



MINUTES

Council Meeting

Tuesday, 20 June 2017 at 6.35pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE TRADEWINDS HOTEL (NORTH PLYMPTON ROOM), 59 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 20 JUNE 2017.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.35pm.

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 L Nicholson	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr D Taylor	Executive Manager Community & Corporate Services
Mr A Malone	Executive Manager Regulatory Services
Mr S Gallagher	Operations Manager
Ms J May	Minute Secretary

There were no members of the public in attendance.

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Cr D Nardi

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil

4.2 Proximity

Nil.

4.3 Impartiality

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 (16 May 2017)

8.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 020617

Moved Cr Collinson, seconded Cr Nicholson

That the minutes of the Ordinary meeting of Council held on Tuesday, 16 May 2017 be confirmed as a true and correct record of proceedings.

(CARRIED 8:0)

8.2 Special Meeting of Council (25 May 2017)

8.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030617

Moved Cr White, seconded Cr Harrington

That the minutes of the Special meeting of Council held on Thursday, 25 May 2017 be confirmed as a true and correct record of proceedings.

(CARRIED 8:0)

8.3 Special Meeting of Council (7 June 2017)

8.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040617

Moved Cr White, seconded Cr Nicholson

That the minutes of the Special meeting of Council held on Wednesday, 7 June 2017 be confirmed as a true and correct record of proceedings.

(CARRIED 8:0)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Dr Erina Young BSc BVSc, Murdoch University

The Mayor read to the meeting correspondence from Dr Young commending the Town on its recent decision to enact a ban on single use plastic bags within the Town and providing information on the devastating impacts plastic bags and other marine debris have on marine life. The Mayor also tabled an article from the 11 June 2017 edition of the Sunday Times newspaper which featured Dr Young's findings and mentioned the Town's initiative in adopting the Plastic Bag Reduction local law.

9.2 George Laursen

The Mayor advised the meeting of the sad passing of Mr George Laursen an East Fremantle resident and past President of the East Fremantle Bowling Club. Mr Laursen had been an SAS soldier and served his country courageously over many years. The Mayor advised he would be writing to his wife Ann extending Council's condolences on George's passing.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning & Building Committee Meeting (6 June 2017)

Applicant:	N/A
File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	20 June 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 6 June 2017, exercised its delegation in all statutory matters before it. The heritage listing of 38 Alexandra Road 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.

Strategic Implications

Nil.

Site Inspection

Not applicable.

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 050617

Moved Cr Collinson, seconded Cr White

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 6 June 2017 be received.

(CARRIED 8:0)

11.2 Finance Committee Meeting (15 June 2017)

Applicant:	N/A
File ref	C/MTAF1
Prepared by	David Taylor Executive Manager Corporate & Community Services
Meeting Date:	20 June 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Finance Committee Minutes

Purpose

To submit the minutes of the Finance Committee for receipt by Council.

Executive Summary

The Committee, at its meeting on 15 June 2017 considered the matter of differential rates for 2017/2018, which is the subject of a separate report contained within this agenda.

General discussion took place on:

- proposed 2017/2018 Schedule of Fees and Charges
- proposed 2017/2018 Schedule of Capital Program
 - land and buildings
 - plant and equipment
 - furniture and equipment
 - parks infrastructure
 - roads infrastructure
 - footpaths infrastructure
 - foreshore infrastructure
 - public arts infrastructure

There is no further action other than to receive the minutes of that meeting.

Consultation

Finance Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060617

Moved Cr M McPhail, seconded Cr Nicholson

That the unconfirmed Minutes of the Finance Committee Meeting held on 15 June 2017 be received with an amendment to the resolution under 8.1 replacing the words "Town Planning & Building" with the word "Finance".

(CARRIED 8:0)

12. REPORTS

12.1 PLANNING REPORT

12.1.1 Local Planning Scheme No. 3 - Heritage List and Municipal Heritage Inventory 2015 – Inclusion of No. 38 Alexandra Road, East Fremantle

Applicant	Town of East Fremantle
File ref	HHC2; P/ALE38
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	6 June 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 TP070617) 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 6 June 2017 recommended confirming 38 (Lot 800) Alexandra Road as a category B property on the Municipal Heritage Inventory 2015 and include the place in the Heritage List of Town Planning Scheme No 3.

(Refer to Town Planning & Building Committee minutes (pp 48-51) to view the full report.)

