



MINUTES

Council Meeting

Tuesday, 13 December 2016 at 6.35pm

Disclaimer

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 I) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Copyright

The Town wishes to advise that any plans or documents contained within the Minutes may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

CONTENTS

1.	DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS	1
2.	ACKNOWLEDGEMENT OF COUNTRY	1
3.	RECORD OF ATTENDANCE	1
3.1	Attendance	1
3.2	Apologies	1
3.3	Leave of Absence	1
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
5.	PUBLIC QUESTION TIME	1
6.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
6.1	Ordinary Meeting of Council (15 November 2016)	2
7.	ANNOUNCEMENTS BY PRESIDING MEMBER	2
8.	PRESENTATIONS / DEPUTATIONS / PETITIONS	2
8.1	Presentations	2
8.2	Deputations	2
8.3	Petitions	2
9.	DISCLOSURES OF INTEREST BY MEMBERS	2
10.	APPLICATIONS FOR LEAVE OF ABSENCE	3
10.1	Mayor O’Neill	3
11.	LATE ITEMS	4
13.2	GOVERNANCE REPORTS	4
13.2.4	Adoption Of The Draft Leeuwin Vision Plan December 2016	4
11.	LATE ITEMS (continued)	8
11.1.1	Budget Amendment - New 3 Tonne Tip Truck	8
12.	REPORTS OF COMMITTEES	11
12.1	Town Planning & Building Committee Meeting (6 December 2016)	11
12.2	Audit Committee Meeting (7 December 2016)	13
13.	REPORTS OF OFFICERS	15
13.1	FINANCE REPORTS	15
13.1.1	Monthly Financial Activity Statement 30 November 2016	15
13.1.2	Accounts for Payment – November 2016	19
13.1.3	Interpretation Node – John Tonkin Park	21
13.1.4	New Expenditure – East Fremantle Football Club – Roof repairs	24
13.1.5	Support for Trial of Three Bin Collection System	27

13.2 GOVERNANCE REPORTS (continued)	30
13.2.1 Final Adoption of Proposed Town of East Fremantle Meeting Procedures Local Law 2016	30
13.2.2 Food Van Trial in John Tonkin Park in 2017.	34
13.2.3 Adoption of the Town of East Fremantle Recreation and Community Facilities Strategy – December 2016	37
13.2.5 Annual Report 2015/16	41
14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	43
15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING	43
16. CONFIDENTIAL BUSINESS	43
16.1 Re-Branding Project – Logo Design Competition – CONFIDENTIAL ITEM	43
17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS	44
18. CLOSURE OF MEETING	44

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

The Presiding Member opened the meeting at 6.35pm.

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

The following staff were in attendance:

Mr G Tuffin Chief Executive Officer
Mr L Mainwaring Executive Manager Finance & Administration
Mr A Malone Executive Manager Regulatory Services
Mr S Gallagher Operations Manager
Ms S Cocks Principal Environmental Health Officer (to 7.16pm)
Ms W Cooke Project Co-Ordinator
Ms G Cooper Minute Secretary

There were three members of the public in attendance.

3.2 Apologies

Nil.

3.3 Leave of Absence

Nil.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Meeting of Council (15 November 2016)

6.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr M McPhail, Seconded Cr Nardi

That the minutes of the Ordinary meeting of Council held on Tuesday, 15 November 2016 be confirmed as a true and correct record of proceedings.

(CARRIED 9:0)

7. ANNOUNCEMENTS BY PRESIDING MEMBER

Mayor O'Neill advised that he attended the following:

- On 21 November attended a meeting at the Glyde-In along with the Chief Executive Officer and Cr Collinson to discuss the Community and Recreational Facilities Strategy;
- On 1 December met with Matt Taylor MLA and residents of Alexandra Road to discuss anti-social behaviour in the area;
- On 4 December attended the East Fremantle Festival and thanked Cr Collinson for doing the opening speech;
- On 4 December also attended the opening of the Swan Yacht Club;
- On 5 December attended the Pioneers lunch and thanked Staff and the Pioneers' of the Town;
- Met with MUA and the Mayors of Cockburn and Kwinana to discuss the outer harbour project.
- On 12 December met with Shadow Cabinet Members, Cr Collinson, Cr A McPhail, Cr Watkins and the Chief Executive Officer and discussed the Community and Recreational Facilities Strategy, Perth Freight Link, Royal George, anti-social behaviour at the Depart of Housing's Alexandra Road property, Leeuwin Barracks. Cr Collinson also asked questions regarding the SMRC.
- On 13 December attended a meeting regarding the Beeliar Wetlands, also in attendance were the Mayors' of Cockburn, Fremantle and Mosman Park and other interested groups.

8. PRESENTATIONS / DEPUTATIONS / PETITIONS

8.1 Presentations

Mr Hayden Shenton, Liberal Candidate for the seat of Fremantle at the State Election addressed the meeting.

8.2 Deputations

Nil.

8.3 Petitions

Nil.

9. DISCLOSURES OF INTEREST BY MEMBERS

Nil.

10. APPLICATIONS FOR LEAVE OF ABSENCE

10.1 Mayor O'Neill

Mayor O'Neill sought leave of absence for the February meeting of Council.

Cr Nicholson sought leave of absence for the February meeting of Council.

10.1 COUNCIL RESOLUTION

Cr White moved, seconded Cr M McPhail

That leave of absence be granted for Mayor O'Neill and Cr Nicholson for the February meeting of Council.

(CARRIED 9:0)

11. LATE ITEMS

11.1 COUNCIL RESOLUTION

Cr Nardi moved, seconded Cr Collinson

That the Late Item be held over until item 13.2.4 has been dealt with.

(CARRIED 9:0)

11.2 COUNCIL RESOLUTION

Cr White moved, seconded Cr Nardi

That the order of business be changed to allow members of the gallery to speak to specific items.

(CARRIED 9:0)

13.2 GOVERNANCE REPORTS

13.2.4 Adoption Of The Draft Leeuwin Vision Plan December 2016

File ref	B/PLB1
Prepared by	Andrew Malone, Executive Manager Regulatory Services and Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Leeuwin Vision Plan (Draft) December 2016

Purpose

For Council to receive and consider endorsing, the Leeuwin Vision Plan (Draft) December 2016 and relevant associated documents.

Executive Summary

Following the four day Design Forum and meetings with Defence, consultants TPG Placematch have prepared the Draft Leeuwin Vision Plan and associated documents for Council consideration and endorsement.

The charrette process has been a unique and positive experience for the Town and the community, resulting in a possible vision (one of many possibilities) for the future progress and development of the Leeuwin Barracks site.

Whilst there will be more options than presented in the plan for developing the 14ha site. The draft Leeuwin Vision Plan provides one that has been work-shopped through the engagement process, and was generally accepted by those who have participated in the development of the Plan.

Background

In June 2015, the Department of Defence announced its intention to sell the Leeuwin Barracks in East Fremantle as it is no longer required for operational or strategic purposes.

The property sale is to be undertaken in accordance with the Commonwealth Property Disposals Policy, which allows for open market sales at full market value. The Department of Defence (Defence) commenced a formal community consultation process around the sale of Leeuwin Barracks site on 4 November 2015.

