



MINUTES

Council Meeting

Tuesday, 19 September 2017 at 6.34pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE EAST FREMANTLE YACHT CLUB (RIVER ROOM), PETRA STREET EAST FREMANTLE ON TUESDAY, 19 SEPTEMBER 2017.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.34pm.

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services
Ms K Dore	Economic and Community Development Officer
Ms J May	Minute Secretary

There were two members of the public in attendance.

3.2 Apologies

Mr D Taylor Executive Manager Corporate and Community Services

3.3 Approved Leave of Absence

Cr J Harrington

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

Nil.

4.3 Impartiality

Nil.

5. PUBLIC QUESTION TIME

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

Nil.

5.2 **Public Question Time**
Nil.

6. **PRESENTATIONS/DEPUTATIONS**

6.1 **Presentations**
Nil.

6.2 **Deputations**
Nil.

7. **APPLICATIONS FOR LEAVE OF ABSENCE**
Nil.

8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

8.1 **Ordinary Meeting of Council (15 August 2017)**

8.1 OFFICER RECOMMENDATION

Moved Cr A McPhail seconded Cr White

That the minutes of the Ordinary meeting of Council held on Tuesday, 15 August 2017 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**
Nil.

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

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (5 September 2017)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 5 September 2017, exercised its delegation in three statutory matters with the planning application for 4 Habgood Street being deferred to the October round of meetings.

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

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 010917

Moved Cr Collinson, seconded Cr M McPhail

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 5 September 2017 be received.

(CARRIED UNANIMOUSLY)

11.2 Audit Committee Meeting (6 September 2017)

File ref	C/MTP1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Meeting Date:	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes

Purpose

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

Executive Summary

The Committee considered a report regarding the Financial Management Review which is listed as a separate item within this agenda.

There is no further action other than to receive the minutes of that meeting.

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed minutes of the Audit Committee meeting are now presented to Council to be received.

11.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 020917

Moved Cr A McPhail, seconded Cr M McPhail

That the unconfirmed Minutes of the Audit Committee Meeting held on 6 September 2017 be received.

(CARRIED UNANIMOUSLY)

12.1 FINANCE REPORTS

12.1.1 Monthly Financial Activity Statement 31 August 2017

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

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

Staff recommend that Council receives the Financial Activity Statement for the period ending 31 August 2017.

Background

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

The monthly Financial Activity Statement for the period ending 31 August 2017 is appended and includes the following:

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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

Financial Implications

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

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

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

Site Inspection

N/A

Comment

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

Revised Budget Forecast

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

Operating YTD Actuals (compared to the YTD Budget)

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

Operating Revenue 102%; is \$125,000 more than the YTD budget. (Favourable)

Operating Expenditure 89%; is \$197,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$374,000 more than the YTD budget (Favourable).

Operating Revenue is 2% Favourable to the year to date budget. The significant areas of favourable variations for operating revenue include:

- Community Amenities – Commercial Service Charges has a favourable year to date budget timing variance amounting to \$88,000 which will be offset in October.
- Recreation & Culture - The Swan Yacht Club Rental has a favourable year to date budget timing variance amounting to \$43,000 which will be offset in November.

Operating Expenditure is 11% Favourable to the year to date budget. The significant areas of favourable variations for operating expenditure include:

- Community Amenities – Domestic Refuse Collection - \$26,000 and SMRC Waste Composting Facility \$42,000 which is mainly due to invoices received in the following month.

The significant areas of unfavourable variations for operating expenditure include:

- Transport – Verge Maintenance - \$37,000 which is mainly due to greater emphasis having been placed on this project as at this time of the year.

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

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

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

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

Capital Programs YTD Progress Summaries

Annual Timeline 17% of year elapsed

Land & Buildings 5% expended

Infrastructure Assets 0% expended

Plant & Equipment 19% expended

Furniture & Equipment 0% expended

Capital expenditure is \$4,296,000 less than the YTD budget (Favourable) which represents 97% of the capital programs to be completed. The major capital items are yet to commence at this stage.

All amounts quoted in this report are exclusive of GST.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030917

Moved Cr Watkins, seconded Cr Nardi

That Council receives the Financial Activity Statement for the period ending 31 August 2017.