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 purpose of this report is to correct an administrative error and omission in respect to the MHI review process undertaken by the heritage consultants in 2015 and to seek Council's endorsement of inclusion of the property in the MHI 2015 and the Heritage List of the Planning Scheme. The details in respect to the property are provided in the 2006 MHI Place Record form.

The Federation bungalow was rated 'B+' with high integrity and rarity values in the 2006 MHI but was not included in the MHI 2015 when adopted by Council. The owners, however, were notified of the Council's intention to include the property in the Heritage List of the Scheme during the review process and formal advertising procedures were undertaken in accordance with Scheme provisions. The owners did not make a submission. As such the correct procedures for the process of adoption into the Heritage List have been followed but Council is now required to formally resolve to include the property in the MHI 2015 and the Scheme's Heritage List.

At present a development application is not required for demolition or any other building work if it fully complies with the R-Codes and Council policies and is not listed in the Scheme's Heritage List. It is therefore recommended that Council determine to include No. 38 Alexandra Road, East Fremantle as a category B place in the Municipal Inventory 2015 and in the Planning Scheme's Heritage List.

12.1.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 070617

Moved Cr Collinson, seconded Cr White

That Council resolve to confirm No. 38 (Lot 800) Alexandra Road, East Fremantle as a category B property on the Municipal Heritage Inventory 2015 and include the place in the Heritage List of Local Planning Scheme No. 3.

(CARRIED 8:0)

12.2 FINANCE REPORTS

12.2.1 Monthly Financial Activity Statement 31 May 2017

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

To provide timely financial information to Elected Members 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 31 May 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 31 May 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 May 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 May 2017 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 101%; is \$112,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 91%; is \$957,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$1,192,000 more than the YTD budget (Favourable).

Operating Revenue is 1% Favourable to year to date budget.

Significant favourable variances are noted in:

- Transport - Parking Fines and Penalties - \$36,000 which will be monitored.

Operating Expenditure is 9% 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 - \$38,000 which will be offset during the year once the property valuations are processed.
- Governance – Communications, Advocacy and Public Relations \$33,000, Legal/Administration Consultants - \$40,000, Strategic and Business Plan Consultants - \$83,000, Employee Costs \$171,000 which will be monitored.

- Education & Welfare – HACC Service Unit Assessment - \$51,000 which will be monitored.
- Community Amenities - SMRC Materials Recovery \$28,000 and SMRC Waste Composting \$37,000 which are mainly due to invoices received in the following month.
Strategic Town Planning - \$57,000 and Salaries \$40,000 which will be monitored.
- Transport – Drainage Maintenance - \$55,000 which will be monitored.
Tree Replacements \$28,000 which will be offset once the program commences in June.

The main areas of unfavourable variation for operating expenditure are in:

- Governance – Elected Members Sitting fees which will be offset during the year.
- Transport – Street Tree Pruning \$28,000 which will be monitored.

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 92% of year elapsed

Land & Buildings 12% expended

Infrastructure Assets 55% expended

Plant & Equipment 98% expended

Furniture & Equipment 64% expended

Capital expenditure is \$2,793,000 less than the YTD budget (Favourable) which represents 60% of the capital programs to be completed. The report provides details on individual capital works payments to have progressed as at 31 May 2017.

All amounts quoted in this report are exclusive of GST.

12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080617

Moved Cr A McPhail, seconded Cr M McPhail

That Council receives the Financial Activity Statement for the period ending 31 May 2017.

(CARRIED 8:0)

12.2.2 Accounts for Payment – May 2017

Applicant	N/A
File ref	F/FNS2
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	David Taylor, Executive Manager Corp. and Comm. Services
Meeting Date	20 June 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – May 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 May 2017.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 May to 31 May 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 090617

Moved Cr A McPhail, seconded Cr Watkins

That the list of accounts paid for the period 1 May to 31 May 2017 be received, as per the following summary table:

MAY 2017		
Voucher No	Account	Amount
5082	Municipal (Cheques)	\$6,624.00
EFT24146 – EFT24267	Electronic Transfer Funds	\$481,184.13
Payroll	Electronic Transfer Funds	\$204,372.79
Superannuation	Electronic Transfer Funds	\$38,333.51
Credit Card	Corporate Credit Card	\$178.88
	Total Payments	\$730,693.31

(CARRIED 8:0)

12.2.3 Notice of Intention to Impose Differential Rates 2017/18

File ref	F/ABT1
Prepared by	David Taylor, EMCCS
Supervised by	Gary Tuffin, CEO
Meeting Date	15 June 2017
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Purpose and Executive Summary

For Council to consider the Finance Committee recommendation (Resolution F010617) endorsing the following differential rates with a general yield increase of 2.0% across all rating categories and calling for public submissions under Section 6.36 of the Local Government Act 1995:

Differential General Rate

- i. Residential rate is 6.6640 cents in the dollar of (GRV)
- ii. Commercial rate is 10.1204 cents in the dollar of (GRV)
- iii. Minimum General Rate for any Residential property is \$1055 and any Commercial property is \$1575.

as outlined in the report contained within the Finance Committee minutes (Agenda Item 11.2 Attachment 1 pages 59-62).

