and community attitudes. The existing waste treatment technology and methodology is effective in terms of current resource recovery but has become less competitive over time in terms of business sustainability and will not allow for increased levels of resource recovery when required.

The option of maintaining the status quo will lead to immediate business sustainability risk, whereas a change in direction toward differing methodologies and a lower cost model will maintain the three key focus areas.

The SMRC Strategic Waste Management Plan sets the program and policies for waste management in the region encompassing the SMRC's member local governments.

The Plan's development and delivery methodology involved:

- Characterising the existing waste management landscape for SMRC;
- Forecasting future trends;
- Establishing the Strategic Vision, Themes and Targets;
- Forecasting future waste management needs;
- Analysing two recycling collection options;
- Analysing ten bin system collection and processing options (plus additional garden organic options);
- Undertaking Multi-Criteria Analysis to prioritise options; and
- Investigating alternative modes of governance for regional action (collaboration with other groups or councils) as a means of optimising services and cutting costs.

Waste Management Options

A key component of the Plan was the comparison of ten waste management options encompassing collection and processing/disposal of SMRC waste.

The waste management options include:

- Household Two Bin and Three Bin content options;
- Current collections and disposal;
- Weekly or fortnightly collection service;
- Implementation of 3 bin ‘Food Organics Green Waste Organics’ (FOGO) collection and composting system; and
- Consideration of Energy from Waste (EfW)

The options were considered using quantitative and qualitative assessments and findings and weighted by their importance (to SMRC/Members) via a multi criteria analysis (MCA) process.

Following a presentation by the Consulting group to the Regional Executive Group on 17 July 2015, the Regional Council received the Draft Plan at the Ordinary Council Meeting on 27 August 2015.

Subsequently at a Regional Presentation held at the City of Melville on 7 September 2015 to which all Elected Members and Executive Officers of each member council were invited some 50 attendees participated in a presentation and Q & A session.

The plan’s draft recommendations were further discussed as part of the SMRC’s strategic plan review workshop on 24 September 2015 to which Regional Councillors and Regional Executive Group members attended.

The scope is comprehensive and the final Plan destined to stand as a valuable document for providing a sound decision making platform for the future direction of the SMRC and Member Councils with regard to waste management and resource recovery in both the Region and broader Metropolitan area.

**Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	Local Government Act 1995
<b>Strategic Community Plan</b>	
<b>Key Focus Area</b>	Area 2: Infrastructure and Waste Services
<b>Aspiration</b>	The needs of our community are met through the provision of high quality infrastructure and waste services
<b>Outcome</b>	2.3 Promoting sustainable environmental management and use of sustainable resources
<b>Policy</b>	Nil

**Risk management considerations**

The detailed study that went into preparing the informing plan; The Strategic Waste Management Plan 2015-2019 clearly showed that of all waste strategies we could choose to

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achieve comparative or better resource recovery, our current 2 bin system with drum technology was the most expensive option. Whilst this technology has had its place in the past 20 years, to continue with this older technology and methodology will not achieve business sustainability as the higher cost environment would likely lead to the breakdown of the project participants agreement and hence an early winding up of the SMRC project.

**Financial / budget implications**Current financial year impact

This is a strategy review paper, therefore there are unlikely to be any specific current financial year impacts. Impacts are likely to present in years two to four being the lifespan of the Strategic Waste Management Plan.

<b>Account no.</b>	Various
<b>Budget Item</b>	Sanitation – Household Refuse (Sub Program)
<b>Budget amount</b>	\$1,322,800 Nett
<b>Amount spent to date</b>	\$608,600 Nett
<b>Proposed cost</b>	\$ No Estimate
<b>Balance</b>	\$714,200

Future financial year impact

The major future financial year impacts are expected to be; a) Sale of the MRF which would result in capital receipts to lower debt obligations and lower gate fees however it is too early to estimate what these financial impacts will be, b) A review of our waste streams to place the SMRC in the best position to take advantage of new and existing lower cost waste technologies however it is also too early to make detailed estimates of the changes.