Subsequent to that process, the Town and Defence partnered to undertake a visioning process to ensure that the community had an opportunity to shape Leeuwin's future. The visioning process commenced in July 2016 and will conclude with the endorsement of the Leeuwin Vision Plan.

TPG Placematch were engaged to facilitate the visioning process. An iterative and interactive 4 day design forum (sometimes referred to as a Charrette), was conducted between Monday 12 September and Thursday 16 September 2016. The community, government agencies and interested groups and individuals were invited to take part in this process and contribute to the development of a Vision Plan for Leeuwin.

Prior to the design forum, a team of technical consultants undertook investigations to understand the key opportunities and challenges that exist for this site, which were explored and validated as part of the design forum.

Over 250 people participated in the design forum process.

The result of the design forum is a draft Vision Plan that encapsulates the broader community's vision for the site. This Vision Plan now requires endorsement by the Town and subsequently Defence which signals the conclusion of the visioning process.

Consultation

As proposed, the visioning process has involved extensive consultation has been undertaken in relation to the Leeuwin Vision Plan project:

- Department of Defence
- Members of Parliament, both state and Australian Government
- Elected members and staff at the Town of East Fremantle
- Government agency representatives
- Community members, residents and interested groups

Statutory Environment

The Leeuwin Vision Plan is not binding as a statutory planning document.

A full rezoning and structure planning process, and planning application upon finalization of detailed plans will be required to be submitted to Council and the Western Australian Planning Commission.

Policy Implications

Adopting the Draft Leeuwin Vision Plan at this time will not impact on any existing Council policies. Policies may be developed in future as the Town Planning and rezoning of the site proceeds following the sale.

Financial Implications

There are no known financial implications with adopting the Draft Leeuwin Vision Plan at this time. There are likely to be future costs associated with rezoning etc., however these can be budgeted for in subsequent budgets and the Long Term Financial Plan.

Strategic Implications

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

3.1 Facilitating sustainable growth whilst maintaining urban and natural character

- Strategic Land Use Planning
- Development applications
- Develop Strategic Sites (identified as Special Control Areas in the Local Planning Strategy) to achieve
- sustainable and strategic objectives for economic prosperity and urban amenity:
 - Town Centre (includes the Town Hall and ancillary buildings)
 - Former Kaleeya Hospital
 - Woodside Hospital
 - Leeuwin Barracks

Site Inspection

Was undertaken by staff, consultants and elected members prior to the charrette process to understand the strengths and challenges of the site.

Triple Bottom Line Assessment

Economic implications

The opportunity for supporting local business and promotion East Fremantle as a tourism destination; the range of housing density and increased number of dwellings will provide a greater rate-base for the Town.

Social implications

There is the opportunity for innovative approaches to urban development, quality mixed housing to match the changing demographics of the Town's growing population; development of multi-generational living; enhancing the connection to the river and parklands.

Environmental implications

These will be considered at the time of rezoning and the development of structure plans and in the development application process. There is the opportunity to promote sustainable living by design; to retain existing mature trees; promote climate responsive design to optimize energy and water sensitive design.

Comment

The Draft Leeuwin Vision Plan is intended to provide a visionary concept of what might be generally considered appropriate for the site by the community, Local and State Government and is not intended to be read as the only design option for the site. This plan currently has no statutory recognition (non-binding) in the Western Australian Planning Framework.

The development of this Vision Plan is the very beginning of the site's redevelopment. There will be a range of statutory requirements, requiring much greater detailed planning and site investigation to amend the sites zoning in both, the Metropolitan Region Scheme (MRS), and the Town of East Fremantle's Town Planning Scheme No.3.

Council and Defence will continue to work collaboratively during the statutory planning and sale processes to ensure the most optimal outcome is achieved for the East Fremantle community and the members of the Australian Defence Force. Council will also engage with the community, stakeholders and interested groups as the process progresses.

It is important to note that the endorsed Vision Plan is not a statutory document, however, through a detailed process of engagement, the Vision Plan will now be used to provide a general guide for future development of the site through mixed densities, uses and community spaces.

Once the site has been sold, there will be a number of required planning processes to progress any redevelopment of the site by the owners. Changes to its current zoning will be required and structure planning will be required to be undertaken. All of these processes will include further community consultation and engagement.

Once the Draft Leeuwin Vision Plan has been endorsed by Council, it will be forwarded to Defence. Defence, reserve the right to make any further amendments in consultation with Council, that will assist in progressing the sale of the property.

- Ms Kara Halliday, Department of Defence advised that the positive outcome from the Vision Plan process was very good and thanked Council for the opportunity to be involved.

Mayor thanked the Department of Defence and in particular Kara.

13.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 011216

Moved Cr M McPhail, seconded Cr Nicholson

That Council:

- (1) Endorse in principle the attached Leeuwin Vision Plan (Draft) December 2016, subject to reviewing the Department of Defence amendments and undertaking a 14day public review period of the document.**
- (2) Advertise the draft Leeuwin Vision Plan for public review.**
- (3) Acknowledge that the Department of Defence may require the document to be further amended prior to the sale of Leeuwin Barracks.**

(CARRIED 9:0)

11. LATE ITEMS (continued)

11.1.1 Budget Amendment - New 3 Tonne Tip Truck

Applicant	N/A
File ref	REC/1
Prepared by	Steve Gallagher, Operations Manager
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Absolute Majority
Documents tabled	None.
Attachments	None.

Purpose

For Council to consider authorising new capital expenditure (3.5 Tonne Tip Truck) and amending the 2016/2017 budget accordingly.

Executive Summary

Due to the recent organisational review and restructuring of the Depot it was identified that the existing 8 tonne truck (2011 Mitsubishi Fighter - 1DTY 125) is not required, and a 3.5 tonne tip truck would be more suitable (fit for purpose).

If approved, it is proposed that the 3.5 tonne tip truck would be funded from the following sources;

Replacement funding for 1EKR 899 be reallocated to purchase new truck	\$26,000
Trade-in on 2011 Mitsubishi Truck (1DTY 125) (previously not budgeted)	<u>\$38,200</u>
	\$64,200
Less: Purchase new single cab 3.5 tonne tip truck	(\$56,000)
Approximate surplus funds	\$8,200

Background

A recent organisational review has resulted in the restructuring of staff at the depot. In accordance with the personnel changes some adjustments to the depot fleet have also been requested. Currently the depot has a 8T Mitsubishi Fighter truck which was previously used by the works crew along with a Ford Falcon ute (1EKR 899) which was utilised by the recently redundant Works Supervisor position. There is currently an item in the 2016/17 budget to replace the Falcon ute (1EKR 899) with a similar vehicle. This vehicle (1EKR 899) is no longer required.

It is now requested that Council give consideration to this vehicle (1EKR 899) being traded-in along with the Mitsubishi Fighter Truck (1DTY 125) for a smaller 3.5 tonne tip truck which would be more effective for both small civil maintenance and also parks maintenance.

Consultation

3 quotations for the replacement truck will be sought in accordance with Council's Purchasing Policy.

Statutory Environment

Section 6.8 of the Local Government Act 1995

Policy Implications

Council's Purchasing Policy will apply if the new truck purchase is authorised.

