



MINUTES

Council Meeting

Tuesday, 18 February 2020 at 6.30pm

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 18 FEBRUARY 2020.**

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There was eleven members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

4.1.1 Cr Collinson – 11.2 Town Planning Committee Minutes – Proposed George Street Designated Heritage Area and Associated Local Planning Policy 3.1.6

4.2 Proximity

Nil.

4.3 Impartiality

Nil.

5. PUBLIC QUESTION TIME

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

5.2 Public Question Time
Nil.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations
Nil.

6.2 Deputations

6.2.1 Item 11.2 11.2 Town Planning Committee Minutes – Proposed George Street Designated Heritage Area and Associated Local Planning Policy 3.1.6

Planning consultant, Ms Belinda Moharich (Moharich & More) and heritage consultant, Mr Marc Beattie (Element Advisory) addressed the meeting on behalf of the owners of Harbour Heights seeking the removal of the Harbour Heights property from the above heritage area as they didn't consider the property met the social and cultural values necessary for the building to be included in the George Street Heritage Area. They noted the predominant heritage threshold for properties was between 1850 and 1920, therefore a building constructed in the 1970s was out of character with the area and did not meet the criteria for inclusion in the area. They also noted the property would have sufficient development controls for any future redevelopment (which they considered to be very unlikely) in the existing Scheme and Regulations.

Mr Kim Collins (unit owner) addressed the meeting on behalf of the strata body advising that the owners present at their last body corporate meeting had voted unanimously to oppose this inclusion which had caused them much angst. They didn't wish to be constrained by this listing with any future upgrades of the building.

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Cr M McPhail
Seeking leave of absence for Council Meeting on 18 February 2020.

7.1 COUNCIL RESOLUTION

Moved Cr Nardi, seconded Cr Collinson

That leave of absence be granted to Cr M McPhail for tonight's Meeting.

(CARRIED UNANIMOUSLY)

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (10 December 2019)

8.1 OFFICER RECOMMENDATION

Moved Cr Harrington, seconded Cr Watkins

That the minutes of the Ordinary meeting of Council held on Tuesday, 10 December 2019 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

8.2 Special Meeting of Council (4 February 2020)

8.2 OFFICER RECOMMENDATION

Moved Cr Collinson, seconded Cr Natale

That the minutes of the Special meeting of Council held on Tuesday, 4 February 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Les Capes

I attended the funeral of Les Capes the past president of the East Fremantle Bowling Club. Les was that great bloke. He was an honest, loyal and caring man. Having grown up in East Fremantle in Glyde Street, Angwin House. He was a man full of stories about East Fremantle. He will be sadly missed

9.2 HMAS Perth

On Sunday 16 Feb I attended the 60th HMAS Perth Memorial Regatta with the HMAS Perth (1) Memorial Foundation Inc Launch. The HMAS Perth was sunk with the USS Houston, also lost in the Battle of Sunda Strait, when they encountered a much superior Japanese convoy of 20 ships. Half the crew were lost with the remainder captured and became prisoners of war sent to the infamous Burma Railway.

Of a crew of 681 a little over 200 returned to Australia after the war. A tragic story but also one of great heroism. A memorial to the HMAS Perth is to be built at the memorial site on Riverside Rd adjoining the Swan Yacht Club.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Audit Committee (27 January 2020)

File ref	C/MTP1
Prepared by	Peter Kocian, Executive
Meeting Date:	18 February 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 27 January 2020, provided recommendations on seven officer reports. As the Committee has no delegation, recommendations relating to Audit Agenda Items 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 are submitted to Council for endorsement.

Council at a special meeting held on 4 February 2020 considered the Committee's recommendation (Item 11.1) in relation to the Annual Financial Report for the Year ended 30 June 2019 (inclusive of Independent Auditor's Report).

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 COMMITTEE RECOMMENDATION (1)/COUNCIL RESOLUTION 020220

Moved Cr A McPhail, seconded Cr Natale

That the unconfirmed Minutes of the Audit Committee Meeting held on 27 January 2020 be received.

(CARRIED UNANIMOUSLY)

Audit Management Letters

11.1 COMMITTEE RECOMMENDATION (2)/COUNCIL RESOLUTION 030220

Moved Cr Natale, seconded Cr A McPhail

That Council:

1. receive the Audit Management letters for the Year Ended 30 June 2019, as presented as attachments 1 and 2 of the Audit Committee Minutes 27/1/20.
2. note that the key audit findings will be incorporated into the standing Status Report, and will be presented to the Audit Committee for ongoing monitoring.

(CARRIED UNANIMOUSLY)

General Computer Control Audit

11.1 COMMITTEE RECOMMENDATION (3)/COUNCIL RESOLUTION 040220

Moved Cr Natale, seconded Cr Nardi

That Council:

1. receive the findings from the General Computer Control Audit, and note that the key findings will be incorporated into the Audit Committee Status Report for ongoing monitoring.
2. endorse the scope of works and quote as presented in Confidential Attachment 5 of Audit Committee Minutes 27/1/20, for recommendation to full Council.

(CARRIED UNANIMOUSLY)

(ABSOLUTE MAJORITY)

Review of Financial Management and Risk and Internal Control Systems

11.1 COMMITTEE RECOMMENDATION (4)/COUNCIL RESOLUTION 0502020

Moved Cr A McPhail, seconded Cr Natale

That Council:

1. receive the consolidated report from the Chief Executive Officer on the appropriateness and effectiveness of the Town's financial managements systems, risk management, internal controls and legislative compliance systems and procedures as required by Regulation 5 (2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996*;
2. receive the review and that the Improvement Register be incorporated into a Status Report for ongoing review and monitoring.

(CARRIED UNANIMOUSLY)



Compliance Audit Return 2019

11.1 COMMITTEE RECOMMENDATION (5)/COUNCIL RESOLUTION 060220

Moved Cr A McPhail, seconded Cr Natale

That Council adopt the 2019 Compliance Audit Return, noting that the matters of non-compliance have been addressed in a separate report which will be provided to the Minister for Local Government pursuant to section 7.9 of the *Local Government Act 1995*.