(CARRIED UNANIMOUSLY)

12.1.2 Accounts for Payment – August 2017

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – August 2017

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

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

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 August to 31 August 2017, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 states as follows:

KEY FOCUS AREA 4: Governance and leadership

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

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

Site Inspection

Not applicable.

Comment

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

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040917

Moved Cr A McPhail, seconded Cr White

That the list of accounts paid for the period 1 August to 31 August 2017 be received, as per the following summary table:

AUGUST 2017		
Voucher No	Account	Amount
5098 - 5106	Municipal (Cheques)	\$7,870.26
EFT24510 – EFT24652	Electronic Transfer Funds	\$888,943.36
Payroll	Electronic Transfer Funds	\$247,794.56
Superannuation	Electronic Transfer Funds	\$61,260.61
Credit Card	Corporate Credit Card	\$784.27
	Total Payments	\$1,206,653.06

(CARRIED UNANIMOUSLY)

12.1.3 Financial Management Review

File ref	F/AUD1
Prepared by	David Taylor, Executive Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Financial Management Review Report 2017

Purpose

For Council to consider the Audit Committee recommendation (Resolution AU010917) relating to the Financial Management Review Report 2017 prepared by Council's auditors, as outlined in the Report contained within the Audit minutes (Agenda Item 11.2 Attachment 1).

Executive Summary

It is recommended that Council adopts the Audit Committee recommendation in relation to this matter.

(Refer to Audit Committee minutes (pp 3-5) to view the full report and resolution.)

Background

The Audit Committee at its meeting on 6 September 2017 recommended that Council:

1. receives the Financial Management Review Report 2017
2. notes the actions to implement the recommendations

Consultation

Chief Executive Officer
Anderson Munro and Wyllie (External Auditors)

Statutory Environment

Local Government Act 1995
Local Government (Audit) Regulations 1996 Regulation 17
Local Government (Financial Management) Regulations 1996

Policy Implications

F8.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

The report submitted to the Audit Committee clearly sets out the actions proposed for each of the recommendations contained within the Report.

12.1.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 050917

Moved Cr M McPhail, seconded Cr A McPhail

That Council:

- 1. receives the Financial Management Review Report 2017.**
- 2. notes the actions to implement the recommendations.**

(CARRIED UNANIMOUSLY)

12.1.4 Fremantle Rowing Club Application for the Community Sport and Recreation Facilities Fund (CSRFF) 2017/18 Small Grants Round.

Applicant	Fremantle Rowing Club
File ref	R/RSA1
Prepared by	Sandra Keenan Acting Principal Environmental Health Officer
Supervised by	Andrew Malone Executive Manager Regulatory Services
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Correspondence from Fremantle Rowing Club 2. CSRFF Application form

Purpose

To facilitate Council consideration of an application for funding from the Fremantle Rowing Club pursuant to the Community Sport and Recreation Facilities 2017/18 Small Grants Round.

Executive Summary

The Fremantle Rowing Club is applying for a CSRFF small grant from the Department of Sport and Recreation and therefore requires Council approval for the project and a commitment to allocate one third of the overall project cost to Council's 2017/18 budget.

The proposed project involves upgrading the existing ablution facilities that support the rowing club, associated gym and adjacent hall which is a publicly available space

It is recommended that Council support the CSRFF grant application by the Fremantle Rowing Club (FRC) for a maximum of \$120,827.00 for the upgrade of existing ablution facilities with Council's requested contribution being a maximum of \$40,275.67.

Background

This funding program provides financial assistance to community groups and local governments to develop essential infrastructure for sport and recreation and is an incentive for the planned and carefully assessed development of good quality, well designed and well utilised facilities.

The 2017/18 Small Grant Round opened in February 2017 and involves projects up to \$200,000. Applications must be considered by Council, prior to submission to DSR by their deadline of 31 August 2017. Successful applications will be required to be acquitted prior to 15 June 2018.

Department of Sport and Recreation are prepared to extend the timeline of approval based on this application being approved at the September Council meeting.

