



MINUTES

Council Meeting

Tuesday, 17 November 2020 at 6.30pm

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 17 NOVEMBER 2020**

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

“On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging.”

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Mayor J O’Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr A Natale	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr P Kocian	Executive Manager Corporate Services
Mr A Malone	Executive Manager Regulatory Services
Ms J May	Minute Secretary

There were six members of the public in attendance.

3.2 Apologies

Cr Nardi

3.3 Approved

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

4.2.1 Cr Donovan – Minute Book 12.1.2 Canning Highway No 243

4.3 Impartiality

Nil.

5. PUBLIC QUESTION TIME

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

5.2 Public Question Time

Nil.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil.

6.2 Deputations

6.2.1 Minute No 11.1.3 Clayton Street No 13 (Lot 101)

Ms Riet D'Hauwe (client) and Mr David Barr (architect) addressed the meeting in support of the development application for 13 Clayton Street.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (20 October 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr Watkins

That the minutes of the Ordinary meeting of Council held on Tuesday, 20 October 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Legacy Remembrance Day Showcase

Mayor O'Neill advised that he had attended the above event on Friday 13 November. He reported that Legacy assisted 4,000 clients around the State and highlighted the great service this organisation provides, including running camps for children with parents in the armed forces and emergency services.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (3 November 2020)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Staff Memo – 13 Clayton Street2. Correspondence from Applicant – 13 Clayton Street3. Town Planning Committee Minutes

Purpose

To:

- consider two development applications recommended for approval by the Committee (see attachments relating to 13 Clayton Street)
- submit the minutes and delegated decisions of the Town Planning Committee for receipt by Council.

Executive Summary

The Committee, at its meeting on 3 November 2020, exercised its delegation in five statutory matters where at least four members voted in favour of the Reporting Officer's recommendations. The following two development applications did not obtain the required number of votes to exercise delegated authority and consequently the Committee's recommendations are listed for consideration below:

- TP Agenda 11.3 Canning Highway No 83 (Lot 123) Proposed massage therapy service
- TP Agenda 11.6 Clayton Street No 13 (Lot 101) Proposed alterations and additions

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The two planning applications not approved under delegation are presented for consideration (see attachments relating to 13 Clayton Street) and the unconfirmed Committee minutes are submitted for receipt.



11.1.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 011120

Moved Cr Collinson, seconded Cr Watkins

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 3 November 2020 be received.

(CARRIED UNANIMOUSLY)

TP Agenda 11.3 Canning Highway No 83 (123) Proposed massage therapy service

11.1.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 021120

Moved Cr Collinson, seconded Cr Watkins

That development approval is granted, and Council exercises its discretion in regard to the following;

(i) Signage Design Guidelines - Local Planning Policy 3.1.2– Attachment 1 – 10% of window surface area permitted for signage, 50% of window surface area provided for signage for a change of use to a massage therapy service and associated signage at No. 83 (Lot 123) Canning Highway, East Fremantle, in accordance with the plans date stamped received 17 September and 2 October 2020, subject to the following conditions:

- (1) Signage is not to exceed 50% coverage of the surface area of the windows and in accordance with the plans and information received 2 October 2020.
- (2) The business is not to exceed two full time staff on the premises at any one time with a maximum of only 4 massage beds and 2 massage chairs permissible to be utilised.
- (3) The hours of operation are only approved between the hours of 9.00am and 9.00pm seven days a week. Should the hours of operation be modified for additional operating hours, Council approval is required to be sought prior to extending the operating hours.
- (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (6) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval is to remain valid for a period of 24 months from date of this approval.



Footnote:

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

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) the owner/operator of the massage therapy service is to ensure that are fully compliant with all requirements established by both the Western Australian Department of Health and local government and queries should be directed to the Town's Environmental Health Officer and Building Surveyor.*

(CARRIED UNANIMOUSLY)

TP Agenda 11.6 Clayton Street No 13 (Lot 101) Proposed alterations and additions

11.1.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 031120

Moved Cr Collinson, seconded Cr A McPhail

That development approval is granted, and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Northern Boundary – 1.5m required, 0m provided**
- (ii) Clause 5.1.6 – Residential Design Code – Roof Height – 7m required, 7.44m provided**
- (iii) Clause 3.7.8 – Residential Design Guidelines – Roof Pitch – Match existing pitch, reduced roof pitch provided**
- (iv) Clause 5.4.1 – Residential Design Codes – Privacy Setbacks – 4.5m required, 4m provided**

for alterations and additions at No. 13 (Lot 101) Clayton Street, East Fremantle, in accordance with the plans date stamped received 3 September 2020, subject to the following conditions:

- (1) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- (2) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- (3) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- (4) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.**

- (5) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (6) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(CARRIED UNANIMOUSLY)

11.2 Audit Committee Meeting (4 November 2020)

File ref	C/MTP1
Prepared by	Peter Kocian Executive Manager Corporate Services
Meeting Date:	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes

Purpose

To submit the minutes and recommendations of the Audit Committee for receipt and adoption by Council.

Executive Summary

The Committee met on 4 November 2020 to consider four officer reports. Two recommendations arising from this meeting require endorsement by Council.

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed Committee minutes are presented for receipt with two Committee recommendations requiring endorsement by Council.

11.2.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 041120

Moved Cr Natale, seconded Cr Watkins

That the unconfirmed Minutes of the Audit Committee Meeting held on 4 November 2020 be received.

(CARRIED UNANIMOUSLY)

Audit Agenda 10.1 Interim Audit Management Letter

11.2.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 051120

Moved Cr Natale, seconded Cr A McPhail

That Council:

1. receive the Audit Management Letter from the Interim Audit for the Year Ended 30 June 2020, as presented as attachment 1 to this report.
2. note that the key audit findings will be incorporated into the standing Status Report and will be presented to the Audit Committee for ongoing monitoring.

(CARRIED UNANIMOUSLY)

Audit Agenda 10.4 Annual Financial Report Audit – Planning Summary

11.2.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 061120

Moved Cr Natale, seconded Cr A McPhail

That Council:

1. receive the Annual Financial Report Audit – Planning Summary.
2. note that Auditors Report is planned to be issued on the 11 December 2020, meaning that a special meeting of the Audit Committee/Council may be required in January 2021 to receive the Annual Financial Report inclusive of the Auditor's report, and to meet with the Auditor to discuss audit findings.

(CARRIED UNANIMOUSLY)

12. REPORTS

12.1 PLANNING

12.1.1 Riverside Road – Left Bank – Alfresco Area

File ref	P/RIV15
Prepared by	Andrew Malone Executive Manager Regulatory Services
Supervised by	Gary Tuffin Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Left Bank Alfresco Area Presentation

Purpose

The purpose of this report is for Council to consider endorsing for advertising purposes a proposed alfresco area located on Council verge at the Left Bank on Riverside Road.

