



MINUTES

Council Meeting

Tuesday, 15 October 2019 at 6.32pm

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CONTENTS

1.	OFFICIAL OPENING	1
2.	ACKNOWLEDGEMENT OF COUNTRY	1
3.	RECORD OF ATTENDANCE	1
3.1	Attendance	1
3.2	Apologies	1
3.3	Approved	1
4.	DISCLOSURES OF INTEREST	1
4.1	Financial	1
4.1.1	Cr Collinson - Item 12.1.2 – Local Planning Scheme No 3 – Heritage List – Proposed George Street Designated Heritage Area and new Local Planning Policy	1
4.2	Proximity	2
4.3	Impartiality	2
5.	PUBLIC QUESTION TIME	2
5.1	Responses to previous questions from members of the public taken on notice	2
5.2	Public Question Time	2
5.2.1	M Hood 19 Alexandra Road	2
6.	PRESENTATIONS/DEPUTATIONS	2
6.1	Presentations	2
6.2	Deputations	2
7.	APPLICATIONS FOR LEAVE OF ABSENCE	2
7.1	Cr M McPhail	2
8.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
8.1	Meeting of Council (17 September 2019)	2
9.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	3
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	3
11.	REPORTS AND RECOMMENDATIONS OF COMMITTEES	4
11.1	Town Planning Committee Meeting (1 October 2019)	4
12.	REPORTS	5
12.1	PLANNING	5
12.1.1	Local Planning Scheme No. 3 - Heritage List and Municipal Heritage Inventory 2015 - Amendments and Additions	5
12.1.2	Local Planning Scheme No. 3 - Heritage List – Proposed George Street Designated Heritage Area and new Local Planning Policy	11
12.1.3	Review of Policy Register – Regulatory Services (Planning Policies)	22



12.2	FINANCE	26
12.2.1	Monthly Financial Report (Containing the Statement of Financial Activity) – September 2019	26
12.2.2	Accounts for Payment – September 2019	30
12.2.3	Commonwealth Home Support Program – Business Plan	33
12.3	GOVERNANCE	39
12.3.1	Request for Verge Tree Removal – 77 Pier Street	39
12.3.2	Adoption of New Policy regarding Maintenance and Removal of Public and Verge Trees	42
12.4	COMMUNITY	45
12.4.1	Appointment of Public Art Panel Member	45
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
14.	NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING	49
14.1	Mayor O'Neill – Impact of Heavy Vehicular Traffic Along Stirling Highway	49
14.2	Mayor O'Neill – Climate Change Strategies	49
14.3	Mayor O'Neill – Glyphosate	49
15.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	49
16.	NEW BUSINESS OF AN URGENT NATURE	49
17.	MATTERS BEHIND CLOSED DOORS	49
18.	CLOSURE	49

**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 15 OCTOBER 2019.**

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.32pm

2. ACKNOWLEDGEMENT OF COUNTRY

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

I am proud to be an Australian and live in a country with the oldest living culture in the world."

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 A Natale	
Cr D Nardi	
Cr J Harrington	
Cr A Watkins	
Cr A White	

The following staff were in attendance:

Mr A Malone	Acting Chief Executive Officer
Mr P Kocian	Executive Manager Corporate Services
Mr S Gallagher	Operations Manager
Ms J May	Minute Secretary

There was three member of the public in attendance.

3.2 Apologies

Mr Gary Tuffin, Chief Executive Officer

3.3 Approved

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

4.1 .1 Cr Collinson - Item 12.1.2 – Local Planning Scheme No 3 – Heritage List – Proposed George Street Designated Heritage Area and new Local Planning Policy



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**

5.2.1 **M Hood 19 Alexandra Road**

The directional sign for East Fremantle Croquet Club previously located at the corner of Canning Highway and Allen Street is missing. Is a replacement planned?

Mayor O'Neill thanked Ms Hood for advice regarding the missing sign and assured her a replacement sign would be installed as soon as possible.

6. **PRESENTATIONS/DEPUTATIONS**

6.1 **Presentations**
Nil.

6.2 **Deputations**
Nil.

7. **APPLICATIONS FOR LEAVE OF ABSENCE**

7.1 **Cr M McPhail**

Cr McPhail requested leave of absence for the November Council Meeting.

Moved Cr Natale, seconded Cr White

That leave of absence be granted to Cr M McPhail for the Council Meeting on 19 November 2019.

(CARRIED UNANIMOUSLY)

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

8.1 **Meeting of Council (17 September 2019)**

8.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr Harrington

That the minutes of the Ordinary meeting of Council held on Tuesday, 17 September 2019 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Thank you to Elected Members

Mayor O'Neill advised that this was the last Council Meeting before the Council elections and he wished to take the opportunity to thank all Councillors for their hard work and cohesion as a Council.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (1 October 2019)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 1 October 2019, exercised its delegation in three statutory matters where at least four members voted in favour of the Reporting Officer's recommendations or the Executive Manager Regulatory Services supported the amended resolution.

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

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 011019

Moved Cr Collinson, seconded Cr Harrington

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 1 October 2019 be received.

(CARRIED UNANIMOUSLY)

12. REPORTS

12.1 PLANNING

12.1.1 Local Planning Scheme No. 3 - Heritage List and Municipal Heritage Inventory 2015 - Amendments and Additions

Applicant	Town of East Fremantle
File ref	HHC2; P/HUB44; P/DUK36; P/DUK40-42
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 October 2019
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. 2006 Municipal Heritage Inventory – Place Record Form – No. 65 George Street, East Fremantle (now No. 44 Hubble Street)2. 2015 Municipal Heritage Inventory – Place Record Form – No. 36 -42 Duke Street, East Fremantle

Purpose and Executive Summary

The purpose of this report is twofold, firstly to correct an administrative error and omission in respect to the Municipal Heritage Inventory (MHI) review process undertaken by the heritage consultants in 2014/15 and listing in the Planning Scheme (MHI now referred to as a Local Heritage Survey under the Heritage Act, 2018). Secondly, preparation of a Place Record Form in relation to the omitted property and an amendment to another Place Record Form as the site circumstances have changed following redevelopment of the lot and subsequent subdivision of the land. The properties concerned are listed below:

No. 44 Hubble Street (SE corner of George Street) – reinstatement in the Local Planning Scheme No. 3 (LPS 3) Heritage List and MHI and preparation of a Place Record Form required;
No. 36 Duke Street (Brush Factory) – formerly part of No. 36-42 Duke Street - amendment to Heritage List, MHI and Place Record Form required; and
No. 40-42 Duke Street (Brush Apartments) – formerly part of No. 36-42 Duke Street – removal from the MHI and LPS 3 – Heritage List.

Consultation with the land owners is not required in respect to No. 44 Hubble Street because this was undertaken in accordance with the provisions of LPS 3 at the time of the MHI review. This property is a category B place and was intended to be included on the Planning Scheme Heritage List as part of the Council resolution to adopt all category A and B properties identified in the MHI review. However, the place was inadvertently omitted from the MHI adopted by Council and therefore not included in the Scheme's Heritage List. A Council resolution is required to include No. 44 Hubble Street as a B category place in the MHI and to rectify the administrative oversight. Council is also required to resolve to prepare a Place Record Form for this site in accordance with the Guidelines for Local Heritage Surveys and correct the entry in the MHI and Scheme Heritage List. No direct consultation with the land owner(s) is required for the Place Record Form to be prepared, however a Council resolution is necessary to resolve to prepare the Form and the land owner(s) will be advised.

Similarly, a Council resolution is required to amend the Brush Factory Place Record Form following refurbishment, redevelopment and resubdivision of the building and lots. It is proposed that the southern portion of the site (no heritage significance remaining) be removed from the listing in the MHI and LPS 3 – Heritage List, even though it is still intended that this lot be included as a non-contributory building in the proposed George Street Designated Heritage Area (subject of a separate report). The land owner(s) for both No. 36 and No. 40-42 Duke Street will be advised of the outcome.

