



MINUTES

Council Meeting

Tuesday, 19 June 2018 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, 19 JUNE 2018.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.34pm

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

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

The following staff were in attendance:

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

There were two members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Cr D Nardi

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

Nil.

4.3 Impartiality

4.3.1 Cr M McPhail (Agenda Item 12.2.4)

Cr M McPhail made the following impartiality declaration:

“As a consequence of having a friendship with Mr Reece Harley, Chairman of Museum of Perth, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly.”

5. PUBLIC QUESTION TIME

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

5.1.1 Ms C Gepp, 8/16 Coolgardie Avenue – Council Meeting 15 May 2018

Ms Gepp noted the comment regarding investments to non-fossil fuel institutions in the Monthly Financial Statements and queried when Council’s Investment Policy was amended to accommodate investing funds to these institutions and how this came about?

Response

Following questions raised by 350.org Fremantle (a local branch of a worldwide movement to redirect investments to financial institutions that do not invest in or finance the fossil fuel industry) at the 2016 Electors’ Meeting, the Group subsequently provided a presentation to a Council Concept Forum, with the following specific request:

“That in line with Council’s Purchasing Policy (F8.4) which states that ‘the Town of East Fremantle considers the environmental impact of the procurement process across the life cycle of goods and services:

- 1. The Town of East Fremantle amend its Investment Policy (F3.1) to incorporate giving deliberate preference for investment with financial institutions that do not invest in or finance the fossil fuel industry where:
 - (a) the investment is compliant with Council’s investment policy with regards to risk diversification and credit rating*
 - (b) the investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment**
- 2. Council requests that the monthly financial statement and reports include the state of its divestment from fossil fuels.”*

At the May 2016 Council Meeting, the Group presented a petition, containing 506 signatures, requesting Council review its current Investment Policy.

Council’s Investment Policy was subsequently reviewed and amended (21st June 2016) to reflect consideration of divestment from fossil fuels (see attached). Whilst acknowledging the environmental implications of the fossil fuel industry, careful consideration was given to ensuring ratepayer funds would not be at risk in attempting to satisfy the Group’s objectives.

5.2 Public Question Time

Nil.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil.

6.2 Deputations

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Cr A McPhail

Cr A McPhail sought leave of absence for the period 1 July to 1 August 2018.

COUNCIL RESOLUTION 020618

Moved Cr Natale, seconded Cr Harrington

That Leave of Absence be granted to Cr A McPhail for the period 1 July to 1 August 2018.

(CARRIED UNANIMOUSLY)

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Ordinary Meeting of Council (15 May 2018)

8.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030618

Moved Cr Collinson, seconded Cr M McPhail

That the minutes of the Ordinary meeting of Council held on Tuesday, 15 May 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Arthur Marshall

I would like to recognise the life of Arthur Marshall who died recently. Arthur was a great sportsman, businessman and politician. His affection for the Town of East Fremantle was immense. He truly loved the Town. He was proud to be a resident here. I extend to his family our sympathies but also our gratitude for his contribution to make East Fremantle the caring community it still is.

9.2 Peta Bowden

Announcing the death of resident Peta Bowden brings me great sadness. Peta and her partner Dick were great advocates for the Town of East Fremantle and committed to improving and protecting our environment. Peta was instrumental in the promotion of divestment and the ethical use of investment funds to financial institutions for renewable energy and away from fossil fuels. Peta was a kind, ethical and community minded person. Our sympathies to Dick.

9.3 East Fremantle Bowling Club

On Sunday I attended the AGM of the EFBC. I would like to acknowledge and thank the outgoing President Les Capes who did not seek re-election and congratulate Peter Gibson on being elected as his successor. Les has done a great job over many years and left the Club in a healthy position.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (5 June 2018)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 June 2018
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 5 June 2018, exercised its delegation in all four statutory matters before it.

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.

Financial 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 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040618

Moved Cr Collinson, seconded Cr Harrington

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 5 June 2018 be received.

(CARRIED UNANIMOUSLY)

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Woodhouse Road No. 1C (Lot 18) – Demolition and Construction of Three Level Dwelling

Mayor O'Neill advised that Council administration had withdrawn this application at the applicants' request.

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 31 May 2018

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	Peter Kocian, Acting Executive Manager Corporate Services
Meeting Date	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

Staff recommend that Council receives the Financial Activity Statement for the period ending 31 May 2018.

Background

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

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

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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

Financial Implications

The May 2018 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

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

Site Inspection

Not applicable

Comment

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

Revised Budget Forecast

The current revised budget forecast (as per the mid-year budget review) for the 30 June 2018 indicates a balanced budget. However, the actual municipal surplus as at 31 May 2018 is \$2.2m indicating that the Town will end the financial year with a healthy surplus position. Taking into account committed capital works, transfers to/from cash-backed Reserves, accrued expenses and operational expenditure for the month of June, it is estimated that the actual surplus as at 30 June will be circa \$1.4m. This surplus will be carried forward into the 2018/19 Budget as available funding.