Executive Summary

Town staff have worked with the Left Bank to develop their proposal for an alfresco area, located on the verge to the front of the Left Bank Hotel on Riverside Road (under the Norfolk Pines). Three options were investigated, however this report only considers one option as discussed below.

Background

The Left Bank in October 2017 approached Council requesting Council consider facilitating an alfresco area to the front of the Left Bank Hotel on Riverside Road. Council's verge (under the Norfolk Pines) would be utilised for the purposes of an alfresco area.

Over the past two years, the Left Bank presented to a Council Forum and has had ongoing operational discussions with the Town to develop this concept further and has continued to demonstrate an interest in progressing the alfresco area. At the Town's most recent meeting with the Left Bank in July 2020 after Riverside Road was resurfaced (but not finished), several options were discussed. Due to the resurfacing works to Riverside Road, this project had been on hold pending completion of the works. Those works are complete and the Left Bank would like this matter formally considered by Council.

Consultation

Consultation was undertaken internally and with elected members on several occasions. External advertising has not occurred. The recommendation in this report is to advertise the proposal to the community to seek feedback on the proposal.

Statutory Environment

Clarification has been sought from the Department of Biodiversity, Conservations and Attractions regarding an approval/ assessment process for the alfresco area. The proposed alfresco area would require a Form 7 application to be submitted and approval granted by DBCA. A report and the drafting of more detailed plans on the proposal would be prepared by the applicant for DBCA to assess.

Policy Implications

Public Places and Local Government Property Local Law 2016.

Financial Implications

Whilst quotes have not been requested, a discussion with the Operations Manager revealed an estimated cost of \$20,000 for a new footpath from Andrews Road to approximately the Bicentennial Falls. Should the proposal receive wide support, funds and associated designs for such work could occur in the coming months after the midyear budget review.

All works regarding the alfresco area are to be borne by the Left Bank (ie fencing, removal of existing footpath, shade structures, seating, concrete pads etc).

Risk Implications

Risks and liabilities identified in the discussion section of this report (below).

Strategic Implications

“Town of East Fremantle Strategic Community Plan 2017-2027”

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

- 1.1 *Facilitate appropriate local services for the health and wellbeing of the community*
 - 1.1.1 *Facilitate or partner to ensure a range of quality services are provided at a local level*
 - 1.1.2 *Strengthen the sense of place and belonging through inclusive community interaction and participation*
- 1.2 *Inviting open spaces, meeting places and recreational facilities*
 - 1.2.1 *Provision of adequate recreational, sporting and social facilities*
 - 1.2.2 *Activate inviting open spaces that encourage social connection*
- 1.3 *Strong community connection within a safe and vibrant lifestyle*
 - 1.3.1 *Partner and educate to build a strong sense of community safety*
 - 1.3.2 *Facilitate opportunities for people to people to develop community connections and foster local pride*

“Town of East Fremantle Public Health Plan 2018-2022”

Public Health Action Plan

1 – *Healthy People and Community*

Support the prevention of avoidable injuries: Reduce the number of dog attacks and promote responsible dog ownership.

2 – *Healthy Places and Spaces*

Conserve, maintain and enhance the Town’s open spaces: Implement the recommendations within the Town of East Fremantle Recreation and Community Facilities Strategy.

Site Inspection

Inspections and site meetings have occurred with internal staff.

Comment

The Left Bank Hotel in late 2017 approached Council administration regarding the introduction of an alfresco area to the front verge of the Left Bank Hotel on Riverside Road. This alfresco area would be “dog friendly” and is proposed in Council’s verge, where dogs are current tethered to the large Norfolk Pines. At a Council Forum in October 2018, management from the Left Bank Hotel presented their proposal for the dog alfresco area to elected members.

Over the following 24 months since that Forum, The Left Bank has indicated there has been growing demand from the community to allow dogs into The Left Bank’s beer garden. This stems from confusion in regard to regulations about whether dogs are permitted in licensed alfresco

areas. Venues throughout Perth and within the City of Fremantle, allow patrons to bring their dogs into the external seating areas, either via formal approval or informally. This has caused arguments and frustration with the Left Bank's patrons that don't understand the differentiation between requirements of venues.

In accordance with Clause 24 (3) of Standard 3.2.2 of the Food Standards Code:

"A food business may permit a dog that is not an assistance animal to be present in an outdoor dining area".

Consideration however needs to be given towards the definition of "outdoor dining area". "Outdoor dining area" means an area which:-

- (a) is used for dining, drinking or both drinking and dining; and
- (b) is not used for the preparation of food; and
- (c) is not an enclosed area; and
- (d) can be entered by the public without passing through an enclosed area.

In summary, a dog friendly area is permissible within a venue (outdoor dining area) pursuant to the health regulations, however the food business would still need to manage the associated health and safety risks of having dogs in an area. This includes dog owners still complying with the Dog Act, including having control of the dogs with them being kept on a lead at all times. Dogs must not be permitted to make contact with food service equipment and must remain on the ground at all times. Other matters such as aggressive dogs, dog excrement and patrons' anxiety to dogs must also be managed by the business.

The Left Bank in consultation with their own staff and clientele does not permit patrons to bring dogs into the venue. Dogs are leashed on the verge (under the Norfolk Pine) whilst patrons frequent the venue. Management is not in favour of permitting dogs into the existing outdoor areas because of potentially detrimental impacts to the existing business. The Left Bank is therefore proposing to create a "Dog Friendly" alfresco zone adjacent to The Left Bank, along Riverside Road, within Council's verge. It is requested by the Left Bank that Council enter into a lease agreement for the purposes of utilising this space.

The application for the alfresco area proposes:

- The creation of a fenced alfresco area on the Riverside Road, along approximately 27 metre of the front verge of the venue (approximately in between the Norfolk Pine).
- the area will be serviced with food and beverage as per the rest of the venue. Signage will be placed at each end of the alfresco area to ensure patrons are aware of the extent of the licensed area.
- The alfresco area will be operated as "dog friendly", however all patrons will be permitted in this location.
- The area is approximately 125sqm in area, with some reductions in usable area due to trees. It will abut the limestone wall at the front of the venue and extend to the road. Note the current footpath is proposed to be removed/ sealed off, but note a separate footpath is proposed to be constructed between Andrew's Road connecting through to the Bicentennial Falls – however this is dependent on usage and need.
- The area is intended for use by approximately 40-60 patrons.
- The area will be fenced in its entirety, with entry points to the alfresco area controlled by gates.

- Fixed tables will be located in the area, umbrellas will be utilised and water bowls will be provided for dogs.
- The Left Bank will be seeking an extended trading permit to allow the sale of alcohol in this area. An Extended Trading Permit from the Department of Racing Gaming & Liquor will be required.