Financial Implications

Replacement funding for 1EKR 899 be reallocated to purchase new truck	\$26,000
Trade-in on 2011 Mitsubishi Truck (1DTY125) (previously not budgeted)	<u>\$38,200</u>
	\$64,200
Less: Purchase new single cab 3.5 Tonne Tipper	(\$56,000)
Approximate surplus funds	\$8,200

The above figures are GST exclusive.

Strategic Implications

KEY FOCUS AREA 4: GOVERNANCE AND LEADERSHIP

Item 4.10

A strong, capable organisation with appropriately qualified staff supported with the necessary tools

Manage and operate a fit for purpose vehicle fleet, plant and equipment

Site Inspection

N/a.

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications in considering this item.

Social implications

There are no significant social implications in considering this item.

Environmental implications

There are no significant environmental implications in considering this item.

Comment

If approved, the proposed budget amendment will provide the necessary funds to allow the purchase of a more universal and efficient item of plant (3.5 tonne tip truck) that will assist in raising the outside service levels.

11.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 021216

Moved Cr Collinson, seconded Cr Nicholson

That Council:

- (1) In accordance with section 6.8 of the Local Government Act authorise the new capital expenditure of \$56,000 for the purchase of a new 3.5 tonne tip truck.**
- (2) Amends the 2016/17 Annual Budget during the 2017 review as follows:**
 - + \$56,000 Purchase 3.5 tonne tip truck**
 - \$26,000 Delete replacement (P4077) Ford Ute (1EKR 899) – capital expenditure**
 - \$38,200 Sale proceeds 2011 Mitsubishi Fighter Truck (1DTY 125)****any surplus funds be retained in the Plant Reserve.**

(CARRIED 9:0)

Carried by an absolute majority

12. REPORTS OF COMMITTEES

12.1 Town Planning & Building Committee Meeting (6 December 2016)

File ref	C/TPL1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
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 6 December 2016, exercised its delegation in all statutory matters before it.

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.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

12.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031216

Moved Cr Collinson, Seconded Cr Nardi

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 6 December 2016 be received.

(CARRIED 9:0)

12.2 Audit Committee Meeting (7 December 2016)

File ref	C/TPL1
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
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, at its meeting on 7 December 2016 considered the 2015/16 Annual Financial Statements and met with the Town's Auditor.

Consultation

Audit Committee

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

12.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 041216

Moved Cr McPhail, Seconded Cr Watkins

That the unconfirmed Minutes of the Audit Committee Meeting held on 7 December 2016 be received.

(CARRIED 9:0)

13. REPORTS OF OFFICERS

13.1 FINANCE REPORTS

13.1.1 Monthly Financial Activity Statement 30 November 2016

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
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 and regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

Staff recommend that Council receives the Financial Activity Statement for the period ending 30 November 2016.

Background

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

The monthly Financial Activity Statement for the period ending 30 November 2016 is appended and includes the following:

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

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easily understood 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 November 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

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

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

The budget is forecasting a balanced budget therefore the economic indications of this budget are neutral.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

Revised Budget Forecast

The current budget forecast for the 30th June 2017 indicates a balanced budget which is not represented by any change to date. The additional carried forward surplus funds from the 2015/2016 Audited Annual Financial Report will be reported during the half yearly budget review.

Operating YTD Actuals (compared to the YTD Budget)

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

Operating Revenue 102%; is \$154,000 more than the YTD budget. (Favourable)

Operating Expenditure 92%; is \$348,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$569,000 more than the YTD budget (Favourable).

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

Significant favourable variances are noted in:

- General Purpose Funding- \$40,000 Financial Assistance Grant which will be the subject of a half yearly budget amendment;
- Recreation & Culture – An additional grant of \$20,000 has been received for the Swan River Trust Erosion Control program which will be included in the half yearly budget review.
- The Swan Yacht Club has a favourable rent variance of \$43,000 which is a timing difference and will offset with budget in December.

Operating Expenditure is 8% Favourable to year to date budget.

The main areas of favourable variation for operating expenditure are timing differences in:

- Governance – Communications, Advocacy and Public Relations \$43,000 which is a timing difference as projects get underway, such as rebranding; Administration Employee costs \$76,000 timing difference from turnover and recruitment; Strategic and Business Plan Consultants \$38,000 until projects commence.
- Community Amenities – Annual Bulk & Green Waste \$28,000, and the SMRC Materials Recovery \$24,000 which is mainly due to invoices received in the following month; Town Planning Scheme 3 completion has a \$21,000 favourable variance until this stage of the project gets underway.
- Transport – there are favourable timing differences of \$27,000 Street cleaning, \$23,000 Street tree watering, \$26,000 Drainage maintenance which will offset during the year.

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

- Unfavourable Governance – Councillor Sitting Fee's \$24,000 timing difference which will be offset in December;
- Community Amenities – Consultants \$79,000 timing variance from the early work of the Leeuwin master plan which will offset during the year; and
- Transport – given the early emphasis on some activities, unfavourable variances are found in \$45,000 Road and street maintenance, \$24,000 Verge maintenance which will offset during 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 are in the early stages of mobilisation during November.

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

Capital Programs YTD Progress Summaries

- Annual Timeline 42% of year elapsed
- Land & Buildings 1% expended
- Infrastructure Assets 8% expended
- Plant & Equipment 73% expended
- Furniture & Equipment 42% expended

Capital expenditure is \$3,603,000 less than the YTD budget (Favourable) which represents 88% of the capital programs to be completed. The report provides details on individual capital works payments to have progressed as at 30 November 2016.

All amounts quoted in this report are exclusive of GST.

13.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 051216

Moved Cr M McPhail, Seconded Cr White

That Council receives the Financial Activity Statement for the period ending 30 November 2016.

(CARRIED 9:0)

13.1.2 Accounts for Payment – November 2016

File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – November 2016

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 November 2016.

It is therefore recommended that Council receives the List of Accounts paid for the period 1 November to 30 November 2016, 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

Town of East Fremantle Strategic Community Plan

Key Focus Area 4: Governance and Leadership

“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.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

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

13.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 061216

Moved Cr White, Seconded Cr Nardi

That the list of accounts paid for the period 1 November to 30 November 2016 be received, as per the following summary table:

NOVEMBER 2016		
Voucher No	Account	Amount
5033 – 5039	Municipal (Cheques)	\$3,543.33
EFT23260 – EFT23430	Electronic Transfer Funds	\$636,499.05
Payroll	Electronic Transfer Funds	\$209,034.59
Superannuation	Electronic Transfer Funds	\$36,928.52
Credit Card	Corporate Credit Card	\$1,350.10
	Total Payments	\$887,355.59

(CARRIED 9:0)

13.1.3 Interpretation Node – John Tonkin Park

Applicant	Department of Parks & Wildlife
File ref	R/RSP8
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	13 December 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Department of Parks & Wildlife (DPAW) – Letter of Collaboration 2. Inter Node Project - Power point presentation

Purpose

The purpose of this report is to obtain Council approval for the authorisation of new expenditure of \$80,000 for the relocation and reconstruction of the John Tonkin Carpark and to amend its budget accordingly during the 2017 Budget review process. The funding is being provided by the DPAW.