Background

At its meeting held on 2 December 2014 Council resolved as follows:

“That Elected Members determine how they would like to progress the Heritage Review by the adoption of the following option:

- 1. The revised Municipal Inventory (MI), for Categories A & B as tabled, be accepted as a draft.*
- 2. That all owners of properties categorised either A or B on the draft MI be written to advising of the intention to include their property on the Heritage List pursuant with Clause 7.1.3 of the Town Planning Scheme.*
- 3. That Elected Members consider the status of those properties on the draft MI for which submissions have been received pursuant to Clause 7.1.3(d) of Town Planning Scheme No. 3.*
- 4. Following a consideration of submissions and further consultant advice, Council resolves to determine which of the properties (that have been subject to the above owner notification), on the Heritage List pursuant with clause 7.1.3(d) of TPS No. 3.*
- 5. The Town undertakes a public information program advising of the MI Review and Heritage Listing and undertakes to establish an on line data base of the MI and Heritage List.*
- 6. In addition to the above, priority be given to the development of draft Heritage Areas and associated planning policies.*
- 7. Elected members to provide feedback regarding the draft communication to residents for consideration.”*

Following the December 2014 Council meeting owners and occupiers of properties categorised as A and B on the revised MHI were written to and advised of the revised assessments and of the intention to consider these properties for inclusion on the Scheme’s Heritage List. With the exception of properties that were the subject of owners’ submissions and/or further consideration by the heritage consultants the B category properties were adopted as a single group by Council for inclusion in the Scheme’s Heritage List. There are approximately 600 properties categorised B and during the process of finalising and checking the place record forms and the MHI index and in preparing the list of properties to be included in the George Street Designated Heritage Area some omissions have occurred.

Consultation

No. 44 Hubble Street (also known as No. 65 and No. 65A George Street – three lot strata plan)

Direct consultation with the owners inviting comment on the proposal to include the strata titled property in the Heritage List of the Scheme as per the requirements of LPS No. 3 has taken place when all other owners were notified as part of the MHI review process. The owners were also notified of the Council resolution to enter the property in Heritage List but because the lot was

not included in the official list due to an administrative oversight by the consultant it was not formally included in the Heritage List.

All land owners will be advised of the prepared and amended Place Record Forms and of the revised entries and corrections to the MHI and the LPS 3 - Heritage List.

Statutory Environment

Heritage Act, 2018

Planning and Development (Local Planning Schemes) Regulations 2015

Heritage Regulations, 2019

Local Planning Scheme No. 3 (LPS 3)

LPS 3 - Heritage List

Policy Implications

Local Heritage Survey (formerly Municipal Heritage Inventory) 2015

Guidelines for Local Heritage Surveys 2019

Fremantle Port Buffer Zone – Area 2

Financial Implications

Nil

Strategic Implications

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

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the proposed Recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Site Inspection

Not required.

Comment

No. 44 Hubble Street (Federation Free Classical – corner shop – previously known as No. 65 George Street)

This property is noted as a B category in the 2006 MHI (refer to Attachment 1) but was not included in the MHI 2015 when adopted by Council. The owners, however, were notified of the Council's intention to include the property in the Scheme's Heritage List and formal advertising procedures were undertaken in accordance with Scheme provisions. As such the correct notification procedures for adoption into the Heritage List have been followed but it is now necessary for Council to formally resolve to include the property in the MHI 2015 and the Scheme's Heritage List to reinstate the entry of the site.

No. 36 - 42 Duke Street – Amendment to Place Record Form and correction to entry in MHI and LPS No.3

In recent times the refurbishment and redevelopment of the Brush Factory site has taken place and resulted in re-subdivision of Lots 601 and 602. Lot 602 has become Lot 802 (including the amalgamation of a closed portion of the George Street road reserve) and contains the category A heritage listed Brush Factory building now converted to a Jazz bar and dining venue, dance studio, other commercial tenancies and a penthouse residential apartment. Lot 601 is now Lot 801 and has been strata titled to reflect the 12 residential apartments known as the Brush Apartments which have been constructed on the southern portion of the site.

The changes to the lot boundaries and the construction of new buildings on the site has resulted in the need to update the existing Place Record Form for No. 36 - 42 Duke Street (refer to Attachment 2). The original site comprised of two lots. These lots have now been re-subdivided and new addresses created for the new development on each of the lots. A revised Place Record Form for No. 36 Duke Street is now required to be prepared in accordance with the Guidelines for Local Heritage Surveys. Council is required to resolve to amend the Place Record Form and amend the entry in the MHI (now Local Heritage Survey) and amend the entry in the Scheme's Heritage List. A revised Place Record Form which reflects the current address of the property and refers to the heritage listed Brush Factory building and development on the site only will be created.

The Brush Apartment site (No. 40 - 42 Duke Street) is proposed to be removed from the Heritage List and the MHI as this lot no longer contains any buildings or other elements of cultural heritage significance. However, this lot is still intended to be included in the proposed George Street Designated Heritage Area under the Scheme's Heritage List as a non-contributory building. This matter is the subject of a separate report to Council. The proposed designated heritage area is required to be accompanied by a document called the *Record of Places of Heritage Significance*. Amending the Place Record Form and the official entry in the LPS 3 - Heritage List and MHI will ensure the record of places in the proposed designated heritage area is correct and current.

Conclusion

Council is therefore required to resolve to:

- Confirm No. 44 Hubble Street as a category B property in the MHI;
- Include No. 44 Hubble Street in the LPS 3 – Heritage List;
- Resolve to prepare a Place Record Form for No. 44 Hubble Street in accordance with the Guidelines for Local Heritage Surveys 2019;
- Revise the Place Record Form for No. 36–42 Duke Street and create a Place Record Form for No. 36 Duke Street only in accordance with the Guidelines for Local Heritage Surveys;



- Remove No. 40–42 (formerly known as No. 36–42) Duke Street from LPS 3 Heritage List and the MHI;
- Correct the MHI and LPS 3 Heritage List in respect to the entry for No. 36–42 Duke Street and amend the entry to apply to No. 36 Duke Street.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 021019

Moved Cr Collinson, seconded Cr White

That Council resolve to:

- confirm No. 44 (Strata Plan 16096 / Lot 264) Hubble Street (also known as No. 65 and No. 65A {Strata Plan 16906 / Lot 264} George Street), East Fremantle as a category B property on the Municipal Heritage Inventory 2015 (now referred to as the Local Heritage Survey) and include the place in the Heritage List of Local Planning Scheme No. 3;
- prepare a Place Record Form for No. 44 Hubble Street in accordance with the Guidelines for Local Heritage Surveys 2019;
- revise the Place Record Form for No. 36 - 42 Duke Street, East Fremantle in accordance with the Guidelines for Local Heritage Surveys 2019;
- amend Local Planning Scheme No. 3 - Heritage List and the Municipal Heritage Inventory (now referred to as the Local Heritage Survey) in respect to the entry for No. 36 - 42 Duke Street, East Fremantle (now known as No. 36 Duke Street, East Fremantle); and
- remove No. 40 – 42 Duke Street, East Fremantle from the Municipal Heritage Inventory (now referred to as the Local Heritage Survey) and the Heritage List of Local Planning Scheme No. 3.

(CARRIED UNANIMOUSLY)

Cr Collinson declared a financial interest in the following item as his property is included in this Precinct and left the meeting at 6.41pm

12.1.2 Local Planning Scheme No. 3 - Heritage List – Proposed George Street Designated Heritage Area and new Local Planning Policy

Applicant	Town of East Fremantle
File ref	B/HHC2
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 October 2019
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Map of proposed George Street Designated Heritage Area2. Draft Local Planning Policy No. 3.1.6 – George Street Designated Heritage Area3. Proposed Record of Places of Heritage Significance – George Street Designated Heritage Area

Purpose

The purpose of this report is for Council to consider the proposed George Street Designated Heritage Area for entry into the Heritage List under Local Planning Scheme No. 3 (LPS 3) in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs). Along with the proposed entry of a heritage area in the Scheme's Heritage List Council is also required to consider a local planning policy to underpin the assessment of development applications in a heritage area.

Executive Summary

In the process of reviewing the Municipal Heritage Inventory (MHI) and updating the LPS 3 - Heritage List Council's consultant (Phil Griffiths and Associates) identified a number of possible heritage areas for Council's consideration. The consultant also drafted a set of local planning policies to support these heritage areas.

None of the proposed heritage areas or local planning policies, however, were designated/adopted at that time. At its meeting of December 2014, Council resolved to consult with the owners and occupiers of properties categorised as 'A' and 'B' with the intention these being included on the Scheme's Heritage List. At the same meeting, Council further resolved that priority be given to the identification of heritage areas with appropriate policy provisions for each.

The proposed heritage areas and associated draft local planning policies were then prepared by the consultant. These were noted by the Council at its meeting held on 17 March 2015, however, it was resolved that they be held in abeyance pending completion of consultation in respect to Category 'A' and 'B' properties on the MHI and the inclusion of these properties on the Heritage List.

A previous review of the MHI included proposals for several heritage areas throughout the Town to follow on from the recognition and adoption of the George Street (heritage) Precinct under Town Planning Scheme No. 2 and its inclusion in the Heritage List of LPS 3 when that Scheme was gazetted. This report only deals with the details for the George Street Heritage Area at this time. The work previously progressed by the consultant for George Street is comprehensive and provides guidelines for development.