Given the surplus position, it is recommended that a budgeted transfer from cash-backed Reserves not proceed:

- \$460,000 budgeted transfer from the Strategic Plan and Infrastructure Reserve to part-fund the Town Hall refurbishment project;

Justification is two-fold; any transfer from the Reserve will increase the municipal surplus as at 30 June and there exists no funding requirement to do so; funds retained in Reserves will allow the Town to build its Reserve balances to fund future capital investment requirements.

Operating YTD Actuals (compared to the YTD Budget)

The May 2018 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 101%; is \$126,000 more than the YTD budget. (Favourable)

Operating Expenditure 90%; is \$1,085,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$1,449,000 more than the YTD budget (Favourable).

Capital Programs YTD Progress Summaries

Annual Timeline 92% of year elapsed.

Land & Buildings 95% expended.

Infrastructure Assets 78% expended.

Plant & Equipment 107% expended.

Furniture & Equipment 96% expended.

Capital expenditure is \$454,000 less than the YTD budget (Favourable) which represents 11% of the capital programs to be completed.

More detailed commentary on all variances is provided in the appended Financial Activity Statement.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050618

Moved Cr A McPhail seconded Cr Harrington

That Council:

- 1. receives the Financial Activity Statement for the period ending 31 May 2018;**
- 2. note that as a result of the estimated surplus as at 30 June 2018, that the following budgeted transfer from Reserves is not required and will not be processed:**
 - (i) \$460,000 transfer from the Strategic Plan and Infrastructure Reserve**

(CARRIED UNANIMOUSLY)

12.2.2 Accounts for Payment – May 2018

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Finance & Administration
Supervised by	Peter Kocian, Acting Executive Manager Corporate Services
Meeting Date	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – May 2018

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 May 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 May to 31 May 2018, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

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 060618

Moved Cr White, seconded Cr Natale

That the list of accounts paid for the period 1 May to 31 May 2018 be received, as per the following summary table:

MAY 2018		
Voucher No	Account	Amount
5155 – 5161	Municipal (Cheques)	1,785.40
EFT25801 – EFT26006	Electronic Transfer Funds	\$971,603.52
Payroll	Electronic Transfer Funds	\$224,626.30
Superannuation	Electronic Transfer Funds	\$35,184.17
Credit Card	Corporate Credit Card	\$451.48
	Total Payments	\$1,233,650.87

(CARRIED UNANIMOUSLY)

12.2.3 2018/19 Differential General Rates and Minimum Payments – Public Submissions

File ref	F/ABT1
Prepared by	Peter Kocian, Acting Executive Manager Corporate Services
Supervised by	Gary Tuffin, CEO
Meeting Date	19 June 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. 2018/19 Rates Model 2. Copy of Advertisement

Purpose

This report recommends that Council endorse the 2018/19 Differential General Rates and Minimum Payments for the Town of East Fremantle as advertised. No public submissions have been received.

Executive Summary

At the May 2018 Ordinary Meeting, Council resolved to endorse the proposed 2018/19 rates in the dollar and minimum payments for advertising, calling for public submissions pursuant to section 6.36 of the *Local Government Act 1995*.

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	6.831 cents	\$1,080
Commercial	10.3738 cents	\$1,615

The effective date for commencement of local public notice was 20 May 2018 with the notice of intention published in the Herald Newspaper on Saturday 19 May 2018 (and placed on the Towns website along with the Statement of Rating Objects and Reasons), with submissions to be received by 13 June 2018 (24 clear days after the date of notice). No public submissions were received during this period.

Background

Rate Revenue is a substantial source of discretionary revenue for the Town, accounting for approximately 75% of total operating revenue. As such, the overall objective of the Town's rating strategy is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town as outlined in the Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan.

The proposed differential rates increase of 2.5% will yield an amount of \$7.78m million, outlined in the model below, which is estimated to meet the requirements of the 2018/19 draft budget deficiency.

2.5% Increase in Rate Yield and Minimum Payment

Total Props	GRV Value - Non-Minimum	GRV Value - Minimum	Total Value	Min Amts	GRV %	Non Minimum Rates	Props on Min	Min Rates	Actual Rates to Raise
3267	90,581,990	3,563,980	94,145,970	1,080	6.8310	6,187,656	265	286,200	6,473,856
126	10,902,838	135,755	11,038,593	1,615	10.3738	1,131,039	10	16,150	1,147,189
5	1,530,350	0	1,530,350	1,615	10.3738	158,755	0	0	158,755
						<u>7,477,450</u>		<u>302,350</u>	<u>7,779,800</u>

Consultation

The Town has met the requirements of section 6.36 of the *Local Government Act 1995* and the Department's Rating Policy 'Giving Notice'. An advertised was placed in the Herald Newspaper and on the Town's website and noticeboards.

Statutory Environment

Section 6.33 and 6.36 of the *Local Government Act 1995* reads:

6.33. *Differential general rates*

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
 - (b) a purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. *Local government to give notice of certain rates*

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and

- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
- (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

Policy Implications

Nil.