The proposed alfresco area would require additional works to the verge comprising of:

- New footpath between Andrews Road and Bicentennial Falls located adjoining the kerb/roadside, costs to be borne by Council. The cost of the footpath for the extent of the alfresco area adjoining the Left Bank alfresco area would be requested, as this is considered to be the replacement of the existing footpath.
- Alfresco area located adjoining existing boundary wall (limestone wall) of the Left Bank.
- Existing pedestrian path from car park to Bicentennial Falls removed (adjoining Left Bank boundary). It is noted this footpath is not compliant with current access/ manoeuvrability standards as the path is too narrow.
- Fully fenced alfresco area. All landscaping, fencing, furniture costs to be borne by the Left Bank.

Potential issues relating to the alfresco area:

- Liabilities/safety relating to impeding the thoroughfare (footpath) should the existing footpath remain and the alfresco area be separated from the venue by that thoroughfare.
- Liabilities/safety relating to the location of the alfresco area and Riverside Road. Liabilities relating to alcohol consumption, animal control and Riverside Road (responsibility of the Left Bank). The proposed alfresco area will be fully fenced creating a visual and physical barrier along Riverside Road.
- Costs associated with the new footpath, approximately 130 metres length of new footpath.
- The alfresco area is not solely for use by dog owners, the area is "dog friendly" only, therefore the proposed alfresco area is an extension in service/ trade area for the venue for all customers, not just for dog owners.
- Damage to verge and trees (existing Norfolk Pines).
- Proposed Riverside Road upgrade, extent of works and proposed timeframes.
- Unknown potential future financial implications.
- Adverse impacts caused by antisocial behaviour.
- Car parking issues associated with increased popularity of the venue.

Potential Benefits:

- Further activates the river foreshore area, which already has high usage rates.
- Provides a social area of patrons and dogs close to the river in a scenic area.
- Provides a new entertainment area with river frontage.
- Improves the provision of entertainment services on Riverside Road.
- Improved infrastructure proposed including fully fenced alfresco area, seating, umbrellas etc.
- Complaint thoroughfares would be constructed on Riverside Road (subject to further assessments, profiles and investigation of the current root system of the existing Norfolk Pines).
- Works to be undertaken and paid for by The Left Bank for the extent of the frontage of the Left Bank.



It is proposed to firstly advertise the proposal widely, including notifications on the Left Bank wall and newspaper notifications seeking feedback on the proposal. It is considered important the community have an opportunity to provide input into the proposal to ensure a suitable and safe alfresco area is developed.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 071120

Moved Cr M McPhail, seconded Cr Collinson

That Council:

- 1. authorise the advertising of the proposed alfresco area for a period from 30 November 2020 until 29 January 2021 prior to the alfresco area being formally considered by Council;**
- 2. notes a further report will be provided at the completion of the public submission period, incorporating any submissions received for Council's consideration.**

(CARRIED UNANIMOUSLY)

Cr Donovan declared a proximity interest in the following item as she lives adjacent to the subject property and left the meeting at 6.59pm.

12.1.2 243 Canning Highway – Permit Agreement

Applicant	Not Applicable
File ref	P/CAN243
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Permit Form Canning Highway

Purpose

This report recommends that Council authorise the Chief Executive Officer negotiate and progress a permit agreement from Department of Planning, Lands and Heritage (DPLH) to utilise 243 Canning Highway, East Fremantle for the purpose of Public Open Space (POS).

Executive Summary

The Town requested and has been offered the attached permit (expiring 9/12/24 under original offer) for 243 Canning Highway, East Fremantle from Department of Planning, Lands and Heritage (DPLH) to potentially use the Site for Public Open Space (POS) purposes. It is proposed delegate to the Chief Executive Officer (CEO) and Mayor authority to sign the permit and utilise the Town's seal on a permit agreement over the land. The CEO will progress the permit agreement and request modifications where appropriate and favourable to the Town.

The subject site was a former service station and motor vehicle workshop facility (OTEK Australia, 1996) (years of operation unknown, site infrastructure removed by 2003) and is classified as potentially contaminated 'possibly contaminated - investigation required' (PCIR) under the Contaminated Sites Act 2003(CS Act) due to uncertainty as to whether the Site is suitable for the proposed POS land use.

It is proposed to use of the above site as passive public open space which Department of Water and Environmental Regulation (DWER) indicated they would be happy to assist the Town in developing a management plan for the site.

Background

The Preliminary Site Investigation (PSI) undertaken by Western Environmental on 14 July 2020 has provided a valuable assessment of the historical use of the site and identifies potential sources or areas of contamination and provided DWER with significant history relating to amalgamating and integrating all previous remediation works, and investigations. The PSI also provides a review of available information, identifies data gaps and outlines recommendations for further investigation.

The PSI has confirmed that underground infrastructure and associated hydrocarbon impacted soil was remediated and validated when the site ceased to be used as a service station in 1996. There is the potential for residual impacted soil to remain beneath the site (although it is noted that significant degradation is likely to have occurred since 1996) associated with the historical remediation works and the workshop facilities which have not previously been investigated.

Given the depth to groundwater and the remediation works completed, the risk to groundwater, as well as the general level of risk posed by the site, is considered to be low.

Based on the outcomes of the PSI, there are options for management and/or development of the site to enable use as passive POS which would provide a beneficial use for the site, improve its external aesthetic appearance and remains a low risk, limiting any liability to Council.

At a meeting held on 11 September 2020 between the Town and the DWER the following was discussed:

- the Town's proposal regarding POS;
- the PSI and requirements for further investigations; and
- management plans and further requirements.

DWER outlined the management options required to enable use of the above site as passive public open space which DWER indicated they would be happy to assist the Town in developing the management plan for the site.

Consultation

Discussion papers were presented to Council at forums held in February and May, and a further paper in October 2020, where discussion was held around potential public health risk associated with the use of the site and results of the investigations. DWER were satisfied with the extent of the investigations and PSI, which enabled a clear discussion regarding the use of the site as POS.

Chief Executive Officer
Executive Manager Regulatory Services
Operations Manager
Principal Environmental Health Officer
Elected Members
DWER

CEO to progress negotiations with DPLH regarding the permit agreement.

Statutory Environment

Nil

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

Variable. Dependent on available grants, costs associated with the design and establishment of the garden and proposed perimeter fencing.

Strategic Implications

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

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

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

4.1.2 Plan for improved streetscapes parks and reserves

- 4.2 *Enhance environmental values and sustainable natural resource use*
 - 4.2.1 *Reduce waste through sustainable waste management practices*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts*

Site Inspection

Not applicable.

Risk Implications

A risk assessment has been undertaken with regard to the proposed investigations works and the permit relating to the subject site. In order to mitigate risks associated with the site and any potential contaminants onsite, a Preliminary Site Investigation (PSI) undertaken by Western Environmental and detailed discussions were held with DWER. The potential risk implications for progressing the permit agreement is low and has been mitigated.

Comment

It was indicated by DWER that the site could be used as POS (passive) subject to the following requirements:

Site Capping.

DWER advised that a capping layer should be established on the site to restrict exposure to the underlying soil. At a minimum this may involve a robust and maintained grass cover, preferably established through returfing of the site surface. Other options may include importation of clean fill e.g. for landscaping or development works, or establishment of hard cover or paved areas.

