



MINUTES

Council Meeting

Tuesday, 16 May 2017 at 6.34pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE TRADEWINDS HOTEL (HERITAGE ROOM), 59 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 16 MAY 2017.

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	(From 6.42pm)
Cr D Nardi	
Cr L Nicholson	
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
Ms J May	Minute Secretary

There were no members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

4.2.1 Cr Nardi – Item 12.1.1 Town Planning Scheme No 3 - Heritage List Listing – Marmion Street No 122 (Lot 18)

Cr Nardi declared a proximity interest in this matter as his residence adjoins the subject property.

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
Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Ordinary Meeting of Council (18 April 2017)

8.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 010517

Cr White moved, seconded Cr Nardi

That the minutes of the Ordinary meeting of Council held on Tuesday, 18 April 2017 be confirmed as a true and correct record of proceedings.

(CARRIED 8:0)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Strategic Community Plan Review Workshops

The Mayor thanked relevant staff for arranging the very successful Breakfast with the Business Community on 27 April and the Dialogue Café involving members of the community on 10 May, held as part of the review of Council's Strategic Community Plan.

9.2 ANZAC Day

The Mayor advised that he and the CEO had attended the ANZAC dawn service at HMAS Leeuwin and an afternoon ANZAC service at the Swan Yacht Club.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (2 May 2017)

Applicant:	N/A
File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 2 May 2017, exercised its delegation in all statutory matters before it. The heritage listing of 122 Marmion Street is the subject of a separate report in this Agenda. There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Comment

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

11.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 020517

Cr A McPhail moved, seconded Cr Nicholson

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 2 May 2017 be received.

(CARRIED 8:0)

12. REPORTS

12.1 PLANNING REPORTS

Cr Nardi declared a proximity interest in the matter of 120 Marmion Street as his residence adjoins the subject lot, and left the meeting at 6.39pm.

12.1.1 Town Planning Scheme No. 3 - Heritage List Listing – Marmion Street No. 122 (Lot 18), East Fremantle

Applicant	Town of East Fremantle
File ref	P/MAR122
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	16 May 2017
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose and Executive Summary

For Council to consider the Town Planning and Building Committee (TPBC) recommendation (Resolution TP090517) and proceed with formal heritage listing of the property in Council's Municipal Heritage Inventory and Town Planning Scheme No 3 as outlined in the Report contained within the TPBC minutes (Agenda Item 11.1 Attachment 1).

Background

The Town Planning & Building Committee at its meeting on 2 May 2017 recommended inclusion of 122 Marmion Street as a category C property on the Municipal Heritage Inventory 2015 and in the Heritage List of Town Planning Scheme No 3.

(Refer to Town Planning & Building Committee minutes attached (pp 71-75) to view the full report and Resolution.)

This matter has been referred to Council as the Town Planning and Building Committee does not have delegated authority to endorse the heritage listing of properties.

Comment

The subject site is a single residential lot of traditional quarter-acre configuration (1009m²), located in the southern portion of the Woodside precinct, fronting Marmion Street (between Allen Street and Dalgety Street). The site contains an Inter-war porch dwelling. Mr Kirkness has reviewed the property and notes the following:

The dwelling wholly retains its original external form and has been recently restored to remove unsympathetic windows and interior amendments. Roof, floor and ceiling structures have been repaired / renovated and the dwelling both restored and brought to a modern standard of livability. The original interior room set-out has been wholly retained and bathroom / kitchen fitout carried out within these spaces.

The owner has resided at the dwelling since undertaking these works, however now seeks to further develop the site through the creation of an additional dwelling to the rear of the subject lot. This

was the intention from when the site was purchased in early 2014 in anticipation of the success of Council's LPS3 Amendment 10, then adopted by Council and under consideration by the Minister.

12.1.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 030517

Cr Collinson moved, seconded Cr White

That Council resolve to:

- (1) Confirm No. 122 (Lot 18) Marmion Street, East Fremantle as a category C property on the Municipal Heritage Inventory 2015 and include the place in the Heritage List of Town Planning Scheme No. 3;**
- (2) Notify the owner of 122 (Lot 18) Marmion Street, East Fremantle that the property is included on the Scheme's Heritage List in accordance with the provisions of Clause 8(3) (Deemed Provisions) of Town Planning Scheme No. 3.**

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) this decision does not include any approval of the proposed subdivision. The owner / applicant will be required to enter into a Heritage Agreement, including any proposed subdivision plan prior to the owner / applicant making a subdivision application to the Western Australian Planning Commission.***

(CARRIED 7:0)

Cr Nardi returned to the meeting at 6.40pm and it was noted he did not speak or vote on the previous motion.

12.1.2 Moss Street, No. 33 (Reserve 37909) – Change of Use from Day Therapy Centre to Short Term Residential Accommodation for up to 15 Persons – Request for Extension of Temporary Planning Approval

Applicant	M Stokoe on behalf of South Metropolitan Health Service
Landowner	State of Western Australia - Minister of Public Health
File ref	P/MOSS33
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Location Plan 2. Photographs 3. Council Minutes dated 17 May 2016 – Council approval for Change of Use

Purpose

The purpose of this report is for Council to consider a planning application for the extension of a 12 month temporary planning approval for a change of use from day therapy centre to short term residential accommodation for up to 15 persons (Admission – Direction Service for Fremantle Hospital and Health Service).

Executive Summary

This application is for a 12 month extension to the previous approval (Council Meeting 170517 Resolution 100516). The following issues were noted as relevant to the determination of this application upon its initial assessment in 2016:

- Change of use from day therapy consulting rooms to short term accommodation;
- Residential amenity impacts and compatibility of use with surrounding residential uses;
- Car parking and access for clients, staff, visitors and service/delivery vehicles; and
- Use of 'Reserve' land with Management Orders stating the land is to be used for mental health services.

The application underwent two advertising periods in accordance with planning scheme provisions, including a public information session at Fremantle Hospital, letters to residents, signs on the site and individual ratepayer meetings with planning staff. A significant number of submissions objecting to the application were received primarily all focusing on the potential negative impact of the use on residential amenity and parking, traffic and access issues

The proposed accommodation use was, however, considered consistent with the reserve status of the land and the purpose of the 'gifting' to the Fremantle Hospital. The use of the building was also considered compatible with the surrounding residential area, particularly as it is intended for the occupants to live in a residential setting. Nonetheless a number of relevant planning issues and matters for consideration were raised in the submissions and by planning officers. These were addressed and conditions of planning approval were imposed as a result.