Financial Implications

As outlined, the proposed differential rates increase of 2.5% will yield an amount of \$7.78m million, which is estimated to meet the requirements of the current draft budget shortfall.

Strategic Implications

The 2018/19 draft budget follows the general principles as detailed in the 2017 updated Strategic Plan.

Site Inspection

Not applicable

Comment

Section 6.32 (1) of the *Local Government Act 1995* states that when adopting the annual budget a Local Government, in order to make up the budget deficiency, is to impose a general rate and minimum payment on rateable land. In adopting its annual budget, the Council must also consider its Strategic Community Plan and Corporate Business Plan under section 5.56 of the Act.

The basis for the proposed 2.5% increase in rate yield is mainly attributed to the following cost-drivers:

- The Local Government Cost Index is forecast to increase by 1.8% in 2018/19 with a WA Wage Price Index of 1.75% and further increases in electricity and street light tariffs;
- The cost of waste disposal is forecast to increase due to the disposal costs for recyclables increasing from \$15/t to potentially \$125/t. This equates to a funding requirement of more than 1% of rate revenue given that the cost of waste services is contained within the general rate.

The Town is also forecasting a reduction in revenue from fees and charges due to the softening of building construction, equating to an estimated \$70,000 or a further 1% increase in rates to offset the reduction. In addition, grant fund payments under the State Road Funds to Local Government Agreement will further reduce in 2018/19, and Royalties for Regions will be re-directed to State

Government services. A reduction in external revenue sources exacerbates the funding reliance on rates to meet the cost of service delivery to the community.

The Town is committed to cost restraint and identifying operational efficiencies where possible, whilst still maintaining the current level of service. Main service areas include:

- Community Amenities – 21% of operating expenditure
- Recreation and Culture – 30% of operating expenditure
- Transport – 23% of operating expenditure

The above service areas include waste services (\$1.6m operating), public open space and active recreation facilities (\$2.6m operating) and transport infrastructure maintenance such as roads and footpaths (\$2m operating). These amounts do include depreciation expense representing a significant asset management challenge.

The draft 2018/19 Budget details the following summary:

Description	2018/19 Draft Budget
Operating Revenue exc Rates	\$2,902,194
Operating Expenditure exc non-cash items	(\$9,315,332)
Capital Expenditure	(\$2,919,669)
Proceeds from Sale of Assets	\$159,753
Net Reserve Transfers	(\$100,754)
Carried Forward Surplus Estimated 30 June 2017	\$1,494,008
Budget Deficiency to be funded from Rates	\$7,779,800

Minimum Payment

Minimum payments have been increased in line with differential rate increases to a level of \$1,080 for Residential (LY \$1,055), and Commercial \$1,615 (LY \$1,575). Minimum payments affect 8% of Residential properties and 8% of Commercial properties. The level of minimum payment is considered appropriate as recognition of the minimum benefit received from works and services provided which includes an estimated waste collection and disposal benefit of approximately \$500 per residential property.

Domestic Waste Charges Included

It is noted that general rates for 3,267 domestic premises are inclusive of the refuse & recycling collection charges and ratepayers are also provided with a tip pass valued at \$55.00. For Commercial properties the waste and recycling service charge is added separately where collection services are provided.

With the provision of weekly rubbish and recycling services, we are estimating collection of 1,100 tonnes of recycling (yellow top bin), 2,450 tonnes of general waste (green top bin) and 350 tonnes of bulk green waste from three kerbside pickups.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070618

Moved Cr Collinson, seconded Cr A McPhail

That Council:

1. note that no public submissions were received regarding the advertised proposed differential general rates and minimum payments for the 2018/19 financial year;
2. endorse the 2018/19 differential general rates and minimum payments, with a view of striking the rate in the dollar and minimum payments as part of the 2018/19 Budget adoption.

Rate Category	Proposed Rate in \$	Proposed Minimum Payment
Residential	6.831 cents	\$1,080
Commercial	10.3738 cents	\$1,615

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

12.2.4 Property Disposals (Lease) – Dovenby House and Old Police Station

File ref	P/CAN133 & P/COU1
Prepared by	Peter Kocian, Acting Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 June 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Summary Paper 2. Advertisement – Expressions of Interest 3. Proposal – Museum of Perth 4. Proposal – Orietta Simons/RFF

Purpose

This report recommends the disposal of Dovenby House by way of License Agreement with the Museum of Perth and the disposal of the Old Police Station (133 Canning Highway) by way of lease.

Executive Summary

A summary paper has been prepared, presented as Attachment 1, detailing responses to an advertisement inviting expressions of interest for the two aforementioned properties. There are restrictions on land use which ultimately determine future use:

The Town holds a management order for 133 Canning Highway with a Reservation Purpose of Heritage. All income derived from the property must be transferred into a Reserve to fund the maintenance and repair of buildings and grounds.

Dovenby House is located on the same lot as the Town Hall. The land title is a Crown Grant in Trust with the land to be used for municipal purposes only. Whilst the Department of Planning, Lands and Heritage do not have a formal definition of what comprises a municipal purpose, verbal advice indicates that a commercial lease (i.e. a lease that provides the Town with general commercial revenue) would not be consistent with the land purpose and would be refused.