DWER further notes that capping of the site and establishing garden beds may be considered as 'remediation' of the site, and as such the site may be able to be reclassified as remediated for restricted use.

No structures are to be constructed on site. The site must remain utilised as passive only.

An alternative option would be to utilise the site as a WaterWise educational garden, planted with native vegetation, mulch and soft-landscaping to be utilised as a showcase for residents. The area will demonstrate appropriate WaterWise initiatives that can be established in their own gardens or verge treatments (in-line with the proposed WaterWise Verge Policy and the proposed adopt a verge program). The site being WaterWise will demonstrate the Town being progressive in educating and establishing a standard for correct water management. It is being investigated if a funding partnership could be established with the WaterCorp regarding a WaterWise native garden.

Site Management Plan

DWER has advised that a Site Management Plan (SMP) would be required to restrict exposure of recreational users and site workers to any residual contamination which may be present in soil. At a minimum, this is likely to require a management process for regular inspection and management of the capping layer, and for any site maintenance works involving ground disturbance, such as installation and maintenance of reticulation (although this is considered very low risk). The SMP will likely also require consideration of aspects such as site drainage and verification that any imported fill is certified to be clean/ landscaping.

DWER has indicated a willingness to assist the Town with developing a SMP. It is proposed to undertake the SMP internally by the Town.

Conclusion

Based on the risk assessment and proposed plan agreed in principle with DWER, it is recommended the CEO liaise with Department of Planning, Lands and Heritage to finalise the peppercorn permit for 5 years or more and then enter into an appropriate permit agreement.

The Town in consultation with the Water Corporation will continue to develop a simple WaterWise garden design for the subject site including planting, landscaping, furniture, fencing, access points and pathways. The design will implement waterwise initiatives and be an example garden to reflect those waterwise initiatives and education. The Town will investigate a partnership between the Town and WaterCorp to promote best practice WaterWise initiatives, verge care and water management through the utilisation of the subject site.

The Town in cooperation with DWER will develop and implement a site management plan.

The Town will Investigate grants, funding and financing options for the redevelopment of the subject lot and implement the relevant community engagement /consultation prior to the commencement of works.

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081120

Moved Cr Watkins, seconded Cr Collinson

That Council authorise:

- 1. the CEO to negotiate, progress and finalise a permit agreement from Department of Planning, Lands and Heritage (DPLH) to utilise 243 Canning Highway, East Fremantle for the purpose of Public Open Space (POS).**
- 2. the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Permit Agreement.**

(CARRIED UNANIMOUSLY)

Cr Donovan returned to the meeting at 7.07pm and it was noted she did not speak or vote on the previous motion.

12.2 FINANCE

12.2.1 Statement of Financial Activity for Period Ended 31 October 2020

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity 31 October 2020 2. Capital Works Report 6 November 2020 3. Financial Health Check 31 October 2020

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 31 October 2020. The Monthly Financial Report also includes a Capital Works Report and Financial Health Check summary.

Executive Summary

A Monthly Financial Report workbook has been prepared to provide an overview of key financial activity. Two Statements of Financial Activity are provided, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2021.

A Capital Works Report is presented detailing committed expenditure against budgets. This report is used to assess the clearance rate of capital projects.

A Monthly Financial Health Check has also been prepared which provides key financial information against benchmarks. This document is intended to provide a concise summary of the Town's financial performance.

Background

The Town of East Fremantle financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - Explanation of Material Variances
 - Net Current Funding Position
 - Cash and Investments
 - Receivables
 - Cashed Back Reserves
 - Capital Disposals
 - Rating Information
 - Grants and Contributions

The attached Monthly Financial Report is prepared in accordance with the amended *Local Government (Financial Management) Regulations 1996*; together with supporting material to provide Council with easy to understand financial information covering activities undertaken during the financial year.

Consultation

Management team

Statutory Environment

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its Statement of Financial Activity.

Expenditure from the municipal fund not included in the annual budget must be authorised in advance by an absolute majority decision of Council pursuant to section 6.8 of the *Local Government Act 1995*.

Fees and charges are imposed under section 6.16 of the *Local Government Act 1995*. If fees and charges are imposed after the annual budget has been adopted, local public notice must be provided before introducing the fees or charges pursuant to section 6.19 of the *Local Government Act 1995*.

Policy Implications

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

Financial Implications

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 2020/21 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2020/21 for reporting material variances shall be:

- (a) 10% of the amended budget; or
- (b) \$10,000 of the amended budget.

whichever is greater. In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Strategic Implications

The monthly financial report is the key financial reporting mechanism to Council, to provide oversight of the financial management of the local government. This ties into the Strategic Community Plan as follows:

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate oversight of the financial position of the Town may result in adverse financial trends	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by monthly review of financial statements and key financial information

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

Not applicable.

Comment

This report presents the Statement of Financial Activity for the period 31 October. The following is a summary of headline numbers from the attached financial reports:

	Original Budget	YTD Budget	October Actuals
Opening Surplus	160,328	160,328	159,734
Operating Revenue	10,517,403	8,987,947	8,981,698
Operating Expenditure	(10,969,062)	(3,837,262)	(2,762,892)

Capital Expenditure	(1,026,681)	(329,200)	(281,952)
Capital Income	210,000	0	0
Financing Activities	(470,888)	(23,790)	(25,232)
Non-Cash Items	1,578,900	526,300	0
Closing Surplus	0	5,484,323	6,071,355
Unrestricted Cash			4,755,876
Restricted Cash			991,601

- Depreciation has yet to be processed due to the finalisation of the 2019/20 accounts and asset register;
- A Capital Works Report is being auto generated within the Town's financial system and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2 and includes actual expenditure as at 6 November. Capital works have yet to substantially commence, with \$282k in total expenditure;
- Rates were levied in the month of July with rate notices issued in the first week of August. At the end of October 66.6% of rates levied (including arrears) has been receipted. The due date for payment of rates including the election of instalments was the 7 September.

Budget Variations

1. Council has approved a budget of \$17,000 for renewal of Niegerup Track. Works were completed to spread and compact crushed limestone to the track. Additional funding of \$8k is required to undertake further works to the track to ensure that it is safe. A quote has been obtained to purchase 5mm limestone fines and to spread and compact material.
2. At the July 2020 Ordinary Meeting, Council resolved on the following project priorities for funding under the Community Sports and Recreation Facilities Fund (CSRFF):

Applicant	Description of Project	Total Project Cost	Requested 1/3 contribution from the Town
East Fremantle Cricket Club	Repair cricket nets at Preston Point Reserve	\$19,065	\$6,355
East Fremantle Junior Football Club	Complete the lighting upgrade at Henry Jeffrey Oval	\$87,537	\$29,179

Part 5 of the resolution stated that "should any of the applications become successful, that a further report will be presented to Council seeking release of funding and authorisation to enter into a funding agreement".