The time in which the current planning approval remains valid will expire on 17 May 2017. The applicant has requested an extension of the planning approval for a further twelve month period. Since the initial approval was granted, commencement of building work has been delayed in part due to the extent of the specifications required and the compliancy checks to ensure the completed

works comply with the Town's requirements, heritage and building code applicable to a Class 9 building. There are no changes to the works proposed with the application for extension of the approval.

No further public consultation is required at this stage because the applicant is only requesting an extension of the approval already granted. There are no changes to the existing works planned for the site, or the planning conditions imposed, or any change to the details of the initial application or the manner in which the facility will operate. There are no changes to the statutory/legislative assessment requirements used to determine this application either.

Full details in respect to the original application can be found in Attachment 3 (Council Minutes of 17 May 2016). The same conditions of approval are recommended to be imposed should Council resolve to grant an extension of the planning approval for a further 12 months. The application for an extension of the planning approval for another 12 months is therefore supported under the same conditions as the current approval. The extension to the approval period to commence from the date of the Council's determination and the temporary planning approval to commence from the date the Occupancy Permit is issued.

Background

- 18 October 1982:** Council approved a change of use from general hospital to 'Psycho-geriatric Care Centre' for up to 16 persons.
- 20 August 1982:** Land denoted as 'Reserve' for 'mental health services' in Government Gazette.
- 25 June 2001:** South East Metropolitan Health Service advised that the property was to be used for a geriatric day therapy centre.
- 17 May 2016:** Council granted a 12 month temporary approval for the change of use to short term residential accommodation from day therapy centre. The 12 month approval period to commence from the date of issue of the Occupancy Permit.
- Current:** Vacant building.

Consultation

No community consultation required as the application is for a request to extend the temporary planning approval. Should the facility commence operations the applicant is required to submit another planning approval application seeking Council's approval to continue to operate past the 12 month temporary approval. At that point further public consultation will be required.

Community Design Advisory Committee (CDAC)

Referral to the CDAC is not considered necessary given the application is for a change of use and there are no external changes to the heritage listed building proposed.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

LPS No. 3 – Heritage List – Category A

Crown Land Title – Management Order – Swan No. 37909

Policy Implications

Municipal Heritage Inventory – Category A

Fremantle Port Buffer Zone – Area 3

Financial Implications

Nil.

Strategic Implications

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

KEY FOCUS AREA 3: Built and natural environment

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

3.2 Maintain a safe and healthy built and natural environment

- *Building control*
- *Heritage planning*
- *Identify and protect significant heritage buildings*
- *Undertake projects to preserve the Town Hall precinct.*

Site Inspection

April 2017

Comment

TPS 3 Zoning: Local Scheme Reserve – Public Purposes (Hospital)

MRS: Urban

Site area: 2,651m²

Statutory Assessment

The following issues were noted as relevant to the determination of this application upon its initial assessment in October 2016:

- Change of use from day therapy consulting rooms to short term accommodation;
- Residential amenity impacts and compatibility of use with surrounding residential uses;
- Car parking and access for clients, staff, visitors and service/delivery vehicles; and
- Use of 'Reserve' land with Management Orders stating that the land is to be used for mental health services.

The application underwent two advertising periods in accordance with planning scheme provisions, including a public information session at Fremantle Hospital, letters to residents and signs on the site. Nineteen (19) submissions were received in the initial period with 17 objecting, one in support and one being from a repeat submitter. A 32 signature petition objecting to the proposal was also received. Sixteen (16) of the signatories also made an individual submission. One (1) submission objecting to the proposal was received in the second advertising period.

The following planning issues were raised in submissions:

- Increased traffic over a 24 hour period;
 - 50% increase in number of clients from the current service at Hampton Road;
 - Inadequate car parking provision, manoeuvring area and undersized bays;
 - Pedestrian safety;
 - Inadequate existing on-street parking;
 - Non-residential nature of the use;
 - Negative impact on residential amenity;
 - Suitability of building for proposed use;
 - Community consultation inadequate;
-

- Heritage listing of the site; and
- Issues with previous use of the site as a mental health facility.

The proposed accommodation use was considered consistent with the reserve status of the land and the purpose of the 'gifting' to the Fremantle Hospital. The building was also considered compatible with the surrounding residential area, particularly as it is intended for the occupants to live in a residential setting, however, the proposed scale of the service that is the number of clients, parking and access issues for clients, staff and service vehicles were points of concern. Of particular concern was the potential impact on residential amenity and the difficulty of assessing the impact in this location based on the operation of the existing facility in Hampton Road, Fremantle.

Taking into account the amenity, car parking, access and scale of the accommodation use it was recommended that the change of use be approved for 12 months only. It was thought that during that time if the Council determined the use failed to comply with the conditions of the approval, or if the change of use caused a nuisance or annoyance to surrounding residents as determined by Council the approval may be revoked. At the end of the 12 month period the applicant is required to submit another planning approval application for the continuance of the use at which time the suitability of the use, the number of people accommodated at any one time and the car parking demand and provision would be reassessed.

Full details in respect to the original application can be found in Attachment 3 (Council Minutes of 17 May 2016). Based on the consistency with the previous approval/conditions no further advertising was undertaken. The same conditions of approval are recommended to be imposed should Council resolve to grant an extension of the planning approval for an additional 12 months only. The application for an extension of the planning approval for another 12 months is therefore supported under the same conditions as the current approval. The extension to the approval period to commence from the date of the Council's determination and the temporary planning approval to commence from the date the Occupancy Permit is issued.

Cr M Phail entered the meeting at 6.42pm.