Given the restrictions above, it is recommended that Council approve the disposal of 133 Canning Highway by way of lease, and endorse a community/municipal use for Dovenby House as proposed by the Museum of Perth.

Background

The Town advertised for Expressions of Interest to lease the Old Police Station and Dovenby House on the 20 February in the Gazette Newspaper. Four (4) formal submissions have been received as well as a verbal expression of interest in Dovenby House.

One of the proponents for Dovenby House has since withdrawn their expression of interest, and another proponent is believed to be non-committal with regards to their original proposal for the Old Police Station.

The summary paper provides a brief overview of these expressions of interest. It is deemed that there are only two genuine expressions of interest, and it is recommended that negotiations be finalised with these proponents.

Consultation

This matter was discussed at the Council Forum on the 11 June 2018.

Statutory Environment

The *Land Administration Act 1997* outlines the requirements with regards to the management/disposal of Crown Land. Ministerial consent is required prior to any lease or license being entered into.

Section 3.58 of the *Local Government Act 1995* outlines the requirements with regards to the disposal of property.

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications

There are no Council policies relevant to this matter.

Financial Implications

The Town will not be able to generate a commercial rate of return from the two properties. However, the Town can still generate an income from the lease of the Old Police Station which will fund asset renewal and maintenance requirements.

Strategic Implications

The proposal for 133 Canning Highway is to establish an integrated child, adolescent and family wellbeing cooperative centre.

The proposal for Dovenby House will see the establishment of a community hub for heritage projects.

Both expressions of interest are closely aligned to the Town's Strategic Community Plan.

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

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

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

1.2 Inviting open spaces, meeting places and recreational facilities

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

1.3 Strong community connection within a safe and vibrant lifestyle

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

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

Both proposals are likely to have a positive economic externality, although this cannot be quantified.

Social implications

Both proposals are likely to have a positive social externality, although this cannot be quantified.

Environmental implications

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

Comment

The proposal from the Museum of Perth has significant merit and discussions have been facilitated by the Town's Economic and Community Development Officer. The activation of Dovenby House as a community hub will create a sense of place and may lead to further opportunities for enhanced service delivery.

It is recommended that a delegation be provided to the Chief Executive Officer to dispose of the Old Police Station, to allow the process to be expedited in the event that negotiations with the current proponent do not progress to a satisfactory outcome. This would also allow the Chief Executive Officer to engage the Town's Property Manager to negotiate the lease should the Town wish for an arms-length relationship with the tenant.

It is also recommended that the Town apply to the Department of Planning, Lands and Heritage to amend the Reserve purpose for 133 Canning Highway to allow lease proceeds to be invested into the preservation of all civic buildings.

12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080618

Moved Cr White, seconded Cr Natale

That Council:

- 1. delegate authority to the Chief Executive Officer to dispose of the property known as the Old Police Station, 133 Canning Highway, by way of lease, with the authority to accept offers within ten percent of the market value obtained in accordance with the provisions of the Local Government Act 1995;**
- 2. require that the disposal be advertised locally in accordance with the provisions of section 3.58 of the *Local Government Act 1995* and that any submissions received during the two week advertising period be presented to Council for consideration;**
- 3. advise proponents that they will need to submit a planning application as part of any lease proposal for the Old Police Station;**
- 4. request that application be made to the Department of Planning, Lands and Heritage to amend the Reserve purpose for 133 Canning Highway to allow any lease proceeds to be invested into the preservation of all civic buildings within the Town;**
- 5. resolve to enter in a 12-month License Agreement with the Museum of Perth for the use of Dovenby House, under a peppercorn arrangement, in order to formalise a partnership with the Museum of Perth to provide the following services (free of charge) to the Town and the community:**
 - Documenting the history of historic homes of East Fremantle;**
 - Building a public presence in partnership with the Town, akin to a local history centre, with printed and digital resourced meeting space and office space to house the Museum of Perth and other community volunteers;**

- **Planning and drafting a refreshed interpretation plan focussing on George Street or other identified high-traffic precincts;**
 - **Creating heritage-related digital media content for the Town of East Fremantle's Website or social media channels (i.e. interesting facts, biographies of former residents, profiles of buildings or local stories).**

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

12.2.5 Review of Purchasing Policy and Procedure

File ref	C/POL1, 4.2.4 Purchasing Policy and Purchasing Procedures
Prepared by	Peter Kocian, Acting Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Policy 4.2.4 Purchasing Policy and Procedures2. Policy 8.1 Ordering of Goods & Services – Procedures & Authority Levels

Purpose

To facilitate decisions by Council on the procurement of goods and services with regard to compliance and best practice in local government purchasing.

Executive Summary

Council is to consider a review of the purchasing policy in line with the Western Australian Local Government Association (WALGA) model policy. The policy reflects best practice in the purchasing of goods, services and works that align with the principles of transparency, probity, good governance and legislative compliance.