The State Government has approved funding for the lighting upgrade project, and a Council co-contribution is now required to realise the project.

Whilst the CSRFF application was not supported from the Cricket Club, they have been successful in securing other external funding of \$7,000. They have requested a co-contribution from the Town of \$5k to match \$5k in own source funding from the East Fremantle Cricket and Junior Cricket Clubs.

The 2020/21 Budget includes an allocation of \$100,000 as a transfer to the Preston Point Facilities Reserve, for implementation of the Preston Point Master Plan. A Council resolution will be required to release these funds from Reserve for identified projects.



12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 091120

Moved Cr A McPhail, seconded Cr Natale

That Council:

1. receives the Monthly Financial Report (Containing the Interim Statement of Financial Activity) for the month ended 31 October 2020, as presented as attachment 1 to this report.
2. notes the unrestricted municipal surplus of \$6,071,355 as at 31 October 2020.
3. receives the Capital Works Report dated 6 November 2020, as presented as attachment 2 to this report.
4. receives the Monthly Financial Health Check, as presented as attachment 3 to this report.
5. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in an unfavourable movement of (\$8,000) in net current assets as at 30 June 2021, with a view of funding this amount in the mid-year budget review.

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E11633	Niegerup Track	(\$17,000)	(\$25,000)	(\$8,000)	Remedial work required. Quotes have been obtained.
E11653	East Fremantle Cricket Cont.	\$0	(\$5,000)	(\$5,000)	Matching contribution requested to fund repair of cricket nets. A funding agreement will be prepared
E11678	East Fremantle Junior Football Club Cont.	\$0	(\$29,179)	(\$29,179)	Matching contribution requested to fund lighting upgrade. A funding agreement will be prepared
2429	Transfer from Preston Point Reserve	\$30,000	\$64,179	\$34,179	Reserve funding for implementation of projects under the PP MP
Change in Net Current Assets				(\$8,000)	

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

12.2.2 Accounts for Payment –October 2020

File ref	F/FNS2
Prepared by	John Mondini, Manager, Finance & Administration
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – October 2020

Purpose

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 31 October 2020 and recorded in the minutes of the Council.

Executive Summary

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 October to 31 October 2020, as per the summary table.

Background

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

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

The bulk of payments are processed by electronic funds transfer (EFT) with the exception of Water Corporation accounts which are paid by cheque and the occasional reimbursements and refunds.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)* requires Local Governments to prepare a list of payments made under delegated authority to be prepared and presented to Council on a monthly basis.

Policy Implications

Policy 2.1.3 Purchasing. All supplier payments are approved under delegated authority pursuant to the authorisation limits outlined in Council's purchasing policy.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the list of payments	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.

Comment

Payments for the month of October 2020 include the following significant items:

Payee	Particulars	Amount
Suez Environment Recycling	Waste Services August	33,167.42
Talis Consultants	Professional Fees – Riverside Road Project & Drainage Study	50,055.02
Statewide Turf Services	RFQ04 2020/21 Preston Point Reserve Resurfacing & Releveling	35,200.00
Aust Taxation Office	GST Payable Sept 2020	30,625.00
IT Vision	Altus Payroll Implementation, Operating Statement Account Description Updates, Report Manager & UV Code Training	31,576.44
LGISWA	Property/Liability/Workers Comp Insurance Renewal	106,286.74
SMRC	Waste Services September	50,243.42
Statewide Turf Services	RFQ04 2020/21 Preston Point Reserve – Planting Kikuyu Stolons	34,874.47
Focus Network	Depot Computer Equipment and training, various monthly licences, subscriptions	34,213.31

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101120

Moved Cr Natale, seconded Cr A McPhail

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, **RECEIVES** the list of payments made under delegated authority for the month ended 31 October 2020 and recorded in the Minutes of the Council.

OCTOBER 2020		
Voucher No	Account	Amount
5311-5313	Municipal (Cheques)	\$6,461.46
EFT30261– EFT30446	Municipal (EFT)	\$832,044.58
Payroll	Municipal (EFT)	\$261,648.58
Direct Debits	Municipal (Direct Debit)	\$50,678.50
	Total Payments	\$ 1,150,833.12

(CARRIED UNANIMOUSLY)

12.2.3 Request for Quotation RFQ 07-2020/21 – Supply and Delivery of Community Bus

File ref	H/CHC1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	17 November 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Quotation 1 2. Quotation 2 3. Quotation 3

Purpose

This report recommends that Council approve the purchase of a 2020 Fuso Rosa Bus (25 seat) as per the specification contained within RFQ07 – 2020/21 for a fixed price of \$173,414 (ex GST), to support the provision of transport services under the Commonwealth Home Support Program (CHSP).

Executive Summary

A Request for Quotation (RFQ) was prepared for the supply and delivery of a community bus to support the provision of transport services under the Commonwealth Home Support Program. The RFQ was emailed to three (3) suppliers being dealerships for Mitsubishi and Toyota. At the close of the RFQ period, a sole submission had been received from Daimler Trucks Perth (contained in attachment 1).

Further quotes were subsequently sought to meet the requirements under the Town's Purchasing Policy and to demonstrate value for money. These quotes are appended to this report as attachments 2 and 3.

Background

Council considered the replacement of a bus for the CHSP at its meeting of October 2018, where it resolved to endorse the purchase of a new bus at an estimated cost of \$173k ex GST.

The CHSP service requires the use of 2 buses to support Centre Based Day Care services, and to meet contracted hours for the provision of group social support.

Plant Number	Description	Compliance Plate Date	Total Operating Expenses (excluding depreciation)
P4069	Mitsubishi Rosa Bus (1DXU938) – including wheelchair lift	2012	\$96,729
P4061	Mitsubishi Rosa Bus (1DTB605)	2011	\$127,627

It is recommended that plant number P4061 be replaced for the following reasons:

- It is the older of the two buses;
- The new bus will include a wheelchair lift meaning that both buses will be fitted;
- Operating expenses in the last few years have been excessive due to repeated problems with the starter and gearbox, water pump and automatic step. Two years has elapsed since

Council considered the bus replacement in October 2018, and the bus is effectively unroadworthy.

Consultation

Coordinator CHSP

Statutory Environment

The Chief Executive Officer has delegation under DA15 Tenders/Quotations to accept a quotation where the consideration is less than \$150k ex GST. As the purchase is greater than this threshold, Council approval is sought.

Policy Implications

Council’s Purchasing Policy requires all purchases over \$50k to be procured under a formal Request for Quotation process. This requirement has been met.

Financial Implications

The 2020/21 Budget includes an allocation of \$175,000 against general ledger E08607 for the purchase of a replacement bus. Funding is \$145,000 from the Aged Services Reserve and \$30,000 from the trade-in (it is proposed that P4061 be sent to an Auction House to be sold). The purchase is within budget.