Council is requested to consider the proposed George Street Designated Heritage Area for entry into the LPS 3 - Heritage List. As required under the LPS Regs a draft Local Planning Policy No. 3.1.6 – George Street Designated Heritage Area is required to be prepared as is a Record of Places of Heritage Significance proposed to be included within the designated heritage area. Public consultation with all land owners is required to be undertaken for a period of 21 days and signs are also required to be placed in the area advertising the proposal. The Town will also undertake other advertising through a local newspaper, the Town's website and its eNewsletter as required by the legislation.

Any submissions from land owners following completion of the advertising period will be considered. A report will be prepared including all submissions for Council's consideration. The Council can then resolve to adopt the heritage area without modification; or adopt the heritage area with modification; or not proceed with the heritage area. If the Town resolves to designate a heritage area then it must advise the Heritage Council of WA and each land owner affected.

Background

In the process of reviewing the MHI (now referred to as a Local Heritage Survey under the Heritage Act, 2018) and updating the Heritage List under LPS 3 (2014/15), Council's consultant identified a number of possible heritage areas for Council's consideration. The consultant also drafted a set of local planning policies to support these heritage areas.

None of the proposed heritage areas or local planning policies, however, were designated/adopted at that time. The MHI review had recommended changes to the management category of some properties which would also effect changes to the Heritage List (properties assigned as Category 'A' or Category 'B' would be included on the Heritage List). At its meeting held on 2 December 2014, Council resolved to consult with the owners and occupiers of properties categorised as 'A' and 'B' on the revised draft MHI regarding the new assessments and the intention for these properties to be included on the Heritage List. At the same meeting, Council further resolved that priority be given to the identification of heritage areas with appropriate policy provisions for each.

The proposed heritage areas and associated draft local planning policies were then prepared by the consultant. These were noted by the Council at its meeting held on 17 March 2015, however, it was resolved that they be held in abeyance pending completion of consultation in respect to Category 'A' and 'B' properties on the MHI. Initiation of the process to designate the heritage areas would have involved further public consultation and, as the consultation regarding the Category 'A' and 'B' listings was still in progress, it was considered that a further round of advertising at that time would cause confusion. Therefore, action regarding the proposed heritage areas was essentially put 'on hold'.

Revisiting Consideration of Heritage Areas

A previous review of the MHI included proposals for several heritage areas throughout the Town to follow on from the recognition and adoption of the George Street (heritage) Precinct under Town Planning Scheme No. 2 and its subsequent inclusion in the Heritage List of LPS 3 when that Scheme was gazetted. Whilst this approach is perhaps the eventual goal, it may be more appropriate to initially consider the designation of one of the most needed and desirable heritage areas in the Town therefore requiring protection, with others to progressively follow. Community involvement with Amendments No. 14 and No. 15 (Roofing 2000 and Royal George Hotel sites, respectively) indicated a strong sentiment to protect the heritage of the Plympton Precinct and

George Street heritage areas. This report only deals with the details for the George Street Heritage Area at this time.

Consultation

The following specific process and consultation measures, as set out in the Planning and Development (Local Planning Schemes) Regulations 2015, are required to be undertaken.

- If the Town designates a heritage area it must adopt a local planning policy that sets out the following —
 - a map showing the boundaries;
 - a statement about the heritage significance;
 - a record of places of heritage significance in the area.
- The Town must —
 - notify each owner of land affected and provide them with a copy of the proposed local planning policy; and
 - advertise the proposed heritage area by —
 - a notice in a local newspaper; and
 - erecting a sign in a prominent location; and
 - a notice on the Town's website; and
 - any other consultation the Town considers appropriate.
- The period for making submissions must not be less than 21 days commencing on the same day as the notice is published.
- After the advertising/submission period ends the Town must —
 - review the proposed heritage area in the light of any submissions made; and
 - resolve —
 - to adopt the heritage area without modification; or
 - to adopt the heritage area with modification; or
 - not to proceed with the heritage area.
- If the Town resolves to designate a heritage area then it must advise —
 - the Heritage Council of WA; and
 - each land owner affected.
- The Town may modify or revoke a heritage area. The above procedure is to be followed in those circumstances.

Statutory Environment

Heritage Act, 2018

Heritage Regulations, 2019

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7.3 – Residential Design Codes

Local Planning Scheme No. 3 (LPS 3)

LPS 3 - Heritage List

Policy Implications

Municipal Heritage Inventory 2015 (now referred to as the Local Heritage Survey under the Heritage Regulations, 2019

Guidelines for Local Heritage Surveys, 2019

Fremantle Port Buffer Zone – Area 2

Financial Implications

Nil

Strategic Implications

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

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

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

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

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

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

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

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

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

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

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

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

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

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not adopt the Officer Recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

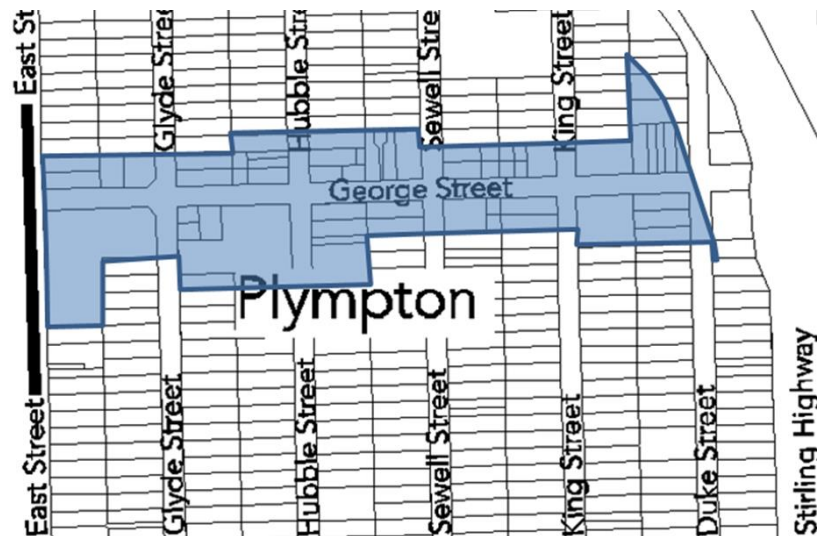
Site Inspection

N/A

Details

George Street (heritage) Precinct

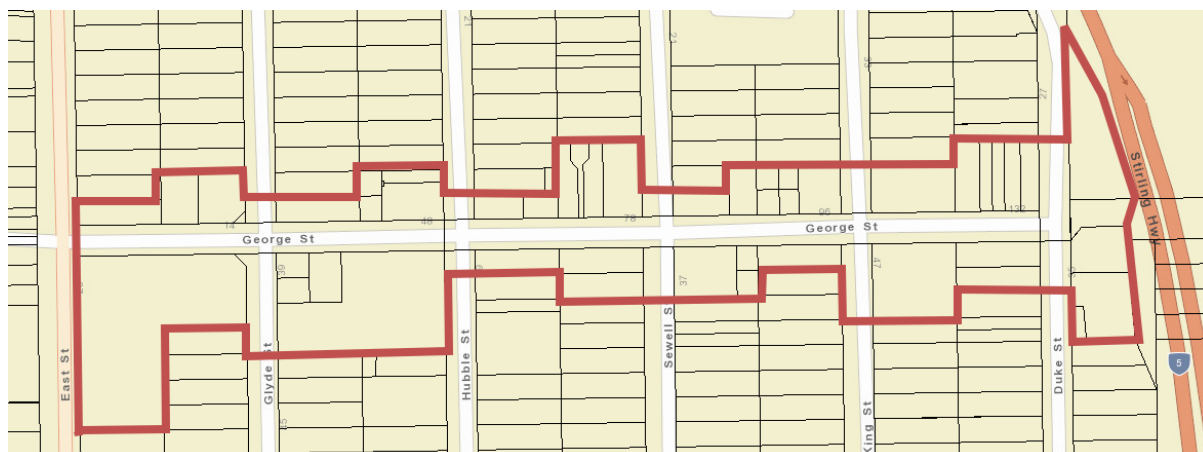
As noted above the Council resolved to follow on from the recognition and adoption of the George Street (heritage) Precinct under Town Planning Scheme No. 2 and its inclusion in the Heritage List of LPS 3 when that Scheme was gazetted. The boundary of the George Street (heritage) Precinct is indicated on the map below.