Background

The policy for the purchasing of goods and services was last reviewed in August 2016. The current policy in the main represents best practice in purchasing and was developed by WALGA as a guide for local government authorities to consider when creating or amending a purchasing policy to comply with Regulations 11A and 24AC of the *Local Government (Functions and General) Regulations 1996*.

The purchasing procedures have not been reviewed since 2011.

Consultation

Internal consultation has occurred with relevant Officers.

Statutory Environment

Local Government Act 1995, s3.57

Local Government (Functions and General) Regulations 1996, Part 4 Provision of Goods and Services.

Policy Implications

Purchasing Policy

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

It is recommended that Part 7 of the Purchasing Policy be amended to introduce higher purchasing thresholds without the requirement for three written quotations. Proposed changes are summarised as follows:

One oral or written quotation	Upper purchase threshold increased from \$0 to \$5,000 (ex GST)
Two written quotations	Lower purchase threshold increased from \$5,001 to \$20,000 (ex GST)
Three written quotations	New purchase threshold introduced for purchase value between \$20,001 and \$50,000 (ex GST)

The bulk of the Towns purchases are below \$5,000 in value, and reducing the requirement for written quotations will expedite the purchasing process and create efficiencies, whilst still satisfying the objectives of the Purchasing Policy.

At least two written quotes will be required for purchases between \$5,001 and \$20,000.

Three written quotations will be required for all purchases over \$20,001.

The purchasing procedures have also been reviewed to amend the purchasing limits for Officers to more contemporary limits, which reflect the authority levels of staff and budget responsibility. A new section has also been included in the procedures on the role of the Finance Department to reflect their role as final 'gate keeper', ensuring compliance with the Purchasing Policy. This will include reviewing evidence of oral quotations in instances where written quotations have not been obtained. This will mitigate any probity risk associated with the change in the purchase value thresholds contained within the Policy.

12.2.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090618

Moved Cr Natale, seconded Cr Collinson

That Council:

- 1. endorses the amendments to the Purchasing Policy (No 4.2.4) as presented as an attachment to this report including the purchasing procedures (formerly Policy F8.1) that are to be appended to the Policy.**
- 2. revoke Policy F8.1.**

(CARRIED UNANIMOUSLY)

12.2.6 Adoption of Gratuity Payment Policy

File ref	C/POL1
Prepared by	Linda McNab, HR Coordinator
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Proposed Gratuity Policy 2. Policy F8.2 Gratuities and Redundancy Payments

Purpose

The purpose of this report is for Council to consider adopting a replacement policy for Gratuities and Redundancy Payments.

Executive Summary

The Gratuity Policy has been drafted in line with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, specifically Regulation 19A, to replace the Gratuities and Redundancy Payments Council Policy which was adopted by Council in 1997.

The Policy, which is discretionary, allows the CEO and Council to make a payment to recognise the loyal and dedicated service of employees to the Town of East Fremantle.

Background

The Town of East Fremantle is committed to recognising long serving employees within the parameters set by the *Local Government Act 1995* and the associated regulations.

A gratuity payment may be paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. The Proposed policy provides that in making this decision particular attention will be paid to the employee's attitude (loyalty & dedication) towards Council's objectives and the willingness to contribute over their term of employment.

This policy does not form a contractual entitlement for any employee of the Local Government and is a discretionary policy (ie. length of service does not guarantee a payment will be made under the policy).

Statutory Environment

Section 5.50 of the *LG Act* states;

5.50. Payments to employees in addition to contract or award

- (1) *A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —*
 - (a) *the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
 - (b) *the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.*

- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).
- (2) A local government may make a payment —
- (a) to an employee whose employment with the local government is finishing; and
 - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

The Local Government (Administration) Regulations 1996 further states;

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
- (a) the value of the person’s final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
- Or
- (b) in all other cases, **\$5 000**.

Policy Implications

This policy will replace Council Policy F8.1 *Gratuities and Redundancy Payments*.

Financial Implications

If approved, it is recommend that Council delegates authority to the CEO to determine payments under the policy up to a maximum value of \$1,000, following consultation with the Mayor. Any payment over the value of \$1,000, will require formal consideration by the Council (Written report).

The proposed prescribed amounts for Gratuity Payments under the proposed policy are as follows;

Number of Years’ Service	Amount of Gratuity
Continuous service 0 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, up to the value of \$0
CEO discretion	
5 to a maximum of 10 Years Continuous Service	\$100 per year for every completed year over 5 years of continuous service up to a maximum of \$500
10 to a maximum of 20 Years Continuous Service	\$100 per year for every completed year over 10 years of continuous service up to a maximum of \$1,000. Items are to be presented to the employee by the Mayor or nominated representative, at a function to

	be determined by the Chief Executive Officer.
Council discretion	
20 Years Continuous Service and above	<p>\$150 per year of continuous service up to a maximum of \$5,000</p> <p>A report is to be presented to Council for approval prior to payment.</p> <p>Items are to be presented to the employee by the Mayor or nominated representative, at a function to be determined by the Chief Executive Officer.</p>