Strategic Implications

Town of East Fremantle Strategic Community Plan 2017-2027:

1.1 Facilitate appropriate local services for the health and wellbeing of the community.

Site Inspection

Not undertaken to date.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inability to meet contracted hours for service provision due to unavailability of transport	Almost Certain (5)	Major (4)	Extreme (17-25)	SERVICE INTERRUPTION Indeterminate prolonged interruption of services - non-performance > 1 month	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	16+
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

Three quotes were obtained for the replacement of one of the two CHSP buses. The full quotes are appended to this report and summarised as follows:

Supplier	Make/Model	No. Seats inc Driver	Price (ex GST)
Supplier 1	Fuso-Rosa BE64DJRMBFAF Standard Automatic Transmission Bus with Hoist	19 seats and 1 x wheelchair	\$173,414.00
Supplier 2	Coaster 4.0L Diesel with rear offside entry conversion	15 seats and 1 x wheelchair	\$145,463.09
Supplier 3	Coaster 4.01 Diesel with rear entry wheelchair conversion	15 seats and 1 x wheelchair	\$134,546.00

Whilst the Fuso Rosa Bus is more expensive (in-part being due to the supplier not registered under the CUA panel arrangement for the acquisition of passenger and light commercial vehicle's), the Coordinator CHSP has recommended this bus due to the following specifications:

- The Fuso Rosa is a larger bus and therefore can accommodate more clients, and the aisle and seating sizes are more aged friendly to support mobility requirements;
- Given the larger size, the Fuso Rosa has the wheelchair hoist at the passenger side of the bus meaning that clients can be loaded/unloaded on the verge which is a much safer option compared to the rear hoist for the Toyota Coaster bus, which unloads clients directly onto the road and to the rear of the bus (traffic and visibility issues)



The CHSP Business Plan states that the Day Centre operation from Tricolore could easily increase to 5 days if sufficient funding for staffing was made available. An increase in client assistance will require additional staff resources and the retention of the 2 community buses to assist with transporting of clients to and from the centre (pg59). The Day Centre has been operating 5 days a week since resumption from the COVID shutdown.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 111120

Moved Cr Collinson, seconded Cr Donovan

That Council, with respect to Request for Quotation RFQ 07-2020/21 – Supply and Delivery of Community Bus:

- 1. approve the purchase of a 2020 Fuso Rosa Bus with wheelchair hoist for the fixed price of \$173,414 ex GST.**
- 2. approve the disposal of P4061 Mitsubishi Rosa Bus (1DTB605) by method of auction.**

(CARRIED UNANIMOUSLY)

12.2.4 Fremantle Biennale 2021

File ref	A/ART1
Prepared by	Karen Dore, Coordinator Community Engagement
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Town of East Fremantle Partnership Summary

Purpose

Council are requested to consider the recommendation of the Town's Public Art Panel to participate in the Fremantle Biennale 2021.

Executive Summary

The Fremantle Biennale Committee is facilitating a proposed collaboration between the Cities of Fremantle, Cockburn and Melville, and the Towns of Mosman Park and East Fremantle.

Central to the Committee's organisational and programming model is long-term engagement with key stakeholders within the wider Fremantle area. It is evidenced that these kind of partnerships serve to strengthen the distinctiveness, cultural profile and scope of the Biennale; create sector and career development opportunities for WA and Australian artists, reach audiences that may not traditionally have access to cultural events; invite community participation; and attract local and national visitors.

The Fremantle Biennale model contributes to diversifying and providing a vibrant cultural landscape of WA by:

- creating a platform for the development and presentation of nationally and internationally recognised and experimental site-responsive contemporary art practices;
- promoting cultural dialogues and exchange of ideas (through a program of local, national and international artists, intersecting with our audiences and visitors);
- celebrating the cultural, social and historical distinctiveness of Fremantle and Western Australia, through artistic projects that respond to place, site and local histories.

Background

The two previous Fremantle Biennale's (held in 2017 and 2019) have positioned the event as a leading Australian contemporary arts festival, contributing significantly to the cultural and artistic landscape of Fremantle and Western Australia.

The theme for Fremantle Biennale 2021 is "CROSSING", which references the river, it will comprise a series of (predominantly) free, easily accessible ephemeral installations and performances (dance, poetry, walking tours) hosted throughout November 2021.

The Public Art Panel at its meeting held on 10 August 2020 commented as follows:

"The Panel are fully supportive of this proposal, however, the understanding is that the investment (up to \$20,000) would not be allocated to the 2021-2022 Art Reserve."

Consultation

Public Art Panel

Executive Management Group
Council Concept Forum, 8 September 2020
Fremantle Biennale Committee

Statutory Environment

Nil

Policy Implications

Public Art Panel Policy (4.1.5)

Section 1 – Objectives

1.3 Social to enhance social cohesion within East Fremantle by:

- using public art to develop attractive, diverse places, that the community enjoy; and
- using public art to develop meeting places, that community members want to visit.

Financial Implications

The proposed level of support is as a “Presenting Partner” which would be an investment of \$20,000. This amount would be considered during the 2021-2022 annual budget process.

It is also expected that there will be some in-kind works undertaken in relation to readying sites for use and assisting with the promotion of Fremantle Biennale 2021.

Strategic Implications

“Town of East Fremantle Strategic Community Plan 2017-2027”

Strategic Priority 1 – Social

A socially connected, inclusive and safe community

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

Site Inspection

Various site inspections have been undertaken by the Fremantle Biennale 2021 Committee in order to identify locations suitable for inclusion in the program.

Risk Implications

No significant risk identified.

Comment

This proposal offers the Town a unique opportunity to be involved in a large-scale initiative with a greater reach than anything that could be undertaken alone. The event can be leveraged by the Town for area promotion, before, during and after the actual programmed series.

12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 121120

Moved Cr M McPhail, seconded Cr Harrington

That Council:

- 1. endorse the Town's participation in the Fremantle Biennale 2021; and**
- 2. make a provision of \$20,000 in its 2021-2022 Annual Budget.**

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

12.2.5 Know Thy Neighbour Program

File ref	A/ART1
Prepared by	Karen Dore, Coordinator Community Engagement
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Know Thy Neighbour Program Overview

Disclosure of Interest

Art Panel member, Ms Soula Veyradier, made the following Declaration of Interest at the Public Art Panel Meeting on 10 August 2020:

"In relation to item 5.1 "Know Thy Neighbour Program", I am "Director Programs" of International Art Space, the program facilitator. I approached the Town on 25 May 2020 in regards to the opportunity for East Fremantle to become a collaborator in this innovative and participatory public art project. The project was progressed through formal channel. At the meeting I provided background information on request."

Purpose

Council are requested to consider the recommendation of the Town's Public Art Panel to participate in the Know Thy Neighbour Program.

Executive Summary

In partnership with selected Local Governments, the third iteration of "Know Thy Neighbour" invites artists to develop projects responding to and engaging with the sites, cultural resources, histories and communities unique to each area.

