



# MINUTES

## Council Meeting

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Tuesday, 21 August 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, 21 AUGUST 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 D Nardi	
Cr A Natale	

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
Ms J May	Minute Secretary
Mr L Smith	Admin Support Regulatory Services

There was one member of the public in attendance.

**3.2 Apologies**

Cr A White.

**3.3 Approved Leave of Absence**

Cr A Watkins

**4. DISCLOSURES OF INTEREST**

**4.1 Financial**

Nil.

**4.2 Proximity**

Nil.

**4.3 Impartiality**

Nil.

**5. PUBLIC QUESTION TIME**

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

Nil.

5.2 **Public Question Time**  
Nil.

6. **PRESENTATIONS/DEPUTATIONS**

6.1 **Presentations**  
Nil.

6.2 **Deputations**  
Nil.

7. **APPLICATIONS FOR LEAVE OF ABSENCE**

7.1 **Cr M McPhail**

Cr M McPhail requested leave of absence for the October Council Meeting.

**7.1 COUNCIL RESOLUTION**

Moved Cr A McPhail, seconded Cr Natale

That leave of absence be granted to Cr M McPhail for the October Council Meeting to be held on 16 October 2018.

(CARRIED UNANIMOUSLY)

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

8.1 **Meeting of Council (17 July 2018)**

**8.1 OFFICER RECOMMENDATION**

Moved Cr Nardi, seconded Cr Collinson

That the minutes of the Ordinary meeting of Council held on Tuesday, 17 July 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil.

10. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.

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## 11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

### 11.1 Public Art Panel Minutes (16 July 2018)

<b>File ref</b>	A/ART1
<b>Prepared by</b>	Karen Dore Economic & Community Development Officer
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate & Community Services
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Minutes of Public Art Panel Meeting, 16 July 2018

#### Purpose

To endorse the Panel's recommendation for the appointment of the Panel Chairperson.

#### Executive Summary

In accordance with Policy 4.1.5 Public Art Panel, *"the Chairperson is an elected Member of Council and appointed by Council"*.

#### Background

At the Special Council Meeting held on 24 October 2017 Mayor O'Neill and Cr Harrington were appointed as the elected member representatives to this Panel. Council advertised for nominations from persons with public art expertise and on 17 April 2018 appointed Tony Jones, Carmel O'Neill, Barry Scotland and Olga Cironis as members.

Under the terms of the Public Art Panel Policy (4.1.6) the Chairperson of this Panel must be an elected member of Council and appointed by Council.

#### Consultation

Public Art Panel Members

#### Statutory Environment

Nil

#### Policy Implications

Public Art Panel Policy (4.1.5)

#### Financial Implications

Nil

#### Strategic Implications

Nil

#### Site Inspection

Not applicable

#### Comment

The Panel members unanimously voted for Cr Jenny Harrington to be appointed as the Panel Chairperson.

**11.1 PANEL RECOMMENDATION/COUNCIL RESOLUTION 010818**

Moved Cr M McPhail, seconded Cr Natale

That Council appoint Cr Jenny Harrington as the Chairperson of the Town of East Fremantle Public Art Panel.

(CARRIED UNANIMOUSLY)



## 11.2 Town Planning Committee Meeting (7 August 2018)

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	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 7 August 2018, exercised its delegation in all six statutory matters before it.

As the Committee has no delegation to determine strategic matters, the following items are considered separately within this Council agenda:

- 12.1.1 Comment/Submission – Green Paper – Modernising the Western Australian Planning System
- 12.1.2 Endorsement of Draft Town of East Fremantle Housing Capacity Study
- 12.1.3 Basic Amendment No 16 to Local Planning Scheme No 3 – To rectify typographical errors in the Scheme Text.

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.

**11.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 020818**

Moved Cr Collinson, seconded Cr Nardi

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 7 August 2018 be received with the following error being noted for correction at the September Town Planning Committee Meeting:

Minute No 11.6 Preston Point Road No 65C (Resolution 050818)

*The notation following the Committee resolution be amended to read as follows:*

**Note:**

*As 4 Committee members voted in favour of the procedural motion, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application is deemed deferred, on behalf of Council, under delegated authority."*

(CARRIED UNANIMOUSLY)

## 12. REPORTS

### 12.1 PLANNING REPORTS

#### 12.1.1 Comment/Submission – Green Paper - Modernising the Western Australian Planning System

File ref	B/PTP1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town of East Fremantle Submission – Response Template

#### Purpose

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP080818) to provide comments to the Department of Planning, Lands and Heritage (DPLH) on the Green Paper – *Modernising the Western Australia's Planning System* on planning reform in Western Australia.

#### Executive Summary

The Town Planning Committee at its meeting on 7 August 2018 recommended the adoption of the attached completed Response Template, in addition to a number of general comments, for submission to the DPHL in response to the Green Paper – *Modernising the Western Australia's Planning System*.

(Refer to Town Planning Committee minutes (pp 61-69) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

#### 12.1.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 030818

Moved Cr Collinson, seconded Cr M McPhail

That Council:

- (1) Adopt the Town of East Fremantle Submission – Response Template, shown as Attachment 1 to the Agenda, as a basis for a submission to the Department of Planning Lands and Heritage regarding details of the planning reform proposals of the Modernising Western Australia's Planning System Green Paper (May 2018); and
- (2) Forward the adopted Town of East Fremantle Submission – Response Template referred to in (i) above, to the Department of Planning, Lands and Heritage together with the following general comments:
  - (i) The Town of East Fremantle commends the moves towards developing an improved planning system within the State and supports the reform principles of the Green Paper on *Modernising Western Australia's Planning System* including fairness, transparency, integrity and efficiency; and generally supports the five key reform proposals that include being strategically-led, legible, transparent, efficient and delivering smart growth.