In 2014 a Needs Assessment was undertaken for the FRC which identified the need for:

- The Fremantle Rowing Club to operate from its current site.
- A Fremantle based rowing club (the Fremantle Rowing Club) to cater for the local community.
- The Fremantle Rowing Club to expand its membership.
- A larger, more modern (not aging) facility to address needs/requirements in the future.

- A new facility as the existing building has reached its renewal lifespan (50 years) and to reduce the financial risk associated with ageing infrastructure.

A grant of land to FRC for use as a Rowing Club premises site restricts the alternative use of the land, and as such the current facility must be retained, however upgraded and maintained to address the needs for the club into the future.

The current ablution facilities are degraded and in need of renovation in order to adequately support the current and future rowing club members and visitors, as well as those utilising the hall.

The Club has identified the improvement of ablution facilities will support the growth of the rowing club and use of the adjacent hall, as well as provide support for regional events hosted by FRC such as the Perth to Fremantle head races. This race brings a great crowd to the Club and to Fremantle, from all over WA. The hall is currently hired on an ongoing basis to One Body Fitness whose participants also require the use of the ablutions.

Sufficient toilet, shower and change room facilities are vital to the membership of the sporting club and the current state of the facilities is below par. There is also a lack of capacity for the number of users of the ablution facilities. Fremantle Rowing Club use the facilities for approximately 40 hours per week. The rowing facilities are shared with various schools on an as needs basis and, in some cases, on a regular basis, with Christ Church Grammar School and in the past, St Hilda's Anglican School for Girls.

Consultation

The applicant advises they have discussed this project with the State Sporting Association - Rowing WA.

A site visit was carried out by the Town of East Fremantle Relief Principal Environmental Health Officer on the 30 August to view the state of the facilities. It was noted that the lintels are also causing structural damage.

Statutory Environment

Nil

Policy Implications

The Town of East Fremantle Recreation and Community Facilities Strategy, adopted in December 2016, identified a range of strategic issues and principles to guide future development of recreation and community facilities in East Fremantle.

Priority will be given to:

- infrastructure which meets the needs of the broader East Fremantle community and has higher levels of use and community access
- developing recreation and community hubs which cater for multiple activities and user groups.
- infrastructure projects which are supported by a master plan, feasibility study and/or business plan.
- the development of flexible, multipurpose, multiuse infrastructure over single purpose, infrastructure. The exception to this rule is for infrastructure which is specifically designed to cater for an activity, such as synthetic athletics track, bowling green and velodrome.
- infrastructure which demonstrates financial, environmental and social sustainability.

- Priority in the allocation of Council funding, and Council support to external funding bodies, will be given to multiuse and multifunctional infrastructure.
- funding infrastructure maintenance which allows general community access:
 - Infrastructure which allows community access will be maintained at the joint cost of the users and the Council, and reflect the extent of use by the user group and the general community. Thus, Council will contribute to the cost of maintaining playing fields which are not fenced with lockable gates, and available for community use at times not used by the lessee.
 - Infrastructure which is for the exclusive use of a user group lessee will be fully maintained at the cost of the user group. This will primarily apply to buildings, specialist sporting facilities (e.g. bowling greens) and fenced areas.
- upgrading infrastructure to ensure it is fit for purpose, rather than developing new facilities, except when infrastructure has reached the end of its useful life.

The application from the Fremantle Rowing Club is consistent with the above priorities and guiding principles.

Financial Implications

There is no allocation in the adopted 2017/18 budget for a contribution to this project.

In order for the Fremantle Rowing Club to progress their application, they are seeking Council's financial support for one third of the total project cost (\$120,827.00 excl GST) being \$40,275.67 which, if approved, would need to be identified in the mid year 2017/18 budget review.

Strategic Implications

KEY FOCUS AREA 2: Infrastructure and waste services

Aspiration: The needs of our community are met through the provision of high quality infrastructure and waste services

Outcomes: 2.1 Provide amenity, recreation opportunities and enhancement of the natural environment

- Provide and manage parks and open space
- Provide and manage a network of street trees
- Maintain foreshore amenity and protection against erosion and flooding

2.4 Council owned buildings for public use are maintained, accessible and safe

- Provide facilities for sport and recreation
- Provide buildings for other public purposes

The ablution upgrade project is consistent with the strategic outcomes, identified as meeting the needs of the community through the provision of high quality infrastructure.