Proposed George Street Heritage Area (2014/15 MHI Review – Griffiths and Associates)

At its meeting held on 17 March 2015 the Council considered a number of heritage areas and associated draft local planning policies prepared by Griffiths and Associates. These were noted by the Council, however, it was resolved that they be held in abeyance pending completion of consultation in respect to Category 'A' and 'B' properties on the MHI. The George Street Heritage Area boundary which was considered at that time is indicated below in both aerial photography and lot boundary views.



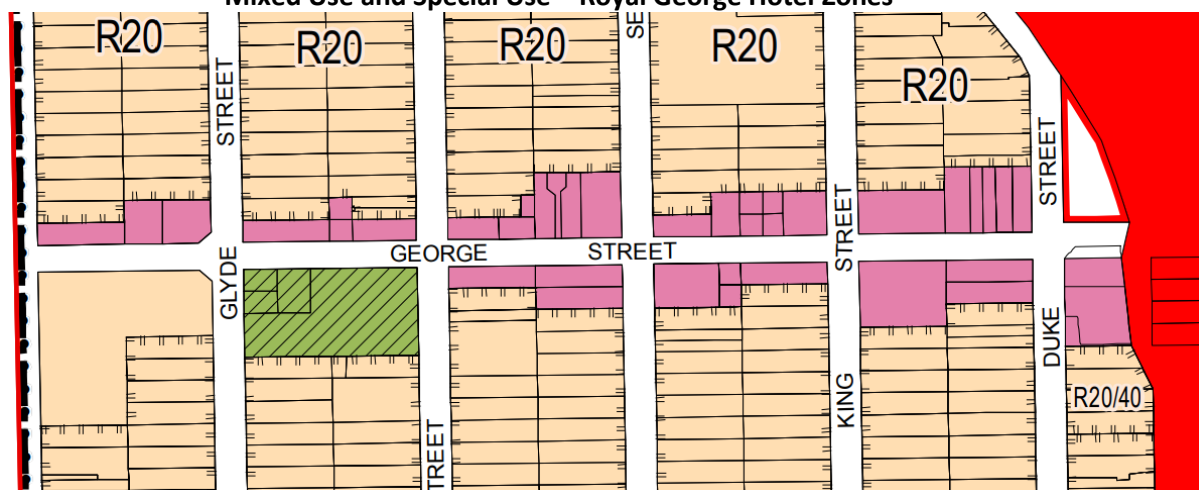


Proposed George Street Designated Heritage Area (2019)

Although the boundary proposed by Griffiths and Associates generally aligns with the current Mixed Use zone and the Special Zone – Royal George Hotel (see zoning map below) there are some exceptions worthy of comment:

- The Royal George Hotel site is within the Special Zone - Royal George Hotel. This was not fully included within the heritage area boundaries. The hotel building itself is included, however, the currently-vacant land to the rear was not. This may have been as a result of that land having residential zoning prior to gazettal of Amendment No. 10 which resulted in the Hotel site being rezoned and including the vacant land.
- All of the properties zoned Mixed Use are included, with the exception of two – No. 37 Duke Street (Category B on Heritage List) and No. 39 Sewell Street (not listed). The reason for this is not clear.
- One property zoned Residential R20 is included – No.39 Hubble Street. This property is directly adjacent to No. 38 George Street which is zoned Mixed Use and is Category A on the Heritage List and directly abuts The Young George which is a category A property.
- The property on the corner of East and George Streets (Harbour Heights) zoned Residential R40 is included. This was previously in the MHI and the Heritage List but has since been removed.
- Glasson Park which is an open space reserve is included. This is a Category A entry in the Heritage List.

Mixed Use and Special Use – Royal George Hotel Zones



Given the boundaries previously considered it is therefore recommended that the proposed George Street Designated Heritage Area boundary be modified through expansion of the existing George Street Precinct boundary to include:

- the entire Royal George Hotel site, including the vacant land at the rear being No. 34 Duke Street;
- the two properties zoned Mixed Use that were omitted, being No. 37 Duke Street and No. 39 Sewell Street; and
- the properties that were included in the original George Street (heritage) Precinct under TPS 2; and
- the properties that were excluded from the original George Street (heritage) Precinct under TPS 2 because they were initially included in the Stirling Highway road reserve. This reservation was later amended which meant they avoided resumption and demolition (it is noted that a portion of these properties not included in the road reservation were included in the George Street (heritage) Precinct under Town Planning Scheme No. 2.

Proposed George Street Designated Heritage Area

In summary, the proposed George Street Designated Heritage Area the subject of this report is an amalgamation of the properties originally included in the George Street (heritage) Precinct under Town Planning Scheme No. 2 and then carried over to the LPS 3 Heritage List, the consultant's George Street Heritage Area, the properties included in the Mixed Use and Special Zone – Royal George Hotel zones and those properties which have been omitted from the above areas due to administrative errors or changes to road reservation boundaries. The proposed George Street Designated Heritage Area the subject of this report is delineated below.



Local Planning Policy

The draft policy developed by the consultant for the George Street Heritage Area is comprehensive and includes sections relating to Heritage Area Background; Prevailing Building Typologies; Key Features/Elements; Levels of Contribution; and Design Guidelines.

The Design Guidelines address such matters as: Maintenance; Additions and Alterations to Contributory Buildings (General Principles, Shopfronts, Verandahs/Awnings, Upper Floors);

Additions and Alterations to Non-contributory Buildings; New Buildings; Access and Parking; Signage; Incidental Development; Site Works; Demolition; Building Setbacks and Orientation; Roof Form and Pitch; Materials and Colours; Landscape Guidelines; Front Fences; Footpaths and Crossovers; Costs; Garages, Carports and Outbuildings; and Fremantle Port Buffer requirements.

The principles of the draft local planning policy are still relevant and additional work has been undertaken to include recent planning and heritage regulatory changes that have since come into effect. The previously-drafted policy has been reviewed accordingly. The full details of the policy can be read in Attachment 2.

Other Related Policy

Council's LPP 3.1.1 (Residential Design Guidelines) does not include the non-Residential zoned land within the George Street vicinity. Currently, there are no design guidelines for development within the Mixed Use zone or Special Zone – Royal George Hotel. A local planning policy associated with the proposed heritage area designation (i.e. properties within the new boundaries) would provide greater guidance and controls for development.

LPP 3.1.1 would apply, however, to those properties zoned Residential in the proposed George Street Heritage Area. This only includes the Harbour Heights apartment site and No. 38 and 39 Hubble Street. The draft policy deals with this by stating that should there be any inconsistencies between the two policies, the heritage area policy is to prevail.

MHI and LPS 3 Heritage List - Omissions and Amendments

At the time of adoption of the MHI 2014/15 and inclusion of the A and B category properties in the LPS 3 Heritage List No. 44 Hubble Street (also known as No. 65 and No. 65A George Street- 3 lot strata title) was omitted from the MHI and the Heritage List. This was an administrative error by the consultant and requires correction. This is the subject of a separate report to Council to reinstate the property in the Scheme's Heritage List. No further consultation with the land owners is required because it was undertaken in accordance with the legislation at the time all other land owners were notified. This property is proposed to be included in the George Street Designated Heritage Area and is therefore listed in the Record of Places of Heritage Significance.

Comment

Council's decision (17 March 2015) to postpone consideration of designated heritage areas in the Town pending finalisation of consultation associated with the MHI review and update of the Heritage List, has not yet been re-addressed.

Given that the MHI and Heritage List review process has been finalised for some time and in light of recent experience with Amendments No. 14 and No. 15, it is considered opportune to now consider the possible designation of heritage areas within the Town. Work previously undertaken in 2014/15 included proposals for a number of draft heritage areas throughout the Town, including associated local planning policy (which is required under the LPS Regs).

As an initial step, it is recommended that Council consider formalising the designation of a heritage area with the associated local planning policy as is now required under current planning regulations for George Street (from Stirling Highway to East Street) and at the same time expanding the boundaries to include relevant sites. This is primarily based on the consultant's previous work and the urban design work undertaken with Amendment No. 15 for the Royal George Hotel site.

The George Street Designated Heritage Area has been selected as the first area in this process for a number of reasons, including the following:

- It is already a listed heritage precinct under LPS 3. Essentially the boundaries are being expanded to include lots that have been excluded either because of administrative errors or because of a change to the classification of the land.
- The design guidelines developed by the consultant for the other proposed heritage areas refer to specific requirements of LPP 3.1.1 (Residential Design Guidelines). For the main part, the requirements of LPP 3.1.1 already provide at least some form of guidance and control of development within all of the residential precincts (although for individual sites rather than as a whole).
- Conversely, there are no design guidelines for properties along the George Street commercial strip (aside for the two properties zoned Residential). Although included in the Plympton Precinct under LPP 3.3.1, the policy requirements do not apply to non-Residential zoned land. The designation of this as a heritage area would provide greater guidance and control for development, particularly in relation to the heritage significance of the area as a whole in the context of East Fremantle and the wider metropolitan area.
- Increasing development pressures require the Town to ensure that adequate planning and heritage controls are in place.