- (ii) Whilst the Town of East Fremantle supports many of the proposals in principle, some require more detail before full support can be considered, as noted in the submission response template and comments herein.
- (iii) It is essential that details of all proposals involve the continued input and scrutiny from local government. It is suggested that a working group/s be established to assist and that these groups include representatives from local government who are experienced in strategic and statutory planning and includes planners who have had experience working in metropolitan and regional local government areas.
- (iv) A number of proposals include or may result in increased responsibility and workloads for local governments. Care needs to be taken to ensure that local governments are not unnecessarily burdened and that they are appropriately supported, resourced and compensated where required.
- (v) It is considered that it would be in the interests of the State Government and the community in general if the State was to take a lead role in developing a robust public awareness and information campaign to explain and promote the proposals of the Green Paper reform as well as any general strategic planning and higher level planning policy as it comes to fruition. It is suggested that such a campaign be of a level similar to those used to promote road safety and health. It is also considered important for it to be communicated to the community that many local government strategic and statutory planning matters are the result of higher level State planning policy and strategic direction which has been imposed.
- (vi) The proposals make mention of a number of guidelines and guiding documents. It is considered essential that local governments be involved in the preparation of these and that the development of these guides is not delayed.
- (vii) A number of proposals suggest enforcement by regulation, whereas guidelines may be more appropriate to implement some proposals.
- (viii) Care needs to be taken when attempting to streamline and provide uniformity. A "one size fits all" approach is not necessarily appropriate for some proposals especially due to the complexity and differences of local governments and DAP jurisdictions.
- (ix) In regards to DAPs: (i) it is suggested that an independent DAP assessment team/s be formed to assist with development assessments in addition to assessments provided in the RAR; (ii) Local government DAP members and specialist members be given greater opportunity to develop a greater sense of a decision-making partnership, rather than a sense of being on opposing sides of a team; and (iii) In making changes to DAP procedures care should be taken not to add a burden on local government resources in respect to costs and staff time.

(CARRIED UNANIMOUSLY)

### 12.1.2 Endorsement of Draft Town of East Fremantle Housing Capacity Study

<b>File ref</b>	B/LPS1
<b>Prepared by</b>	Stacey Towne, Urban Project Planner
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Draft Town of East Fremantle Housing Capacity Study 2018

#### Purpose

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP090818) to endorse the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline guiding document for investigation and development of future housing/planning strategies.

#### Executive Summary

The Town Planning Committee at its meeting on 7 August 2018 recommended the endorsement of the attached Draft Town of East Fremantle Housing Capacity Study 2018.

(Refer to Town Planning Committee minutes (pp 70-73) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

#### 12.1.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 040818

Moved Cr M McPhail, seconded Cr Collinson

That Council:

1. endorses the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline document for investigation and development of future housing/planning strategies.
2. seeks from the Western Australian Planning Commission (WAPC) a revision of the additional dwellings target as required by *Perth and Peel @ 3.5 million March 2018* by either:
  - (a) lowering the 890 additional dwellings target level; or
  - (b) agreeing to the inclusion of additional dwellings provided as part of any future development of the Leeuwin Barracks site within the current 890 additional dwelling target.

(CARRIED UNANIMOUSLY)

Elected members expressed appreciation to the planning staff for their work in preparing this comprehensive document.

**12.1.3 Basic Amendment No. 16 to Local Planning Scheme No. 3 – To Rectify Typographical Errors in the Scheme Text**

<b>Owner</b>	Various
<b>Applicant</b>	Town of East Fremantle
<b>File ref</b>	TPS3A16
<b>Prepared by</b>	Christine Catchpole, Senior Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements:</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

**Purpose**

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP100818) to prepare basic Amendment No 16 to Local Planning Scheme No 3 to rectify typographical errors in the Scheme Text.

**Executive Summary**

The Town Planning Committee at its meeting on 7 August 2018 recommended the preparation of basic Amendment No 16 to Local Planning Scheme No 3 for referral to the Environmental Protection Authority and subsequently to submit the Amendment documentation to the WA Planning Commission for consideration.

(Refer to Town Planning Committee minutes (pp 74-78) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

**12.1.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 050818**

Moved Cr Collinson, seconded Cr Natale

That Council:-

- (1) Pursuant to section 75 of the *Planning and Development Act, 2005* prepares basic Scheme Amendment No. 16 to Local Planning Scheme No.3 to rectify typographical errors in the Scheme Text:
  - (i) Modify the Zoning Table to amend the symbols for the following uses in the Residential zone column:
    - (a) consulting rooms from 'X/D<sup>1</sup>' to 'X/A<sup>1</sup>';
    - (b) grouped dwelling from 'D' to 'D<sup>2</sup>';
    - (c) multiple dwelling from 'X/A<sup>2</sup>' to 'X/A<sup>3</sup>';
    - (d) office from 'X/D<sup>1</sup>' to 'X/A<sup>1</sup>'; and
    - (e) telecommunications infrastructure from 'A<sup>3</sup>' to 'A';
  - (ii) Modify the Zoning Table Footnotes as follows:
    - (a) in Footnote 1. replace 'D' with 'A'; and
    - (b) in Footnote 2. replace 'R1.5' with 'R12.5'; and
  - (iii) Modify Schedule 10 by replacing Clause '5.8.2' with '5.8.5';

- (2) Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 16 is a basic Scheme Amendment, as the amendment is to correct an administrative error;
- (3) Pursuant to section 81 of the Planning and Development Act, 2005, refers basic Amendment No. 16 to the Environmental Protection Authority; and
- (4) Pursuant to Regulation 62(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, authorises the affixing of the common seal and endorses signing of the Amendment documentation by the Mayor and the Chief Executive Officer.

(CARRIED UNANIMOUSLY)

## 12.2 FINANCE REPORTS

### 12.2.1 Unaudited Annual Financial Report for Year Ended 30 June 2018

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Unaudited Annual Financial Report for the Year Ended 30 June 2018

#### **Purpose**

For Council to receive the Unaudited Annual Financial Report for the Year Ended 30 June 2018.

#### **Executive Summary**

In accordance with section 6.4 of the *Local Government Act 1995* (the Act) a local government is to prepare an annual financial report for the preceding financial year.

The annual financial report is to be submitted to the Auditor by the 30 September following each financial year with the accounts of the local government to be balanced.

The Annual Financial Report for the Year Ended 30 June 2018 was submitted to the Auditor on the 8 August 2018, with the end of year audit conducted on-site on the 13/14 August 2018.

#### **Background**

At the June 2018 Ordinary Meeting, Council resolved to approve the deferral of the June 2018 Monthly Financial Report until the August 2018 Meeting. This was to allow for the end of year accounts to be wholly balanced.