(CARRIED UNANIMOUSLY)

2020 Audit Work Plan and Meeting Schedule

11.1 COMMITTEE RECOMMENDATION (6)/COUNCIL RESOLUTION 070220

Moved Cr Natale, seconded Cr A McPhail

That Council endorse:

1. the proposed meeting dates for 2020 as follows:

Date	Time	Place
4 March 2020	6.30pm	Council Chambers
29 June 2020	6.30pm	Council Chambers
4 November 2020	6.30pm	Council Chambers

2. the following work plan for 2020 with items to be presented to the Audit Committee

Date	Items
March 2020	<ul style="list-style-type: none"> - Midyear budget review - Compliance Audit Return - Review of Finance Policies - Standing status report
June 2020	<ul style="list-style-type: none"> - Interim Audit Management Letter - Internal audit of all requisitions over \$5k and evidenc quotations - Close out report on implementation of recommendati from the General Computer Control Audit - Standing status report
November 2020	<ul style="list-style-type: none"> - Annual Financial Statements - Audit Report and Management Letter - Annual meeting with Auditor - Standing status report

(CARRIED UNANIMOUSLY)

-

11.2 Town Planning Committee Meeting (4 February 2020)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	18 February 2020
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 with the following matters referred to Council for a determination:

- 12.1 Memorials in Public Places Policy
- 12.2 Proposed George Street Designated Heritage Area and Associated Local Planning Policy 3.1.6.

Executive Summary

The Committee, at its meeting on 4 February 2020, exercised its delegation in three statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

The recommendations regarding Memorials In Public Places Policy and the proposed George Street Designated Heritage Area & Associated Local Planning Policy 3.1.6 require Council's endorsement and the Committee's recommendations are included below.

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.



11.2 COMMITTEE RECOMMENDATION (1)/COUNCIL RESOLUTION 080220

Moved Cr Collinson, seconded Cr Nardi

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 4 February 2020 be received.

(CARRIED UNANIMOUSLY)

Memorials in Public Places Policy

11.2 COMMITTEE RECOMMENDATION (2)/COUNCIL RESOLUTION 090220

Moved Cr Collinson, seconded Cr Harrington

That Council:

- (1) accept the officer's report contained within the Town Planning Committee Minutes of 4 February 2020 as the basis for justification of the introduction of the Memorials in Public Places Policy;
- (2) advertise this proposed Memorials in Public Places Policy in accordance with the Town's advertising and consultation policies;
- (3) present the proposed Memorials in Public Places Policy (with any required amendments) at a future Council meeting for final endorsement.

Footnote:

- (i) *the Memorials in Public Places Policy to be extensively advertised throughout the Town of East Fremantle*
- (ii) *a sign to be placed at the Merv Cowan Park, advertising the Memorials in Public Places Policy*
- (iii) *advertising to include a diagram/dimensions of the proposed memorial and its location*

(CARRIED UNANIMOUSLY)

Cr Collinson declared a financial interest in the following item as his property is located within the proposed George Street Designated Heritage Area and left the meeting at 7.24pm.

Proposed George Street Designated Heritage Area and associated Local Planning Policy 3.1.6

11.2 COMMITTEE RECOMMENDATION (3)

Moved Cr Nardi, seconded Cr Watkins

That Council:

1. *in accordance with Schedule 2, Part 3, Clause 9 (6), (7) and (8) of the Planning and Development Local Planning Schemes) Regulations 2015, resolves to:*
 - (i) *adopt the George Street Designated Heritage Area as delineated in Attachment 1 - Map of George Street Designated Heritage Area;*
 - (ii) *adopt Local Planning Policy 3.1.6 – George Street Designated Heritage Area with modifications as outlined in Attachment 2; and*
 - (iii) *revoke the George Street (heritage) Precinct as listed under Local Planning Scheme No. 3; and*
2. *notify the Heritage Council of WA, each land owner affected by the designation and all those who made a submission of the adoption of the George Street Designated Heritage Area and associated Local Planning Policy 3.1.6 – George Street Designated Heritage Area.*

Amendment

Moved Mayor O'Neill, seconded Cr A McPhail

That the following become section 1 (i) of the recommendation, and the following subsections be renumbered accordingly:

- (i) amend the George Street Designated Heritage Area as delineated in Attachment 1 to exclude 46 East Street from the George Street Designated Heritage Area;

(CARRIED 5:2)

The substantive motion, as amended, was put.

SUBSTANTIVE RECOMMENDATION/COUNCIL RESOLUTION 100220

Moved Cr Nardi, seconded Cr Watkins

That Council:

1. in accordance with Schedule 2, Part 3, Clause 9 (6), (7) and (8) of the Planning and Development Local Planning Schemes) Regulations 2015, resolves to:
 - (i) amend the George Street Designated Heritage Area as delineated in Attachment 1 to exclude 46 East Street from the George Street Designated Heritage Area;
 - (ii) adopt the George Street Designated Heritage Area as delineated in Attachment 1 - Map of George Street Designated Heritage Area;
 - (iii) adopt Local Planning Policy 3.1.6 – George Street Designated Heritage Area with modifications as outlined in Attachment 2 or as otherwise outlined in the condition above; and
 - (iv) revoke the George Street (heritage) Precinct as listed under Local Planning Scheme No. 3; and
2. notify the Heritage Council of WA, each land owner affected by the designation and all those who made a submission of the adoption of the George Street Designated Heritage Area and associated Local Planning Policy 3.1.6 – George Street Designated Heritage Area.

(CARRIED 5:2)

Reason for not supporting the Officer's Recommendation

Council did not consider Harbour Heights to be integral to the George Street Designated Heritage Area.

Cr Collinson returned to the meeting at 7.42pm and it was noted he did not speak nor vote on the previous motion.

12. REPORTS

12.1 COMMUNITY

12.1.1 Preston Point Road North Recreation Precinct Master Plan

File ref	A/PNRM
Prepared by	Karen Dore, Coordinator Capacity Building
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	18 February 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Preston Point Road North Recreation Precinct Master Plan (draft report attached separately)2. PPRNRPMP Summary of Proposed Priorities3. ABV Communications Plan4. Master Plan Concept

Purpose

Council is requested to consider endorsing the release of the Preston Point Road North Recreation Precinct Master Plan (draft) for public comment.

Executive Summary

The requirement for the preparation of a Preston Point Road North Recreation Precinct Master Plan was identified in the Town's Recreation and Community Facilities Strategy (adopted 13 December 2016).

A Master Plan for the Preston Point Road North Recreation Precinct will provide a blueprint to enable the Town to effectively plan the diverse sporting and active recreation requirements of the precinct to meet the needs of the community, providing clear direction in the short and medium term for the redevelopment / upgrade of and investment in recreation facilities.

Better meeting the recreational needs of our community could be reasonably expected to:

- increase the physical activity participation of the community;
- reduce the percentage of residents who are overweight and obese;
- increase the recognition of the value of sport and active recreation in the community; and
- develop social capital leading to a stronger, happier and more connected community.