Council is also requested to consider providing a commitment to providing a \$90,000 allocation in its 2017/18 Budget to fund the second stage of this project, which will be undertaken by the Department of Parks and Wildlife (DPAW) for an interpretation node at the site of the existing (to be removed) car park in John Tonkin Park.

Executive Summary

It is recommended that Council accept the offer from DPAW, authorise the new expenditure (2016/17) of \$80,000, and provide an undertaking to allocate \$90,000 in its 2017/2018 budget to fund stage 2 of the joint project with the DPAW to construct an interpretation node at John Tonkin Park.

As part of this approval, Council will be required to sign off on the attached Letter of Collaboration.

Background

The Chief Executive Officer was approached by the DPAW in mid-November regarding the Swan Canning Riverpark River Journeys Project and the possibility of Council jointly funding various works at John Tonkin Park.

During 2016 the DPAW have installed four nodes along the river at Brentwood, Heathcote, Point Walter and Bicton Baths.

The DPAW advised that the proposed interpretation node would function as a main point of sharing information about the Riverpark and East Fremantle's cultural and natural heritage.

Consultation

Representatives of the DPAW provided a briefing/powerpoint presentation on the project to elected members on 29 November 2016, with elected members indicating general support.

In the compilation of the Riverpark Trail Master Plan (October 2013), the Department of Parks and Wildlife engaged a Noongar Advisory Panel (18 members) to guide how messages about cultural heritage values of the rivers should be told and to identify the most important themes, stories, and node locations to ensure heritage values were upheld and protected.

In respect to the John Tonkin Park project, the Department of Parks and Wildlife will form a Project Reference Group, including two Council staff, to provide advice on the project.

A coordinated communication and media management agreement between both parties will be created. The Town will be required to obtain approval from the Department prior to the release of any media or stakeholder engagement or stakeholder communication in relation to the project.

Statutory Environment

The area involved comes under the control of the Department of Parks and Wildlife.

Policy Implications

There are no policy implications in considering this item.

Financial Implications

2016/17

\$80,000 will be provided by the DPAW for the relocation and reconstruction of the John Tonkin Carpark by the Town.

\$10,000 will be used by DPAW for design purposes for the interpretative node.

2017/18

\$80,000 will be provided by the Town for the construction of Interpretative Node – managed by the DPAW

\$10,000 will be used by the Town for path improvements at John Tonkin Park.

Strategic Implications

The Carpark relocation was identified in the Foreshore Master Plan – Recommendation 14.

Site Inspection

Not at this stage.

Triple Bottom Line Assessment

Economic implications

The proposed development has the potential to further enhance the appeal of John Tonkin Park to external visitors.

Social implications

The creation of a focal point for visitors to obtain information about the natural and cultural heritage of this area will enhance the enjoyment of members of the public accessing the river foreshore.

Environmental implications

As the DPAW will project manage the works (Interpretative Node), provide technical support and undertake the concept planning, architectural design and building plans, it is considered all environmental implications will be sensitively addressed.

Comment

It is considered this project will greatly enhance the experience for park users and members of the public using the foreshore paths.

Given the DPAW's \$90,000 funding towards the John Tonkin Park project must be spent before 30 June 2017, their offer to the Town has been made on the basis that Council commit funds (\$90,000)

for the completion of the Node project (John Tonkin Park) prior to its formal adoption of the 2017/18 Budget.

It is recommended that Council accept the offer from DPAW, authorise the new expenditure of \$80,000, and provide an undertaking to allocate \$90,000 in its 2017/2018 budget to fund stage 2 of a joint project with the DPAW to construct an interpretation node at John Tonkin Park.

13.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 071216

Moved Cr Collinson, Seconded Cr Nardi

That Council:

- (1) In accordance with section 6.8 of the Local Government Act authorise the new capital expenditure of \$80,000 for the relocation and reconstruction of John Tonkin Carpark.**
- (2) Amends the 2016/17 Annual Budget during the 2017 review as follows:
+ \$80,000 John Tonkin Carpark relocation & Construction
- \$80,000 DPAW contribution - John Tonkin Carpark relocation & Construction**
- (3) Advise the Department of Parks and Wildlife that \$90,000 will be allocated in the 2017/18 budget to funding the second stage of the John Tonkin Park interpretative node installation.**
- (4) Agrees to the conditions contained within the Letter of Collaboration – Swan Canning Riverpark Interpretation Node, John Tonkin Reserve dated 7 December 2016.**

(CARRIED 9:0)

13.1.4 New Expenditure – East Fremantle Football Club – Roof repairs

Applicant	East Fremantle Football Club (EFFC)
File ref	R/RSC6
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Email dated 25 November 2016 from EFFC 2. Quotes from Air Roofing

Purpose

The purpose of this report is for Council to consider authorising new expenditure and a transfer from the *Strategic Plan & Infrastructure Reserve* of up to \$26,000 to assist the East Fremantle Football Club with roof repairs to the members grandstand, Main Hall and small area of damaged asbestos roofing.

Executive Summary

The Town has received a request from the East Fremantle Football Club (EFFC) to contribute funds to enable roof repairs of various buildings at the East Fremantle Oval.

The EFFC has received quotes totalling \$45,658, and this report recommends that the contribution from Council be up to \$26,000 to assist with these works.

If supported by Council, it is proposed the works would be funded on the following basis;

WA Football Commission	\$10,000
EFFC	\$10,000
Town of East Fremantle	\$26,000 (Funded from the Strategic Plan & Infrastructure Reserve)
Total funding	\$46,000

Background

The buildings are all assets of the Town, and should be maintained to a reasonable standard. Furthermore, it is believed that if these works are not undertaken, these building's will deteriorate even further leading to greater expenses in the future for the Town.

Consultation

East Fremantle Football Club Chief Executive Officer – Mr Todd Shimmon.

Statutory Environment

Local Government Act 6.8. Expenditure from municipal fund not included in annual budget:

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

- (1a) *In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications

Nil.

Financial Implications

The EFTC currently receives no direct financial contribution (cash) from the Town of East Fremantle. However, the Town is responsible for the ongoing maintenance of the oval and has made a budget allocation of \$131,000 for the 2016/17 financial year.

If Council agrees to provide the requested funding (\$26,000), it is recommended that it be funded from the Strategic Plan Infrastructure Reserve, this will allow for the 2016/17 Budget to remain balanced.

The *Strategic Plan & Infrastructure Reserve* was established by Council for the following purpose;

“the purpose of maintaining infrastructure and provision of strategic plans”

The 2016/17 Budget provides that there is an unallocated *Strategic Plan & Infrastructure Reserve* balance of \$523,000 at year end, less the approved \$46,000 (Sept OCM) for the EFTC court resurfacing project leaving a Reserve balance \$477,000, or \$451,000 after the EFTC roof repairs project (if approved).