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040517

Cr Collinson moved, seconded Cr White

That Council grant a further 12 month extension to the 12 month temporary approval for a change of use from day therapy centre to short term residential accommodation for up to ten (10) persons and five (5) staff at No. 33 (Reserve 37909) Moss Street, East Fremantle subject to the following conditions:

- 1. No more than 10 persons and 5 staff at any one time to occupy the site (see Footnote (a) below). The approval for the number of occupants not to exceed ten (10) persons and for the number of staff not to exceed five (5) persons is valid for a period of 12 months only from the date of the issue of an occupancy permit and the applicant is required to seek a renewal of the development approval thereafter to enable the continuance of the use and for approval of the number of persons to be accommodated and the number of staff to be working at the site.**
- 2. A resident/client is not to be accommodated for any period longer than six (6) weeks in any one period of accommodation.**
- 3. The provision of vehicle and pedestrian sight lines to the satisfaction of the Chief Executive Officer in consultation with relevant officers at all pedestrian and vehicle entry and exit points to the site. The sight lines to be maintained to the Town's satisfaction and installed**

- prior to the issue of a Building Permit for the site.
4. The provision of a total of eleven (11) paved, drained and marked parking bays with adequate parking bay and manoeuvring dimensions that meet the relevant Australian Standards for clients, staff, delivery/service and disabled persons to the satisfaction of the Chief Executive Officer. The bays to be provided and marked before issue of the Occupancy Permit.
 5. Five (5) bays to be marked for staff use and three (3) bays to be marked for client use only. The bays to be provided and marked before issue of the Occupancy Permit.
 6. The provision of one (1) service/delivery bay that is marked for that purpose only and meets Australian Standards in terms of required dimensions and manoeuvring areas.
 7. The one (1) disabled bay and two (2) client bays in the front setback area off Moss Street to meet Australian Standards and the paving materials to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers, the details to be submitted with the Building Permit application.
 8. Any external alterations proposed to the main building or outbuildings considered by Council to have heritage significance to be subject to a separate development application to be submitted to Council for its consideration.
 9. An alternate bin storage area is to be located on site to the satisfaction of the Chief Executive Officer in consultation with relevant officers to be indicated on the plans to be submitted for a Building Permit application.
 10. All waste storage and recycling bins are to be stored on-site (not on the verge or in view of either Moss or Bedford Streets) and screened from the streets.
 11. The crossover to Bedford Street to be widened to 4.6 metres to the satisfaction of the Chief Executive Officer in consultation with relevant officers. The applicant is required to liaise with the Town in regard to the widening of the crossover. The cost of the widening to be borne by the applicant.
 12. The laundry to be relocated to an alternative position on the site to the satisfaction of the Chief Executive Officer in consultation with relevant officers and the details to be submitted with the Building Permit application.
 13. Details of any signage on-site being the subject of a separate development application to the Town for Council's consideration and all existing redundant signage on-site to be removed.
 14. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 15. The proposed works are not to be commenced until Council has received an application for a building permit and the building permit issued is in compliance with the conditions of this planning approval unless otherwise amended by Council.
 16. With regard to the plans submitted with respect to the building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 17. The proposed change of use is not to occur and the building is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 18. All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 19. All introduced filling of earth to the lot or excavated cutting into the existing ground level

of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

20. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
21. This planning approval to remain valid for a period of 12 months from the date of this approval unless otherwise revoked.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *in relation to condition 1 the temporary approval for the change of use also relates to the maximum number of people accommodated and the maximum number of staff at any one time. After a 12 month period if the applicant wishes the Council to reconsider the number of people accommodated and the number of staff on the site a fresh application will be required to be submitted for Council's consideration.*
- (b) *the applicant be advised that failure to comply with the above conditions of this approval or if the change of use causes a nuisance or annoyance to owners or occupiers of the land in the neighbourhood, Council may revoke its approval for a maximum of 10 people to be accommodated on the site at any one time and at Council discretion reduce the maximum number of people that can be accommodated or working on the site.*
- (c) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (d) *a copy of the approved plans as stamped by Council are attached and the application for a building permit is to conform with the approved plans unless otherwise approved by Council.*
- (e) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (f) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (g) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (h) *the applicant is advised that planning approval is issued for a period of 12 months only and re-application prior to the expiry of this approval will be necessary should the continuation of the use be required. It is further noted that non-compliance with the continuation of this planning approval may result in its revocation.*

(CARRIED 9:0)

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 30 April 2017

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Natalie McGill, Acting Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

Staff recommend that Council receives the Financial Activity Statement for the period ending 30 April 2017.

Background

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

The monthly Financial Activity Statement for the period ending 30 April 2017 is appended and includes the following:

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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

Financial Implications

The April 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

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

Site Inspection

Not applicable

Comment

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

Revised Budget Forecast

The current budget forecast for the 30 June 2017 indicates a balanced budget which is not represented by any change to date.

Operating YTD Actuals (compared to the YTD Budget)

The March 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 101%; is \$77,700 more than the YTD budget. (Favourable)

Operating Expenditure 90%; is \$915,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$1,106,000 more than the YTD budget (Favourable).

Operating Revenue is on budget.

Significant favourable variances are noted in:

- Transport - Parking Fines and Penalties - \$38,000 which will be monitored.

Significant unfavourable variances are noted in:

- East Fremantle Festival - \$21,000 – Awaiting Lotterywest Grant.

Operating Expenditure is 10% Favourable to year to date budget.

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

- General Purpose Funding - Rates Valuation expenses - \$35,000 which will be offset during the year once the property valuations are processed.
-

- Governance – Legal/Administration Consultants - \$35,000 and Strategic and Business Plan Consultants - \$70,000 will be offset during the year as projects commence.
Employee costs - \$145,000 is a year to date budget timing variance which will be offset during the year.
- Education & Welfare – HACC Service Unit Assessment - \$44,000 which will be offset during the year.
- Community Amenities - Annual Bulk & Green Waste - \$33,000, SMRC Materials Recovery \$28,000, SMRC Waste Composting \$41,000 which is mainly due to invoices received in the following month.
- Strategic Town Planning - \$61,000 as the project has not commenced and Salaries \$30,000 which will be offset during the year.
- Recreation and Culture – Henry Jeffrey Oval - \$28,000 which will be offset once the turf renovations are completed.
East Fremantle Festival \$21,000 awaiting Lotterywest Grant.
- Transport - Drainage Maintenance - \$54,000 which will be offset during the year.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The majority of Infrastructure projects have been completed and will be paid once the invoices have been received.

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

Capital Programs YTD Progress Summaries

Annual Timeline 83% of year elapsed

Land & Buildings 11% expended

Infrastructure Assets 53% expended

Plant & Equipment 97% expended

Furniture & Equipment 64% expended

Capital expenditure is \$2,858,000 less than the YTD budget (Favourable) which represents 62% of the capital programs to be completed. The report provides details on individual capital works payments to have progressed as at 30 April 2017

All amounts quoted in this report are exclusive of GST.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050517

Cr Watkins moved, seconded Cr Nicholson

That Council receives the Financial Activity Statement for the period ending 30 April 2017.