The following items should also be noted when considering the criticality of this Plan;

- probable growth area due to the proposed redevelopment of the Leeuwin Barracks site;
- proposed co-location of facilities where appropriate and / or the assurance that with the three proposed upgrade / redevelopments there is not a duplication of facilities; and
- expectation of increased participation through new users, special interest groups and the wider community.

Background

A Scope of Works for the Plan was released in November 2018, with six (6) submissions received. In late December 2018 A Balanced View Leisure Consultancy Services (ABV) were engaged to undertake the preparation of the Master Plan. Extensive consultation and research (Community Engagement Plan attached) has been undertaken by ABV since February 2019.

The following directly affected sporting club stakeholders were identified in order to ensure that they have received personalised consultation opportunities, including submission of their own Strategic Plans;

- East Fremantle Cricket Club
- East Fremantle Junior Cricket Club
- East Fremantle Junior Football Club
- East Fremantle Lacrosse Club
- East Fremantle Tennis Club
- East Fremantle Yacht Club
- First Fremantle Sea Scouts' (Camp Waller)
- Fremantle City Football Club (formerly EF Tricolore Soccer Club)

Consultation

- Businesses, Community Groups & Sporting Clubs
 - Online survey
 - One-on-one meetings
 - Breakfast presentation
- Community
 - Online survey
 - Drop-in session onsite (2)
- Department of Biodiversity, Conservation and Attractions (Swan River Trust)
- Town of East Fremantle "HACC Services"
- Neighbouring LGAs
- State Sporting Associations

Statutory Environment

Not applicable.

Policy Implications

Community Engagement Framework.

Financial Implications

There is no financial implication associated directly with the endorsement of the release of this document for Public Comment.

Strategic Implications

The Town's Recreation and Community Facilities Strategy, adopted in December 2016, identified a range of strategic issues and principles to guide future development of recreation and community facilities in East Fremantle. Relevant to this project is Action 3.

Facility

Parks and Playgrounds

Rationale

Sporting reserves north of Preston Point Road comprise a significant open space precinct.

Comments

- Master plan to include sporting facilities and passive recreation facilities (play spaces, trails and community meeting spaces) and amenities such as car parks.

- Master plan to integrate the total area and create linkages which allow for multipurpose use and long term flexibility.
- Designate reserves north of Preston Point Road as sites for major multi age play spaces, incorporating drinking water fountains, shade, seating and toilets in close proximity.

Action

Prepare a master plan for the sporting reserves north of Preston Point Road (Wauhop Park, Henry Jeffery Oval, Chapman Oval and Preston Point Reserve*).

Timeframe

2018-2019

*This 'precinct' also includes the following built facilities; East Fremantle Yacht Club, Camp Waller, Tennis Club Pavilion, East Fremantle Cricket & Lacrosse 'Clubhouse', East Fremantle Junior Cricket & Junior Football 'Clubhouse' and Tricolore Community Centre.

Site Inspection

ABV undertook various site inspections during the course of consultation and Plan preparation.

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 endorse the release of his document for Public Comment.	Unlikely (2)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

Risk Matrix

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

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

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

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

Comment

It is proposed that the public comment period be 21 February to 20 March 2020. All submissions will be considered, the draft document will then be reviewed, and updated if appropriate. The final document will be submitted for endorsement to the Ordinary Council Meeting scheduled for 21 April 2020.

A forum for precinct users has been scheduled for Tuesday 25 February 2020. This event will be facilitated by the Town of East Fremantle, with the objective being to ensure that all users are familiar with the priorities proposed within the draft document and to gain a collaborative consensus to inform a public comment submission.

Council is requested to note that the Master Plan's Summary of Proposed Priorities is a suggested timeline. The listed projects are not final, and any identified project will be subject to a rigorous project planning process and further approval will be sought prior to commencement.

All listed projects will be subject to the community's and Council's priorities and therefore may change.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 110220

Moved Cr Natale, seconded Cr Harrington

That:

- 1. Council authorise the Preston Point Road North Recreation Precinct Master Plan (draft) for release for public comment for a period of 28 days.**
- 2. a further report be prepared following the conclusion of public consultation for Council's consideration prior to final endorsement.**

(CARRIED UNANIMOUSLY)

12.1.2 Proposed Community Garden Policy

File ref	C/POL1
Prepared by	Karen Dore, Coordinator Capacity Building
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	18 February 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Community Garden Policy

Purpose

Council is requested to consider endorsing a Community Garden Policy for the Town of East Fremantle.

Executive Summary

Anecdotally there is a growing interest amongst community members in 'community gardens', with Council receiving a number of enquiries relating to their installation in various places throughout the Town. As such it was considered prudent to have in place a Policy to guide planning for public gardens.

Background

Users of community gardens on local government owned or managed land have traditionally been required to be an Incorporated Association. This ensures that adequate insurance coverage and access to funding support can be made available.

A Policy is required to provide guidelines as to how community gardens are governed and managed in the Town.

Consultation

- Executive Management Team
- Council
- Peter Nash, South West Group Regional NRM Facilitator
- City of Fremantle
- City of Melville
- City of South Perth
- City of Wanneroo

Statutory Environment

One of Council's primary roles is to determine the policies of the local government pursuant to section 2.7 of the *Local Government Act 1995*.

Policy Implications

A draft Community Gardens Policy is attached for Council consideration.

Financial Implications

There is no financial implication associated directly with the endorsement of this Policy.

Strategic Implications

Strategic Community Plan 2017-2027

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

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

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

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.2 Activate inviting open spaces that encourage social connection

1.3 Strong community connection within a safe and vibrant lifestyle

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

Strategic Priority 2 – Economic – Sustainable, locally focused and easy to do business with

2.1.1 Facilitate opportunities for business and community groups.

TOWN OF EAST FREMANTLE PUBLIC HEALTH PLAN 2018-2022

Public Health Action Plan

- Access to safe, sustainable and healthy food
 - Support and promote the establishment of community gardens
 - Investigate initiatives to support the planting of edible gardens
- Improved mental health
 - Encourage active, sociable, meaningful loves to promote positive mental health and wellbeing
- A resilient, inclusive and happy community
 - Deliver programs that support disability access and inclusiveness

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)
The absence of a Policy may expose the Town to a degree of risk/liability exposure should the establishment/management of community gardens not be adequately controlled	Possible (3)	Moderate (3)	Moderate (5-9)	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	9
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

The proposed Community Garden Policy deals with two types of community gardens:

1. Community Garden – where the establishment and management of the community garden is the sole responsibility of an Incorporated Association.
2. Garden for the Community – where the establishment and management of the community garden is the primary responsibility of the local government, with a volunteer management program to support ongoing maintenance.