#### **Consultation**

It is proposed that the Audit Committee be convened to meet with the Auditor to discuss the Annual Financial Report and Auditor's Report when received.

#### **Statutory Environment**

Section 6.4 of the *Local Government Act 1995 (As amended)* – Annual Financial Report

The content of the Annual Financial Report is prescribed in regulations 36-50 of the *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**

There are no significant financial implications associated with this report.



### Strategic Implications

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 annual financial report has been prepared in accordance with the requirements of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

After the annual financial report has been audited in accordance with the Act, the Chief Executive Officer is to sign the declaration on page 2.

A copy of the annual financial report of a local government is to be submitted to the Department within 30 days of the receipt by the local government's Chief Executive Officer of the auditor's report on that financial report.

Pursuant to section 7.12A of the Act, a local government is to meet with the auditor of the local government at least once in every year. A local government must –

- examine an audit report received by the local government;
- determine if any matters raised by the audit report require action to be undertaken by the local government; and
- ensure that appropriate action is taken in respect of those matters.

### Carryovers from 2017/18

The Operations Manager has requested that the following budgeted capital projects from 2017/18 be revoked into the 2018/19 Budget, as the budgets were not expended and the projects remain a priority.

Account Number	Project Description	Unspent 17/18	Amended Budget 18/19
E14604	Depot Admin Building and Surrounds	\$30,000	(\$30,000)
E10607	Sumpton Green Fence Replacement	\$25,000	(\$25,000)
E11708	Richmond Raceway Security Bars	\$15,000	(\$15,000)
E11709	EFFC – Upgrade of Toilets	\$20,000	(\$20,000)
	<b>TOTAL</b>		<b>(\$90,000)</b>

In order to maintain a balanced 2018/19 Budget, it is proposed that the above projects be funded as follows:

- Defer the Fraser Street Resurfacing Project \$46,000
- Identified savings against Bore Pump Replacement – Sporting Fields \$16,668
- Improved carried forward surplus position 18/19 Budget \$782,557 \$27,332  
versus unaudited 17/18 Annual Financial Report \$809,889

**12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060818**

Moved Cr A McPhail, seconded Cr Natale

That Council:

1. receives the unaudited Annual Financial Report for the Year Ended 30 June 2018;
2. notes that the end of year audit was conducted on 13/14 August 2018;
3. following receipt of the Auditor's Report, requests the Chief Executive Officer:
  - (i) submit a copy of the Annual Financial Report to the Department within 30 days;
  - (ii) schedule a meeting of the Audit Committee to meet with the Auditor to discuss the Audit Report as required by section 7.12A of the *Local Government Act 1995*.
4. pursuant to section 6.8 of the *Local Government Act 1995*, resolved to amend the 2018/19 Budget as follows, resulting in a nil change in budgeted net current assets as at 30 June 2019:

Account Number	Description	Original 18/19 Budget	Amended 18/19 Budget	Change in Net Current Assets
E14604	Depot Admin Building and Surrounds	(\$75,385)	(\$105,385)	(\$30,000)
E10607	Sumpton Green Fence Replacement	\$0	(\$25,000)	(\$25,000)
E11708	Richmond Raceway Security Bars	\$0	(\$15,000)	(\$15,000)
E11709	EFFC – Upgrade of Toilets	\$0	(\$20,000)	(\$20,000)
E12710	Fraser Street – Asphalt Resurface	(\$46,000)	\$0	\$46,000
E11712	Bore Replacement – Parks and Ovals	(\$66,000)	(\$49,332)	\$16,668
	Carried Forward Surplus 1 July 2018	\$782,857	\$809,889	\$27,332
		Change in Net Current Assets		\$0

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

### 12.2.2 Accounts for Payment – July 2018

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Terry Paparone, Manager Finance & Administration
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly List of Payments – July 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 July 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 July to 31 July 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 4.2.4 Purchasing Policy

#### **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 070818**

Moved Cr M McPhail, seconded Cr A McPhail

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

JULY 2018		
Voucher No	Account	Amount
5170 – 5174	Municipal (Cheques)	7,552.00
EFT26188 – EFT26291	Electronic Transfer Funds	\$460,489.78
Payroll	Electronic Transfer Funds	\$289,317.16
Superannuation	Electronic Transfer Funds	\$48,052.37
Credit Card	Corporate Credit Card	\$1,350.52
	<b>Total Payments</b>	<b>\$806,761.83</b>

(CARRIED UNANIMOUSLY)

### 12.2.3 Application for Rates Exemption

<b>File ref:</b>	F/RAT1
<b>Prepared by:</b>	Jessica Melia, Rates Officer
<b>Supervised by:</b>	Peter Kocian, Executive Manager Corporate Service
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements:</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Application for Rates Exemption, Foundation Housing Ltd, Assessment Number A14940 (<b>Confidential Attachment</b>)</li><li>2. Application for Rates Exemption, Access Housing Australia Ltd, Assessment Number A43220 (<b>Confidential Attachment</b>)</li><li>3. Draft Policy 4.2.9 Rates Exemption</li></ol>

#### Purpose

This report is to seek Council's decision on two (2) applications for Rates Exemption. Foundation Housing Ltd and Access Housing Australia Ltd have applied for the exemption of Town rates, under the provisions of the *Local Government Act 1995 - Section 6.26 (2)(g) - land used exclusively for "Charitable purposes"*.

The report recommends that Council approve the request for rate exemption against two of the properties owned by the Housing Authority as the land is being used for "charitable purposes" and qualifies for rates exemptions under the relevant legislation.

#### Executive Summary

Foundation Housing Ltd and Access Housing Australia Ltd are both non for profit Community Housing Organisations, registered charities and Public Benevolent Institutions. The applications for rate exemption relate to two properties which these organisations lease from the Housing Authority.

#### Foundation Housing Ltd

Foundation Housing Ltd have a Community Housing Agreement with the Housing Authority for the management of A14940, King Street, East Fremantle. The use of the land aims to alleviate poverty by providing affordable housing to people classified as being in poverty, who may be homeless, socially marginalised or otherwise disadvantaged.