(CARRIED 9:0)

12.2.2 Accounts for Payment – March 2017

Applicant	N/A
File ref	F/FNS2
Prepared by	Natalie McGill, Acting Manager Corporate & Community Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – April 2017

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 April 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 April to 30 April 2017, 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 2015 – 2025 states as follows:

KEY FOCUS AREA 4: Governance and leadership

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

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 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 060517

Cr White moved, seconded Cr Collinson

That the list of accounts paid for the period 1 April to 30 April 2017 be received, as per the following summary table:

APRIL 2017		
Voucher No	Account	Amount
5074 – 5081	Municipal (Cheques)	\$ 10,660.79
EFT23984 – EFT24145	Electronic Transfer Funds	\$438,647.05
Payroll	Electronic Transfer Funds	\$217,625.38
Superannuation	Electronic Transfer Funds	\$ 39,601.63
Credit Card	Corporate Credit Card	\$ 1,365.05
	Total Payments	\$707,899.90

(CARRIED 9:0)

12.2.3 East Fremantle Lawn Tennis Club – Proposed Loan Agreement

Applicant	East Fremantle Lawn Tennis Club
File ref	R/RSB3
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Letter dated 15 March 2017 from East Fremantle Lawn Tennis Club2. Hardcourt Resurfacing Quotation dated 8 September 2016

Purpose

To consider a request from the East Fremantle Lawn Tennis Club for financial assistance (loan funding) for the resurfacing of the four (4) eastern hardcourts, including the hit up wall, with synthetic grass.

Executive Summary

It is recommended that Council:

1. approve a loan to the East Fremantle Lawn Tennis Club for the resurfacing of the four (4) eastern hardcourts including the hit up wall with synthetic grass.
2. authorise the Chief Executive Officer to have prepared a new loan agreement between the Town and the East Fremantle Lawn Tennis Club on the following terms;
 - \$30,000 over 10 years, with repayments to be made by 10 equal payments.
 - other general terms as contained in the loan agreement
3. authorise new expenditure of \$30,000 and a transfer of \$30,000 from the Strategic Plan & Infrastructure Reserve (A/c 341) for the resurfacing of the East Fremantle Lawn Tennis Club eastern hardcourts.
4. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new loan agreement.

Background

Council received a letter from the East Fremantle Lawn Tennis Club on 16 March 2017 requesting a loan of \$30,000 for the resurfacing of the eastern hardcourts, and new lease agreement. There is another agenda item (May 2017) for Council's consideration recommending a new lease be granted for 20 years.

The tennis club and facilities are located on portion of Reserve 7800 which is vested with Council for the purpose of "Recreation".

Council at its meeting held on 20 September 2016 resolved as follows:

Cr Nicholson moved, seconded Cr Nardi

That Council:

- (1) Authorise the new expenditure in accordance with section 6.8 of the Local Government Act.**
- (2) Transfer \$46,000 from the Infrastructure Reserve Fund Account 341 to fund the proposed works.**
- (3) Amend its 2016/17 Budget accordingly during the half yearly budget review process early in 2017.**
- (4) Advise the East Fremantle Lawn Tennis Club that Council will contribute up to \$46,000 towards the cost of resurfacing the eastern hard court, subject to terms and conditions to the satisfaction of the Chief Executive Officer.**

Consultation

A meeting was held by the Mayor and Chief Executive Officer with the East Fremantle Lawn Tennis Club Vice President (Mr Stuart Crole) and Board Member (Ms Sheryl Chaffer) to discuss the requested loan.

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of property

Policy Implications

The Town's Policy F6.2 states;

Council is prepared to undertake loan borrowings for community projects, on behalf of various groups which may wish to proceed with specific capital works, conditional upon the group supplying Council with a written undertaking that it will make the repayments to Council, and to supply Council with a written personal undertaking by specific guarantors or personal guarantees. The maximum pool available for self-supporting loans is 1% of the Town's operating revenue at any time.

If Council was to agree to the requested loan it is recommended in this situation given the amount requested (\$30,000), that Council not seek a new loan from WA Treasury Corporation (WATC), rather make a budget allocation in 2017/18 financial year for the loan, and enter into a loan agreement for its repayment.

Financial Implications

The proposed capital improvements (court resurfacing) cost \$101,720 (excluding GST)

Proposed funding sources (cash);

Tennis Australia (grant)	\$ 6,000
Town of East Fremantle (grant)	\$ 46,000
East Fremantle Lawn Tennis Club	\$ 19,720
Town East Fremantle (New loan)	\$ 30,000
Total funds	\$101,720

Under the current lease agreement the tennis club has been required to pay into a sinking fund each year.

Over the past 13 years an approximate net amount of \$19,302 after expenses has been paid by the Tennis Club to Council.

In part Clause 23 “*Special Conditions – Sinking Fund*” of the lease states;

Use of Sinking Fund Money

(b) The Landlord may apply the money in the sinking fund towards the cost of repairing, maintaining and improving the Premises. The Landlord may apply the money in the sinking fund in any manner the Landlord decides.

(c) The Landlord is not required to refund any money in the sinking fund to the Tenant, even if any money is not applied in eth Lease Year to which it relates.

Currently the Town holds no self-supporting loans, and total debt is zero. However, there is currently proposals for the following loans;

Swan Yacht Club (self-supporting)	\$500,000
Town of East Fremantle (Town Hall)	\$500,000

If Council was to agree to the requested loan it is recommended that the term be over 10 years, with 10 equal annual repayments and that it be funded from the Strategic Plan & Infrastructure Reserve.

The WA Treasury Corporation borrowing rate over ten years is currently 3.11%

Town of East Fremantle Strategic Plan & Infrastructure Reserve

Current balance	\$1,019,823
Less transfers	(\$ 158,000)
Less EFTLC loan	(\$ 30,000)
	\$ 831,823

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 states as follows:

KEY FOCUS AREA 2: Infrastructure and Waste Services:

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

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

Site Inspection

Not required.

Comment

It is recommended that Council support the request for the \$30,000 loan for the resurfacing of the eastern hardcourts with synthetic grass at the East Fremantle Lawn Tennis Club.