Research identifies that local governments generally only permit community gardens where an Incorporated Association has been established. The proposed Policy provides greater flexibility by allowing the Town to establish and manage a community garden in its own right, but with this, the Town assumes responsibility for all maintenance costs (with the exception of any volunteer inputs).

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 120220

Moved Cr Collinson, seconded Cr Donovan

That Council endorse the Town of East Fremantle Community Garden Policy, as attached.

(CARRIED UNANIMOUSLY)

12.2 FINANCE

12.2.1 Statement of Financial Activity for 31 December 2019 and 31 January 2020

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	18 February 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Statement of Financial Activity 31 December 20192. Statement of Financial Activity 31 January 20203. Capital Works Report 30 January 20204. Funding Agreement – East Fremantle Junior Football Club5. Funding Agreement – East Fremantle Lawn Tennis Club6. Funding Variation – John Tonkin Foreshore Stabilisation Project

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the months ended 31 December 2019 and 31 January 2020.

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 2019.

Background

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

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - 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

Management team

Statutory Environment

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

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

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

Policy Implications

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

Financial Implications

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 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 2018/19 for reporting material variances shall be:

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

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

Strategic Implications

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

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

Risk Implications

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

Site Inspection

Not applicable.

Comment

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

	Original Budget	Year to Date Budget - December	December Actuals	Year to Date Budget - January	January Actuals
Opening Surplus	758,451	758,451	951,855	758,451	951,855
Operating Revenue	10,632,263	9,524,554	9,232,670	9,792,506	9,675,206
Operating Expenditure	(12,141,244)	(6,163,011)	(5,936,948)	(7,128,156)	(6,802,807)
Capital Expenditure	(3,816,857)	(2,067,378)	(1,099,865)	(2,319,128)	(1,206,769)
Capital Income	919,567	678,403	349,656	757,342	349,656
Net Transfers from Reserves	1,182,814	(25,000)	(21,090)	(25,000)	(25,602)
Non-Cash Items	2,465,204	1,228,752	779,421	1,434,827	944,504
Closing Surplus	0	3,934,770	4,255,700	3,270,842	3,886,044
Unrestricted Cash			3,270,824		3,417,844
Restricted Cash			2,215,266		2,219,778

- Depreciation, plant cost recoveries and activity based cost distributions have been processed;
- A Capital Works Report is being auto generated within the Town's financial system, and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 3. 28.6% of budgeted capital works has been expended by the end of January;
- 85% of total rates levied (including arrears) were collected by the end of January. The due date for rates was the 6 September. Final notices have been issued;
- There is a material non-cash variance impacting depreciation expense. As part of the infrastructure revaluation as at 30 June 2018, turf on parks and ovals was assessed to have a remaining useful life of 1 year, resulting in a depreciation rate of 93.21% for 2018/19 and annual depreciation expense of \$1.18m. Turf assets are now fully depreciated, and is now assessed as a non-depreciable asset under the Town's significant accounting policies. The premise being that if turf is maintained that's is service potential is perpetual. This change in accounting treatment was presented to the Office of Auditor General in a Management Memo, and has been accepted.

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

Budget Variations:

The mid-year budget review will be presented to the March Council Meeting, and will involve a review of all variances at general ledger level. A number of budget variations have already been identified, and in order to expedite Council approval of funds, these are presented below for Council consideration:

Account Number	Description	Current Budget	Proposed Budget	Variance	Comment
E11711	EF Tennis Club Building Upgrade	(\$100,000)	(\$110,000)	(\$10,000)	Request for additional funding as per attached Funding Agreement
E12784	Riverside Road Resurfacing	(\$1,409,618)	(\$1,562,147)	(\$152,529)	Additional Regional Road Group funding approved - contra
I12095	Regional Road Group Funding	\$821,867	\$974,396	\$152,529	Additional Regional Road Group funding - contra
E11687	Foreshore Erosion Control	(\$70,000)	(\$154,000)	(\$84,000)	As per Funding Variation Schedule attached - contra
I11177	Swan River Trust Erosion Control	\$0	\$84,000	\$84,000	As per Funding Variation Schedule attached - contra
I11197	Minor Grants and Contributions	\$0	\$45,000	\$45,000	Contribution from EFJFC as per attached Funding Agreement - contra
E11678	Contribution to Floodlighting - EFJFC	(\$0)	(\$45,000)	(\$45,000)	Contribution to EFJFC as per attached Funding Agreement - contra
E11649	Park Bins	(\$27,000)	(\$37,000)	(\$10,000)	Additional bin surrounds Town Precinct
E11613	Park Fencing and Equipment	(\$35,000)	(\$25,000)	\$10,000	Fund actual expenditure – Fencing – Silas St Reserve and Vacant Lot Oakover St. Budget saving as no equipment is being purchased for dog park.

Should Council approve the East Fremantle Tennis Club's request for additional funding, the Mayor and CEO will need to be authorised to sign and affix the Common Seal to the Addendum as per Attachment 5.



12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 130220

Moved Cr A McPhail, seconded Cr Natale

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 31 December 2019 and 31 January 2020.
2. notes the municipal surplus of \$3,886,044, which comprises of \$3,417,844 in unrestricted cash, as at 31 January 2020.
3. receives the Capital Works Report dated 30 January 2020.
4. pursuant to section 6.8 of the *Local Government Act 1995*, approve the following variations to the 2019/20 Budget, resulting in a reduction in net current assets of (\$10,000) as at 30 June 2020:

Account Number	Description	Current Budget	Proposed Budget	Variance	Comment
E11711	EF Tennis Club Building Upgrade	(\$100,000)	(\$110,000)	(\$10,000)	Request for additional funding as per attached Funding Agreement
E12784	Riverside Road Resurfacing	(\$1,409,618)	(\$1,562,147)	(\$152,529)	Additional Regional Road Group funding approved - contra
I12095	Regional Road Group Funding	\$821,867	\$974,396	\$152,529	Additional Regional Road Group funding - contra
E11687	Foreshore Erosion Control	(\$70,000)	(\$154,000)	(\$84,000)	As per Funding Variation Schedule attached - contra
I11177	Swan River Trust Erosion Control	\$0	\$84,000	\$84,000	As per Funding Variation Schedule attached - contra
I11197	Minor Grants and Contributions	\$0	\$45,000	\$45,000	Contribution from EFJFC as per attached Funding Agreement - contra
E11678	Contribution to Floodlighting - EFJFC	(\$0)	(\$45,000)	(\$45,000)	Contribution to EFJFC as per attached Funding Agreement - contra
E11649	Park Bins	(\$27,000)	(\$37,000)	(\$10,000)	Additional bin surrounds Town Precinct
E11613	Park Fencing and Equipment	(\$35,000)	(\$25,000)	\$10,000	Fund actual expenditure – Fencing – Silas St Reserve and Vacant Lot Oakover St. Budget saving as no equipment is being



					purchased for dog park.
Absolute Majority Required					
5. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the funding agreement with the East Fremantle Junior Football Club for improvements to Henry Jeffery Oval.					
6. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the funding agreement with the East Fremantle Lawn Tennis Club for clubroom upgrades.					
<u>(CARRIED UNANIMOUSLY)</u> <u>ABSOLUTE MAJORITY</u>					