It is proposed to enter the George Street Designated Heritage Area in the Heritage List of LPS 3 in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 upon adoption on the Heritage Area by Council. This will be the subject of a separate report and officer recommendation to Council following Council's resolution to adopt the Heritage Area.

Conclusion

In order to complete the review of the MHI and realise the Council's intention for heritage areas in the Town to be recognised and entered in the LPS 3 Heritage List it is recommended that Council consider designating a heritage area for George Street (from Stirling Highway to East Street) and adopting a local planning policy which supports the establishment of the heritage area and provides guidelines for future development.

Advertising of the proposed designated heritage area is required to be undertaken in accordance with the statutory requirements as specified in the Planning and Development (Local Planning Schemes) Regulations 2015. This requires the Town to notify all affected land owners and advertise the proposal for a period of not less than 21 days by various means including direct correspondence with each affected land owner. Following the advertising period the Council is required to consider any submissions received and then consider final adoption of the heritage area either with or without modification or to not adopt the heritage area.

Following adoption of the heritage area it is intended that the heritage area be entered in the Heritage List of LPS 3.



12.1.2. OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031019

Moved Cr White, seconded Cr A McPhail

That Council in accordance with Division 2, Part 3, Clause 9 (2), (3), (4) and (8) of the Planning and Development (Local Planning Schemes) Regulations 2015:

- 1. proposes to designate a Heritage Area in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 to be known as the George Street Designated Heritage Area as delineated in Attachment 1 (map of George Street Designated Heritage Area);**
- 2. proposes to adopt for the Heritage Area a local planning policy to be known as LPP 3.1.6 – George Street Designated Heritage Area which sets out the following:**
 - (i) a map showing the boundaries of the Heritage Area (Attachment 1);**
 - (ii) a statement of heritage significance for the area (Attachment 2 – contained with LPP 3.1.6); and**
 - (iii) a record of places of heritage significance in the heritage area (Attachment 3 – Appendix 1 to LPP 3.1.6); and**
- 3. undertake advertising of the proposed George Street Designated Heritage Area as required under the Planning and Development (Local Planning Schemes) Regulations 2015.**

(CARRIED 8:0)

Cr Collinson returned to the meeting at 6.46pm and it was noted he did not speak or vote on the previous motion.

12.1.3 Review of Policy Register – Regulatory Services (Planning Policies)

File ref	C/POL1; B/CDAC
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Reviewed Regulatory Services - Planning policies - tracked changes.

Purpose

To review various planning policies under the 'Regulatory Services' section of the Policy Register which have been identified as not requiring substantial changes to specific planning content or intent of the policies.

Executive Summary

It is recommended that the reviewed planning policies be adopted as submitted (refer to Attachment 1) and the Town Planning Advisory Panel policy be revoked. This Policy will no longer be required with the recommended inclusion of its remaining contents in the Community Design Advisory Committee policy.

Background

A report was submitted to the 18 June 2019 Council Meeting which resulted in the revocation of 33 redundant policies and the Policy Register being reformatted and renumbered into the following categories:

- Governance
- Corporate Services
- Regulatory Services
- Operations

At that time the nine remaining policies that comprised the Regulatory Services – Planning policies were to be reviewed separately in due course.

Consultation

The Policy Register, in its new format, was emailed to Elected Members and Executive Officers on 30 July 2019 seeking feedback. No responses were received.

Statutory Environment

Section 2.7 2(b) *Local Government Act 1995*

(2) *Without limiting subsection (1), the Council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

Policy Implications

The nine remaining planning policies are listed below. Policies 3.1.1 – 3.1.4 require a more comprehensive review which may involve external consultants or will be subject to review following the completion of strategic planning projects currently underway.

- 3.1.1 Residential Design Guidelines
- 3.1.2 Signage Design Guidelines
- 3.1.3 Town Centre Redevelopment Guidelines
- 3.1.4 George Street Mixed Use Precinct New Development Contribution to the Management of Access & Parking

The remaining Regulatory – Planning policies noted below have been reviewed and amendments are recommended to be adopted by Council. Details of the amendments are summarised in the ‘Comment’ section of the report and the specific changes are detailed in Attachment 1.

- 3.1.5 Community Design Advisory Committee
- 3.1.6 Town Planning Advisory Panel
- 3.1.7 Wood Encouragement – Council
- 3.1.8 Wood Encouragement – General – Local Planning Policy
- 3.1.9 Percent for Public Art – Local Planning Policy

Financial Implications

Nil.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not review existing Policies.	Rare (1)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisation accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services.

Site Inspection

N/A

Comment

The recommended changes to the following planning policies are summarised below and outlined in detail as tracked changes in Attachment 1. The amendments mostly relate to minor typographical corrections and administrative updates and do not change the planning content or intent of the policies.

- **Policy 3.1.5 – Community Design Advisory Committee**
 - Inclusion of two additional matters under the heading 'Code of Conduct'. These two matters were inadvertently omitted from the policy when it was formulated to replace the Town Planning Advisory Panel terms of reference (policy) document.
 - Minor typographical/grammatical corrections and updates in respect to policy review dates.
- **Policy 3.1.6 – Town Planning Advisory Panel (TPAP)**
 - It is recommended that the policy be revoked as it is now redundant. Council determined to rename the TPAP and adopt a specific policy, including new terms of reference in June 2016. The remaining contents are recommended to be included in the Community Design Advisory Committee policy as outlined above.
- **Policy 3.1.7 – Wood Encouragement – Council**
 - Acknowledgement of applicable legislation.
 - Minor typographical corrections and correction to former policy number.
- **Policy 3.1.8 – Wood Encouragement – General**
 - Acknowledgement of applicable legislation.
 - Minor typographical and grammatical corrections.
 - Update in respect to policy review date.
- **Policy 3.1.9 – Percent for Public Art**
 - Acknowledgement of applicable legislation.
 - Minor typographical and grammatical corrections.
 - Update in respect to policy review date.

It is proposed that the remaining Regulatory - Planning policies (i.e. Policies 3.1.1 – 3.1.4) be reviewed separately in due course as other related strategies and studies are completed.

12.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 041019

Moved Cr Collinson, seconded Cr Natale

That Council:

- 1. revoke Policy 3.1.6 – Town Planning Advisory Panel;**
- 2. adopt the following reviewed policies under the ‘Regulatory Services’ section of the Policy Register in accordance with the tracked changes as outlined in Attachment 1 to this report:**
 - (i) 3.1.5 Community Design Advisory Committee;**
 - (ii) 3.1.7 Wood Encouragement – Council;**
 - (iii) 3.1.8 Wood Encouragement – General – Local Planning Policy; and**
 - (iv) 3.1.9 Percent for Public Art – Local Planning Policy.**

(CARRIED UNANIMOUSLY)

12.2 FINANCE

12.2.1 Monthly Financial Report (Containing the Statement of Financial Activity) – September 2019

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Report for the Period Ended 30 September 2019 2. Capital Works Report

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 30 September 2019.

Executive Summary

A Monthly Financial Report workbook has been developed to provide an overview of key financial activity. Two Statements of Financial Activity have been prepared, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2020.

Background

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

As part of the adopted 2019/20 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be:

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

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

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - Statement of capital acquisitions and capital funding
 - Significant Accounting Policies
 - Explanation of Material Variances

- Net Current Funding Position
- Cash and Investments
- Budget amendments
- Receivables
- Cashed Back Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions

The attached Monthly Financial Reports 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

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

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

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

Policy Implications

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

Financial Implications

Material variances are disclosed in the Statement of Financial Activity.

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing:

- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- an explanation of each of the material variances; and
- supporting information as is considered relevant by the local government.

Strategic Implications

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

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

Site Inspection

Not applicable.

Risk Implications

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

Risk Matrix

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

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

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

Comment

The following is a summary of headline numbers from the attached financial reports:

	Original Budget	Year to Date Budget - September	September Actuals
Opening Surplus	758,451	758,451	775,202
Operating Revenue	10,632,263	8,812,335	8,784,296
Operating Expenditure	(12,141,244)	(3,164,629)	(1,863,490)
Capital Expenditure	(3,816,857)	(851,535)	(392,704)
Capital Income	919,567	328,747	328,747
Net Transfers from Reserves	1,182,814	(15,000)	(9,641)
Non-Cash Items	2,465,204	610,526	0
Closing Surplus	0	6,478,895	7,622,410
Unrestricted Cash			4,896,708
Restricted Cash			2,203,816

- Rates were levied in the month of July – this explains the healthy closing surplus as accrued revenue is significant compared to the fixed costs that have been incurred in the first few months of the financial year;
- Depreciation, plant cost recoveries and activity based cost distributions have yet to be processed (due to completing end of year processes) – this explains why there are variances against all operating expenditure programs;
- A Capital Works Report is being produced automatically within the Town's financial system, and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2;
- 61% of total rates levied (including arrears) were collected by the end of September. The due date for rates was the 6 September. Final notices have been issued.