The proposed loan agreement will be prepared by Council's solicitors.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070517

Cr Nicholson moved, seconded Mayor O'Neill

That Council:

- 1. approve a loan to the East Fremantle Lawn Tennis Club for the resurfacing of the four eastern hardcourts including the hit up wall with synthetic grass.**
- 2. authorise the Chief Executive Officer to have prepared a new loan agreement between the Town and the East Fremantle Lawn Tennis Club on the following terms;**
 - \$30,000 over ten (10) years, with repayments to be made by ten (10) equal payments.**
 - other general terms as contained in the loan agreement**
- 3. authorise new expenditure of \$30,000 and a transfer of \$30,000 from the Strategic Plan & Infrastructure Reserve (A/c 341) for the resurfacing of the East Fremantle Lawn Tennis Club eastern hardcourts.**
- 4. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new loan agreement.**

(CARRIED 9:0)

12.3 GOVERNANCE REPORTS

12.3.1 East Fremantle Bowling Club – Proposed Lease Renewal

Applicant	East Fremantle Bowling Club
File ref	R/RSC3
Prepared by	Janine May EA to CEO & Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Letter from East Fremantle Bowling Club dated 30 March 2017

Purpose

To consider a request from the East Fremantle Bowling Club for a new lease of its premises located on a portion of Reserve 24703.

Executive Summary

It is recommended that Council:

1. authorise the Chief Executive Officer to have Council's solicitors prepare a 20 year lease between the Town and the East Fremantle Bowling Club for portion of Reserve 24702, based on similar existing lease arrangements with other sporting clubs, subject to;
 - the inclusion of a suitable new clause that would allow Council to end the lease agreement, only if the land is required as part of any redevelopment of the East Fremantle Oval Precinct.
 - all associated costs in relation to the preparation and execution of the lease being borne by the Lessee.
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease agreement.

Background

The Club's most recent lease commencing on 1 January 1984, expired on 31 January 2005. In accordance with clause 4 of this lease, the Club has continued occupation of the property on a monthly tenancy upon the same terms.

It appears a draft lease was prepared in 2005, however, not executed.

Consultation

The Chief Executive Officer held a meeting with the East Fremantle Bowling Club President, Mr Leslie Capes on 5 May 2017 to discuss the proposed lease terms, including the proposed new terminating provision. Mr Capes raised no concerns.

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of property

Regulation 30 of the *Local Government (Functions & General) Regulations 1996* states;

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;*

Therefore, this disposal is exempt under Regulation 30 (b) from the requirements of section 3.58 (3), and does not need to be advertised.

Section 18 of the *Land Administration Act 1997* does not apply as the Management Order does not require ministerial approval.

Delegation DA48 authorises the Chief Executive Officer to:

- initiate or respond to all lease proposals involving property that the Town owns or controls
- negotiate all draft lease proposals referred to above, to the point of a recommendation to Council.

Policy Implications

There are no policy implications.

Financial Implications

It is normal practice for the lessee to cover the cost of preparation of the lease documents.

Income received from the Bowling Club

Current rent payable	\$1,990 pa
Rates	\$4,977 pa
Rubbish Services	\$1,964 pa
	\$8,931 pa

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 states as follows:

KEY FOCUS AREA 2: Infrastructure and waste services

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

- 4.3 *Council owned buildings for public use are maintained, accessible and safe*
- *Provide facilities for sport and recreation*

Site Inspection

Not required.

Comment

Although the writer has delegated authority to negotiate a draft lease with the Club, given its location within the East Fremantle Oval Precinct, it seems prudent to have Council's support for the preparation of a lease, prior to commencement.

The Management Order for Reserve 24703 provides the Council with the ability to lease the property for up to 50 years without the requirement for Minister for Land's consent. However, under section 136 of *Planning and Development Act 2005* approval of the Planning Commission is required when dealing with portion of lots for a term exceeding 20 years.

The term requested would require the approval of the Planning Commission, therefore, to avoid any further delays it is recommended that the term not exceed 20 years.

The land on which the bowling club is located (East Fremantle Oval – Reserve 24703) has been the subject of two unsuccessful attempts to produce a suitable master plan to determine its redevelopment potential, and will no doubt be the subject of a future attempt. Therefore, it is important that some flexibility be built into any new lease agreement to account for such a potential event (site redevelopment).

Whilst Council doesn't have any plans at this stage to seek the relocation of the East Fremantle Bowling Club from its Fletcher Street location, it would seem appropriate to include a new clause that would allow Council to end the lease only for the purposes of redeveloping the site and relocating the bowling club.

The Chief Executive Officer met with the Club President (Mr Leslie Capes) to discuss the matter. Mr Capes advised they (EFBC) would be content with a 20 year lease, and agreed in principal to the inclusion of a new special clause that would allow the Town to end the lease in the event Reserve 27403 was ever redeveloped.

The proposed lease will be prepared by Council's solicitors.

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080517

Cr Watkins moved, seconded Cr Harrington

That Council:

- 1. authorise the Chief Executive Officer to have Council's solicitors prepare a 20 year lease between the Town and the East Fremantle Bowling Club for portion of Reserve 24702, based on similar existing lease arrangements with other sporting clubs, subject to;**
 - the inclusion of a suitable new clause that would allow Council to end the lease agreement, only if the land is required as part of any redevelopment of the East Fremantle Oval Precinct.**
 - all associated costs in relation to the preparation and execution of the lease being borne by the Lessee.**
- 2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease agreement.**

(CARRIED 9:0)

12.3.2 East Fremantle Lawn Tennis Club – Proposed Lease Renewal

Applicant	East Fremantle Lawn Tennis Club
File ref	R/RSB3
Prepared by	Janine May EA to CEO & Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Letter from East Fremantle Lawn Tennis Club dated 15 March 2017

Purpose

To consider a request from the East Fremantle Lawn Tennis Club to renew its lease for its premises located on a portion of Reserve 7800, which is vested with Council for the purpose of recreation.

Executive Summary

It is recommended that Council:

1. authorise the Chief Executive Officer to have Council's solicitors prepare a new 20 year lease between the Town and the East Fremantle Lawn Tennis Club based on similar existing lease arrangements with other sporting clubs, subject to:
 - the inclusion of a suitable new clause that would allow Council to end the lease agreement, only if the land is required as part of any redevelopment.
 - all associated costs in relation to the preparation and execution of the lease being borne by the Lessee.
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease agreement.