12.2.2 Accounts for Payment – December 2019 & January 2020

File ref	F/FNS2
Prepared by	John Mondini, Manager, Finance & Administration
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	18 February 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – December 2019 2. Monthly List of Payments – January 2020

Purpose

That Council, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, RECEIVES the list of payments made under delegated authority for the months ended 31 December 2019 and January 2020 and recorded in the minutes of the Council.

Executive Summary

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that Council receives the Lists of Accounts paid for the periods 1 December to 31 December 2019 and 1 January to 31 January 2020, as per the summary table.

Background

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

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

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

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Risk Implications

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

Risk Matrix

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

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

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

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.

Comment

Payments for the months of December 2019 and January 2020 include the following significant items:

DECEMBER 2019		
Dept Fire & Emergency Services	2019/2020 ESL Quarterly Contribution	421,088.58
Australian Taxation Office	ATO BAS – GST & PAYG Tax	31,808.00
East Fremantle Football Club	Funding Agreement - Roof Repairs & Improvements	31,035.00
Suez	Fortnightly Collections Commercial Waste, Street Litter & Park Bins, Weekly FOGO incl Priority for month of November	34,011.04
SMRC	Gate Fees, Annual Contribution Operating Exps & RRRC Loan Repayment December Quarter	83,851.79
East Fremantle Lawn Tennis Club	Funding Agreement – Hall Upgrade	55,000.00
Landmark Engineering	Final Payment Supply & Installation Public Toilet – Glasson Park	55,400.00
Prime Civil Pty Ltd	Carpark Works – Wauhop Park	112,433.30
Talis Consultants Pty Ltd	Drainage Study & Variation to Riverside Road Reconstruction Project	42,702.76
Redfish Technologies	Supply & Installation PA Equipment – Council Chambers	38,828.97
Axiis Contracting	Footpaths and Crossovers (RFT 02 2019/20)	99,167.20
E & MJ Rosher Pty Ltd	Purchase Mowing Equipment	95,225.00
JANUARY 2020		
City of Fremantle	6 Months Contribution Ftle Recycling Centre	47,851.10
IT Vision	Altus Infringement & Annual Subscription Synergysoft 19/20	47,778.72
Suez	General Waste/Recycling Collection – Aug/Sep	68,069.57
SMRC	Quarter 1 – Annual Subs Gate Fees Nov & Dec	40,521.88
Talis Consultants Pty Ltd	Consultancy – Various Projects	35,772.65
SMRC	Gate Fees Dec	57,674.31
Suez	General Waste/Recycling Collection – Dec	34,326.39
EF Tennis Club	Funding Agreement 25% Milestone Payment 2	27,500.00
Prime Civil	Tender for Carpark Works (Claim 2)	108,258.15
Office of the Auditor General	Audit Services 2018/19	44,202.40

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 140220

Moved Cr Natale, seconded Cr Watkins

That Council, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, **RECEIVES** the list of payments made under delegated authority for the months ended 31 December 2019 & 31 January 2020 and recorded in the Minutes of the Council.

DECEMBER 2019		
Voucher No	Account	Amount
5265 – 5267	Municipal (Cheques)	7,385.17
EFT28804 – EFT28982	Municipal (EFT)	\$1,463,260.60
Payroll	Municipal (EFT)	\$394,486.65
Credit Card	Municipal (Direct Debit)	\$5,596.68

	Total Payments	\$1,870,729.10
JANUARY 2020		
Voucher No	Account	Amount
5268 – 5273	Municipal (Cheques)	\$1,632.66
EFT28983– EFT	Municipal (EFT)	\$835,744.16
Payroll	Municipal (EFT)	\$285,160.60
Credit Card/Superannuation	Municipal (Direct Debit)	\$135,281.51
	Total Payments	\$1,257,818.93

(CARRIED UNANIMOUSLY)

12.2.3 Waste Services for Community and Sporting Organisations Policy

File ref:	F/RAT1
Prepared by:	Jessica Melia, Rates Officer
Supervised by:	Peter Kocian, Executive Manager Corporate Services
Meeting Date:	18 February 2020
Voting requirements:	Absolute Majority
Attachments:	1. Draft Waste Services for Community and Sporting Organisations Policy

Purpose

This report recommends that Council adopt a Waste Services for Community and Sporting Organisations Policy to provide a fully subsidised FOGO waste service to community groups and sporting clubs.

Executive Summary

The Town successfully implemented the three bin Food Organics Garden Organics (FOGO) system to all residential households, multiple unit dwellings and commercial businesses in 2019.

The final stage of the rollout requires the Town to provide a FOGO service to all community and sporting organisations within the Town.

As part of the process, a policy has been developed to provide a clear guidance for East Fremantle's community and sporting groups on rubbish collection and disposal processes and the fees and charges associated with the Town of East Fremantle providing this service.

Background

The three bin Food Organics Garden Organics (FOGO) system was successfully introduced to East Fremantle's residents in the first week of July 2019. Stage 1 of the rollout consisted of 3100 households receiving a FOGO system and following the initial rollout, FOGO was then introduced to commercial businesses and multiunit residential developments.

The final stage of the project aims to provide a FOGO service to all community and Sporting organisations where practical to do so. As part of delivering FOGO to these organisations, the Town's Waste Education Officer will provide education to ensure members of the community are informed on responsible and efficient waste management to assist operational and sustainable practices in East Fremantle.

In total 13 sporting clubs and community groups will be notified of the new policy and will be invited to attend meetings to share their opinions and issues with the new service as well as ask questions about the FOGO waste system. In addition, an audit process will be undertaken to ensure all groups are using the FOGO system correctly and receiving the appropriate number of bins to promote efficient waste management, safe handling of waste and to prevent the accumulation of waste in public spaces.

Policy

The Town has recently considered the current processes in regards to implementing waste services to East Fremantle's community and sporting clubs and no process or policy currently exists.