Foundation Housing Ltd has applied for a Rates Exemption for the amount tabled below:

Description	Levies	Total
General Rates	\$2095.75	\$2095.75
<b>Total</b>		<b>\$2095.75</b>

#### Access Housing Ltd

Access Housing Ltd have a Lease Agreement with the Housing Authority for a portion of A43220, Pier Street, East Fremantle. The property comprises of 12 units in total and Access Housing Ltd lease one unit. The balance of the units located in the complex are not leased by Access Housing Ltd. The use of the property leased by Access Housing Ltd is for housing seniors, people living with a disability or mental health illness, families and singles.

The Town currently calculates rates for A43220, Pier Street, East Fremantle from a valuation provided by the Valuer General Office (VGO) for “Group Housing”. In considering alternative approaches to charging rates for individual dwellings on a land title, the Town contacted the VGO to obtain a Gross Rental Value (GRV) for the property for which the rate exemption request applies.

The total valuation for the complex (comprising of 12 units), based on a calculation from the VGO for Group Housing, is \$172,120. Thus, a GRV of \$14,300 applies for a single unit. Given the relatively low valuation, the residential minimum rate of \$1,080 would apply.

Description	Levies	Total
General Rates	\$1080.00	\$1080.00
<b>Total</b>		<b>\$1080.00</b>

### Background

Section 6.26 (2) (g) of the *Local Government Act* provides Rates Exemption to land used “exclusively for charitable purposes”. Whilst the Act stipulates that where an organisation or individual uses land for charitable purposes, the owners of the land can be exempted from paying local government rates, the Act does not provide a clear definition of what constitutes a charitable purpose.

The definition of charitable purposes was introduced by the Statute of Elizabeth enacted by the English Parliament in 1601 and the Judgement Lord Macnaghten in *Commissioners for the Special Purpose of Income Tax v Pemsel*. The preamble to the Act contained a list of purposes or activities that was, in effect, a list of purposes or activities that the State believed were of general benefit to society, and to which the State wanted to encourage private contributions. The list has formed the foundation of the modern definition of charitable purposes, which has developed through case law.

The definition of charitable purposes is summarised as follows:

- Trusts for the relief of poverty
- Trusts for the advancement of education
- Trusts for the advancement of religion; and
- Trusts for other purposes beneficial to the community:

Each Local Government has the responsibility to assess and decide on applications from organisations seeking an exemption from paying rates. The types of land uses generally considered to be of a charitable nature include community housing, accommodation for the aged, people with disabilities, disadvantaged persons etc.

An applicant is required to evidence their right to an exemption of rates under *Section 6.26 of the Local Government Act 1995* by providing information upon which the Local Government can make an objective assessment as to their eligibility. In the case of a charitable land use, *Section 6.26(2)(g)* of the Act does not establish an ‘as of right’ entitlement to a rate exemption on the basis of a claimant organisation’s structure, purpose, objectives or the apparent land use.

### Application process

An applicant applying to the Town for Rates Exemption must apply in writing, complete the Town’s application for exemption and provide any supportive documentation according to the checklist on the form. The following documents are required to be submitted for consideration:

- Application for Rates Exemption

- Copy of Lease, if property is leased
- Building plans, detailing leased areas
- Certificate of Incorporation
- Certificate of Tax Exemption
- Copies of two years' worth of financial statements
- A statement detailing the nature of the organisation, income received by the organisation, details of any commercial activities and how profit is utilised and distributed by the company.
- Copy of the organisations constitution

### **Making a Determination**

Once the application is returned, consideration is then given to determining whether non-rateable status applies, or is to be declined. Local Governments may do this in two ways. The Local Government may delegate authority for a Rate Exemption application to be determined by the CEO or the Executive Manager Corporate Service. Council currently has not delegated the responsibility. In the absence of a delegation, applications are to be referred to Council together with an Officer Recommendation to either approve or decline the request.

If the application is refused, the applicant will need to be notified in writing of the decision. Where the application is refused, the applicant may object under s. 6.76 of the *Local Government Act 1995* to the rate record of the local government in question, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under s. 6.76 to the State Administrative Tribunal (SAT).

Properties exempt from Local Government rates are not exempt from ESL (Emergency Services Levy). Regulation 5 of the *Fire and Emergency Services Regulations 1998* specifies land that is exempt for the ESL.

### **Statutory Environment**

*Local Government Act 1995* - Sect 6.26

(1) *Except as provided in this section all land within a district is rateable land.*

(2) *The following land is not rateable land —*

(a) *land which is the property of the Crown and —*

(i) *is being used or held for a public purpose; or*

(ii) *is unoccupied, except —*

(I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

(II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*

(b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*

(c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading*

- undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
  - (e) land used exclusively by a religious body as a school for the religious instruction of children; and*
  - (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999 ; and*
  - (g) land used exclusively for charitable purposes; and**
  - (h) land vested in trustees for agricultural or horticultural show purposes; and*
  - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006 ) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
  - (j) land which is exempt from rates under any other written law; and*
  - (k) land which is declared by the Minister to be exempt from rates.*

#### **Policy Implications**

Council does not have a current Policy that deals with Rate Exemptions. The City of Kwinana has developed a Policy specifically for Charitable Rate Exemptions, which outlines the application process and eligibility period. A proposed Policy has been drafted similar to that of Kwinana's, for Council's consideration.

#### **Financial Implications**

The calculated general rates for each of the properties for the 2018/19 year are as follows:

<b>Property</b>	<b>Annual rates levied</b>
A14940	\$2095.75
A43220	\$1080.00

Should the application for Rates Exception be refused the applicant may appeal the decision. The appeal would be heard by the State Administrative Tribunal (SAT) and would require the attendance of relevant staff members and could incur potential legal costs. Previous findings of decisions resulting in Rates Exemption applications taken to SAT indicate that if the rateable land in question is proved to be of public benefit the cases were found in favour of the defendant.

The Town currently charges general rates on 43 properties owned by the Housing Authority. The annual charge for rates levied for the 43 properties is \$103,460. Should Council resolve to proceed with the officer's recommendation there may be a future impact on revenue associated with rates from properties owned by the Housing Authority, should the Housing Authority continue with lease arrangements with non for profit Community Housing Organisations.

In assessing applications for Rates Exemptions it should be noted that officers would not support a reduction in service charges. Community Housing Organisations will be required to meet all costs associated with the maintenance and service of waste collection and will not be exempt from paying the Emergency Services Levy.