Therefore, if the policy is adopted by Council as detailed above, currently there is potentially 20 staff that may be eligible for a payment. In the event these staff were to all leave, the approximate potential cost to Council would be as follows;

	Number of staff	Max Value
5-10 years continuous service	9	\$ 2,700
10-20 years continuous services	6	\$ 2,100
20 years continuous service and above	5	\$20,660

Strategic Implications

Strategic Community Plan 2017 – 2027 Strategic Priority 5: *Leadership & Governance*

Site Inspection

Not applicable

Comment

The policy provides that in deciding if a gratuity will be granted, the CEO or Council will take into consideration the service record of the employee. Particular attention will be paid to the employee's attitude (loyalty & dedication) towards Council's objectives and the willingness to contribute over their term of employment.

The proposed Gratuity Payment Policy reflects current practice in Local Government and is in accordance with current legislation.

12.2.6 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 100618

Moved Cr M McPhail, seconded Cr Collinson

That Council:

1. adopt the "Policy 4.2.8 –Gratuity Payment Policy", which is to supersede "Policy F8.1 - Gratuities and Redundancy Payments" and all previous policies of Council in regards to Payments to employees in addition to contract or award.
2. delegate to the Chief Executive Officer the authority to make payments under Policy 4.2.8 up to a maximum of \$1,000 in consultation with the Mayor.
3. in accordance with Section 5.50 of the Local Government Act 1995, gives local public notice to the policy dealing with "Policy 4.2.8 –Gratuity Payment".

(CARRIED UNANIMOUSLY)

12.3 GOVERNANCE REPORTS

12.3.1 Delegated Authority Register

Applicant	Town of East Fremantle
File ref	C/DEL1
Prepared by	Gary Tuffin, Chief Executive Officer
Report Date	19 June 2018
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register

Purpose

To consider approving the delegation of designated powers and functions as listed in the Delegated Authority Register 2018 to the Chief Executive Officer and Committees pursuant to sections 5.42 & 5.16 of the *Local Government Act 1995* respectively.

Executive Summary

In accordance with section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year.

The Delegated Authority Register was last reviewed at Council's Ordinary meeting held on 20 June 2017.

The Delegated Authority Register 2018 is now presented for Council's consideration and endorsement.

Background

Under Section 5.42 of the Local Government Act, Council may resolve to delegate some of its powers and duties to the Chief Executive Officer, or certain committees of Council.

The Chief Executive Officer and the Executive Management Team have undertaken a review of the Delegated Authority Register.

Consultation

Executive Manager Regulatory Services
Acting Executive Manager Community Services
Operations Manager

Statutory Environment

Any of the duties designated in the Local Government Act 1995 may be delegated to the CEO except for those stated in section 5.43, which are:

- *Any duty requiring an absolute or higher majority of Council*
- *Accepting a tender greater than an amount set by Council*
- *Appointing an auditor*
- *Disposing of or acquiring property valued higher than an amount set by Council*
- *Deciding fees payable to elected members*
- *Borrowing money*
- *Determining objections to a Council decision of a kind referred to in Section 9.5*

Powers delegated to the CEO may be further delegated (with or without conditions) by the CEO to other officers, as deemed appropriate by the Chief Executive Officer.

The delegation of any power from Council to the Chief Executive Officer and from the Chief Executive Officer to any other officer must be in writing and when the delegated power is used it must be recorded by the officer exercising it.

A Chief Executive Officer cannot exercise delegated powers or duties if the CEO has an interest in the matter. The nature of the interest must be disclosed to the Mayor as soon as practicable after the CEO becomes aware of the interest.

Policy Implications

Various policies have been referred to in the delegations, these are detailed in the Delegated Authority Register.

Financial Implications

Nil

Strategic Implications

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

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency

5.3 Strive for excellence in leadership and governance

5.3.2 Improve organisational systems with a focus on innovation

Site Inspection

Not applicable

Comment

Minor amendments have been made to the previous Register in respect to a staff position title change and the CEO on-delegating the following:

- DA10 to Human Resources Coordinator
- DA17 to Operations Manager
- DA34 to Manager Administration & Finance
- DA43 to Executive Manager Regulatory Services
- DA45 to Executive Manager Regulatory Services & Manager Administration & Finance
- DA46 to Executive Manager Regulatory Services

DA13 & DA30 have the condition *“All prosecution actions to be reported to next Concept Forum”* added.

DA55 Launching Ramp Permits has been deleted.

In line with the earlier Agenda Item 12.2.6, a new delegation DA74 Authority to Make Gratuity Payments to Departing Staff has been included.

The Council, as delegator, is required to review its delegations annually. It is recommended that the Council endorses the revised Delegated Authority Register.

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 110618

Moved Cr Natale, seconded Cr White

That Council endorse the revised Delegated Authority Register 2018 as attached.