This Policy applies to all community and sporting organisations using a 240l mobile garbage service for municipal solid waste in East Fremantle. The Policy proposes community and sporting organisations within East Fremantle, will be eligible for a concession on 1 (one) FOGO system, consisting of 1 (one) general waste service, 1 (one) 240 litre lime green-lidded FOGO bin and 1 (one) 240 litre recycling bin.

All facilities and sporting clubs will be delivered the standard FOGO Set, 1 x 140L general waste bin, 1 x 240L FOGO bin with kitchen caddy and 2 x Compostable rolls and educational material, and 1 x 240L recycling bin. Facilities that require an increase in capacity to either their general waste or recycle bin must request a site audit to validate the waste needs. Facilities approved by the Town's Waste officers will be eligible for increase in capacity to either their general waste or recycle bin. The maximum capacity for the general waste bin is 240L and the maximum capacity of the recycle bin is 360L. There is no additional cost for the increase in capacity on the waste service and the swap will be completed on the next bin day following the approved audit.

Additional bins can be obtained outside the standard general waste service at an additional cost. Waste service charges are levied as per the Town of East Fremantle's Schedule of Fees and charges adopted by Council each year.

Waste service fees are an annual fee and calculated on a pro –rata basis from the date the bin is delivered to the premises and will be included on a property rates notice, itemised as a separate levy.

Application Process

All community and sporting groups within East Fremantle will be required to complete a form for all additional bins requested for a property. A review of the application will be completed by the Waste Education Officer to ensure all organisations are meeting their waste disposal responsibilities.

Statutory Environment

Pursuant to section 67 of *Waste Avoidance and Resources Recovery Act 1995*, Council is able to impose charges for the removal and disposal of waste.

Financial Implications

Should Council support the proposed Policy, there may be a slight increase in revenue as a result of any additional bins requested by groups. Revenue from additional bins will be allocated towards the expenditure accounts for the cost recovery of rubbish collection and disposal fees imposed by the Towns Waste Contractor.

Consultation

The following Town employees have been consulted and included in the process of developing this policy:

- Executive Manager Corporate Services
- Principal Environmental Health Officer
- Waste Education Officer

Strategic Implications

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

Strategic Priority 4: Natural Environment.

4.2.1 Reduce waste through sustainable waste management practices.

Strategic Priority 5: Leadership and Governance.

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Comment

No policy or process currently exists for providing a waste service to community and sporting groups in East Fremantle. A new policy is required to provide clarity with regard to how the Town will implement waste services in a fair and equitable manner by ensuring the process of the delivering waste services is simple to administer, cost effective and compliant with all regulatory requirements under the Local Government Act 1995 and Waste Avoidance and Resources Recovery Act 2007.

The recommendation is to adopt the proposed policy to ensure greater efficiency in delivering services to the community and to assist the Town in reconciling the annual cost of waste services against collection and disposal numbers from the Towns property data base.

It is recommended Council adopt the Waste Services for Community and Sporting Organisations Policy as proposed.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 140220

Moved Cr Collinson, seconded Cr Nardi

That Council:

- 1. adopt the Waste Services for Community and Sporting Organisations Policy**
- 2. pursuant to 6.16 of the Local Government Act 1995 and section 67 of the Waste Avoidance and Resources Recovery Act 2007, by absolute majority, impose a \$0 Waste Service fee for a single FOGO waste collection and disposal service for Sporting Clubs and Community Groups with in the Town of East Fremantle and provide local public notice (noting that additional services will be charged pursuant to Council's adopted Schedule of Fees and Charges).**

(CARRIED UNANIMOUSLY)

(ABSOLUTE MAJORITY)

12.3 GOVERNANCE

12.3.1 Review of Delegations

File ref	A/DEL1
Prepared by	Janine May ,EA to Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	18 February 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. DA8 Engaging Consultants/Contractors (with tracked change)2. DA30 Authority to Commence Prosecutions (with tracked changes)3. DA51 Donations to Community Groups and Individuals (with tracked changes)4. DA56 Renamed Activities in Public Places and Local Government Property (with tracked changes)

Purpose

The purpose of this report is for Council to give consideration to amending a number of delegations.

Executive Summary

That:

1. delegation DA8 Engaging Consultants/Contractors be amended to increase the limit for the appointment of consultants by the CEO from “less than \$50,000” to “less than \$150,000”.
2. delegations:
 - DA24 Demolition Permits
 - DA25 Building Permits
 - DA26 Building Orders
 - DA27 Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate
 - DA28 Strata Titles
 - DA36 Occupancy Permits or Building Approval Certificatesbe amended to remove the delegation to Principal/Building Surveyor.
3. delegation DA30 Authority to Commence Prosecutions be amended (as per tracked changes) to include those relative to the Bush Fires Act 1954
4. delegation DA51 Donations to Community Groups and Individuals be amended (as per tracked changes) to include donations to Emergency Relief Appeals.
5. renamed delegation DA56 Activities in Public Places and Local Government Property be amended (as per tracked changes) to replace the reference to the now defunct Activities on Thoroughfares and Public Places local law with the Public Places and Local Government Property Local Law gazetted June 2016 and to incorporate a delegation regarding the number of approved mobile food vendors at any location.
6. Council endorse the donation of \$10,000 to the Australian Red Cross to assist those impacted by the recent devastating bushfires.

Background

Delegation DA8

Delegation DA9 Entering into Contracts allows the CEO to enter into contracts of a value less than \$150,000 and it would seem logical and improve day to day efficiencies that a similar value be nominated for consultancy appointments.

Delegations DA24, 25, 26, 27 28 & 36

In the course of the current Financial Management Review, advice has been received that it is not appropriate to provide delegated authority under the Building Act to a contracted building surveyor. Elected members would be aware that Council does not have a permanent Building Surveyor on staff.

Delegation DA30

Following a protracted dispute regarding non compliance with annual firebreak directions on a property within the Town and a subsequent limited timeframe for the commencement of legal action coupled with the end of year Council recess, a lack of delegation in this regard was highlighted. The owner has subsequently complied with the directive.

Delegation DA51

Following the recent Emergency Relief Appeal in the aftermath of the recent devastating bushfires, it was considered a conditioned delegation would allow Council to respond financially in a timely manner.

Delegation DA56

Whilst reviewing the other delegations, an oversight in relation to substituting reference to the "Activities on Thoroughfares and Public Places Local Law" with its replacement "Public Places and Local Government Property Local Law" was discovered and has been rectified.

This delegation has also been amended to include the CEO's discretion to decide the number of mobile food vendors at any location, as outlined in the draft Trading in Public Places Policy (refer Agenda Item 12.3.2).