As noted above Foundation Housing Ltd and Access Housing Ltd have applied for Rates Exemption under *section 6.26 (g) of the Local Government Act*. Both organisations provide affordable housing to tenants to improve the life and wellbeing of people with disabilities, the frail and people in need. Council can consider reviewing both applications on a bi-annual basis to ensure these properties are being provided for charitable purposes and are servicing the requirements of the community now and into the future.

### Strategic Implications

#### 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

#### Strategic Priority 3: Built Environment

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

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

### 12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080818

Moved Cr Nardi, seconded Cr Harrington

That Council:

1. pursuant to section 6.26 (g) of the *Local Government Act 1995*, approve:
  - (i) the Application for Rates Exemption submitted by Foundation Housing Ltd, relating to property A14940, with the exemption to be valid for the 2018/19 financial year.
  - (ii) the Application for Rates Exemption submitted by Access Housing Ltd, relating to property A43220, with the exemption to be valid for the 2018/19 financial year.
2. adopt the draft Policy 'Charitable Rate Exemptions' as presented.
3. advise Foundation Housing Ltd and Access Housing Ltd they will need to reapply for a rates exemption for 2019/20 financial year, in accordance with the Charitable Rate Exemptions Policy.
4. resolve to impose the following fees, pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007* for the removal and disposal of waste, against Department of Housing properties that become non-rateable, yet still receive a kerbside collection service:

Description	Fee
240l MGB	\$250.00
240l Recycle Bin	\$250.00

(CARRIED UNANIMOUSLY)

#### 12.2.4 Preston Point Road North Recreation Facilities Master Plan Funding Application (CSRFF)

<b>File ref</b>	F/GSB1
<b>Prepared by</b>	Karen Dore, Economic and Community Development Officer
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate and Community Services
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. CSRFF Application Form

#### **Purpose**

To facilitate Council consideration of a Community Sport and Recreation Facilities Fund application of \$15,000 for the preparation of a Preston Point Road North Recreation Facilities Master Plan.

#### **Executive Summary**

The requirement for the preparation of a Preston Point Road North Recreation Facilities 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.

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 urgency 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 and special interest groups.

The engagement of a consultant to prepare the Master Plan will also provide clear direction in the short and medium term for the redevelopment / upgrade of and investment in recreation facilities. A number of clubs within the precinct have indicated that they are in the process of planning for the future.

#### **Background**

This funding program provides financial assistance to community groups and local governments in order to increase participation in sport and recreation, with an emphasis on physical activity, through the rational development of sustainable, good quality, well-designed and well-utilised facilities.

CSRFF Small Grants are available for small projects, including planning studies.

The 2018 summer funding round opened in July 2018 and proposed applications must be considered by Council, prior to submission to the Department of Local Government, Sport and Cultural Industries (DLGSCI) by their deadline of Friday 31 August 2018.

An indication has been given by an Officer speaking on behalf of CSRFF that the proposed application meets funding guidelines. Up to \$25,000 is available, being not more than 33% of the total cost.

### Consultation

During the preparation of the Town's *Recreation and Community Facilities Strategy* the consultant, SGL Consulting Group in association with Creating Communities, facilitated a number of consultation sessions, through their Community Engagement Program.

Key stakeholders, being those organisations that currently utilise facilities in the Preston Point Road North precinct have recently been consulted through the annual meeting process initiated by the Mayor and CEO:

1. EF Cricket Club / EF Lacrosse Club *recently upgraded facilities*
2. EF Junior Cricket Club / EF Junior Football Club upgrade proposal underway
3. EF Tennis Club (+ Taoist Tai Chi) redevelopment plan submitted
4. EF Yacht Club seeking additional parking
5. 1<sup>st</sup> Fremantle Sea Scouts' Camp Waller minor upgrades plus long term plan to redevelop
6. HACC Services/Fremantle City Football Club (formerly EF Tricolore Soccer Club) propose *partnering with Town to redevelop*

Future consultation will include the above key stakeholders, along with the community and the Department of Biodiversity, Conservation and Attractions (Swan River).

### Statutory Environment

Nil

### Policy 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 funding application 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.

#### **Financial Implications**

An allocation of \$25,000 has been made in the Town's adopted 2018-2019 budget to contribute to this project which has an estimated cost of \$45,000.

#### **Strategic Implications**

##### **Town of East Fremantle Strategic Community Plan 2017-2027**

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

*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*

#### **Site Inspection**

During the preparation of the Town's *Recreation and Community Facilities Strategy* the consultant, SGL Consulting Group in association with Creating Communities, generated a Recreation and Community Facility Inventory. This was based upon the analysis of all recreation sites, including the Preston Point Road North 'precinct'.

#### **Comment**

Given that at least three of the key stakeholders are currently seeking to redevelop and / or upgrade their Council owned facilities, it is felt that to ensure the best outcome/s for the community (both financially and socially) an overarching steering document is required before any individual plans can be supported.

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

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

Council must also rank the priority of this application with respect to any other grant application received. To date Council has not received any other grant applications.

#### **12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090818**

**Moved Cr Natale, seconded Cr Collinson**

**That Council:**

- 1. support the Town of East Fremantle's CSRFF grant application of \$15,000 for the preparation of a Preston Point Road North Recreation Facilities Master Plan with a project rating of A and a priority rating of 1;**
- 2. request that the Chief Executive Officer sign and submit the attached application; and**
- 3. request that the Chief Executive Officer communicate this outcome to the key stakeholders.**

**(CARRIED UNANIMOUSLY)**

## 12.3 GOVERNANCE REPORTS

### 12.3.1 Draft Town of East Fremantle Public Health Plan 2018-2023

<b>File ref</b>	H/HDT1
<b>Prepared by</b>	Shelley Cocks Principal Environmental Health Officer
<b>Supervised by</b>	Andrew Malone Executive Manager Regulatory Services
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Draft Public Health Plan

#### **Purpose**

To consider the adoption of the Town of East Fremantle Public Health Plan 2018-2023.

#### **Executive Summary**

The Public Health Plan is a legislative requirement of the *WA Public Health Act 2016*. The vision of the Plan is *"To protect, promote and enhance the health, wellbeing and quality of life for our community"*.