Proposed project funding;

WA Football Commission	\$10,000	
EFTC	\$10,000	
<u>Town of East Fremantle</u>	<u>\$26,000</u>	(Funded from the <i>Strategic Plan & Infrastructure Reserve</i>)
Total funding	\$46,000	

Strategic Implications

Key Focus Area: Governance and Leadership: The community is served by a leading and listening local government

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

Key Focus Area: Infrastructure and Waste Services: The needs of our community are met through the provision of high quality infrastructure and waste services

- Outcome: Providing amenity, recreation opportunities and enhancement of the natural environment
- Outcome: Ensure the Town is connected, safe and accessible

Site Inspection

Not at this stage.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this recommendation.

Social implications

Sport and active recreation delivers many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

The removal of the asbestos sheeting will be undertaken in accordance with the appropriate environmental and health requirements.

Comment

If the roofs repairs are not undertaken it would be reasonable to expect further damage will occur to these buildings over the longer term, possibly compromising the integrity of the buildings and endangering the facility users. Therefore, it is recommended that the request for funding (\$26,000) be supported.

13.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081216

Moved Cr Collinson, Seconded Cr White

That Council:

- (1) Authorise the new expenditure in accordance with section 6.8 of the Local Government Act.
- (2) Transfer \$26,000 from the *Strategic Plan & Infrastructure Reserve Fund Account 341* to fund the proposed works.
- (3) Amend its 2016/17 Budget (Account E01162 \$26,000) accordingly during the half yearly budget review process early in 2017.
- (4) Advise the East Fremantle Football Club that Council will contribute up to \$26,000 towards the cost of the roof repairs at East Fremantle Oval, subject to terms and conditions to the satisfaction of the Chief Executive Officer.

(CARRIED 9:0)

Carried by an absolute majority

13.1.5 Support for Trial of Three Bin Collection System

Applicant	Southern Metropolitan Regional Council (SMRC)
File ref	H/HRW3
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 December 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. SMRC Letter of request to trial third bin collection system 2. SMRC FOGO Financial Business Plan Overview

Purpose

The SMRC are seeking support from project participants to prepare and implement a food organics and garden organics (FOGO) trial in support of the adopted SMRC regional strategic waste management plan.

Executive Summary

The next phase of implementation of the recommendations from the adopted SMRC Regional Strategic Waste Management Plan is the trial of a third waste stream which involves the collection of food organics and garden organics.

It is recommended;

That Council provides in principle support for the trial of a food organics and garden organics collection system in support of the adopted SMRC regional strategic waste management plan.

Background

At the Ordinary Council Meeting 16 February 2016, Council adopted the SMRC's Strategic Waste Management Plan (SWMP) and Corporate Business Plan (CBP). Strategy 1.2.2 of the CBP required investigation for the best use scenarios for current technology and site in regards to FOGO. Action 1.2.2(a) required the conducting of a 3 bin FOGO trial through the Regional Resource Recovery Centre's (RRRC) Waste Composting Facility (WCF) scheduled for 2016/17. This trial was the No.1 recommendation from the SWMP.

At the October 2016 ordinary Council meeting of the SMRC it was resolved to seek confirmation from project participants of their agreement to work cooperatively with the SMRC to prepare and implement a FOGO trial in support of the adopted SWMP.

Originally the intent was to prepare trials in each local government area, however in the interests of project efficiency in the time available it was deemed prudent to run the trial in once local government area, Melville, which can singularly provide the required trial volumes and diversity of collection.

Support is requested now to allow sufficient lead in time for a 2017/18 trial of about 5,500 Melville properties, collecting and processing FOGO waste to the WCF. Information from this trial, together with lessons learnt from other local government FOGO projects, will inform best practice to implement a third waste stream.

Consultation

Nil.

Statutory Environment

Local Government Act 1995

Waste Avoidance and Resource Recovery Act 2007

Policy Implications

Nil

Financial Implications

The SMRC will internalise costs of the implementation project as a research and development initiative, together with available grant funding through the Better Bins Program, to ensure that participants do not exceed current RRRC disposal costs during the trial introduction of a third bin.

Melville will incur additional operating costs in order to implement the trial program; however the extent of these costs were not available at the time of this report. The intent would be for Fremantle and East Fremantle to assist with these additional costs of the trial in proportion to the project participant's contributions. The original budget has provision of \$6,000 for such contingencies; however this will be reviewed as more details are to hand. The worst case scenario for trial costs would fall into a range of \$10,000 to \$30,000, however these are yet to be agreed by participating Councils.

In the longer term the introduction of a third bin FOGO collection system is estimated to produce savings of \$48 per household, which would equate to approximately \$168,000 in savings to the Town.

Strategic Implications

A three bin FOGO collection system will deliver an overall estimated recovery of 58% of diverted waste, which is still above the current State diversion target of 50% but lower than our existing diversion of 70%. In 2020 the State diversion target shifts upwards to 65% and the longer term benefit of moving to a third stream of FOGO waste is that the Town as a participant to the SMRC would be able to achieve diversion of 89% when residuals to landfill are processed to a waste to energy (W2E) facility.

Strategic Community Plan

Key Focus Area

Area 2: Infrastructure and Waste Services

Aspiration

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

Outcome

2.3 Promoting sustainable environmental management and use of sustainable resources

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The Town's current resource recovery practice is costing \$195 per household for the processing of the singular Municipal Waste Bin (MSW), whereas the household cost of splitting the MSW into FOGO and Residual Solid Waste is estimated to cost the household \$147, which is a saving of \$48 per household. The choosing of a third stream of waste is estimated to produce ongoing savings for the Town of \$168,000pa.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

The Town's current resource recovery practice diverts 70% of waste from landfill which is well above the current state waste diversion target of 50%; however the state diversion target increases to 65% in 2020. By making strategic changes to waste streams the diversion rate will fall initially but could be increased to 89% with the introduction of W2E.

Comment

A third waste stream would fall in line with the State waste hierarchy and provide the necessary waste streams in which to make collective bids for newer technologies when they become available. One of the keys to taking advantage of future opportunities is to have waste streams ready for the purpose and certainty of long term tonnages.

For reasons of simplification a FOGO trial has been foreshadowed within the City of Melville and lead in activities over the follow six months would include communication materials, media communication, supply and delivery of bins, caddies and liners, then project communications and bin tagging as collections commence. A working group will be formed from members of participating councils to observe lessons from the trial and assist with communications and operational inputs.

If the trial is successful, and the third waste stream project goes according to plan, the Town will have about 18 months in which to manage communications with residents in the lead up to implementation of a third waste stream.

The trial had been delayed through issues surrounding the withdrawal of the City of Cockburn from the Regional Resource Recovery project, which included the City of Cockburn having differing views on the strategies of the SWMP involving waste streams. The alternative of a Garden Organics (GO) only stream of waste, preferred by the City of Cockburn has been estimated to cause initial diversion to fall as low as 45%, compared to 58% using FOGO, whilst waiting for newer disposal technologies to finally boost diversion to 89%.

13.1.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 091216

Moved Cr Harrington, Seconded Cr Nicholson

That Council provides in principle support for the SMRC to carry out the trial of a food organics and garden organics collection system in support of the adopted SMRC regional strategic waste management plan, in the City of Melville.