Negotiations are currently also in progress with the Cities of Vincent, Canning, Melville, Wanneroo, Armadale and Swan.

Background

Know Thy Neighbour is a series of Perth-based temporary public art projects presented by International Art Space (IAS).

Know Thy Neighbour #3 will unfold in the wake of the shared, but individually felt, global health crisis experience. Know Thy Neighbour will contribute to local community engagement through arts practice and creation.

Council's Public Art Panel at its meeting held on 10 August 2020 commented as follows:

"The Panel are fully supportive of "creating community conversations and connections" through this art program, suggesting that the outcomes (visual art including performances) could be linked to the Fremantle Biennale and / or the Town's Reconciliation Action Plan preparation process."

Consultation

Public Art Panel
Executive Management Group
Council Concept Forum, 8 September 2020

Statutory Environment

Nil

Policy Implications

Public Art Panel Policy (4.1.5)

Section 1 – Objectives

1.3 Social to enhance social cohesion within East Fremantle by:

- using public art to develop attractive, diverse places, that the community enjoy; and
- using public art to develop meeting places, that community members want to visit.

Financial Implications

The investment into this local community focussed project would be up to \$10,000. It is recommended that this amount be deducted from the \$37,000 balance of the current Public Art funding allocation for 2020-2021 (refer to page 5 of the Public Art Panel Minutes dated 10/08/20).

Strategic Implications

“Town of East Fremantle Strategic Community Plan 2017-2027”

Strategic Priority 1 – Social

A socially connected, inclusive and safe community

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

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

Site Inspection

Not applicable.

Risk Implications

No significant risk identified.

Comment

The COVID-19 global health crisis has resulted in a conspicuous cultural shift. The restrictions placed on socialising have focused the attention of the community onto their immediate surroundings and the resilience of communities has been tested.

Know thy Neighbour #3 unfolds in the wake of this shared experience, and this program of projects will encourage the artists in partnership with the community to challenge, explore, celebrate and expose the richness, complexities and difficulties of living local that the present moment has highlighted.



12.2.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 131120

Moved Cr Harrington, seconded Cr Collinson

That Council:

1. supports participation in the Know Thy Neighbour Program #3.
2. authorises the expenditure of up to \$10,000 from the existing 2020-2021 budgeted Public Art allocation (GL: E11685) as a contribution to the Know Thy Neighbour Program #3.

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)

12.3 GOVERNANCE

12.3.1 Authority to Affix the Common Seal – Deed of Extension of Lease – Reserve 19771, 133 Canning Highway, East Fremantle

Applicant	Head Office of More Pty Ltd
Owner	Town of East Fremantle
File ref	P/CAN133
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	1. Deed of Extension of Lease – Reserve 19771, 133 Canning Highway, East Fremantle

Purpose and Executive Summary

The purpose of this report is to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town in respect to the following document:

- Deed of Extension of Lease – Reserve 19771, 133 Canning Highway, East Fremantle

Background

Council resolved on the lease for the Old Police Station at its Ordinary Meeting of June 2018.

Consultation

This item is presented as a result of a request from the Lessee to exercise their option for a lease extension.

Statutory Environment

Local Government Act 1995

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

Any income derived from the Old Police Station must be reinvested into the site so this will have a positive impact on the built and natural environment in this precinct.

Strategic Implications

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

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

1.1 Facilitate appropriate local services for the health and wellbeing of the community

- 1.1.2 Strengthen the sense of place and belonging through inclusive community interaction and participation

1.2 Inviting open spaces, meeting places and recreational facilities

- 1.2.1 Provision of adequate recreational, sporting and social facilities
- 1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

- 1.3.2 Facilitate opportunities for people to people to develop community connections and foster local pride
- 1.3.3 Enrich 1.3.2 Facilitate opportunities for people to people to develop community connections and foster identity, culture and heritage through programs, events and celebrations
- 1.3.4 Facilitate community group capacity building

Risk Implications

There are no identified risks relevant to this item.

Site Inspection

N/A

Comment

Council previously resolved on a lease for the property known as the Old Police Station (133 Canning Highway) to the Head Office of More Pty Ltd. The initial term of the lease was two years commencing on 1 January 2019 and expiring on 31 December 2020. There are three further terms of three years contained within the lease schedule, with the option to exercise at the discretion of the Lessee. The Lessee has requested to exercise the option.

A Deed of Extension has been prepared by the Town's legal representatives and is appended as an attachment to this report.

12.3.1. OFFICER RECOMMENDATION/COUNCIL RESOLUTION 141120

Moved Cr Natale, seconded Cr A McPhail

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal in relation to the Deed of Extension of Lease – Reserve 19771, 133 Canning Highway, East Fremantle.

(CARRIED UNANIMOUSLY)

12.3.2 Memorials in Public Places Policy

File ref	C/POL1
Prepared by	Andrew Malone Executive Manager Regulatory Services
Supervised by	Gary Tuffin Chief Executive Officer
Meeting Date:	17 November 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Memorials in Public Places Policy2. Submission sketch plan and information received

Purpose

The purpose of this report is to present Council with the proposed Memorials in Public Places Policy for Council's consideration and adoption.

Executive Summary

Town staff have developed the Memorials in Public Places Policy because of the number of requests received for memorials within public spaces and to ensure Council has an appropriate policy to govern the assessment of such requests.

One submission was received, and this is summarised and discussed below.

The Memorial in Public Places Policy will assist in guiding the assessment, approval and operational requirements of memorials throughout the Town.

Background

Following on from the October 2019 Council Forum, officers drafted a policy regarding the erection and installation of memorial plaques within the Town. The draft policy has not been advertised because of the detailed planning, operational requirements and criteria required for the use of Merv Cowan Park as a memorial space. It was considered Merv Cowan Park was not an appropriate area for the concentration of memorials.

The Town requires a policy to provide best practice in local governance and to give the Town the authority to assess and manage these installations so that they are done tastefully, with restraint, for the benefit of the local community and importantly for the protection of the character of any public open space, but specifically the river foreshore area, which is where the Town receives most requests for.

Due to changing circumstances, public open space upgrades and a reassessment of the previously proposed policy, officers redrafted the proposed policy and presented it to Council in September 2020 for endorsement to advertise. One submission was received.

Consultation

Consultation was undertaken internally and with elected members on several occasions.

This Policy was advertised for 28 days to allow for community input. One submission was received.