The Town of East Fremantle Public Health Plan 2018-2023 comprises an introduction with the above vision and mission statements, and a series of actions divided into three key areas:

1. Healthy People and Community  
*"To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities."*
2. Healthy Places and Spaces  
*"To provide healthy places and spaces to encourage and support healthy lifestyle opportunities."*
3. Healthy Partnerships  
*"To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing."*

#### **Background**

The *WA Public Health Act 2016* requires local governments to develop local public health plans in order to establish an integrated health and wellbeing planning process that fits into existing frameworks and strategies within the local community. The Plan is a five year strategic document that meets the Town's legislative obligations and is intended to integrate with the Town's core functions rather than duplicate existing plans and strategies already in place.

Although the requirement for public health planning will not come into effect until Part 5 of the *Public Health Act 2016* is implemented in approximately three years' time, a number of proactive local governments are producing public health plans and are being encouraged and supported to do so by the Public Health Division of the Department of Health. Accordingly, the first interim State Public Health Plan has been released for the first stage of consultation across Western Australia.

This plan includes:

- Part 1: A health status report for Western Australia which documents public health trends in WA and identifies areas of inequalities in particular population sub-groups;

- Part 2. Objectives and policy priorities 2017-2021 to address the issues arising in Part 1.

Western Australia (WA) has a high standard of health. Life expectancy is increasing, infant mortality is low and trending downwards, and there have been sustained declines in the prevalence of smoking over the past decade. However health status varies considerably across different population groups. For example WA's Aboriginal population have demonstrably poorer health outcomes than the non-Aboriginal population. Health outcomes are significantly poorer in country and remote WA.

The Town of East Fremantle is the most advantaged of the local government authorities within the South Metropolitan Health Service. The Town has a SEIFA Index of Relative Socio-Economic Disadvantage score of 1088. This score is made up of four indices which summarise a variety of social and economic variables such as income, educational attainment, employment and number of unskilled workers. They are based on a national average of 1000 and areas with the lowest scores are the most disadvantaged.

Nevertheless, the Town shares many common problems with the rest of the State. Obesity and chronic disease have emerged as significant public health challenges overall. The burden of chronic disease is likely to increase over the next decade, due to an ageing population and the time lag associated with chronic conditions which often reflect the cumulative influence of risk factors across the life course. In that regard, the importance of health promotion and health education cannot be overstated.

Council at its meeting held on 17 April 2018 resolved to receive the draft Town of East Fremantle Public Health Plan 2018-23 to allow advertising for public comment for a 30 day period.

### **Consultation**

The following Town of East Fremantle documents have been used to inform and/or complement this Plan:

- Strategic Community Plan 2017-2027,
- Corporate Business Plan 2015-2019
- Recreation and Community Facilities Strategy 2016
- Foreshore Master Plan 2016
- Disability Access and Inclusion Plan 2016-2020
- Public Art Strategy 2017

The Plan has been developed following research and utilising the outcomes of community consultation which have taken place within the Town such as community forums and the Catalyse community scorecard. Consultation with Council staff, the Fremantle Local Public Health Advisory Group and the Metropolitan Environmental Health Manager's Group has been extensively undertaken over the last 12 months. The Plan has been examined and workshopped by Council's Executive Management Group.

The draft plan was advertised for public comment in the Fremantle Herald on Saturday 5 May 2018, as well as on its website and Facebook page, with a closing date for comments of Friday 8 June. At the close of the comment period, no submissions had been received.

In developing the Plan, staff have placed a "health lens" across all departments to identify the Town's existing contribution and commitment towards improving the health and wellbeing of our community. The Draft Action Plan has subsequently been amended to include new and existing

strategies over the next four years. Other minor amendments include clarifying the responsible department and where applicable identifying one or more departments who share a role in delivering a strategy eg provide safe, healthy, good quality and culturally unique food at unique locations will be a shared role between Environmental Health and Community Development. Support and promote the establishment of community gardens may constitute a shared role between Community Development and Operations Services.

The implementation of the plan will be tracked through annual reporting on the Public Health Plan which will detail activities undertaken in accordance with Council's budget during the previous financial year.

### **Statutory Environment**

WA Public Health Act 2016

### **Policy Implications**

Healthy Eating Policy

### **Financial Implications**

There are no particular financial implications other than existing budget item E07218 Public Health Program which is used to implement public health initiatives such as drug education and a falls prevention program. There is an allocation in the 2018/9 budget for \$5,500.

### **Strategic Implications**

The Public Health Plan most closely aligns with the objectives outlined in:

#### ***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.
- 1.2 Inviting open spaces, meeting places and recreational facilities,
- 1.3 Strong community connection within a safe and vibrant lifestyle.

### **Site Inspection**

Not applicable

### **Comment**

The Town aims to enhance the health, wellbeing and quality of life for the community through:

1. assessing, reviewing and responding to current and future public health and wellbeing needs, issues and emerging trends based on best practice, sustainability and evidence based decision making processes.
2. developing collaborative partnerships with internal and external key stakeholders.
3. integrating public health and wellbeing into existing services and programs.
4. facilitating the vision for a healthy and sustainable community through greater community participation and development on health issues.
5. aligning with and providing strategic links and relationships with local, state and national strategic plans and policies that impact on health and well being.

The Plan aligns with and builds upon the foundations of the Integrated Planning and Reporting Framework and operates as an informing strategy to the Town's Strategic Community Plan 2017-27.

**12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 100818**

**Moved Cr Nardi, seconded Cr Harrington**

**That Council adopts the Town of East Fremantle Public Health Plan 2018-23.**

(CARRIED UNANIMOUSLY)



### 12.3.2 Authority to Affix the Common Seal – Licence Agreement Museum of Perth

<b>File ref</b>	R/RSA1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Licence Agreement – Dovenby House

#### **Purpose**

The purpose of this report is to obtain Council authorisation to affix the Common Seal to the Licence Agreement for Dovenby House, between the Town of East Fremantle and the Perth History Association Inc. trading as “Museum of Perth”.

#### **Executive Summary**

Council on the 19 June 2018 resolved to endorse a 12-month Licence Agreement with the Museum of Perth, commencing 28 August 2018, for the use of Dovenby House (Council Resolution 080618).