(CARRIED 9:0)

13.2 GOVERNANCE REPORTS (continued)

13.2.1 Final Adoption of Proposed Town of East Fremantle Meeting Procedures Local Law 2016

Applicant	Town of East Fremantle
File ref	C/MTG1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	13 December 2016
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Email from Department of Local Government & Communities2. Proposed <i>Town of East Fremantle Meeting Procedures Local Law 2016 – final version with track changes</i>3. Proposed <i>Town of East Fremantle Meeting Procedures Local Law 2016 – final version</i>

Purpose

For Council to consider adopting the proposed *Town of East Fremantle Meeting Procedures Local Law 2016*.

Executive Summary

A draft Meeting Procedures Local Law was advertised for public comment. While no comments were received from the public, the Department of Local Government and Communities made a number of suggested changes.

Background

The Town has recently undertaken a review of its current local laws as required under the *Local Government Act 1995*.

The existing *Standing Orders Local Law 1965* is no longer considered relevant as it references sections of the old *Local Government Act 1960* that is no longer in use, as it has been replaced by the *Local Government Act 1995*.

The proposed new Local Law repeals the '*Town of East Fremantle By-law relating to Standing Orders 1965*' published in the Government Gazette on 8 February 1965 and amended on 26 June 1981.

Council at its meeting held on 20 September 2016, Council resolved to adopt a draft *Town of East Fremantle Meeting Procedures Local Law 2016* for public comment.

Consultation

A meeting procedure workshop was held with Charles Johnson on the 22nd March and a further concept forum with Chris Liversage on the 29th March 2016.

Following the Council Concept Forum on 29th March 2016, elected members were given until 22nd April 2016 to provide feedback on the draft local law. No submissions were received.

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

“After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.”*

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

The draft local law was advertised for public comment in accordance with the Act, with a closing date of 28 November 2016. No comments were received from the public.

On behalf of the Minister, the Department of Local Government and Communities made a number of suggested minor changes, all of which are straightforward and as shown shaded on the attached copy of the draft local law.

More substantive comments made by the Department, and the response to each are as follows:

DLGC Comment	Response
<p>Clause 1.1 Use of “Meeting Procedures” It is suggested to remove clause 1.1(2) and replace all instances and variations of “the Meeting Procedures” and “these Meeting Procedures” with reference to “this local law”.</p>	<p>Agree – 1.1(2) has been deleted and all references to “the Meeting Procedures” and “these Meeting Procedures” has been replaced with “this local law” . .</p>
<p>Notes and italicised references The draft local law contains numerous notes containing extracts from various legislation and bracketed references to clauses of the local law. It is suggested that these be deleted from the gazette version .</p>	<p>Agree – comments have been removed.</p>
<p>Clause 5.14 – Recording of proceedings As clause 5.14 is currently worded, it may be interpreted to allow recording to occur without the knowledge of those being recorded. The Town may wish to add the following subclause: <i>(3) If a person is permitted to record proceedings under this clause, the presiding member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.</i></p>	<p>Agree – new subclause (3) has been added.</p>
<p>Clause 7.13 – Offensive language Clause 7.13(2) may restrict the ability of Council to debate matters relating to the conduct of member or employees. The Delegated Legislation Committee has frequently raised this issue in previous standing order local laws. It is suggested that the subclause contain the following addition after paragraph (c): <i>Unless the meeting resolves, without debate, that “the matter before the meeting cannot otherwise be adequately considered.”</i></p>	<p>Agree – provision has been amended as recommended.</p>

<p>Clause 8.4 – Ruling by Presiding Member It is suggested that subclause (2)(a) be deleted. The phrase “no debate or comment” may be interpreted in a way that obstructs the council’s ability to debate a motion under subclause (2)(b).</p>	<p>Agree 8.4(2)(a) has been deleted.</p>
<p>Clause 8.5 – Continued breach of order It is suggested that “refrain from taking any further part in that meeting” be replaced with “refrain from taking any further part in the debate of the item”. The Delegated Legislation Committee has recently raised issues with clauses that seek to bar a member from participating in the rest of the meeting. The Committee has held that the clause should only exclude members from discussing the specific item affected by their breach of order.</p>	<p>Agree – provision has been amended as recommended.</p>
<p>Clause 18.1 – Penalty for breach It is suggested that the penalty for a breach of the local law is reduced to \$1,000 with a daily penalty of \$100 for continuing offences. Schedule 1 containing maximum penalties should also be amended to reflect this. Offences under meeting procedures are relatively minor when compared to local laws that involve matters of public safety or local government property. For this reason, the Delegated Legislation Committee has previously requested undertakings when local governments try to impose penalties higher than those specified above.</p>	<p>Amended as recommended</p>
<p>9. Schedule It is suggested that the Schedule titles be bold, centralized and followed by a bracketed reference to the relevant clause in the local law. For example: Schedule 1 – Penalties [Clause 18.1]</p>	<p>Amended as recommended.</p>

Statutory Environment

Local laws are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

In addition, as part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government.

Policy Implications

This proposed local law does not have any direct policy implications.

Financial Implications

Cost of gazettal of the approved local law.

Strategic Implications

Updating its local laws will allow the Town to ensure its regulatory regime is as up to date as it can reasonably be.

Key focus area 4 – Governance and Leadership

- Aspiration: The community is served by a leading and listening Local Government
- 4.3 *Efficient regulatory tools to enhance public safety and amenity - Maintain a suite of up to date local laws to regulate nuisances, enhance public safety and to give effect to the functions of the Town*

Site Inspection

N/A

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

It is recommended that Council adopt the Meeting Procedures Local Law as amended.

13.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101216

Moved Cr Nardi, Seconded Cr Collinson

That:-

- (1) In accordance with section 3.12(4) of the Local Government Act 1995, the *Town of East Fremantle Meeting Procedures Local Law 2016* be adopted, subject to:
 - (a) Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and**
 - (b) Various other amendments as ‘marked up’ on the attachment to the report to Council.****
- (2) In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- (3) After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, local public notice be given —
 - (a) Stating the title of the local law;**
 - (b) Summarising the purpose and effect of the local law and the day on which it comes into operation); and**
 - (c) Advising that copies of the local law may be inspected or obtained from the Towns offices.****
- (4) Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

(CARRIED 9:0)

Carried by an absolute majority

13.2.2 Food Van Trial in John Tonkin Park in 2017.

Applicant	N/A
File ref	H/HFV1
Prepared by	Shelley Cocks Principal Environmental Health Officer
Supervised by	Andrew Malone Executive Manager Regulatory Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is to respond to Councillor Michael McPhail's Notice of Motion:

- Encouraging the operation of food trucks in strategic locations around the Town of East Fremantle to enhance the use and enjoyment of public open space.

Executive Summary

Council is requested to give consideration to a trial of a mobile food van permit system to enable the activation of public spaces through the provision of safe and affordable food consistent with global trends and the food van project in the City of Fremantle.

Objectives of the food van project in Fremantle included:

- To utilize previously underutilized public open spaces,
- Provide new, alternate and healthy food options at these locations,
- Provide opportunities for small businesses,
- Diversify Fremantle's consumer driven activities' and
- Increase food options within the CBD between 6 and 9pm in areas where cafes and restaurants are closed.

Background

Council considered a discussion paper on the topic at a Council Concept Forum held on March 2016. A detailed review of the City of Fremantle food van project was presented.