Site Inspection

On 30 August Colin Armstrong (Club Vice President) met on-site with Relief Principal Environmental Health Officer Sandra Keenan to discuss the proposal.

Comment

A grant of land to FRC for use as a Rowing Club premises site restricts the alternative use of the land, that is, its sole purpose is to be for rowing, and as such the current facility must be retained, however upgraded and maintained to address the needs for the club into the future.

The outcome of this project is to develop a good quality, well designed and well utilised facility consistent with Department of Sport and Recreation grant guidelines, Council's Recreation and Community Facilities Strategy 2016, Town of East Fremantle Strategic Community Plan, the Fremantle Rowing Club members and users of the facility.

The CSRFF application guidelines state that Council must provide a project ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with respect to any other grant application received. Council has approved one other grant application from the East Fremantle Junior Cricket Club of \$80,000 for permanent cricket nets and allocated one third of funding required (\$26,700) for the nets in the 2017/18 Budget.

12.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060917

Moved Cr Nardi, seconded Cr Watkins

That:

- 1. Council support the CSRFF grant application by the Fremantle Rowing Club to a maximum of \$120,827.00 for the ablution upgrade net project (Council's requested contribution being a maximum of \$40,275.67), with a project rating of B and a priority rating of 1**
- 2. subject to Fremantle Rowing Club receiving CSRFF approval, an allocation of \$40,275.67 be considered in the mid year 2017/18 budget review.**

(CARRIED UNANIMOUSLY)

12.2 GOVERNANCE REPORTS

12.2.1 Adoption of the Town of East Fremantle Strategic Community Plan 2017-2027

File ref	A/RSCP
Prepared by	Wendy Cooke, Projects Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Strategic Community Plan

Purpose

The purpose of this report is for Council to consider adopting the Town of East Fremantle Strategic Community Plan 2017-2027.

Executive Summary

Learning Horizons Consultants have been working with elected members, staff and the community on the biennial review of the existing Strategic Community Plan 2015-2025. Two workshops, a survey and the Community Perceptions Survey 2017 have provided input into the revised document.

Background

The Town engaged Learning Horizons to undertake the biennial review of the Plan. The Plan is part of our fulfilment of the Integrated Planning and Reporting (IPR) Framework. All local governments in Western Australia are required to implement IPR. The Plan is a long-term planning document setting out the community's vision, aspirations for the future, and the key strategies Council will need to focus on to achieve its aspirations.

The Plan will be used to:

- guide Council decision-making and priority setting
- engage local residents and ratepayers, local businesses, community groups, and education providers that contribute to the future of our community
- inform decision-making with respect to other partners and agencies, including the State Government, other local governments, WALGA, and the private sector
- provide a clear avenue to pursue funding and grant opportunities by demonstrating how projects align with the aspirations of our Council, and within the strategic direction outlined in this Plan
- inform future partners of Council's key priorities, and the ways in which it seeks to grow and develop
- provide a framework for monitoring progress against the community's vision and aspirations

Consultation

Before undertaking consultation with the community for this plan, Council reviewed feedback from its bi-ennial Community Perception Survey (2017) and the community engagement carried out in the previous year across other areas.

The consultation and engagement aspects of the project have included two workshops (business community and general community), a targeted survey, (printed and available online) and consultation with elected members and senior staff members.

A 21 day public comment period ended on Friday 8 September – the Strategy was advertised in the local newspaper, Facebook page, Website and E-Newsletter.

No submissions were received.

Statutory Environment

Section 5.56 of the Local Government Act 1995 states;

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

19C Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to –*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*

- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

**Absolute majority required*

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
- (a) *notification that —*
- (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the plan may be inspected;*
- or*
- (b) *where a strategic community plan for the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the modified plan may be inspected.*

Policy Implications

N/A

Financial Implications

Various financial implications have been included in the Annual Budget, Four Year Corporate Plan and the Town's 10 Year Financial Plan.

Strategic Implications

The Integrated Planning and Reporting Framework sets out the requirements for three levels of integrated strategic planning:

- Level 1: Strategic Community Plan (10+ years);
- Level 2: Corporate Business Plan (4+ years); and
- Level 3: Operational Plans (1 year).