The Statements of Financial Activity have been updated to include additional columns; being the annual budget entered in the financial system (SynergySoft) and will also include the current budget. The current budget will capture all budget variations that have approved by Council since the original budget adoption.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 051019

Moved Cr A McPhail, seconded Cr Nardi

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 30 September 2019.
2. notes the municipal surplus of \$7,622,410, which comprises of \$4,896,708 in unrestricted cash, as at 30 September 2019.
3. receives the Capital Works Report.

(CARRIED UNANIMOUSLY)

12.2.2 Accounts for Payment – September 2019

File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager, Corporate Service
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – September 2019

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of September 2019.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 September to 30 September 2019, 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 2.1.3 Purchasing

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Risk Implications

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

Risk Matrix

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

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

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

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.



Comment

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

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 061019

Moved Cr Nardi, seconded Cr Watkins

That the list of accounts paid for the period 1 to 30 September 2019 be received, as per the following summary table:

SEPTEMBER 2019		
Voucher No	Account	Amount
5251 –5254	Municipal (Cheques)	\$1,224.92
EFT28271– EFT 28423	Municipal (EFT)	\$1,039,091.91
Payroll	Municipal (EFT)	\$292,938.45
Credit Card/Superannuation	Municipal (Direct Debit)	\$50,729.03
	Total Payments	\$1,383,984.31

(CARRIED UNANIMOUSLY)

Cr Watkins queried the details relating to EFT28289 Ellenby Tree Farm (\$5,005) for the supply of street trees, noting that EFT28368 Forestvale Trees (\$4,345) detailed the purchase of 30 street trees.

The Operations Manager undertook to provide specific details of the street tree order from Ellenby Tree Farm.

12.2.3 Commonwealth Home Support Program – Business Plan

Applicant	Town of East Fremantle
File ref	A/CHSP
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 October 2019
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Commonwealth Home Support Program – Business Plan

Purpose

Council is requested to receive the Business Plan prepared for the Commonwealth Home Support Programme, and determine a preferred service delivery model post 1 July 2020 to inform future negotiations with the Commonwealth.

Executive Summary

The Town's Corporate Business Plan includes an action to 'Prepare and implement the Business Plan assessing the continued provision of home and community care services (Commonwealth Home Support Program), and in particular transport and day care activities'. This Business Plan has now been finalised and is presented for Council's consideration.

Background

The Town of East Fremantle has been delivering basic support and maintenance services to frail aged people, younger people with disabilities, and their carers under the Home and Community Care (HACC) program since 1989. The aim was to assist consumers maintain and learn new skills that enabled them to live in their own homes safely for as long as possible.

The range of services provided under the HACC program included:

- (a) Domestic Assistance;
- (b) Home Maintenance/Gardening;
- (c) Social Support – Individual;
- (d) Social Support – Group;
- (e) In-Home Respite;
- (f) Centre Based Day Care Social Support;
- (g) Centre based Day Care – summer holiday program;
- (h) Community Bus Service; and
- (i) Social Outings.

On 31 January 2017, the Commonwealth Government and the Western Australian (WA) Government agreed to transition responsibility for WA HACC services for people aged 65 years and over (and Aboriginal and Torres Strait Islander people aged 50 years and over) to the Commonwealth, to the Commonwealth Home Support Program (CHSP). The transition of these services is consistent with the arrangements that have been implemented in all other states and territories as part of the Commonwealth's national aged care reform agenda. These changes will allow for nationally consistent services and support to be provided to people as they grow older, no matter where they live.

Two-year funding agreements were offered to existing WA Home and Community Care (HACC) service providers transitioning to the CHSP from 1 July 2018. This aligns with the two-year extension of existing CHSP grant agreements to 30 June 2020. The Australian Government intends to merge the Commonwealth Home Support Program (CHSP) with the Home Care Package (HCP) Program after June 2020 to form a single Care at Home Program. It is therefore prudent for Council to consider service delivery options for aged care services following the end of the current arrangements.

Statutory Environment

Approved providers have responsibilities and obligations to deliver services in line with the requirements specified in the *Aged Care Act 1997*.

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

Policy Implications

There are no Council Policies relevant to this matter.

Financial Implications

The Business Plan includes comprehensive financial analysis on both the current state and future state options. These options are detailed on pages 11-15 in the attached Business Plan which ranges from worst case scenario of \$176,764 (loss – Council subsidy required) to best case scenario of \$740,489 surplus.

The continued provision of services is underpinned by both Commonwealth funding and fee for service arrangements, and does not present a material financial risk to the Town. Should Council resolve to discontinue services however, a minimum negative cash impact of \$122k will materialise as a portion of the administrative expenses of the Town is being funded by the CHSP service.

Strategic Implications

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

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

Site Inspection

Not applicable.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<p>Identified risks are outlined in the Risk Analysis contained within the Business Plan:</p> <ul style="list-style-type: none"> - Block funding cessation - Increased competition - Reduction of services to clients - Expansion of service - Financial 	Possible (3)	Moderate (3)	Moderate (5-9)	SERVICE INTERRUPTION Indeterminate prolonged interruption of services - non-performance > 1 month	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

The purpose of the attached Business Plan is to:

- (1) provide an overview of the current Home and Community Care(HACC)/Commonwealth Home Support Program (CHSP) services currently provided by Council;
- (2) outline the implications of national policy and funding changes which have been progressively implemented across Australia since 2012 in relation to Aged Care services; and

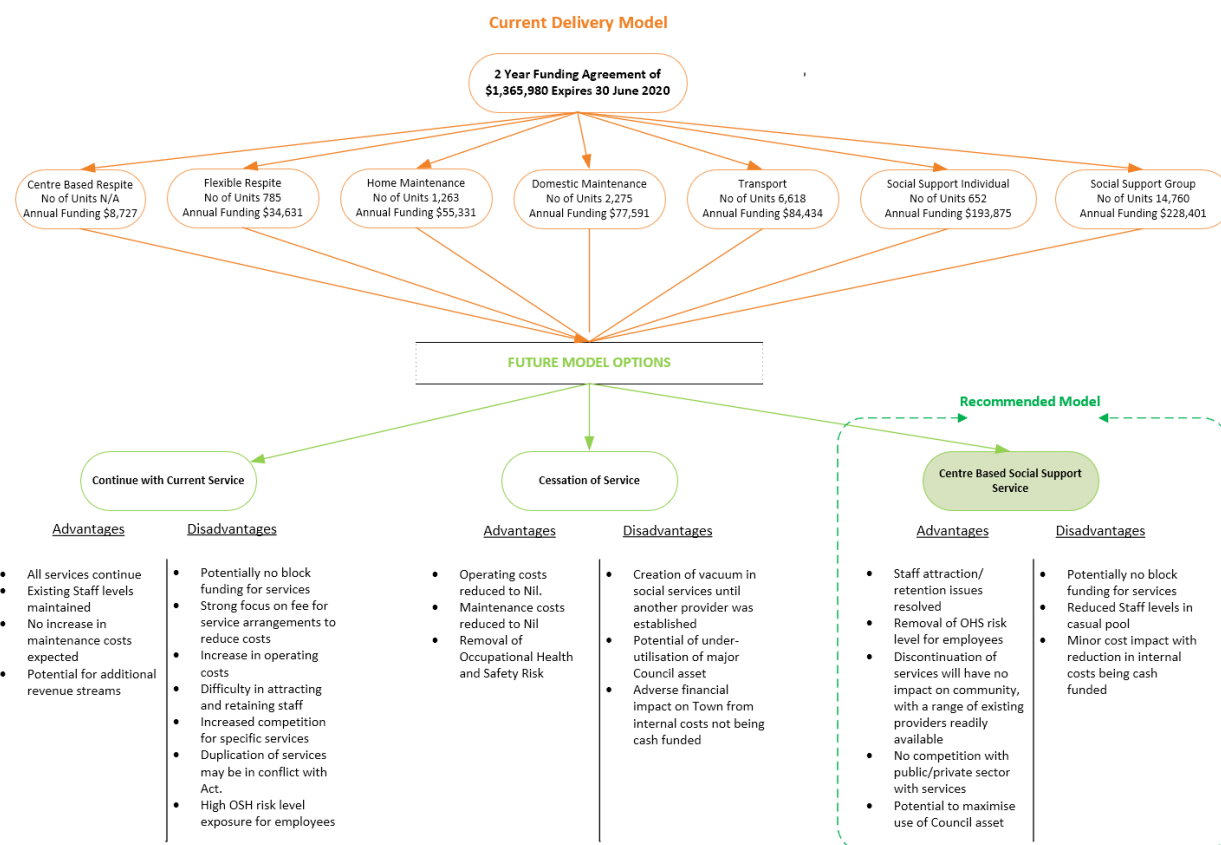


- (3) examine the most appropriate, effective and sustainable role of the Town in future aged services to its community, including:
- current services offered, their cost and funding;
 - proposed future services to be offered, their potential cost and funding; and
 - on what basis the Council should lodge a tender submission to the Commonwealth as an approved provider.