A Licence Agreement has now been drafted and requires the Common Seal to be affixed. Ministerial consent has been received for the Licence Agreement.

#### **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 Licence Agreement as presented.

It is determined that the disposition of Dovenby House by way of a Licence to the Museum of Perth is exempt from the requirements of section 3.58 of the *Local Government Act 1995*, as it satisfies Regulation 30 (2)(b) of the *Local Government (Functions and General) Regulations 1996*:

**30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - or
  - (b) **the land is disposed of to a body, whether incorporated or not —**
    - (i) **the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and**
    - (ii) **the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;**

**12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 110818**

Moved Cr Collinson, seconded Cr Nardi

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Licence Agreement for Dovenby House, between the Town of East Fremantle and the Perth History Association Inc. trading as "Museum of Perth".

(CARRIED UNANIMOUSLY)

### 12.3.3 Review of Delegation Register

<b>File ref</b>	C/DEL1
<b>Prepared by</b>	Janine May, EA to CEO
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Delegation DA75 Dog Registration 2. Delegation DA76 Write Off Debt

#### **Purpose**

The purpose of this report is for Council to update officer subdelegations and include two additional delegations to the Town's Delegated Authority Register to further improve efficiencies within the organisation.

#### **Executive Summary**

It is proposed that Council adopts a recommendation to amend a number of existing delegations to reflect correct officer subdelegations and to add:

- Dog Registration
- Write Off Debt

delegations to the 2018 Delegated Authority Register.

#### **Background**

In accordance with section 5.46 of the *Local Government Act 1995*, Council at its meeting held on 19 June 2018 conducted its annual review of delegations to the Chief Executive Officer and Committees.

#### **Consultation**

N/A

#### **Statutory Environment**

Sections 5.42 and 5.16 of the *Local Government Act*.

#### **Policy Implications**

There is a reference to Policy 4.2.4 within Delegation DA35 Ordering Thresholds.

#### **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 and effectiveness of services

*5.3 Strive for excellence in leadership and governance*

5.3.2 Improve organisational systems with a focus on innovation

**Site Inspection**

N/A

**Comment**

The following existing delegations of Council require amendment:

***Delegation DA35 Ordering Thresholds***

Following the review of Council's Purchasing Policy (4.2.4), also determined at the 19 June Council Meeting, it was noted that the additional staff members granted purchasing authority had not been listed in this delegation. Additionally reference to Policy 8.1 Ordering of Goods and Services – Procedures and Authority Levels under "Conditions Imposed" should now read "Purchasing Policy 4.2.4" as the document has been incorporated in this updated Policy.

***Delegation DA42 Cat Registration***

***Delegation DA43 Cat Control Notice***

***Delegation DA53 Temporary Placement of Rubbish Skip Bins on Street***

As the management of Ranger Services have now been transferred from the Executive Manager Regulatory Services (EMRS) to the Executive Manager Corporate Services (EMCS), the reference to EMRS should be replaced with EMCS.

The following new delegations are proposed to be included:

**Delegation DA75 Dog Registration**

Similarly to the Cat Registration delegation, this delegation will allow staff to expedite various duties and make determinations under the Dog Act 1976.

**Delegation DA76 Write Off Debt**

This delegation seeks authority to defer, waive, grant concession or write off any amount of money under section 6.12 of the *Local Government Act 1995* to a maximum of \$500.

**12.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 120818**

Moved Cr Nardi, seconded Cr Natale

That Council's Delegated Authority Register be amended as follows:

**1. DA35 Ordering Thresholds:**

(i) The following officers be included in the Chief Executive Officer's subdelegation:

- Project Coordinator
- Human Resources Coordinator
- Economic & Community Development Officer
- Executive Assistant to CEO
- Coordinator Planning & Building Services

(ii) The reference to Policy 8.1 Ordering of Goods & Services – Procedures & Authority Levels be replaced with Policy 4.2.4 Purchasing Policy.

**2. DA42 Cat Registration**

**DA43 Cat Control Notice**

**DA53 Temporary Placement of Rubbish Skip Bins on Street**

**The subdelegation to Executive Manager Regulatory Services be replaced with Executive**

**Manager Corporate Services.**

**3. The following delegations, attached to this report, be included:**

- DA75 Dog Registration
- DA76 Write Off Debt

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

#### 12.3.4 Adoption of Council Policy – Related Party Disclosures

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	21 August 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Proposed Related Party Disclosures Policy

#### **Purpose**

The purpose of this report is for Council to consider adopting a new policy in relation to completing Related Party Disclosures requirements. This is required in order to comply with the Australian Accounting Standards Board AASB 124 – Related Party Disclosures.

#### **Executive Summary**

In March 2015, the scope of AASB 124 Related Party Disclosures was extended to include application by not-for-profit entities. The operative date for Local Government was 1 July 2016 (effectively for the year ended 30 June 2017). As such, a draft Policy has been developed for Council consideration.

#### **Background**

The Town is committed to an objective of information equity for its community. As part of this commitment, the Town's financial statements must contain relevant disclosures to draw attention to the possibility that the financial position and profit and loss may have been affected by the existence of related parties or transactions.

#### **Consultation**

No community consultation has been undertaken or is required.

#### **Statutory Environment**

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

The Australian Accounting Standard AASB 124 – Related Party Disclosures includes application by non-for-profit entities including Local Governments with disclosures reported in the Annual Report for the year ending 30 June 2017.

AASB 124 outlines the summary, application and scope for Related Party Transactions and is applicable to:

- Identifying related party transactions and relationships;
- Identifying outstanding balances including commitments between an entity and its related parties;
- Identifying circumstances in which disclosures of the above items are required;
- Determining the disclosures to be made about those items.

#### **Policy Implications**

A new Policy is proposed.

### Financial Implications

There are no significant financial implications associated with this report.

### Strategic Implications

Strategic Priority 5 'Leadership and Governance' is applicable – 5.1.1 Strengthen governance, risk management and compliance.