Background

The Town received a letter from the East Fremantle Lawn Tennis Club on 16 March 2017 requesting financial assistance and new lease agreement.

The Club's current 12 year lease will expire on 30 June 2017.

Consultation

Meeting held with the East Fremantle Lawn Tennis Club Vice President (Mr Stuart Crole) and Board Member (Ms Sheryl Chaffer) to discuss potential lease terms.

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of property

Regulation 30 of the *Local Government (Functions & General) Regulations 1996* states;

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;*

Therefore, this disposal is exempt under Regulation 30 (b) from the requirements of section 3.58 (3), and does not need to be advertised.

Section 18 of the *Land Administration Act 1997* does not apply as the Management Order does not require ministerial approval.

Section 136 of the *Planning and Development Act 2005* states:

136. Approval required for some dealings as to land not dealt with as lot or lots

- (1) *Subject to sections 139 and 140 a person is not to —*
- (a) *lease or grant a licence to use or occupy land for any term exceeding 20 years, including any option to extend or renew the term or period; or*
 - (b) *lease and grant a licence to use or occupy land for terms in the aggregate exceeding 20 years, including any option to renew or extend the terms or periods; or*
 - (c) *sell or agree to sell land; or*
 - (d) *grant any option of purchase of land,*
- without the approval of the Commission unless the land is dealt with by way of such lease, licence, agreement or option of purchase as a lot or lots.*

Council delegation DA48 authorises the CEO to:

- initiate or respond to all lease proposals involving property that the Town owns or controls
- negotiate all draft lease proposals referred to above, to the point of a recommendation to Council.

Policy Implications

There are no policy implications.

Financial Implications

It is normal practice for the lessee to cover the cost of preparation of the lease documents.

Income received from the Tennis Club:

Current rent payable	\$5,184pa
Rates	\$2,215 pa
Rubbish Services	\$2,455 pa
	\$9,854 pa

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 states as follows:

KEY FOCUS AREA 2: Infrastructure and waste services

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

- 4.3 *Council owned buildings for public use are maintained, accessible and safe*
- *Provide facilities for sport and recreation*

Site Inspection

Not required.

Comment

The Management Order for Reserve 7800 provides the Council with the ability to lease the property for up to 50 years without the requirement for Minister for Land's consent. However, under section 136 of *Planning and Development Act 2005* approval of the Planning Commission is required when dealing with portion of lots for a term exceeding 20 years. Therefore, to avoid any further delays it is recommended that the term not exceed 20 years.

The Mayor and CEO met with the Tennis Club Vice President Mr Stuart Crole and Board Member Ms Sheryl Chaffer to discuss the lease renewal, at which they advised a 20 year term would be satisfactory. The term of the proposed new lease would also run for the term of the proposed loan (subject of a separate report) for the resurfacing of the eastern hardcourts.

The proposed lease will be prepared by Council's solicitors.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080517

Cr Nardi moved, seconded Cr Nicholson

That Council:

- 1. authorise the Chief Executive Officer to have Council's solicitors prepare a new 20 year lease between the Town and the East Fremantle Lawn Tennis Club based on similar existing lease arrangements with other sporting clubs, subject to:**
 - **the inclusion of a suitable new clause that would allow Council to end the lease agreement, only if the land is required as part of any redevelopment.**
 - **all associated costs in relation to the preparation and execution of the lease being borne by the Lessee.**
- 2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease agreement.**

(CARRIED 9:0)

12.3.3 Annual Leave - Chief Executive Officer

File ref	A/ST1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil.

Purpose

To inform Council of the Chief Executive Officer's approved annual leave.

Executive Summary

The Mayor has approved the Chief Executive Officer's request for annual leave for the following period:

3rd July 2017 to 4th July 2017 – two (2) working days

Background

The Chief Executive Officer commenced duty with the Town on the 14th March 2016, and has formally requested annual leave.

An annual leave request form was submitted, and approved by the Mayor in accordance with Policy 4.1.1.

Consultation

Mayor O'Neill

Statutory Environment

Not applicable.

Policy Implications

"Policy 4.1.1 - CEO Approval" in part states;

The Chief Executive Officer shall liaise with, and obtain the approval of the Mayor prior to the taking of any form of leave accrued in accordance with the Chief Executive Officer's contract of employment.

Councillors will be advised when leave has been approved and the arrangements for an Acting Chief Executive Officer.

As the Chief Executive Officer will not be leaving the state and will only be away from work for two (2) days, it is not considered necessary to appoint an Acting CEO on this occasion.

Site Inspection

Not applicable

Comment

The Mayor has approved the Chief Executive Officer's request for annual leave for the following period:

- 3rd July to 4th July 2017 – two (2) working days

12.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090517

Cr Nicholson moved, seconded Cr Nardi

That Council notes the Chief Executive Officer's annual leave approval for the period 3rd July to 4th July 2017 (two (2) working days).

(CARRIED 9:0)

12.3.4 Proposed Town of East Fremantle Repeal Local Law 2017

Applicant	N/A
File ref	A/LLW1
Prepared by	Chris Liversage, Consultant
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Draft Town of East Fremantle Repeal Local Law 2017

Purpose

To consider the adoption and gazettal of a Repeal Local Law.

Executive Summary

The Town is in the process of updating its local laws. To this end, it is proposed to make a Repeal local law to remove a number of unused and outdated local laws. The draft Repeal local law was advertised for a period of 6 weeks. No comments were received from the public. The Western Australian Department of Local Government and Communities made a number of suggested changes, all of which are recommended for inclusion in the proposed local law.

It is recommended that Council adopt the following:

1. In accordance with section 3.12(4) of the Local Government Act 1995, the Town of East Fremantle Repeal Local Law 2017 be adopted, subject to various amendments as shown 'marked up' on the attachment to the report to Council;
2. In accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, local public notice be given —
 - a. stating the title of the local law;
 - b. summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. advising that copies of the local law may be inspected or obtained from the Town's office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Background

The Town is in the process of updating its local laws, and now has a suite which reflect current legislation and practice.

Most of its old or outdated by-laws and ordinances have been repealed when the new local law dealing with the subject matter was made, but there are a number left over which can now be dealt with. The process to repeal a local law is the same as making one (ie a local law is needed to repeal one).

A draft Town of East Fremantle Repeal Local Law was adopted by Council at its meeting held on 21 February 2017 and duly advertised for public comment.