The future service role options considered in the Business Plan are:

- (1) Option 1 – Continue with Existing Service Model
This option involves continuing with and building upon the existing service including the development of fee for service arrangements.
- (2) Option 2 – Centre Based Social Support Services
This option involves focusing on centre based social support services and ceasing domestic assistance and home maintenance services.
- (3) Option 3 – Cessation of the Service
This option involves ceasing all services and not entering into new contracts for the service post 1 July 2020.

The infographic below encapsulates current versus future state options:



It is recommended that Council endorse Option 2 as the preferred service delivery model post 1 July 2020. This model provides a focus on social support services, and will result in the discontinuation of domestic assistance and home maintenance services. There are a range of existing providers readily available that provide domestics services, however, the Town will need to develop a communication/transition strategy to support existing clients (55 receiving Domestic Assistance and 32 receiving Home Maintenance Services) to transition to other providers.

In addition, it is recommended that Council approve a budget allocation of \$20k to produce professional marketing material with a view of growing the full-fee client base to a maximum capacity of 28 (see Option 2D Best Case Scenario which projects a net profit of \$740k). Town staff are participating in sub-regional networking meetings, and productive relationships are being developed with other providers (ie Melville Cares) that may lead to an increase in the number of social clients.

A review of the Australian Government Department of Health Website reveals that the Australian Government has recently announced that funding for the Commonwealth Home Support Programme will be extended from 1 July 2020 to 30 June 2022. The Department of Health will advise existing CHSP service providers about the process for implementing the funding extension in the coming months.

12.2.3 OFFICER RECOMMENDATION

That Council:

1. receive and note all options presented in the attached Business Plan considering future service delivery options under the Commonwealth Home Support Program.
2. endorse Option 2 Centre Based Social Support Services Model as the preferred service delivery model post 1 July 2020, and make future application to the Commonwealth to be an approved provider to continue to provide the following CHSP services:
 - (a) Centre Based Day Care, including summer programs
 - (b) Centre Based Meals;
 - (c) Centre Based Transport, including social support outings and summer holiday outings program;
 - (d) Centre Based Respite;
 - (e) Flexible Respite;
 - (f) Social Support – Individual; and
 - (g) Social Support – Group.
3. request a further report be provided by 30th June 2021 in relation to the program's performance.
4. request that the Town produces a communication/transition plan to support existing clients receiving Domestic and Home Maintenance Services to transition to another provider from 1 July 2020.
5. pursuant to section 6.8 of the *Local Government Act 1995*, approve a budget allocation of \$20,000 for marketing and promotion activities of social services provided by the Town, including the following strategies:
 - Production of marketing material for placement in local GP surgery's and library notice boards;

- Production of marketing material for distribution to Aged Care Assessment Teams (ACAT) at hospitals;
- Production of marketing material for distribution and promotion at local festivals;
- Advertisement in the DPS publication "Guide to Aged Care in Western Australia"; and
- Advertisement in "The Senior" local newspaper

AMENDED RECOMMENDATION/COUNCIL RESOLUTION 071019

Moved Cr M McPhail, seconded Cr Natale

That Council:

1. receive and note all options presented in the attached Business Plan considering future service delivery options under the Commonwealth Home Support Program.
2. endorse Option 2 Centre Based Social Support Services Model as the preferred service delivery model post 1 July 2020, and make future application to the Commonwealth to be an approved provider to continue to provide the following CHSP services:
 - (h) Centre Based Day Care, including summer programs
 - (i) Centre Based Meals;
 - (j) Centre Based Transport, including social support outings and summer holiday outings program;
 - (k) Centre Based Respite;
 - (l) Flexible Respite;
 - (m) Social Support – Individual; and
 - (n) Social Support – Group.
3. request a further report be provided by 30th June 2021 in relation to the program's performance.
4. request that the Town produces a communication/transition plan to support existing clients receiving Domestic and Home Maintenance Services to transition to another provider from 1 July 2020.
5. pursuant to section 6.8 of the *Local Government Act 1995*, approve a budget allocation of \$20,000 for marketing and promotion activities of social services provided by the Town, which may include the following strategies:
 - Production of marketing material for placement in local GP surgery's and library notice boards;
 - Production of marketing material for distribution to Aged Care Assessment Teams (ACAT) at hospitals;
 - Production of marketing material for distribution and promotion at local festivals;
 - Advertisement in the DPS publication "Guide to Aged Care in Western Australia"; and
 - Advertisement in "The Senior" local newspaper

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

12.3 GOVERNANCE

12.3.1 Request for Verge Tree Removal – 77 Pier Street

File ref	P/PIE77
Prepared by:	Steve Gallagher, Operations Manager
Supervised by:	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Photos of Verge Tree 2. Emails from applicant

Purpose

For Council to consider an application for the removal of a street tree at 77 Pier Street.

Executive Summary

It is recommended that the application be refused.

Background

The applicant approached Council's Operations Manager seeking to have the tree located in the verge in front of his residence at 77 Pier Street removed and replaced, if necessary. As the tree is healthy and substantial, the request was refused.

The Chief Executive Officer has delegated authority (DA 64 & 65) to remove street trees that are;

- *dead or dying*
- *the tree poses an unacceptable risk to life, limbs or property*
- *the Town faces a potential liability for injury or damage due to the tree*
- *no practical alternatives to removal are considered to exist*

As the applicant was not happy with this determination and as there is no current Council Policy in relation to verge trees, he has requested the matter be referred to Council for consideration.

Consultation

Concept Forum 8 October 2019.

Statutory Environment

The Town of East Fremantle *Public Places and Local Government Property Local Law 2016* section 6.1 (c) States;

6.1 General prohibitions

A person must not –

- (c) ***damage, or remove a street tree, or part of a street tree***, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government, unless –
- (i) *the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or*
 - (ii) *the person is acting under authority of written law;*

Policy Implications

Policy 4.2.1 Maintenance & Removal of Public and Verge Trees listed for consideration at this Council Meeting.

Financial Implications

There would be no financial implications for Council.

Should Council elect to approve the request, an equivalent sized tree will be replanted in the street verge at the applicant's cost.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council agree to the verge tree removal.	Rare (1)	Moderate (3)	Low (1-4)	FINANCIAL IMPACT Less than \$10,000	Accept Officer Recommendation

Risk Matrix

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

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

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

Strategic Implications

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

STRATEGIC PRIORITY 4 Natural Environment

Maintaining and enhancing our river foreshore and other green, open space with a focus on environmental sustainability and community amenity

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

4.1.2 Plan for improved streetscapes parks and reserves

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

Site Inspection

Operations Manager.

Comment

The tree is a callistemon (bottlebrush)

The applicant's justification for removal of this tree is unacceptable.

- This is a healthy and substantial tree.
- It is considered its removal would have a detrimental effect on the Pier Street streetscape.
- Obscured view is not a valid justification for removal of a verge tree.
- Given its size, it is not considered appropriate for transplantation.

Should Council agree to the request the cost for removal and replacement with a tree of similar size and all costs should be borne by the applicant.

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081019

Moved Cr Nardi, seconded Cr Collinson

That Council refuse the application for removal of the verge tree outside 77 Pier Street for the following reasons:

- **This is a healthy and substantial tree.**
- **It is considered its removal would have a detrimental effect on the Pier Street streetscape.**
- **Obscured view is not a valid justification for removal of a verge tree.**
- **Given its size, it is not considered appropriate for transplantation.**

(CARRIED 8:1)

12.3.2 Adoption of New Policy regarding Maintenance and Removal of Public and Verge Trees

File ref	C/POL1
Prepared by	Janine May, EA to CEO
Supervised	Gary Tuffin, Chief Executive Officer
Meeting Date:	15 October 2019
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Draft Maintenance and Removal of Public and Verge Trees Policy 2. Delegations DA64 & DA65 with tracked changes

Purpose

To provide direction to residents and staff regarding the maintenance and removal of public and verge trees.