Background

The Finance Committee at its meeting on 15 June 2017 recommended endorsement and calling of public submissions for the differential rates as listed above.

12.2.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 100617

Moved Cr A McPhail, seconded Cr White

That Council resolves to endorse the following differential rates with a general yield increase of 2.0% across all rating categories and calls for public submissions under Section 6.36 of the Local Government Act 1995:

Differential General Rate

- iv. Residential rate is 6.6640 cents in the dollar of (GRV)
- v. Commercial rate is 10.1204 cents in the dollar of (GRV)
- vi. Minimum General Rate for any Residential property is \$1055 and any Commercial property is \$1575.

(CARRIED BY AN ABSOLUTE MAJORITY 8:0)

12.2.4 Community Assistance Grants and Sponsorship Program – Allocation to 2017/18 Budget

File ref	A/CGF1
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 June 2017
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Minutes from the Community Grants Advisory Group 24/5/2017 2. Summary of applications

Purpose

The purpose of this report is for Council to consider endorsing the recommendation from the Community Grants Advisory Group meeting held on the 24 May 2017 to allocate funds in the 2017/18 Budget.

Executive Summary

The Community Grants Advisory Group met on 24 May 2017 to assess six (6) submissions received under the Community Assistance Grants (CAG) Program.

Group	Amount requested
Dads of Richmond Kids (DoRKs) (Richmond Cup 2017)	500
Richmond Primary School P & C (RPS Movie and Arts Night & Mathletics)	4,260
East Fremantle Playgroup Inc. (Sign)	1,000
East Fremantle Croquet Club (Croquet Balls)	925
3D Art for Fremantle (Membership Growth/Promotion)	1,000
East Freo Farm Inc.(Community Garden & Tools)	300
TOTAL	\$7,985

The Advisory Group members, being the Mayor Jim O'Neill, Cr Andrew McPhail, community members, Suzi Nelson and John Chisholm, Chief Executive Officer (Gary Tuffin) and Project Coordinator (Wendy Cooke) discussed all submissions and recommended that the following submission be should be funded.

Group	Amount requested
Dads of Richmond Kids (DoRKs) (Richmond Cup 2017)	500
Richmond Primary School P & C (Movie and Arts Night & Mathletics Extra Curricular)	3,000
East Fremantle Playgroup Inc. (Sign)	1,000
East Fremantle Croquet Club (Croquet Balls)	925
East Freo Farm Inc.(Community Garden & Tools)	300
TOTAL	\$5,725

In addition, they agreed to recommend that a total amount of \$20,000 be allocated to the 2017/18 Budget for Community Assistance Grants. This amount will cover the approved amount of \$5,725 and will also provide an opportunity during the next financial year (2017/18) for another funding round to be advertised.

Background

The Community Grants and Sponsorship Policy along with the Community Assistance Grants Program were adopted by Council in June 2016 and provide an orderly and consistent way of dealing with small funding requests on an annual basis.

The program was introduced for the first time in 2016/17 financial year. An allocation of \$30,000 is provided in the 2016/17 financial year budget. Two rounds were advertised in 2016/17 (the first in September 2016, the second in January 2017).

To date the following activities have been funded from the CAG allocation:

• 1 st Fremantle Sea Scouts	\$ 975.00
• East Fremantle Lawn Tennis Club	\$1,000.00
• East Fremantle Junior Cricket Club	\$3,000.00
• East Fremantle Bowling Club	\$ 910.80
• East Fremantle Lions Club	\$ 420.00
• East Fremantle Yacht Club	\$3,000.00
TOTAL	\$9,305.80

Consultation

All community and sporting groups were emailed the information regarding the opportunity to apply for funds for the forthcoming Budget.

The information was circulated through the Town's E-Newsletter, website and Facebook page.