At that stage, the PEHO concluded that the concept of utilising licensed food vans to activate local areas be incorporated into Council's next major strategic review to :

- a. Test the level of support for the proposal within Council; and
- b. Test the level of support for the proposal during the next customer satisfaction survey; and
- c. Consult with the community including the business and sporting community to assess whether these elements of our community would support the proposal or not.

However, the major strategic review has not yet commenced.

The Town of East Fremantle would have similar objectives to those of the City of Fremantle, outlined above and a local objective would be to create a sense of community for our residents by encouraging gatherings in riverside locations around the Town.

Since a background paper was presented to Council at a Council Concept Forum earlier in the year, there have been food vans operating at Beach Street on Monday nights 6-9pm, just out of East Fremantle, and more recently, Left Bank Bar and Café permit 3 food vans in their car park area on

Wednesday nights. It is therefore recommended as a trial be held in February -March 2017 to permit 3 food vans at John Tonkin Park on Friday nights. Factors to be taken into account include:

- Zephyrs Café is closed in the evenings,
- Toilets will be utilized by staff and patrons and Council to arrange for an extra clean on early Saturday mornings.
- Park lights to have timing adjusted,
- Liaison with Operations Manager with respect to the location of the food vans,
- All vans are to be registered food businesses, approved on a weekly basis by Council's Principal Environmental Health Officer,
- Food van proprietors be charged an unpowered stall fee of \$89 per trading night.
- There is a new Food Van Association. I propose that expressions of interest be sent to the Association's newsletter for suitably registered businesses. One of the feedback opinions from the Fremantle survey was that customers prefer the same food vans week after week, however the Left Bank utilizes different food vans every week and that is popular too.

Consultation

As the major strategic review was not undertaken during June 2016, the abovementioned consultation has not occurred.

Given the success of the Beach Street food vans on Monday nights, and now the Left Bank food vans on Wednesday nights, I would suggest that any feedback from the community and businesses during the trial period could be taken into account for the purposes of expanding the project, or otherwise.

Statutory Environment

The Public Health Act 2016

The Food Act 2008

Policy Implications

Nil

Financial Implications

- (1) The cost of cleaning toilet facilities at Zephyrs on a Saturday morning - \$200 per week. Total for the trial period \$1,600.
- (2) Income derived from charging each van an unpowered stall fee of \$89.00 per trading night. Total for the trial period \$2,136.

Strategic Implications

Key focus Area 3: Built and natural environment.

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

Services: Land use Planning
Strategic sites development
Building services
Heritage protection

Site Inspection

A site inspection has been undertaken.

Triple Bottom Line Assessment

Economic implications

"There are no known significant economic implications associated with this proposal."

Social implications

"There are no known significant social implications associated with this proposal."

Environmental implications

"There are no known significant environmental implications associated with this proposal."

Comment

A policy and procedure on allowing food vans to operate in particular locations in East Fremantle be written following the trial period February to March 2017 in John Tonkin Park.

13.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 131216

Moved Cr Harrington, Seconded Cr White

That Council:

- (1) Approve food vans in John Tonkin Park for a two (2) month trial period in February and March 2017 subject to receiving Department of Parks and Wildlife approval and negotiating access to the toilets with Zephyr Café; and**
- (2) Request the development of a policy and procedure to allow food vans to operate in particular locations subject to the completion of the trial.**

(CARRIED 9:0)

Principal Environmental Health Officer left the meeting at 7:16pm.

13.2.3 Adoption of the Town of East Fremantle Recreation and Community Facilities Strategy – December 2016

Applicant	N/A
File ref	REC/1
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Simple Majority
Documents tabled	<ul style="list-style-type: none">- Recreation and Community Facilities Plan Stakeholder Engagement Report – July 2016- Recreation and Community Facilities Plan Background Report – September 2016
Attachments	<ol style="list-style-type: none">1. Provision of a Recreation and Community Facilities Strategy – Final Report – December 20162. Table - Submissions from the Public

Purpose

The purpose of this report is for Council to consider adopting the Town of East Fremantle Recreation and Community Facilities Strategy December 2016.

Executive Summary

SGL Consultants were engaged to develop a strategic framework for addressing current and future recreation and community facility needs. The project aims to provide a strategic plan to guide future investment and management of recreation and community assets.

Following the recent public comment period, a final strategy has been prepared for Council adoption.

Background

The Town engaged SGL Consulting to prepare a Recreation and Community Facilities Plan to provide a strategic framework for addressing the current and future recreation and community facilities' needs.

The project aims to establish a strategic plan to guide future investment and management of recreation and community assets. The Plan has considered and recommends the most affordable, achievable and realistic options that are a balance between community needs, expectations, capital funding availability and sustainability requirements.

The Strategy will provide a long term blueprint for the provision of recreation and community services facilities. It will enable Council to deal with requests from the community for funding for new facilities or to upgrade existing council facilities or to address degradation of open spaces, in a strategic, considers and equitable manner.

Consultation

The consultation and engagement aspects of the project have included a community survey, online survey and face to face consultation with community and sporting group representatives and two dialogue café's and a public comment period.

Statutory Environment

Nil

Policy Implications

Nil at this time.

However, one of the requirements of the project was to develop policies for Council consideration that will ensure there is a consistent and equitable approach to the provision of contributions and/or support to clubs, groups and other commercial operators. Therefore, it will be necessary to review Policy 1.2.2 Community Grants and Sponsorship Policy at a later stage.

Financial Implications

There are various financial implications outlined in the plan (Forward budget estimates), that if accepted by Council will be incorporated into the Town's 10 Year Financial Plan. The budget figures provided in the Strategy are only indicative costs, and do not commit Council in any way; they are provided for planning purposes and implementation would see the development of detailed budgets and business plans.

Strategic Implications

Key Focus Area: Governance and Leadership: The community is served by a leading and listening local government

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

Key Focus Area: Infrastructure and Waste Services: The needs of our community are met through the provision of high quality infrastructure and waste services

- Outcome: Providing amenity, recreation opportunities and enhancement of the natural environment
- Outcome: Ensure the Town is connected, safe and accessible

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

With any of the recommendations outlined in the Plan, comprehensive business planning and budgeting would occur along with investigations of alternative funding sources. All financial implications would be included in annual budget, four year budget and Long Term Financial Plan.

Social implications

Sport and active recreation deliver many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

Depending on where, how and when facilities are upgraded, established or further developed would require environmental considerations e.g. facilities within the foreshore management area, demolition of existing structures etc.

Comment

The Community consultation and engagement process enabled SGL to prepare a draft report (September 2016) which was subsequently available for public comment, as per the requirements in

the project scope. The draft document was supported by the background report and a summary of the findings of the engagement process. Included in the report were illustrations of other concept plans, which were there to assist with providing a picture of examples of community hubs and facility development for future reference in facility studies and master planning.

A total of 128 submissions were received from the community, the majority (114) from members of the Glyde-In. A summary of the submissions is outlined below – (details of the submissions are provided in the attachment):

General Comments

Eight submissions were of a general nature and were very supportive of the Plan, and in particular redevelopment of East Fremantle Oval precinct.