Consultation

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears. The proposed local law was advertised for a period of 48 days closing on 21 April 2017.

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

No comments were received from members of the public. The Department of Local Government and Communities made a number of suggestions, which are dealt with below:

Comment	Recommended action
Subclause (2) and (3) appear to contain incorrect details, as no Government Gazette was ever published on 17 February 1954. It is suggested that subclause (3) be deleted and subclause (2) be amended to refer to the Municipality of East Fremantle By-laws Regulating the Erection and Use of Petrol Pumps as published in the Government Gazette of 17 September 1954.	Agreed.
It is suggested that subclause (7) be removed. It appears that this local law and all subsequent amendments were repealed in the Government Gazette of 15 September 1995. The Department notes that one of the amendments is still listed as current on the Department's website and this entry has been moved to the repealed list.	Agreed.

The Department also made a number of suggested changes in relation to the appearance and format of a number of clauses which are straightforward and shown 'marked up' on the attached version of the proposed local law.

The recommended changes to the local law are considered minor. Council may now make the local law, which will come into effect 14 days after its publication in the Gazette.

Statutory Environment

Section 3.12 of the Local Government Act 1995 sets out the requirements for making a local law. This proposed local law must be made under the same process as described in s3.12 of the Local Government Act.

Policy Implications

This proposed local law does not have any direct policy implications itself, however making it will remove a number of outdated local laws.

Financial Implications

Nil, other than the cost of Gazettal of the local law.

Strategic Implications

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

KEY FOCUS AREA 4: Governance and Leadership

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

- 4.3 *Efficient regulatory tools to enhance public safety and amenity;*
- 4.4 *Clear policies and procedures to guide the planning and operations of the Council;*
- 4.8 *Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs.*

Site Inspection

Not applicable

Comment

As noted above, this proposed local law is part of a process to update the Town's local laws.

The only remaining local law still requiring attention is the Town's Health local law which is well out of date. However in July 2016, a new Public Health Act was made by the State Parliament. The Act provides for local laws made under the old Health Act 1911 to be continued, and it appears that many matters previously regulated by the old Act will be dealt with by Regulation, and any residual issues that local governments wish to deal with by local laws made under the general competence provisions of the Local Government Act. The situation is still evolving, and it is considered that the Town should simply wait until WALGA, the Department of Health and the local government sector generally have developed model local laws and/or draft Regulations before seeking to do so itself, due to the cost and resources required to do so on its own.

12.3.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 100517

Cr Nardi moved, seconded Cr A McPhail

That:

1. in accordance with section 3.12(4) of the Local Government Act 1995, the Town of East Fremantle Repeal Local Law 2017 be adopted, subject to various amendments as shown 'marked up' on the attachment to the report to Council;
2. in accordance with s3.12(5) of the Local Government Act 1995, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. after Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, local public notice be given —
 - a. stating the title of the local law;
 - b. summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. advising that copies of the local law may be inspected or obtained from the Town's office.
4. following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

(CARRIED BY AN ABSOLUTE MAJORITY 9:0)

12.3.5 Logo Branding Development & Endorsement

File ref	RFQ07-2016/17 Logo Branding Development
Prepared by	Wendy Cooke, Coordinator Strategic Planning & Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 May 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Logo

Purpose

The purpose of this report is for Council to formally consider endorsing a new corporate logo for the Town of East Fremantle.

Executive Summary

The Chief Executive Officer presented the proposal to rebrand the Town of East Fremantle at a Council Concept Forum in May 2016. Elected members agreed that it was the right time to celebrate and reinforce the community passion for keeping the Town as a distinct local government, and it was the right time to refresh our brand and to progress the concept via a competition. (Resolution 160616). The competition scope and entry form were advertised for a four week period in late 2016 with 17 submissions being received. Three winners were selected, one from each category.

From there, Council agreed to further develop a new corporate logo for the Town and authorised the Chief Executive Officer to engage a graphic design company to develop a new Town of East Fremantle Logo and style guide (Resolution 161216).

In January 2017, requests for quotations were advertised and 15 submissions were received. Market Creations were appointed to develop the logo and subsequent style guide.

It is important to note, that the current Crest will continue to be used for formal and civic uses such as invitations, official council documents, more specifically minutes, reports and agendas, and the new logo used for general corporate branding which is to be detailed in a new Corporate Style Guide.

Background

Logo Competition

In June 2016 Council approved the advertising of the competition and nominated a Logo Selection Panel. (Resolution 160616).

A Logo Selection Committee was formed for the duration of the competition to select the preferred three designs and then the winning entry. The compilation of the committee included:

- The Chief Executive Officer
- One Council Officer
- Three (3) elected members - Cr Michael McPhail, Cr Jenny Harrington and Cr Luke Nicholson

The Logo Selection Committee selected the winners who were:

- Professional Category - Tom McKendrick
 - Non Professional Category – Luca Brignoli
 - Under 16 Category - Emma Pivac
-

Council endorsed the winners and subsequently authorised the Chief Executive Officer to engage a professional graphic design company to develop a new Town of East Fremantle corporate Logo and Corporate Style Guide. (Resolution 161216)

Professional Graphic Design – Market Creations

Market Creations (MC) were appointed to undertake the design of the Town's new logo and met with Council for an initial workshop on 14 February 2017 (Workshop 1).

At that workshop MC took the elected members through a process to determine key elements for inclusion in the logo and what, if any, elements of the existing Crest were to be translated into the logo. Key points of the workshop were:

- Comparing the current Town Crest with other local government logos/crests to determine points of difference, if any;
- Determine which elements of the Crest were required to be incorporated within the logo;
- Elected members and staff were asked to provide three words to best describe East Fremantle (this information to be used to help develop the tagline) - Councillors suggested popular terms and adjectives that they thought best described the Town of East Fremantle.

On 14 March 2017 (Workshop 2) MC presented four graphic concepts and the design rationale to Council for consideration:

- MC incorporated a Tagline – *Connected, Engaged, United* – in all concepts presented – reiterating that the development of the tagline “Connected, Engaged, United” was the result of Workshop 1 at which an extensive list of terms was collected and distilled down.
- At this stage all attendees at Workshop 2 were in agreement that this tagline best represented the Town of East Fremantle, as well as ensured it would remain relevant in the future.