<b>Annual operating cost</b>	\$1,422,200
<b>Estimated annual income</b>	\$ 99,400
<b>Capital replacement</b>	No Estimate
<b>20 Year Strategic</b>	Projected savings as per above.
<b>Financial Plan impact</b>	
<b>Impact year</b>	2016-2019

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The decisions of the strategic direction of the SMRC has regional significance to the waste diversion strategies for neighbouring project participants City of Melville, City of Cockburn and City of Fremantle and the Town

**Sustainability implications**Environmental

The Town's current resource recovery practice diverts 65% of waste from landfill which is well above the current state waste diversion target of 50%; however the state diversion target increases to 65% in 2020. By making strategic changes to waste streams the diversion rate could be increased to 89% within 4 years.

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Social

No social impact

Economic

The Town's current resource recovery practice was the most expensive method from ten differing options analysed in the recent study when preparing the Strategic Waste Management Plan 2015-2019. The choosing of any other option would reduce the ongoing costs of waste.

**Consultation**

There was no external consultation for the purposes of this report; however the SMRC consulted widely with stakeholders in the preparation of both plans.

**COMMENT**

The SMRC has had to re-evaluate its position and direction in response to a combination of the feedback from project participants and the changing face of the resource recovery environment.

This revised Draft Strategic Plan has responded to the needs of project participants and sets a direction that will enable stakeholders to benefit from the advantages that will come with new resource recovery technology and methodologies.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council:adopts the SMRC's Revised Draft Strategic Plan and Corporate Business Plan.

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REPORT NO 12.2.7

**2014/15 ELECTORS' MEETING**

<b>RESPONSIBLE DIRECTOR</b>	Gary Clark Acting Chief Executive Officer
<b>ATTACHMENT</b>	(A) Minutes of Annual Electors' Meeting 1/2/16
<b>AUTHORITY / DISCRETION</b>	Simple majority of Council

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**PURPOSE**

To present the Minutes of the 2014/15 Annual Electors' Meeting and facilitate consideration of any decisions taken at the meeting.

**EXECUTIVE SUMMARY**

This report documents items raised at the Annual Electors' Meeting and resulting proposed actions.

**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.

**DETAILS**

In accordance with s5.33(1) of the Local Government Act above, there were two decisions passed at the recent Elector's Meeting. These, and other requests raised at the meeting are listed below:

- *Woodside Hospital Site*  
Ms O'Neill expressed concern with the future development of the Woodside Hospital site and in particular the large significant trees located in the Fortescue Street frontage. She urged Council to take immediate steps to have these protected, if that protection was not already in place

**Ms Rico moved, seconded Mrs Newton**

**That Council give consideration to the preparation of a report on the Woodside Hospital site with respect to its proposed development, zoning and preservation of buildings and significant trees.** CARRIED

- *East Fremantle Oval*  
Mr Flynn asked whether Council would agree to full public consultation regarding any development on the Oval including the erection of buildings, the potential sale of any portion of the land, erection of signage and billboard additions and any other issues which affect amenity
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- *Town Hall Internal Modifications*  
**Ms Rico moved, seconded Mr Cox**  
**That Council consider releasing plans and costings of the internal modifications to the Town Hall and seeking public comment on the proposal.** CARRIED 14:6
  
- *Stirling Highway Traffic Noise*  
 Ms England raised the issue of noise emanating from the Stirling Highway overpass which seems to ricochet off the Richmond Quarter building, since its unveiling (removal of scaffolding etc). She asked whether noise monitoring had taken place prior to the building development and whether Council would carry out future noise monitoring.
  
- *Engagement of Consultants*  
 Ms Rico sought costings of consultants and special projects officers engaged by Council as opposed to staff carrying out work in-house.
  
- *Fossil Fuel Divestment*  
 Mr Ounsworth advised that following correspondence from 350.org requesting Council to avoid supporting fossil fuel industries by not investing in the big four banks, the Acting CEO had advised that the matter would be looked at when Council's Investment Policy was reviewed. Mr Ounsworth asked when this review would take place.

**Issues and options considered**

N/A

**Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	Local Government Act 5.33(1) and 5.33(2) relates to matters raised
<b>Strategic Community Plan</b>	
<b>Key Focus Area</b>	Governance and Leadership
<b>Aspiration</b>	The community is served by a leading and listening local government.
<b>Outcome</b>	4.1 Effective leadership and governance
<b>Policy</b>	There is no Policy relevant to this issue.