Consultation

N/A

Statutory Environment

Section 5.42 of the *Local Government Act 1995* provides:

Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

Delegations DA24, 25, 26, 27 28 & 36

Section 127 of the *Building Act 2011* makes provision in relation to the delegation of a local government's powers and duties under the Act in the following terms:

- (3) A delegation of a local government’s powers or duties may be only to a local government employee.

Section 5.36 of the *Local Government Act 1995* provides:

- (1) A local government is to employ –
- (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable to functions of the local government and the functions of the council to be performed.

Accordingly, the term ‘local government employee’ does not include any person contracted by the local government.

Policy Implications

N/A

Financial Implications

There would be financial implications relating to:

- the commencement of prosecutions (DA30)
- donating funds to an Emergency Relief Appeal (DA51)

Strategic Implications

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

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)
Council continue to provide an unlawful delegation to a contractor	Rare (1)	Insignificant (1)	Moderate (5-9)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	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

Comment

The notion of donating \$10,000 to the Red Cross to assist those affected by the recent devastating bushfires was informally canvassed with elected members prior to the donation being made. It is proposed within the following recommendation to formally endorse that donation.

The recommended amendments to the listed delegations are supported.

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 150220

Moved Cr Nardi, seconded Cr Natale

That:

1. delegation DA8 Engaging Consultants/Contractors be amended to increase the limit for the appointment of consultants by the CEO from "less than \$50,000" to "less than \$150,000".
2. delegations:
 - DA24 Demolition Permits
 - DA25 Building Permits
 - DA26 Building Orders
 - DA27 Extension of Period of Duration of an Occupancy Permit or Building Approval Certificate
 - DA28 Strata Titles
 - DA36 Occupancy Permits or Building Approval Certificates
 be amended to remove the delegation to Principal/Building Surveyor.
3. delegation DA30 Authority to Commence Prosecutions be amended (as per tracked changes) to include those relative to the Bush Fires Act 1954



4. delegation DA51 Donations to Community Groups and Individuals be amended (as per tracked changes) to include donations to Emergency Relief Appeals.
5. renamed delegation DA56 Activities in Public Places and Local Government Property be amended (as per tracked changes) to replace the reference to the now defunct Activities on Thoroughfares and Public Places local law with the Public Places and Local Government Property local law gazetted June 2016 and to include a delegation regarding the number of approved mobile food vendors at any location within the Town.
6. Council endorse the donation of \$10,000 to the Australian Red Cross to assist those impacted by the recent devastating bushfires.

(CARRIED UNANIMOUSLY)
ABSOLUTE MAJORITY)

12.3.2 Trading in Public Places Policy

Applicant	Town of East Fremantle
File ref	H/HFV1
Prepared by	Shelley Cocks, Principal Environmental Health Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Date of Meeting	18 February 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Trading in Public Places Policy

Purpose

The purpose of this report is for Council to consider and authorise for advertising the draft Trading in Public Places Policy.

Executive Summary

Administration recommended that a Policy be developed, post the Food Van Trial undertaken by the Town.

The Trading in Public Places Policy was considered by Council at a Concept Forum in October 2018.

The number of events throughout the Town has increased to the point where it was thought desirable to formally implement a Policy to facilitate vendors who wish to operate within the Town.

Background

A food van trial was undertaken early in 2018 at John Tonkin Reserve with limited success. Based on the results of the trial it was agreed that in future the Town would not be responsible for organising such events, but would facilitate through the introduction of a Policy, van/stall operators arranging their own events.

Consultation

Consultation occurred throughout the food van trial with mobile food vendors, customers, Council staff and elected members. Should Council agree to adopt this Policy, it will be advertised for 28 days to allow for community input.

Statutory Environment

Public Places and Local Government Property Law 2016 Local Law

Policy Implications

The Policy will apply to all mobile food vendors and temporary stall holders wishing to sell goods on Council managed land. The Policy does not apply to those who operate on private land such as the food vans in the car park at the Left Bank or the food vans operating at the Swan Yacht Club at their larger functions.

The Policy covers the sale of food and other items such as flowers, plants, books, garage sale type material or other items subject to Council approval.

A policy on Trading in Public Places is recommended for a number of reasons:

- To provide guidance to the operations of the Town's relatively new Local law *Public Places and Local Government Property Law 2016*.
- To provide clarity to staff and applicants wishing to trade on Council Property.
- To establish areas where trading may take place within the Town of East Fremantle.
- To respond to community expectations regarding the use of parks and reserves.
- To assist in the activation of our public open space consistent with our Strategic Community Plan.
- To improve our customer service by being able to give consistent advice to applicants.

Financial Implications

2019/20 Schedule of Fees and Charges:

- Trading in public places application fee \$95.40 (inc GST)
- Trading in public places daily fee \$57.70 (inc GST)

Risk Implications

No significant risk identified.

Strategic Implications

Strategic Priority 1: Social.

Inviting open spaces, meeting places and recreational facilities.

Strong community connection within a safe and vibrant lifestyle.

Comments

The specified locations for mobile food vendors encompass existing events such as the East Fremantle Festival in George Street, Town of East Fremantle concerts at Locke Park, the Lions Markets at Norm McKenzie Reserve and other such events which may be appropriate. Other Council parks and reserves may be considered. It also applies to occasional applications for mobile food vans or temporary stalls at John Tonkin Reserve in conjunction with an event such as cycling, swimming, paddle boarding or marathons.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 160220

Moved Cr Watkins, seconded Cr Nardi

That Council advertise the Trading in Public Places Policy for 28 days prior to formally considering the Policy.

(CARRIED UNANIMOUSLY)

Cr Collinson requested that Council officers consider inserting a requirement for compostable packaging when the draft Policy is returned to Council for consideration.

12.3.3 Foreshore Dinghy Management

Applicant	N/A
File ref	R/FMP1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	18 February 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Map – Proposed Location of Dinghy Moorings 2. Draft Policy 3. Public advertisement 4. Amended Delegation DA66 (see tracked changes)

Purpose

The purpose of this report is for Council to consider making a determination under the Town of East Fremantle Public Places and Local Government Property Local Law 2016 to designate a dinghy storage area along the foreshore.

It is proposed that the storage of dinghies on the foreshore be located adjacent to the boat ramp at John Tonkin Reserve (as per the attached map).

Executive Summary

Under the Town's Public Places and Local Government Property Local Law 2016, there is provision that allows the Town to make a determination in relation to permitted activities on local government property.