Design Colours & Rationale

MC explained the colour palette rationale as;

- *The Colour Palette of dark blues, navy blues and lighter shades of turquoise was chosen throughout the concepts to represent the natural, more inland colour of the Swan River around East Fremantle.*
- *The soft colours position the Town of East Fremantle as positive, progressive, desirable, clean, healthy and comfortable and welcoming.*
- *By choosing greener shades we also create a stronger identity separate to the wider Fremantle area, where brands are often constructed with lighter blues representing ocean.*
- *The colour scheme was developed to work when co-branded with the existing, more formal Town of East Fremantle crest*



At Workshop 2, the majority of elected members and staff agreed that the preference was for Logo Concept 4 – as presented in the blue tones. MC were then asked to develop further the community/people component of the design (bottom right hand side) and change the imagery that represented the ‘people’.

MC proceeded under instruction to provide a further seven (7) variations of Concept 4, for further consideration by Council.

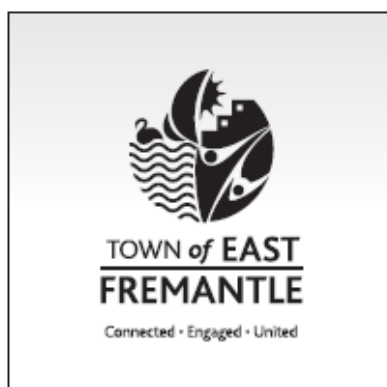
At the most recent Council Concept Forum held on Tuesday 9 May 2017, the Chief Executive Officer requested further direction from elected members as to their preference of the seven (7) variations provided by MC. Elected members discussed their preferences at length and agreed to a preferred logo image, shown below (Concept 4 v6.1). Discussion was also held in relation to the use of the proposed Tagline “*Connected United Engaged*” which resulted in the suggestion that no tagline be included with the logo.

Preferred option Concept 4 (v6.1) – “East Fremantle” written on one line.

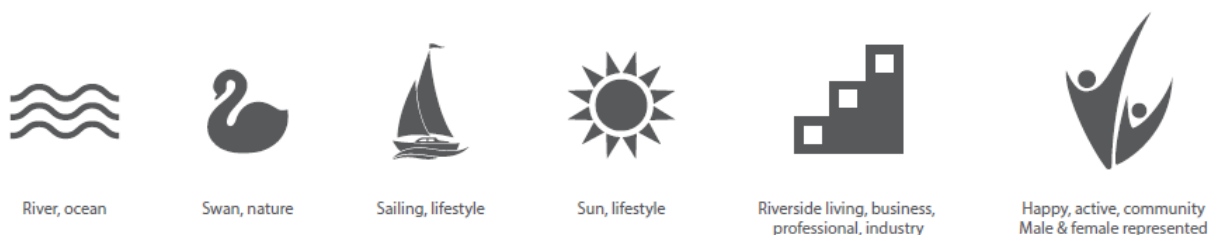


(Unfortunately this concept 4 (v6.1) was only done in colour.)

East Fremantle written over two lines (Concept 4 v6)



Below is a guide to explain the relevance of each image in the new proposed corporate logo.



MC provided the following additional statements in relation to the design rationale;

- *With the goal of strengthening the area's image, this concept creates a destination or lifestyle brand for East Fremantle.*
- *Visually represented on the left of the brand are flowing lines for the river, a swan for nature, sails representing the aquatic lifestyle and a sun to show the bright place East Fremantle is. On the right the community is represented loosely by two people forms. A structured building is also included, representing East Fremantle's riverside living, business and industry.*
- *Blues from deep blue to bright blue are used in the left hand side to enforce the representation of the river and activities. Vibrant turquoise to a deep turquoise is used on the right hand side, the bright turquoise representing the vibrancy of the community and the deep turquoise representing the business and structure.*

Co-branding the existing Crest and proposed new corporate logo.



Consultation

- All elected members have been consulted throughout the logo development process.
- Chief Executive Officer presented the concept of developing a new logo to Council at its May 2016 Council Concept Forum.
- Council meeting of 21 June 2016 - Council agreed to a Logo Competition (Resolution 160616)
- The Competition was advertised through the Town's website and Facebook page, advertisement in the local newspapers. Posters were circulated through the Town.
- Council meeting 13 December 2016 - Council authorised the Chief Executive Officer to engage branding consultants to develop a logo (Resolution 161216)
- The Request for Quotation (RFQ07-2016/17) was advertised via the Town's website and the West Australian Newspaper in January 2017.
- Workshops (two in total) were conducted by Market Creations with elected members and staff.
- Variations to the preferred Concept 4 were circulated via email and discussed at Council Concept Forums (April and May 2017).

Once formally accepted the new corporate logo will be subject to a branding release campaign.

Statutory Environment

Not applicable.

Policy Implications

There are no Policy implications.

The development of a comprehensive Style Guide for the Corporate Logo and Crest use will outline protocols for ensuring the best use of the Logo and the Crest. The Crest will continue to be used for formal documentation and civic uses.

Financial Implications

A budget allocation has been provided in the 2016/17 Annual Budget for the development of the new logo and branding.

It is proposed to phase in the use of the new logo on stationery items and signs as required, rather than replace all items at the one time.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2015 – 2025 states as follows:

KEY FOCUS AREA 1: Community Strength and Identity

Aspiration: *Our community is strong, safe and close-knit; we support and foster a sense of identity and belonging.*

Site Inspection

Not applicable

Comment

Council is requested to give consideration to formally endorsing the Town of East Fremantle Corporate Logo as presented in the attachment. Upon formal adoption, a comprehensive Corporate Style Guide will be developed outlining the logo usage, colours and co-branding requirements.

12.3.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 110517

Cr Nicholson moved, seconded Cr Harrington

That Council:

1. endorse the new corporate logo as illustrated in the attachment for general corporate branding, subject to the removal of the tagline and "East Fremantle" being written on one line.
2. authorise the Chief Executive Officer to proceed with phasing in the application and use of the logo in line with the proposed corporate style guide.
3. continue to use the existing crest for civic purposes and official council documents, more specifically minutes, reports and agendas.

(CARRIED 9:0)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

14.1 Cr M McPhail – Online Development Application Consultation

That the CEO prepare an options paper exploring how the Town of East Fremantle can use its website to facilitate community engagement for development applications that require advertising.

The paper should explore the feasibility of relevant details and plans online for public access, as well as the capability to submit responses online.

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 7.08pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 May 2017**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

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Presiding Member