The Plan articulates the community's vision and priorities for the future and shows how the Council intends to make progress over a ten-year period. The Plan is reviewed every two years. The two yearly reviews alternate between a minor review (updating as needed) and a major review (going through all the steps again).

Comment

The Plan was advertised for a period of 21 days, with the submission period ending on 8 September 2017.

No submissions were received.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070917

Moved Cr M McPhail, seconded Cr Collinson

That Council adopt the Town of East Fremantle Strategic Community Plan 2017-2027.

(CARRIED UNANIMOUSLY)

12.2.2 Adoption of the Town of East Fremantle Public Art Strategy (2017)

File ref	A/ART1
Prepared by	Wendy Cooke, Project Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Public Art Strategy

Purpose

The purpose of this report is for Council to consider adopting the Town of East Fremantle Public Art Strategy.

Executive Summary

Helen Curtis from Apparatus has been working with elected members, staff and the community on the development of the Town's Public Art Strategy. A draft Strategy and Policy has been prepared.

Background

The Strategy was developed to align with the Town of East Fremantle's operational strategies including the Recreation and Community Facilities Strategy, Town Centre Redevelopment Guidelines, Foreshore Management Plan, Local Planning Scheme No. 3, the Strategic Community Plan and the Corporate Business Plan.

A review was undertaken of the Town's existing policy and framework, and subsequently a revised Public Art Policy, a (new) Percent for Public Art Policy and Public Action Plans are currently being drafted.

The draft revised Public Art Policy was discussed at the Council Concept Forum on 8 August 2017 and further investigation will be given to the possible inclusion of references to incorporate public art donations and the acquisition of artworks for Council buildings, prior to the Policy being submitted for adoption. These documents will be subject to separate Council reports for consideration and adoption once finalised.

Consultation

The Town of East Fremantle has endeavoured to provide a clear process in the development of the Strategy. Consultation included meetings with Town of East Fremantle staff members, a presentation and feedback session with the Elected Members and a Community Workshop with members of the community to present and discuss the initial Strategy concepts. A 21 day public comment period ended on Friday 8 September - it was advertised in the local newspaper, Facebook page, Website and E-Newsletter.

Statutory Environment

N/A

Policy Implications

A new Public Art Policy is currently being finalised for consideration by Council and will be subject of a separate report to Council.

Financial Implications

An amount is allocated in the Annual Budget for Public Art acquisition, with accumulated funds currently in the Public Art Reserve.

Strategic Implications

KEY FOCUS AREA 1: Community strength and identity

Aspiration: Our community is strong, safe and close-knit: we support and foster a sense of identity and belonging

1.2 Celebrate and develop of the community's identity through arts and culture

Comment

The Strategy was advertised for 21 days, with the submission period ending on 8 September 2017. At the close of the comment period, one submission had been received:

	Feedback/Comment	Officer comment
Submitter 1	<p>Thank you for the opportunity to comment on the above. I support the overall strategy. I believe that with new development plans for East Fremantle in or near the Plympton Ward, that the place of art as aesthetic, giving life to open spaces, is laudable.</p> <p>My concern lies with adding pieces to riverside locations, for example, Wild Women's Scent. While an endearing piece, its juxtaposition alongside an area of great natural beauty is, in my view, an error of judgement. The river itself is beautiful and needs no enhancement, or distraction, and I would like to think that art works in future are located where they work best, bringing life to those areas.</p>	<p>The Town of East Fremantle aims to commission or purchase public art that:</p> <ul style="list-style-type: none"> - is site specific and relates to the lives and experiences of East Fremantle residents in neighbourhood areas; - enhances and attracts visitors to the foreshore environment; - reinforces the Town Centre and George Street as unique locations where people work and visit; and - is unique, evocative and well made.

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080917

Moved Cr M McPhail, seconded Cr White

That Council adopt the Town of East Fremantle Public Art Strategy (2017).