(CARRIED UNANIMOUSLY)
(ABSOLUTE MAJORITY)

12.3.2 Adoption of Meeting Schedule 2018/19

Applicant	N/A
File ref	C/MTG1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, CEO
Meeting Date	19 June 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Purpose

To facilitate decisions by Council on the meeting schedule for 2018/19 and the related issue of the Christmas closure period.

Executive Summary

Council is required, under Section 12 of the *Local Government (Administration) Regulations 1996*, to advertise, at least once a year, its meeting schedule for the next twelve months. The previous schedule was to 30 June 2018 thus the meeting schedule for 2018/19 will need to be determined and advertised prior to 1 July 2018.

It is recommended that the meeting scheduled as contained within this report be adopted for 2018/19.

Background

With respect to the above, at the Council Meeting of 20 June 2017, Council resolved as follows:

That Council resolve:

1. *an ordinary Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2017 when the meeting is held on the 2nd Tuesday)*
2. *a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.*
3. *meetings of the Finance/Audit Committee be scheduled as required.*
4. *the above arrangements not apply during January 2018*
5. *the administration centre and operations areas be closed:*
 - a. *from midday Friday, 15 December 2017 to allow all staff members to attend a Christmas function*
 - b. *from midday Friday, 22 December 2017 to Tuesday, 2 January 2018 (consisting of 3½ working days: half a day from midday Friday, 22 December, Wednesday, 27 December, Thursday 28 December and Friday, 29 December).*

Consultation

Nil.

Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* reads:

12. Meetings, public notice of (Act s. 5.25(1)(g)) (1)

At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

- (a) *the ordinary council meetings; and*
- (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

In part Section 5.23 of the *Local Government Act 1995* states:

Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

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

Strategic Priority 5: Leadership and Governance

- 5.1 Strengthen organisational accountability and transparency
- 5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.

Comment

As the present frequency of Town Planning & Audit Committee meetings, Concept Forums and Council Meeting is allowing council business to be conducted in appropriate and timely manner, therefore, it is not proposed to change this format for 2018/19 financial year.

Audit Committee

It is proposed to hold Audit Committee Meetings during 2018/19 as and when required.

Ordinary Council meetings - December and January Meetings

As in past years, it is proposed to bring forward the December Council Meeting to the 2nd Tuesday of the month ie 11 December. As the Concept Forum is normally scheduled for this date, it is proposed to hold the Forum on the following Tuesday (18 December).

As per normal practice, no meetings have been scheduled for January 2019, however, should any urgent business arise which needs to be considered during this recess, a special Council Meeting can be convened.

Christmas Closure

In recent years, Council has closed during the Christmas and New Year period and staff have used annual leave, RDO's and "day-in-lieu" public holidays for the period.

In relation to the staff Christmas Party, historically this had been compromised by being held on the last afternoon before closing for Christmas, when many staff were under pressure trying to finish off tasks before closing the office for Christmas. It was consequently considered a staff party in the weeks preceding this rush would ensure the function was better enjoyed by all.

The closures would be advertised in order to cater for emergencies during the Christmas/New Year closure. Customers would have access to a recorded telephone message with contact numbers for relevant staff together with details of refuse services and other necessary relevant information relating to Council services such as rangers etc as well as the information being provided on Council's website and Facebook page.

It is proposed the administration centre and operations areas be closed:

- From midday Friday, 14 December 2018 to allow all staff members to attend a Christmas function
- From midday Monday, 24 December 2018 to Wednesday, 2 January 2019 (consisting of 3½ working days: half a day from midday Monday, 24 December, Thursday 27 December, Friday 29 December & Monday 31 December) with a public holiday falling on Tuesday, 1 January 2019.

This closure will be advertised as part of the meeting schedule and again in December 2018 to provide adequate notice to the public of the closure.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 120618

Moved Cr Harrington, seconded Cr White

That Council resolve:

- 1. an ordinary Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2018 when the meeting is held on the 2nd Tuesday)**
- 2. a Town Planning Committee meeting be scheduled for the 1st Tuesday of the month.**
- 3. meetings of the Audit Committee be scheduled as required.**
- 4. the above arrangements not apply during January 2019**
- 5. the administration centre and operations areas be closed:**
 - a. from midday Friday, 14 December 2018 to allow all staff members to attend a Christmas function.**
 - b. from midday Monday, 24 December 2018 to Wednesday, 2 January 2019 (consisting of 3½ working days: half a day from midday Monday 24 December, Thursday 27 December, Friday 28 December and Monday, 31 December).**

(CARRIED UNANIMOUSLY)

(ABSOLUTE MAJORITY)

12.3.3 Adoption of Policy – Parking Infringement Appeals

File ref	C/POL1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil.
Attachments	1. Policy: Parking Infringement Appeals

Purpose

The purpose of this report is for Council to consider adopting Policy No 4.2.7 Parking Infringement Appeals.

Executive Summary

To provide general parking infringement appeal information and protocols for administration to determine the circumstances where a parking infringement appeal will be considered.

Background

The Town receives parking infringement appeals in many circumstances and is required to consider each appeal. This general policy provides a simple guide to inform people of the appeal process and when the Town will consider an appeal.