The Mayor and Chief Executive Officer met with each group throughout the year and advised of the program.

Statutory Environment

Not applicable.

Financial Implications

Council allocated \$30,000 in its 2016/17 Budget.

The recommendation of the Community Grants Advisory Group is for a total allocation of \$20,000 for 2017/18 to cover the current approved applications and allow for an additional round of advertising of the CAG during the financial year.

Strategic Implications

Key Focus Area – Infrastructure and Waste Services – *the needs of our community are met through the provision of high quality infrastructure and waste services.*

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

Sport and active recreation deliver many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

It was agreed by the Advisory Group that all applications, except the application from '3D Art for Fremantle (Membership Growth/Promotion)', which did not meet the guidelines, be allocated funds for 2017/18.

The Town's Project Coordinator will contact all applicants to discuss the committee recommendation.

The Guidelines stipulate that:

"The applicant organisation must operate from the Town of East Fremantle and beneficiaries must be residents of the Town of East Fremantle. If managed by an outside group, demonstrated evidence that a high percentage of members/users reside in the Town of East Fremantle must be included in the application."

In addition the committee felt that the application did not come under the criteria for either the "Community Assistance Grants" (refers to funding towards infrastructure and equipment. Examples of this type of funding are uniforms or equipment) or "Sponsorships" (refers to funding towards events, projects (annual or one off), Community Bus use and Photocopying/Printing).

The Community Grants Advisory Group has recommended that that a total amount of \$20,000 be allocated in the 2017/18 Budget for Community Assistance Grants and Sponsorship. This amount will cover the approved submissions (total amount of \$5,725) and will also provide an opportunity during the next financial year (2017/18) for another funding round to be advertised, at least once.

12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 110617

Moved Cr Harrington, seconded Cr White

That Council:

- (a) allocates \$20,000 in its 2017/18 Annual Budget for the Community Assistance Grants and Sponsorship Program.**
- (b) endorse the recommendation of the Community Grants Advisory Group and fund the following applications in 2017/18:**
 - 1. Dads of Richmond Kids (DoRKs) - \$500**
 - 2. Richmond Primary School P & C - \$3,000**
 - 3. East Fremantle Playgroup Inc. - \$1,000**
 - 4. East Fremantle Croquet Club - \$925**
 - 5. East Freo Farm Inc. - \$300**
- (c) use the balance of the funds to call for a further round of applications at least once during the 2017/18 financial year.**

(CARRIED 8:0)

12.2.5 Bank Guarantee – River Reserve Lease (East Fremantle Jetty Area)

Applicant	Town of East Fremantle
File ref	R/RSM1
Prepared by	Terry Paparone, Manager Administration & Finance
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 June 2017
Voting requirements	Absolute Majority
Documents tabled	Letter from McGees Property
Attachments	Nil.

Purpose

Council is requested to consider authorising the Chief Executive Officer to obtain a Bank Guarantee in accordance with the requirements of the Riverbed lease (Clause 54) for its boat pens in the Swan River.

Executive Summary

The Department of Transport have been appointed as the managing agents on behalf of the Department of Parks and Wildlife (DPAW) for their Swan River and Canning River asset portfolios. The Department of Transport (DoT) have appointed McGees Property as their managing agents, and are therefore responsible for managing the lease requirements for the boat pens and associated facilities Council has under a lease from DPAW.

A recent review of the River Reserve Lease by McGees Property revealed a requirement pursuant to clause 54 of the lease for the Town of East Fremantle to lodge a Bank Guarantee or Cash Bond in the amount of one year's rent or the cost of removing the jetty.

It is recommended that Council;

- (a) authorise the Chief Executive Officer to obtain a Bank Guarantee amounting to \$41,675.50 in favour of the Department of Parks and Wildlife in accordance with clause 54 of the lease, which is to remain in place for the balance of the lease term.
- (b) authorises the Chief Executive Officer to vary the amount of the Bank Guarantee from time to time, as required under the terms of the lease.

Background

Council entered into a River Reserve Lease with the Swan River Trust on the 1 September 2007, for the provision of its boat pens and associated facilities on the Swan River.

On 13 October 2016, the Town received notice from McGees Property that an internal review of the River Reserve Lease revealed under clause 54 that it was a requirement for the Town of East Fremantle to lodge a Bank Guarantee or Cash Bond in the amount of one (1) years rent amounting to \$41,675.50 or the cost of removing the jetty in accordance with Clause 30.4 of the Lease.