### Site Inspection

Not applicable

### Comment

Related Parties – for the purposes of determining the application of AASB 124, the Town has identified the following persons as meeting the definition of Related Party:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under s3.56 of the *Local Government Act 1995* and senior employees appointed under s5.37 of the *Local Government Act 1995*. It is likely however that designated senior employees will be removed as a result of the recent review of the *Local Government Act 1995*. For the sake of clarity, other Key Management Personnel will include the Executive Manager Corporate Services, Executive Manager Regulatory Services and Operations Manager.
3. Close members of the family listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB 124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint venture, partnerships and non-profit associations such as sporting clubs).

Related Transactions – is a transfer of resources, services or obligations between the Town and the related party, regardless of whether a price is charged, use of facilities, attending council functions open to the public, sale or purchase of property owned by the Town to a related party.

Frequency of disclosures – Elected Members and key management personnel will be required to complete a Related Party Disclosures – Declaration form commencing 1 July 2018. The Form is to be completed annually, and must also be completed prior to termination of office or termination of employment.

Confidentiality – generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality.

Materiality – management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Ordinary Citizen Transactions (OCTs) – the Chief Executive Officer will provide a recommendation to Council annually, declaring that in his opinion, based on facts and circumstances, the following OCTs that are provided on terms and conditions no different to those applying to the general public, and

which have been provided in the course of delivering public service objectives, and are unlikely to influence the decisions that users of the Council's financial statements make.

As such, no disclosure in the Declaration Form will be required for the following:

- Payment of rates issued by the Town;
- Payment of fines issued by the Town;
- Use of Town owned facilities such as buildings, parks, ovals and other public open space;
- Attending civic functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and KMP will be required to make a declaration about the nature of any discount or special terms received.

**12.3.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 130818**

**Moved Cr Collinson, seconded Cr Nardi**

**That Council adopt:**

- 1. the policy Related Party Disclosures as contained in the attachment;**
- 2. the following transactions as ordinary citizen transactions to be applied in accordance with AASB 124 in determining disclosure requirements:**
  - (a) Payment of rates issued by the Town of East Fremantle**
  - (b) Payment of fines issued by the Town of East Fremantle**
  - (c) Use of Town owned facilities such as buildings, parks, ovals and other public open space (whether a fee is charged or not), and**
  - (d) Attending civic functions that are open to the public.**

**(CARRIED UNANIMOUSLY)**



### 12.3.5 Graffiti Vandalism Act 2016

<b>File ref</b>	C/DEL1 & H/HGF1
<b>Prepared by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	21 August 2018
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Form – Objection to a Notice 2. Form – Warrant to Enter 3. Delegation DA77 Graffiti Removal

#### **Purpose**

For Council to:

- adopt appropriate forms in order for the Town to exercise powers granted to local governments by the *Graffiti Vandalism Act 2016*
- delegate various powers under that Act to the Chief Executive Officer.

#### **Background**

The *Graffiti Vandalism Act 2016* (Act) came into effect on 7 October 2016. The Act consolidates powers assigned to Police, Transit Officers and local governments that were previously contained in a number of pieces of legislation into a single Act to deal with graffiti offences.

There are a number of administrative matters that need to be considered in order for the Town to exercise its powers under the Act in an efficient manner.

#### **Consultation**

N/A

#### **Statutory Environment**

Sections 18, 19, 22 and 29 of the *Graffiti Vandalism Act 2016* are relevant.

#### **Policy Implications**

Policy 2.1.1 Removal of Graffiti.

#### **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 and effectiveness of services

*5.3 Strive for excellence in leadership and governance*

5.3.2 Improve organisational systems with a focus on innovation

### Site Inspection

N/A

### Comment

For local governments the Act provides additional powers to enter on to private property to remove graffiti that has been applied with the consent of the property owner but is visible from a public place and is considered unsightly or offensive. Prior to exercising these powers, a local government is required to give notice to the owner or occupier of a property requiring the graffiti to be removed.

Where the person to whom a notice has been issued fails to comply with the notice they commit an offence. A local government can then give effect to the notice and recover its cost of doing so from the person to whom the notice was issued.

It is important to note that a person to whom a notice is issued is able to object to the notice being issued by lodging an objection with the Chief Executive Officer or alternatively, may seek a review of the Town's decision to issue a notice by the State Administrative Tribunal.

When issuing a notice under the Act the Town must advise the person to whom it is issued of their right to object to the notice. The Town is required to formally adopt the form to be completed by a person wishing to lodge an objection to a notice. A copy of the form proposed to be used by the Town is attached (Attachment 1).

When the owner or occupier of a property objects to the Town entering the property to remove graffiti, the Town may obtain a warrant to enter the property and undertake this work. Under the Act, the Town is required to adopt a form to obtain a warrant to enter property. A copy of the form proposed to be used by the Town for this purpose is attached (Attachment 2).

In addition to the requirement for local governments to adopt the forms discussed above, Section 16 of the Act allows the Council of a local government to delegate to the Chief Executive Officer any of its powers under the Act. The Chief Executive Officer may further delegate powers to employees.

To allow for the efficient implementation of the Act it is proposed that Council delegates the following powers to the Chief Executive Officer:

<b>Statutory Power to be Delegated</b>	<b>Summary of Power Delegated</b>
Section 18(2)	Issue notice to a person requiring removal of graffiti
Section 19(3)	Give effect to a notice where the person to whom it was issued fails to do so
Section 19(4)	Recover costs incurred in giving effect to a notice
Section 25(1)	Remove graffiti that has been applied without the consent of owner or occupier of property

Details of proposed delegations to the Chief Executive Officer are outlined in Attachment 3.

**12.3.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 140818**

Moved Cr Harrington, seconded Cr Natale

That Council:

1. approve the adoption of the following forms for use as required under Sections 22 and 29 of the *Graffiti Vandalism Act 2016*:
  - Objection to a Notice as detailed in Appendix 1
  - Warrant to Enter as detailed in Appendix 2
2. in accordance with Section 16 of the *Graffiti Vandalism Act 2016*, delegates to the Chief Executive Officer the statutory powers detailed in Appendix 3.

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil.
14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**  
Nil.
15. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**  
Nil.
16. **NEW BUSINESS OF AN URGENT NATURE**  
Nil.
17. **MATTERS BEHIND CLOSED DOORS**  
Nil.
18. **CLOSURE**  
There being no further business, the Presiding Member declared the meeting closed at 7.16pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 August 2018**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

*18 SEPTEMBER 2018*



*Presiding Member*