Taoist Tai Chi Society

Two submissions were received, both describing the activities and benefits of Tai chi. Whilst not formally noted in the Plan, the community hub proposal for the East Fremantle Oval precinct will be able to accommodate Tai chi and other similar activities if appropriately designed. Grouping activities such as Tai chi with other compatible programs and services will have complementary benefits for all tenants and users.

East Fremantle Playgroup

One submission was received which aimed to clarify the role and function of the Playgroup as a major user of the Sumpton Green Building and Park and times of use of the building, and to note that the Child Health Clinic also used the building. No comment was made on the recommendations regarding East Fremantle Oval precinct and the community hub concept. However, the submission seems to support the concept of co-location of programs and services which are complementary, particularly for early childhood development.

Fremantle & Leeuwin Scout Groups

One submission was received seeking a long term lease on both the Fremantle and Leeuwin scout halls to enable upgrading and/or redevelopment.

East Fremantle Croquet Club

One submission was received regarding the croquet club. The submission appears to be of the opinion that a “grandiose architectural feature” will be developed as a “developers dream”, complete with “bingo and other betting options”. It is not clear how this conclusion was reached by the writer of the submission as it is not proposed or mooted in the report.

East Fremantle Rowing Club

One submission was received from the club. It provided details of land tenure of the club and Norm McKenzie Park. The club states it has no intention of relocating. It also notes that any development of the foreshore and possible linear linkages must address the rowing clubs access needs.

Glyde In

114 submissions were received regarding Glyde In. All but a small number of submissions opposed any relocation of Glyde In into a community hub at East Fremantle Oval precinct. Consequently a master plan for East Fremantle Oval precinct must clearly detail how existing and potential users and user groups will be accommodated. An associated business case must clearly outline the benefits of redeveloping the precinct for local residents, users and the

broader East Fremantle community. In particular Glyde In and existing tenants at East Fremantle Oval precinct must be heavily involved in the master planning from the beginning.

Conclusion

The Strategy contains very broad and high level recommendations based on the project's engagement process. These will require much greater detailed investigation, planning and consultation before any actions (such as relocation of facilities) would be considered by Council.

Further scrutiny and investigation will be undertaken which may include the development of Master Plan(s)/Business Plan(s), determining funding opportunities and of course a detailed community engagement and consultation process with local residents, and facility users and other key stakeholders and interested groups and associations.

As a result of the community consultation and feedback provided, various amendments have been made to the report. The major changes have been in reference to the relocation of the Glyde In, as it was felt not necessary for the Plan to single out any one group in relation to a possible co-location proposal that is still subject to further detailed investigations, if Council elects to investigate the proposed model further.

The proposed Recreation and Community Facilities Strategy will guide future investment and management of recreation and community assets, to ensure the most cost effective, achievable and realistic options that are equitable and a balance between community needs, expectations, capital funding availability and sustainability requirements.

Once the strategy has been adopted by Council it will be made available to the community on Council's website.

13.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 141216

Moved Cr Nardi, seconded Cr Watkins

That Council:

- (1) Note all public submissions received in relation to the Draft Strategy.**
- (2) Adopt the Town of East Fremantle Recreation and Community Facilities Strategy December 2016 and promote the availability of the Strategy through the Town's website.**

(CARRIED 9:0)

13.2.5 Annual Report 2015/16

Applicant	Town of East Fremantle
File ref	C/ELM1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	13 December 2016
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Annual Report 2015/16 2. Audited Annual Financial Report 2015-16

Purpose

To present the 2015-16 Annual Report and Audited Annual Financial Report 2015-16 for Council acceptance and set a date for the Annual Electors' Meeting.

Executive Summary

The 2015/16 Annual Report reflects the achievements of the Town of the previous financial year. Acceptance of this Report allows the setting of the date of the Annual Electors' Meeting.

Background

The 2015-2016 Town of East Fremantle Annual Report details the activities of the organisation over the past financial year and supports the Audited Annual Financial Statements. The 2015/16 financial statements were considered by the Audit Committee on 7 December 2016 and are recommended for acceptance at this Council Meeting.

The Annual Report also provides general information about the Town's activities and highlights during the year under review and reports on the progress of activity and priorities as determined in the 2015-2025 Strategic Community Plan.

Statutory Environment

Under s5.54 of the *Local Government Act 1995*, the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

Under s5.27(2), an electors' general meeting is to be held on a day selected by the local government but no more than 56 days after the local government accepts the annual report for the previous financial year.

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

KEY FOCUS AREA 4: Governance and leadership

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

Site Inspection

N/A

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this matter.

Social implications

There are no known significant social implications associated with this matter.

Environmental implications

There are no known significant environmental implications associated with this matter.

Comment

The proposed date for the Electors' Meeting would fall on the 55th day following adoption by Council at its December meeting. If this date was unsuitable for the majority of elected members, an alternative date during January 2017 would need to be agreed to.

13.2.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 151216

Moved Cr McPhail, seconded Cr Nicholson

That Council:-

- (1) Accept the 2015/16 Annual Report and the Audited Annual Financial Report 2015-16 in accordance with section 5.54 of Local Government Act 1995.**
- (2) Convenes the Annual Electors' Meeting at 7.00pm on Tuesday 31 January 2017.**

(CARRIED 9:0)

Carried by an absolute majority

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 Cr M McPhail – Encouraging the Operation of Food Trucks

“That the CEO be requested to prepare a policy that encourages the operation of Food Trucks in strategic locations to enhance the use and enjoyment of public space.”

Cr McPhail withdrew the motion.

14.2 Cr M McPhail – Voting Transparency

“That the individual votes of Council Members be recorded in the minutes of Council and Committee.”

Moved Cr M McPhail, seconded Cr Harrington

That the individual votes of Council Members be recorded in the minutes of Council and Committee.

(LOST 7:2)

Cr Harrington requested that the votes be recorded.

Crs White, Watkins, A McPhail, Nicholson, Collinson, Nardi and Mayor O’Neill voted against the motion, with Cr Harrington and Cr M McPhail voted in favour of the motion.

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

16. CONFIDENTIAL BUSINESS

OFFICER RECOMMENDATION

Moved Cr Nicholson, seconded Cr M McPhail

That Council resolve the meeting be closed to the public to discuss item 16.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(c) & (e)*.

(CARRIED 9:0)

16.1 Re-Branding Project – Logo Design Competition – CONFIDENTIAL ITEM

File ref	A/COM1
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	13 December 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Logo Design Competition Entry Form 2. Winning Entries

16.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 161216

Moved Cr Nicholson, seconded Cr Nardi

That Council

- (1) Approve the winners of each category as outlined in the report;
- (2) Advise the winners and submitters of the outcome in writing;
- (3) Authorise the Chief Executive Officer to engage a professional graphic design company to develop a new Town of East Fremantle Logo and style guide for its use.

(CARRIED 9:0)

PROCEDURAL MOTION

Moved Cr Harrington, seconded Cr Nicholson

That the meeting be opened to the public.

(CARRIED 9:0)

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS

Nil.

18. CLOSURE OF MEETING

There being no further business, the Presiding member declared the meeting closed at 7.48pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **13 December 2016**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

.....

Presiding Member