Executive Summary

It is recommended that Council:

- adopt Policy 4.2.1 - *Maintenance & Removal of Public and Verge Trees*, and the policy register be updated accordingly.
- amend delegations DA64 Authorisation to Remove Dead & Dying Street Trees and DA65 Authorisation to Approve the Removal of Trees on Public Land

Background

A report was submitted to the 18 June 2019 Council Meeting which resulted in the revocation of a number of policies, including Policy 113 Street Trees which was in part based on the following reasoning:

Clause 67 of the Planning and Development Regulations 2015 Matters to be considered by local government' states: (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved".

Applications for development approval are assessed on their own merit and any tree removal will be assessed in conjunction with the development application.

The Town is currently drafting an Urban Streetscape and Public Realm Style Guide which will provide future direction in relation to this matter and will provide recommendations for Council to implement. It is envisaged this document will guide any future Urban Forestry policies in the future.

Consultation

Concept Forum 8 October 2019.

Statutory Environment

Section 2.7 2(b) *Local Government Act 1995*

(2) *Without limiting subsection (1), the council is to —*

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

The Town of East Fremantle *Public Places and Local Government Property Local Law 2016* section 6.1 (c) states;

6.1 General prohibitions

A person must not –

- (c) **damage, or remove a street tree, or part of a street tree**, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government, unless –
- (i) the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or
 - (ii) the person is acting under authority of written law;

Policy Implications

Will provide direction for the maintenance/removal of trees in public areas.

Financial Implications

Nil.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
If policy is not adopted, No direction provided to residents/staff.	Unlikely (2)	Minor (2)	Moderate (5-9)	REPUTATIONAL Unsubstantiated, low impact, low profile or 'no news' item	Treat through policy

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is

provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

Strategic Implications

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

STRATEGIC PRIORITY 4 Natural Environment

Maintaining and enhancing our river foreshore and other green, open space with a focus on environmental sustainability and community amenity

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

4.1.2 Plan for improved streetscapes parks and reserves

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

Site Inspection

Not applicable.

Comment

Trees form an important element of the public domain and an important feature of the Town of East Fremantle and need to be protected, retained and conserved.

The proposed policy applies to all trees within the road verges and public areas in the control of the Town, and will provide general guidance for residents and staff in relation to the treatment of public & verge trees.

As the anticipated Urban Streetscape and Public Realm Style Guide is proving a longer process than first thought, it is considered necessary to have such a Policy in place now.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 091019

Moved Cr White, seconded Cr Collinson

That Council:

1. adopt Policy 4.2.1 Maintenance & Removal of Public and Verge Trees

2. amend (as per tracked changes):

- **DA 64 Authorisation to Remove Dead or Dying Street Trees**
- **DA 65 Authorisation to Approve the Removal of Trees on Public Land**

and the policy and delegation registers be updated accordingly.

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

12.4 COMMUNITY

12.4.1 Appointment of Public Art Panel Member

File ref	A/ART1
Prepared by	Karen Dore, Coordinator Capacity Building
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date:	15 October 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Public Art Panel Information Pack 2. Nominations Received

Purpose

For Council to appoint new external members to the Town of East Fremantle Public Art Panel.

Executive Summary

Council's October 2017 resolution originally sought the appointment of three external members to the Panel. Four nominations were received at this time and all were accepted.

Due to the resignation of two of these four external Public Art Panel members there is the requirement for the appointment of at least one new member for the remainder of the four year duration.

Background

The Town of East Fremantle Public Art Strategy was adopted on 18 September 2017, with the Public Art Policy and the Public Art Panel Policy both adopted 17 October 2017.

An outcome of these adoptions resulted in the recommendation that a Public Art Panel be formed to replace the 'Arts Acquisition Panel'. The newly formed Public Art Panel would be required to comprise of up to six (6) representatives:

- Two (2) Elected Members;
- CEO (or representative);
- Public Art Practitioner; and
- Two (2) specialists (ie artist, curator, art historian, academic)

At the Special Council Meeting held on 24 October 2017, Mayor O'Neill and Cr Harrington were appointed as the elected member representatives to this Panel.

At the Ordinary Council Meeting held on 17 April 2018 four external members were appointed to the Public Art Panel for a period of four years.

Consultation

Advertising was undertaken from 7 August 2019, seeking expressions of interest from interested persons with relevant qualifications and expertise wishing to serve as a member of the Public Art Panel.

At the closing date (18 September 2019) four applications had been received.

Statutory Environment

Nil.

Policy Implications

Public Art Policy

Public Art Panel Policy

Financial Implications

Nil.

Strategic Implications

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

1.2 Inviting open spaces, meeting places and recreational facilities.

1.3 Strong community connection within a safe and vibrant lifestyle.

Site Inspection

Not applicable

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not appoint the required members to the Public Art Panel.	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is

provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

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

Comment

A summary of submissions is as follows:

	Nikki Lilley	Sioux Tempestt	Soula Veyradier	Wendy Robertson
Public Art Practitioner	PR & Marketing Professional	Multidisciplinary Artist	Creative Producer & Program Manager	Practicing Artist
Area/s of Specialisation	Creative Communication & Event Marketing	Various art forms, place making & Town Team movement	Museum / Art administration & strategic planning	Sculpting + policy, planning & administration
Advisory Experience	Board of Artist Open House Fremantle (3 events)	City of Vincent Arts Advisory Group (14 months) City of Melville Public Art Assessment Panel (6 months)	20 years in arts & culture roles, including within Local Government	City of Fremantle Public Art Advisory Committee, as well as public art commissioning panels
Locale	East Fremantle	Mt Lawley	East Fremantle / Fremantle	East Fremantle (20+ years) / North Fremantle

With the submission of four strong applications, for a maximum of two positions, reference is made to Page 4 of the "Public Art Panel Information Package", under the heading **Membership** which states; *"preference will be given to residents of the Town"*.

As such, careful consideration has been given to the applications submitted by Ms Lilley, Ms Veyradier and Ms Robertson. With only two positions to be filled preference is given to Ms Veyradier and Ms Robertson due to their extensive experience and areas of specialisation. It is envisaged that this knowledge will be integral to continuing to build the status of this relatively new Panel.

12.4.1 OFFICER RECOMMENDATION

That Council:

1. appoint Soula Veyradier and Wendy Robertson to the Town of East Fremantle Public Art Panel.
2. thank all applicants for their interest and effort in nominating for the Panel.

*Moved Cr Harrington, seconded Cr Collinson
The adoption of the Officer's recommendation.*



Amendment

Moved Cr Natale, seconded Cr Watkins

- Point 1 of the recommendation be amended to also include Nikki Lilley
- The following Point 3 be added:
 3. Council's Public Art Panel Policy (4.1.2) be amended to reflect the increased Panel membership. (CARRIED UNANIMOUSLY)

The substantive motion was put.

12.4.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101019

Moved Cr Harrington, seconded Cr Collinson

That Council:

1. appoint Soula Veyradier, Wendy Robertson and Nikki Lilley to the Town of East Fremantle Public Art Panel.
2. thank all applicants for their interest and effort in nominating for the Panel.
3. Council's Public Art Panel Policy (4.1.2) be amended to reflect the increased Panel membership.

(CARRIED UNANIMOUSLY)

13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil.

14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**

14.1 **Mayor O'Neill – Impact of Heavy Vehicular Traffic Along Stirling Highway**

The TOEF Council expresses its concern regarding the growth of container truck traffic along the Stirling Highway over the last few decades. Whilst acknowledging and congratulating the State government on increasing containers on rail, residents in the Town are continued to be subjected to air and noise pollution from heavy vehicles placing their health and that of their children at risk. We request the State government to monitor the situation and the impact of heavy vehicular traffic along Stirling Highway in East Fremantle and continue to examine the Outer Harbour as a viable alternative.

14.2 **Mayor O'Neill – Climate Change Strategies**

The TOEF recognises the 'climate emergency' and supports WALGA's request for all levels of Government to work in partnership in an attempt to address this matter. The TOEF to adopt more strategies to play its role in trying to minimise our impact on climate change.

14.3 **Mayor O'Neill – Glyphosate**

The TOEF stops the use of glyphosate based products in all its public spaces, parks and reserves etc by Council employees and contractors.

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 7.34pm.

I hereby certify that the Minutes of the ordinary meeting of the Council of the Town of East Fremantle, held on 15 October 2019, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

19 NOVEMBER 2019


Presiding Member