**Risk management considerations**

There are no risk management considerations.

**Financial / budget implications**

There are no financial/budget implications.

**Regional significance**

There is no regional significance.

**Sustainability implications**

There are no sustainability implications.

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### Consultation

No consultation undertaken.

### COMMENT

- *Woodside Hospital Site*

The issue of introducing protection of significant trees on private property has been the subject of discussion at a recent Concept Forum. It had been decided at that time to address this issue as part of Council's climate mitigation strategy.

Staff advise that although tree registers have been adopted in some metropolitan local governments they are fraught with problems associated with monitoring and enforcement.

It is recommended that staff investigate the practicalities of establishing a tree register and prepare a report for Council on the matter.

In respect to the preparation of a report on the Woodside Hospital site, the Town is currently awaiting documentation in respect to a rezoning application on the site and will prepare a report in respect to the implications of the proposed rezoning, when this documentation is to hand.

- *East Fremantle Oval*

Community consultation in respect to any redevelopment is a statutory requirement. Council is committed to community engagement and consultation on all strategic matters and the current Recreation and Community Facilities planning process is evidence of that commitment.

- *Town Hall Fitout*

An internal refit of the Town Hall is well overdue given that the current fitout is over thirty years old. The building is not compliant in terms of staff and public safety and access. The amenity of the current fitout is poor and does not reflect well on the Town as a venue for civic functions and regional meetings.

Councillors have had significant input into the concept plan and have ensured that the design is fit for purpose rather than extravagant.

The internal fitout of the Town Hall is purely an administrative matter and it would be highly unusual to seek public comment on the proposal. Any informed feedback on the concept plan would require detailed knowledge of the resource requirements and functionality of the Council administration.

It would not be appropriate for the Quantity Surveyor's costings, that are currently being obtained, to be made public given any proposal would be put out for tender.

- *Stirling Highway Traffic Noise*

It is not possible to determine whether the construction of the Richmond Quarter has contributed to additional traffic noise without significant cost. Any eventual consequence of traffic noise from Stirling Highway will be a direct result of whether the Perth Freight Link proceeds.

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- *Engagement of Consultants*

The Executive Manager Finance & Administration advises that “how much is spent on consultants” is a broad question and cannot be simply extracted from financial records based on the nature of the expenditure, however where specific projects, consultants or consultant specific budgets are identified then consultant costs can easily be retrieved. Consultants, as well as skilled contractors, are used very effectively to leverage the Town’s scarce human resources to access areas of expertise as and when required but not permanently. All external costs of consultants are reported monthly through the Monthly List of Payments report to Council, which could be summarised. Council’s current special projects officer is an in-house staff member that allows various projects to be co-ordinated or completed in-house. Details of staff salaries are not publicly available.

- *Fossil Fuel Divestment*

Arrangements will be made for a member of 350.org to make a presentation to the March Concept Forum.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

That

1. In response to the resolutions passed at the Electors’ Meeting held on 2 February 2016, Council resolves as follows:
    - (a) A report be prepared on the Woodside Hospital site with respect to its proposed rezoning addressing the preservation of buildings and significant trees.
    - (b) The concept plans and costings for the Town Hall internal fitout not be advertised for public comment.

Reasons for Councils’ decision (s5.33(2) of the Local Government Act)

    - (i) It had previously been intended for a report to be submitted to Council upon receipt of information/application regarding the state government’s plans for the site. The inclusion of information regarding the possible retention of significant trees on the site was considered a valid issue raised by a concerned elector.
    - (ii) Inviting public feedback of a concept plan and costing for internal fitout of Council’s administration office layout and meeting areas was not considered appropriate given:
      - (a) members of the public would have minimal knowledge of resource requirements and functionality of the office administration to enable informed comment.
      - (b) the costing would be kept confidential as any proposed works would be put out for public tender.
  2. In response other issues raised at the Electors’ Meeting held on 2 February 2016, Council resolves as follows:
    - (a) Staff be requested to prepare a report on the practicalities of establishing a tree register for the Town.
    - (b) Information on consultant expenditure during the current financial year be collated and compared to previous years.
    - (c) A member of 350.org be invited to make a presentation on fossil fuel divestment to the March Concept Forum.
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