At the Ordinary Meeting of May 2019, Council resolved to give local public notice of the intention to make a determination under the local law, as follows:

"That Council:

- 1. gives local public notice for a period of 21 days and receive public submissions of the intention to make the following determination:
Council determines in accordance with the Town of East Fremantle Public Places and Local Government Property Local Law 2016 that persons permitted by the Town of East Fremantle may leave a boat, which must be:*
 - the hull only;*
 - no longer than 3.5 metres; and*
 - no wider than 1.5 metres**within the facility provided adjacent to the Leeuwin Car Park.*
- 2. considers any public submissions received during the notice period prior to deciding on the determination in accordance with the procedure required by the Town of East Fremantle Public Places and Local Government Property Local Law 2016."*

Public notice was provided in the Fremantle Herald (see attached). No public submissions were received. Council can now make the determination, make the determination with amendments or decide not to make the determination.

If the determination is made:

- without amendments – the proposed determination will take effect when mandatory public notice is given.
- with amendments – the proposed determination and the amendments will take effect when mandatory public notice, including the effect of the amendments, has been given.

Background

The Town does not have a formal process for approving the storage of dinghies on the foreshore. The informal storage of dinghies has however been common practice.

The Town has received a number of community complaints with regards to the amenity impacts of adhoc dinghy storage.

The Department of Biodiversity, Conservation and Attractions (DBCA) has also expressed a desire for Council to formalise a position on dinghy storage. The *Swan and Canning Rivers Management Regulations 2007* prohibit a person from leaving a vessel unattended for 8 hours or more on prescribed parts of the foreshore unless in an approved facility. The DBCA permits storage of a vessel on the foreshore provided it is within an approved storage facility.

Consultation

A discussion paper was presented to the May 2019 Concept Forum and an item considered at the May 2019 Council Meeting.

Statutory Environment

Swan River Trust Policy: SRT/D26 – Dinghy Management Along The Swan Canning Riverpark Shoreline

Policy Implications

A draft Policy is presented for Council consideration.

Financial Implications

The 2019/20 Budget includes an allocation for the installation of infrastructure i.e. bollards to support the secure mooring of vessels.

Strategic Implications

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

Key Focus Area 2: Infrastructure and Waste Services

- 2.1 *Provide amenity, recreation opportunities and enhancement of the natural environment;*
- *Maintain foreshore amenity and protection against erosion and flooding.*

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)
The absence of a policy framework will result in un-managed dinghy storage, resulting in both amenity and environmental impacts	Possible (3)	Moderate (3)	Moderate (5-9)	ENVIRONMENT Uncontained, reversible impact managed by a coordinated response from external agencies	Accept Officer Recommendation

Risk Matrix

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

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

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

Comment

A draft Policy is presented as attachment 2, to provide guidelines for the management and storage of dinghies along the foreshore.

Location of Dinghy Storage Area

It is proposed that the Town install 10 bollards with chains attached adjacent to the boat ramp at John Tonkin Park. Each bollard can have a maximum of two dinghies attached to the bollard (*as per attached location plan*). This area will be sign posted.

An annual storage fee will be applicable to each dinghy stored and a registration sticker attached to each dinghy. Registration fees will be paid annually and renewed annually thereafter regardless of the date that the first registration falls on.

Implementation Process

The dinghies currently located on the foreshore will be stickered and the owners advised to contact the Town regarding registration of their dinghy.

The owner will be granted 30 days to contact the Town and register their dinghy or their dinghy will be removed as per the Swan River Trust Policy *Clause SRT/D26.5 Removal of dinghies/Enforcement*:

'The Swan River Trust or the agency vested with management responsibility for the subject land, may remove dinghies left on public shoreline reserves which are not secured in an approved dinghy storage system.. The Trust will notify owners, remove or dispose of such vessels in accordance with the Trust's "Procedure for Dealing with Lost, Abandoned, Derelict or Hazardous Property within the Riverpark".'

Organisational

The day to day management of the dinghy storage area will be carried out by the Town's Rangers.

It will be necessary to amend Delegation DA66 Authorisation to Remove Dinghies from Foreshore to provide authorisation for the approval and issue of Dinghy Storage registrations in line with the proposed Policy.

12.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 170220

Moved Cr Harrington, seconded Cr Watkins

That:

- 1. Council determines in accordance with the Town of East Fremantle Public Places and Local Government Property Local Law 2016 that persons permitted by the Town of East Fremantle may leave a boat, which must be:**
 - the hull only;
 - no longer than 3.5 metres; and
 - no wider than 1.5 metres**within the facility provided adjacent to the Leeuwin Car Park.**
- 2. the above determination will take effect when mandatory public notice is provided.**
- 3. Council adopt the Foreshore Dinghy Management Policy as presented.**
- 4. pursuant to section 6.16 of the *Local Government Act 1995*, Council impose an annual registration fee of \$200 ex GST for dinghy storage.**
- 5. pursuant to section 6.19 of the *Local Government Act 1995*, Council provide local public notice of the annual registration fee, with the fee to be effective from 1 July 2020.**
- 6. Delegation DA66 be amended to incorporate the required authorisation to approve and issue Dinghy Storage registrations.**
- 7. the Chief Executive Officer be requested to submit a Form 7 permit application to the Department of Biodiversity, Conservation and Attractions for the installation of 10 bollards, which will accommodate up to a maximum 20 vessels.**

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Cr T Natale – Waste Services Report

Moved Cr Natale, seconded Cr Nardi

That Council request that the administration prepare a report for the March 2020 Ordinary Council meeting to consider;

1. if any, the financial and strategic impact to the Town of East Fremantle's interest in the SMRC given the recent closure of the South Guildford - Cleanaway MRF;
2. the landfill diversion rate for all & individual waste streams since the roll out of the 3rd bin system; and
3. the quality, quantity & value of the compost being generated from the SMRC FOGO waste processing.

(CARRIED UNANIMOUSLY)

13.2 Cr Collinson – Investment Policy

Moved Cr Collinson, seconded Cr Nardi

That a report be prepared for the March Council Meeting seeking an amendment to its Investment Policy to provide a price preference to financial institutions, that are deemed not to invest in or finance the fossil fuel industry, of 10 basis points (0.1%) below the most favourable investment quotation.

(CARRIED UNANIMOUSLY)

Given the complexities of this issue, Cr Collinson agreed to amend his foreshadowed motion to request a report for the March Council Meeting.

14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

16. NEW BUSINESS OF AN URGENT NATURE

Nil.

17. MATTERS BEHIND CLOSED DOORS

Nil.



18. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.42pm.

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

17 MARCH 2020

A handwritten signature in black ink, appearing to be 'D. A.', written over a horizontal line.

Presiding Member