Consultation

Not applicable.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

The Policy has been developed to provide clarity with regard to how the Town of East Fremantle will determine the circumstances where a parking infringement appeal will be considered.

The Policy is divided into three tables outlining:

- Table 1. Circumstances under which an infringement will be withdrawn
- Table 2. Circumstances under which an infringement may be withdrawn
- Table 3. Circumstances under which an infringement will not be withdrawn

Where an appeal will be considered by the Town the policy also provides details of the evidence required for each appeal to be considered. In the absence of appropriate evidence the Town will not consider an appeal.

This informing policy is a simple guide to the appeals process and the Town will consider each car parking infringement appeal on its merits.

It is recommended Council adopt the Policy as proposed.

12.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 130618

Moved Cr M McPhail, seconded Cr White

That Council adopt Policy No 4.2.7 Parking Infringement Appeal attached to this report.

(CARRIED UNANIMOUSLY)

12.3.4 Authority to Affix the Common Seal – Grant Agreement Fremantle Rowing Club

File ref	R/RSA1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 June 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is to obtain Council authorisation to affix the Common Seal to the Grant Agreement relating to the Upgrade of the Fremantle Rowing Club Ablution Facilities.

Executive Summary

Council on the 19 September 2017 resolved to commit \$40,275.67 towards a Community Sport and Recreation Facilities funding application (CSRFF) by the Fremantle Rowing Club for a 2017/2018 small grants round, which was subsequently approved by the Department of Sport and Recreation.

A grant agreement has now been prepared between Council and the Club and requires the signature of the Mayor and CEO, and affixing of the Common Seal.

Background

Authorisation from Council is required to affix the Common Seal on all documents as per the *Local Government Act 1995 s9.49 (a) 4 - Execution of Documents*.

Consultation

Not applicable.

Statutory Environment

Local Government Act 1995 s9.49 (a) - Execution of documents:

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

This matter will not impact on the strategies of the Council.

Site Inspection

Not applicable

Comment

Council is now requested to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Grant Agreement with Fremantle Rowing Club for the upgrade of the ablution facilities.

12.3.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 140618

Moved Cr Collinson, seconded Cr White

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Grant Agreement – Upgrade of Fremantle Rowing Club Ablution Facilities.

(CARRIED UNANIMOUSLY)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Cr M McPhail - Streetscape Manual

COUNCIL RESOLUTION 150618

Moved Cr M McPhail, seconded Cr Natale

That the CEO be requested to develop a Streetscape Procedure Manual to standardise the Town's management of the public realm within road reserves. In particular, the manual is to consider, amongst other things:

1. Precincts & Streetscape Hierarchy
 - (i) Classify road reserves within the Town according to a streetscape hierarchy with sub-classifications according to precinct.
 - (ii) Precinct classification should consider: streetscape pattern, streetscape history, land use history, character of existing built form, underlying geology & topology.
 - (iii) Street Hierarchy should consider: traffic volumes, nature of pedestrian/recreational use, land use, road reserve width.
2. Footpaths
 - (i) Determine appropriate construction materials for each footpath, considering the relevant precinct and street hierarchy.
 - (ii) Determine standard for construction, including driveway crossovers, curbing.
3. Street Trees
 - (i) Determine suite of appropriate street trees/vegetation for each precinct across the street hierarchy.
 - (ii) Standard design solutions for how street trees integrate within footpaths/verges/median strip.
 - (iii) Establish a set of principles that guide where street trees should/should not be placed to account for road safety, pre-existing verge structures, view scape, soil conditions, availability of alternative safe public parking.
 - (iv) Confirm ideal planting times, maturation period and mature size.
4. Road Material
 - (i) Determine appropriate road material by street hierarchy and precinct.
 - (ii) Identify sections of road that require/have road treatments (e.g. chicanes, speed humps, raised intersections).
5. Consultation

Establish minimum consultation requirements for affected residents, including time required for prior notification, how proposed changes are visually communicated, and a process for giving feedback.

Rationale:

The Town spends a significant portion of its budget on footpaths, roadworks, tree planting and other elements that impact upon the public realm. By standardising the materials we use when upgrading our streetscapes, Council provides clarity in an area that has historically been ad hoc. By standardising materials by precinct, Council can better emphasise the unique patchwork of communities and places that have established within the Town. Standardising materials used according to a street hierarchy mean the Town can signal the border between car-dominant streets and pedestrian friendly neighbourhood streets and recreational paths. Establishing a process for consultation and communication means the Town can better resolve design issues before construction



occurs. This range of measures, and others identified by officers, will improve the value of our current infrastructure spend and the consistency of what we deliver to our community.

(CARRIED UNANIMOUSLY)

14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
Nil.
15. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil.
16. **NEW BUSINESS OF AN URGENT NATURE**
Nil.
17. **MATTERS BEHIND CLOSED DOORS**
Nil.
18. **CLOSURE**
There being no further business, the Presiding Member declared the meeting closed at 7.14pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 19 June 2018, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

17 July 2018

Presiding Member