A response letter was forwarded to McGees Property on 21 October 2016 highlighting the lease commenced in 2007 and questioned why after this period of time (over 9 years) a Bank Guarantee or Cash Bond was being requested if the risk assessed at the formation of the lease did not require the furnishing of a bond.

It was further highlighted by Council staff that there had been no change to Council's existing risk profile and there should be discretion in applying the terms of the lease.

A response to the above was received on 28 November 2016 advising the Bank Guarantee or Cash Bond amounting to \$41,675.50 was to be made in favour of the lessor in accordance with Clause 54 of the Lease by 30 June 2017.

The lease expires 31 August 2027, and the bank Guarantee is to remain in place for the balance of the term.

Consultation

Chief Executive Officer
Manager Administration and Finance
Department of Local Government (Alan Carmichael)
McGees Property
Commonwealth Bank
National Australia Bank

Statutory Environment

Local Government (Financial Management) Regulation 1996 - 5 (e) & 13

Policy Implications

Nil

Financial Implications

There will be limited financial implication to Council for the Bank Guarantee unless Council defaults and cannot rectify a breach of the lease terms.

However, there will be a Bank Guarantee establishment fee amounting to \$300.00 and ongoing six monthly fees in advance amounting to \$458.43 on each occasion payable to Council's house bank (Commonwealth Bank). The Bank Guarantee is to be renewed every five years.

The Bank Guarantee will be secured by Council's general funds.

The facility will be recorded in the Town's Balance Sheet as a current liability.

Strategic Implications

There are no significant strategic implications associated with this item.

Site Inspection

Not applicable

Comment

It is recommended that in accordance with Clause 54 of the lease, the Chief Executive Officer make arrangements to obtain a Bank Guarantee in favour of the Department of Parks and Wildlife amounting to \$41,675.50.

12.2.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 120617

Moved Cr White, seconded Cr Nicholson

That Council:

- 1. authorise the Chief Executive Officer to obtain a Bank Guarantee amounting to \$41,675.50 in favour of the Department of Parks and Wildlife in accordance with clause 54 of the lease, which is to remain in place for the balance of the lease term.**
- 2. authorises the Chief Executive Officer to vary the amount of the Bank Guarantee from time to time, as required under the terms of the lease.**

(CARRIED BY AN ABSOLUTE MAJORITY 8:0)

12.3 GOVERNANCE REPORTS

12.3.1 Delegated Authority Register

Applicant	Town of East Fremantle
File ref	C/DEL1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Report Date	20 June 2017
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register

Purpose

To consider approving the delegation of designated powers and functions as listed in the Delegated Authority Register 2017 to the Chief Executive Officer and Committees pursuant to sections 5.42 & 5.16 of the *Local Government Act 1995* respectively.

Executive Summary

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

The Delegated Authority Register was last reviewed at Council's Ordinary meeting held on 21 June 2016.

The Delegated Authority Register 2017 is now presented for Council's consideration and endorsement.

Background

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

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

Consultation

Executive Manager Regulatory Services
Operations Manager
Project Coordinator

Statutory Environment

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

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

- *Determining objections to a Council decision of a kind referred to in Section 9.5*

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

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

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

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

KEY FOCUS AREA 4: Governance and leadership

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

- *Maintain a high standard of governance and accountability*

Site Inspection

Not applicable

Comment

Minor amendments have been made to the previous Register in respect to recent legislative and staff position title changes.

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

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 130617

Moved Cr Collinson, seconded Cr Watkins

That Council endorse the revised Delegated Authority Register 2017 as attached with an amendment to DA52 to include the following condition:

The prior approval of the Presiding Member being sought.

(CARRIED BY AN ABSOLUTE MAJORITY 8:0)

12.3.2 Adoption of Meeting Schedule 2017/18

Applicant	N/A
File ref	C/MTG1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, CEO
Meeting Date	20 June 2017
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Purpose

To facilitate decisions by Council on the meeting schedule for 2017/18 and the related issue of the Christmas closure period.

Executive Summary

Council is required, under Section 12 of the *Local Government (Administration) Regulations 1996*, to advertise, at least once a year, its meeting schedule for the next twelve months. The previous schedule was to 30 June 2017 thus the meeting schedule for 2017/18 will need to be determined and advertised prior to 1 July 2017.

It is recommended that the meeting scheduled as contained within this report be adopted for 2017/18.