(CARRIED UNANIMOUSLY)

12.2.3 Waste Local Law 2017

File ref	A/LLW1
Prepared by	Janine May EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 September 2017
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	<ol style="list-style-type: none"> 1. Correspondence from Joint Standing Committee on Delegated Legislation 2. Town of East Fremantle Waste Local Law 2017

Purpose

The purpose of this report is for Council to determine to amend its Waste Local Law 2017 in line with directions from the Joint Standing Committee on Delegated Legislation (JSCDL).

Executive Summary

Council is required to provide a written undertaking to the JSCDL by Friday 22 September that it will:

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

It is recommended that Council resolves to provide this undertaking.

Background

A draft Town of East Fremantle Waste Local Law, based on the WALGA Waste Local Law template, was adopted by Council at its meeting held on 19 July 2016 and duly advertised for public comment.

Arising from this advertising, a number of suggestions were received from the Department of Local Government & Communities (DLG&C) including a recommendation to include a definition for “vectors of disease” and an extract from the Council report (March 2017) where the submission was considered is reprinted below:

Comment	Recommended action
<p>Clause 1.5 - Meaning of terms used in this local law</p> <p>b) <i>It is suggested that “vectors of disease” (referred to in clause 3.1(c)(i) and Schedule 2) is defined, as this term is vague and may be subject to interpretation. An example is provided below for the Town’s consideration: vectors of disease includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;</i></p>	<p><i>Agreed. The proposed definition has been added to clause 1.5.</i></p>

In accordance with the Waste and Resource Recovery Act, the draft Local Law, with the above recommended change, was forwarded to the Department of Environment Regulation on 27 October 2016 for approval, prior to final submission to Council. After receiving advice on 29 November 2016 recommending the deletion of the nuisance definition, the further amended Local Law was again submitted for approval. This approval was received on 24 February 2017.

Council at its meeting held on 21 March 2017 adopted the amended Waste Local Law which was subsequently gazetted on 31 March 2017. Following gazettal, in accordance with s3.12(7) of the Act a copy of the local law, a completed Explanatory Memorandum and Statutory Procedures Checklist were submitted to the WA Parliament's JSCDL.

On 17 August 2017 the JSCDL wrote to the Mayor advising that:

1. The definition of 'vectors of disease', included at the suggestion of the Department of Local Government and Communities was problematic, in the Committee's view unnecessarily limited clause 3.1(c)(i) and was unworkable.
2. Council had deviated from the WALGA template with the omission of Clause 5.1 Objection and Appeal. The JSCDL has historically preferred that appeal rights be expressly provided for in the body of a local law.

The JSCDL was extensively involved with inquiring into WALGA's (then) proposed Waste Local Law template in September 2014 and Clause 5.1 was an important element in drafting what later became WALGA's finalised template.

The JSCDL became aware of the omission of this clause from the WALGA template in November 2016 and advised WALGA accordingly. As Council had used the WALGA template to initiate its Waste Local Law in July 2016 the incorrect version was downloaded.

Consultation

Not applicable.

Statutory Environment

Local Government Act s3.12

Policy Implications

Nil

Financial Implications

There will be additional advertising costs in following statutory requirements for amending the Waste Local Law.

Strategic Implications

KEY FOCUS AREA 2: Governance and Leadership

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

Outcomes: 4.3 Efficient regulatory tools to enhance public safety and amenity;
 4.4 Clear policies and procedures to guide the planning and operations of the Council;

- 4.8 Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs.

Site Inspection

Not applicable

Comment

It is unfortunate that:

- Council took the advice of the DLG&C in relation to including the definition of vectors of disease.
- WALGA did not alert local governments when it came to their attention in November 2016 that section 5.1 had been incorrectly omitted from its Waste Local Law template. Council would have had the opportunity to include this section in the version submitted to Council for final adoption in March 2017.

Should Council not provide a written undertaking to the JSCDL by 22 September 2017 as per the recommendation below, the JSCDL may review its Notice of Motion in the Legislative Council seeking to disallow the local law.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090917

Moved Cr Nardi, seconded Cr Watkins

That Council provide a written undertaking to the Joint Standing Committee on Delegated Legislation agreeing to:

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

(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 7.12pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 19 September 2017, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

17 OCTOBER 2017

A handwritten signature in cursive script, appearing to read 'D. Seie', written over a horizontal line.

Presiding Member