Submission	Officer's Response
<p>The POS at the corner of View Terrace and Penshurst St with its expansive views up Blackwall Reach is the perfect location for a memorial wall and other memorial objects such as seats and water fountain etc.. At present the site is in need of a major upgrade. This site has the potential to equal the limestone Memorial Wall overlooking Freshwater Bay in Mosman Park.</p> <p>The site I have in mind is the land between 48 and 50 View Terrace bounded in the east by a rough ramp and steps linking upper and lower View Terrace.</p> <p>I referred to this area in my June submission regarding the traffic issues in lower View Terrace. The two bus stops in this section of View Tce are busy before and after school, when the 148 and 159 buses going to and from Fremantle seem to pass at this point. The road is narrow and so are the footpaths. The old style wooden bus shelter was demolished approximately 5 years ago or more so there is no shelter on either side of View Tce and only one small wooden seat outside 49 View Tce on the south side of View Tce. I have many times seen students standing on the bitumen because there is not enough room for all of them to stand on the narrow footpath when catching the morning bus to school.</p> <p>I have taken photographs of this area of View Tce and of Millers' Pool on the foreshore of South Perth near the Old Mill at the Narrows, the Tuckfield Oval Parklands near the old Fremantle traffic bridge and the floating observation lookout over the Swan River at Heathcote Park in Applecross. I have taken note of features of these parks and gained ideas to draw a rough sketch of what could be done at View Tce.</p> <p>If families who wish to remember members of their family who have lived in the Tof EF for 40 years or more and are paying \$500 to do so, then this fee will go a long way to paying for the memorial wall et al . Also, there are already significant limestone retaining walls on this sloping site which could be utilized for foundations for the bus shelter and props for the lookout area. Rather than writing pages of description, I will deliver my sketch, photos and notes to the Council office by close of business today for your consideration and comment.</p>	<p>The submission is noted and acknowledged.</p> <p>Whilst there are many good ideas proposed, the location is considered inappropriate and the submitter raises some of these areas also. The area is inappropriate for such a memorial location due to the following reasons:</p> <ul style="list-style-type: none"> • Busy trafficked area limiting peace and quite contemplation. • Busy trafficked areas also increase the potential for safety issue, especially where such a location is at an intersection and considering the land area only has a depth of approximately 7 metres at its deepest from the road. • Sufficient area is not provided for the safe creation of such a space, considering the intersection, speed of traffic, location of a bend, narrow nature of the road and proximity of infrastructure eg steps and bus stop. • Busy pedestrian area. This area is a thoroughfare, bus stop and again is not suitable for a memorial due to possible impacts. • Slope of the area, nature of established vegetation and size of the area limits the potential to create a useful space. • Proximity to adjacent and adjoining dwellings would be unsuitable for such a prominent display of memorials. <p>In this instance, the submitter is thanked for their suggestions, however it is recommended Council adopt the policy as advertised.</p>

Statutory Environment

Local Government (Uniform Local Provisions) Regulations 1996.

Policy Implications

This policy applies to the governance of all private memorials in public places within the Town of East Fremantle.

For the purposes of this policy, 'Memorials in Public Places' refers to memorials installed in Crown Land vested in the management of the Town or land owned freehold by the Town which is reserved for the purposes of recreation, public open space or a road reserve.

Financial Implications

The costs associated with the plaque including the approved inscription, installation costs and any costs associated with the purchase of street furniture/artwork/or similar will be borne by the applicant. An additional cost of five hundred (\$500) dollars will also be paid by the applicant once the memorial has been approved by Council. This additional payment will be utilised for the purposes of purchasing trees for the Town's use in public spaces.

Risk Implications

No significant risk identified.

Strategic Implications

Strategic Priority 1: Social

- 1.2 Inviting open spaces, meeting places and recreational facilities.
- 1.3 Strong community connection within a safe and vibrant lifestyle.

Strategic Priority 4: Natural Environment

- 4.1 Conserve, maintain and enhance the Town's open spaces.
 - 4.1.2 Plan for improved streetscapes parks and reserves

Site Inspection

Nil

Comment

The Town receives many requests from local residents (and from non-residents who have or whose family have a connection to East Fremantle) for some kind of memorial to mark the passing of a loved one or the commemoration of a significant event. Indeed, the Town also receives many requests from people whom have no connection with the area but, for instance, may have enjoyed time in the area along the river foreshore. The Town currently allows memorials to be placed on park benches within the Town, on a per application basis, however this is not guided by a policy or managed according to a procedure, and issues regarding use of public open space, maintenance, damage and replacement of such infrastructure are not currently catered for.

The draft policy will guide the assessment for such memorials. Subject to the provisions within this policy, the Town will not support the community to memorialise family, friends and community members unless at the discretion and approval of Council. Approval will only be granted if Council so determines the memorial is appropriate, practical and that the individual being memorialised has been a long-standing resident or worker (40 + continuous years) in the Town and has contributed in a positive way to the Town.

The submission and illustrations/plan received by Council is acknowledged and has been reviewed. Whilst it does suggest many different elements which could be included in a memorial area, administration consider the area would be inappropriate for such a memorial space due to its proximity to a busy road negating the possibility of peaceful reflection, no possibility of car parking, significant costs, proximity of adjoining residential properties and potential safety issues.

Risk

Whilst the idea of permitting such memorials in an ad hoc manner is well-intentioned (as is currently the case), there is a risk that a preponderance of public spaces is given over to such purposes, specifically the river foreshore area, which is enjoyed by many.

There has been some public criticism too that making so much public space available for these purposes is inappropriate. Given that the look and unique style of the Town is one of its main features, the protection of the character of the Town's public open spaces and river foreshore is an important consideration. It is considered this policy will guide the assessment of such memorials and will provide the specifications and requirements for their installation. The Policy will enable the Council to consider applications which adhere to the criteria.

Rationale

The Policy will give Council clarity in how to assess a memorial when such requests are made. The provisions of the policy set specific criteria for Council to assess each application, the most important of which is a person to be memorialised has been a long standing resident of or worker (40 + continuous years) in the Town and has contributed in a positive way to the Town.

To assist the Town managing resources, costs, maintenance, and the Town's public spaces and infrastructure, it is proposed that Council would not permit memorials, unless assessed and approved by Council and only for a person who has lived/worked in the area and made a significant contribution to the Town. This will set clear guidelines for the assessment of each memorials.

Generally, plaques and memorials are requested in scenic areas, specifically the largest number being requested for Riverside Road.

In light of the above it was important to set the criteria for memorials such that it is an honour to be approved a memorial and a memorial is reserved for those that have contributed to the Town. Administration has drafted the proposed policy to ensure better governance and assessment criteria for the policy and to ensure the overall protection of open public spaces within the Town.

It is recommended Council approve the Memorials in Public Places Policy as advertised without any modifications.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 151120

Moved Cr Collinson, seconded Cr Watkins

That Council adopt the Memorials in Public Places Policy as advertised.

(CARRIED UNANIMOUSLY)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.
14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING
Nil.
15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil.
16. NEW BUSINESS OF AN URGENT NATURE
Nil.
17. MATTERS BEHIND CLOSED DOORS
Nil.
18. CLOSURE
There being no further business, the Presiding Member declared the meeting closed at 7.31pm.

I hereby certify that the Minutes of the ordinary meeting of the Council of the Town of East Fremantle, held on 17 November 2020, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

8 DECEMBER 2020



Presiding Member