Background

With respect to the above, at the Council Meeting of 17 May 2016, Council resolved as follows:

“That Council resolve:

- 1. an ordinary Council meeting be scheduled for the 3rd Tuesday of the month (except during the month of December 2016 when the meeting is held on the 2nd Tuesday)*
- 2. a Town Planning & Building Committee meeting be scheduled for the 1st Tuesday of the month.*
- 3. meetings of the Finance/Audit Committees be scheduled as required.*
- 4. the above arrangements not apply during January 2017*
- 5. the administration centre and operations areas be closed:*
 - a. from midday Friday, 16 December 2016 to allow all staff members to attend a Christmas function*
 - b. from midday Friday, 23 December 2016 to Tuesday, 3 January 2017 (consisting of 3½ working days: half a day from midday Friday, 23 December, Wednesday, 28 December, Thursday 29 December and Friday, 30 December).”*

Consultation

Nil.

Statutory Environment

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

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

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

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

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

Meetings generally open to public

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

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

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

KEY FOCUS AREA 4: Governance and leadership

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

- *Well managed organisation meeting all compliance requirements.*
- *Effective communications and community engagement.*

Site Inspection

Not applicable.

Comment

As the present system of a monthly Town Planning & Building Committee meeting, Concept Forum and Council Meeting appears to be working well, it is not proposed to change this format.

Finance/Audit Committees

It is proposed to hold Finance/Audit Committee Meetings during 2017/18 as and when required.

December and January Meetings

As in past years, it is proposed to bring forward the December Council Meeting to the 2nd Tuesday of the month ie 12 December. As the Concept Forum is normally scheduled for this date, it is proposed to hold the Forum on the following Tuesday (19 December).

As per normal practice, no meetings have been scheduled for January 2018, however, should any urgent business arise which needs to be considered during this recess, a special Council Meeting can be convened.

Christmas Closure

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

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

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

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

- From midday Friday, 15 December 2017 to allow all staff members to attend a Christmas function
- From midday Friday, 22 December 2017 to Tuesday, 2 January 2018 (consisting of 3½ working days: half a day from midday Friday, 22 December, Wednesday, 27 December, Thursday 28 December and Friday, 29 December).

This closure will be advertised as part of the meeting schedule and again in December 2017 to provide adequate notice to the public of the closure.

12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 140617

Moved Cr Nicholson, seconded Cr Collinson

That Council resolve:

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

(CARRIED BY AN ABSOLUTE MAJORITY 8:0)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 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.

13.1 ELECTED MEMBER RECOMMENDATION/COUNCIL RESOLUTION 150617

Moved Cr M McPhail, seconded Cr Nicholson

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.

(CARRIED 8:0)

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

17. OFFICER RECOMMENDATION/COUNCIL RESOLUTION 160617

Moved Cr Nicholson, seconded Cr Harrington

That Council resolve the meeting be closed to the public to discuss item 17.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(c) & (e)*.

(CARRIED 8:0)

17.1 RFT 04-2016/17 Assessment – East Fremantle Town Hall

(Confidential Report – Attached separately)

Moved Cr Watkins, seconded Cr Harrington

That Council:

1. accept the tender for the amount of \$1,774,198 (excluding GST) from ICS Australia Pty Ltd for the refurbishment of the East Fremantle Town Hall (Tender 04-2016/17).
2. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract for the refurbishment of the East Fremantle Town Hall (Tender 04-2016/17)
3. advise all tenderers of 1 above.

Amendment

Moved Cr M McPhail, seconded Cr Nicholson

The following become point 4 of the motion:

4. *express its thanks to the CEO and staff for their management of the project to date and their patience with the temporary relocation arrangements.* (CARRIED 8:0)

The substantive motion was put.

17.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 170617

Moved Cr Watkins, seconded Cr Harrington

That Council:

1. accept the tender for the amount of \$1,774,198 (excluding GST) from ICS Australia Pty Ltd for the refurbishment of the East Fremantle Town Hall (Tender 04-2016/17).
2. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract for the refurbishment of the East Fremantle Town Hall (Tender 04-2016/17)
3. advise all tenderers of 1 above.
4. express its thanks to the CEO and staff for their management of the project to date and their patience with the temporary relocation arrangements

(CARRIED 8:0)

PROCEDURAL MOTION

Moved Cr M McPhail, seconded Cr Nicholson

That the meeting be opened to the public.

(CARRIED 8:0)

18. CLOSURE

There being no further business, the Presiding member declared the meeting closed at 7.38pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 June 2017**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

.....

Presiding Member