



**TOWN OF CLAREMONT**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**TUESDAY 7 MAY 2019**

**Liz Ledger**

**CHIEF EXECUTIVE OFFICER**

**Date:** 9/5/2019

**DISCLAIMER**

Would all members of the public please note that they are cautioned against taking any action as a result of a Council decision tonight until such time as they have seen a copy of the Minutes or have been advised, in writing, by the Council's Administration with regard to any particular decision.

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**7 MAY 2019**  
**MINUTES**

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

His worship the Mayor, Jock Barker, welcomed members of the public, press, staff and Councillors, and declared the meeting open at 7:00pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

<b>Mayor Jock Barker</b>	<b>Town of Claremont</b>
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Kate Main</b>	<b>East Ward</b>
<b>Cr Alastair Tulloch</b>	<b>East Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Peter Edwards</b>	<b>West Ward</b>
<b>Cr Sara Franklyn</b>	<b>West Ward</b>

**Ms Liz Ledger (Chief Executive Officer)**  
**Mr Les Crichton (Director Corporate and Governance)**  
**Mr David Vinicombe (Director Planning and Development)**  
**Mr Andrew Smith (Director Infrastructure)**  
**Ms Cathy Bohdan (Director People and Places)**  
**Ms Katie Bovell (Governance Officer)**

**One member of the Public**  
**Two members of the Press**

**APOLOGIES**

NIL

**LEAVE OF ABSENCE**

**Cr Peter Browne OAM, JP**      **West Ward**

**3 DISCLOSURE OF INTERESTS**

NIL

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

NIL

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved Cr Main, seconded Cr Franklyn

That the minutes of the Ordinary Meeting of Council held on [16 April 2019](#) be confirmed.CARRIED(39/19)  
(NO DISSENT)**10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC**

17.1.1 Dolphins Water Polo Club – Hire Fees Review 2019-20.

**11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

NIL

**12 REPORTS OF COMMITTEES**

**12.1 AUDIT AND RISK MANAGEMENT COMMITTEE**

*Items 12.1.1 to 12.1.2 were carried en bloc.*

**12.1.1 MINUTES OF MEETING HELD 1 MAY 2019**

**File No: GOV/00054**  
**Responsible Officer: Les Crichton**  
**Director Corporate and Governance**  
**Proposed Meeting Date: 7 May 2019**

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**OFFICER RECOMMENDATION**

**Moved Cr Haynes, seconded Cr Edwards**

**That the minutes of the Audit and Risk Management Committee Meeting held on [1 May 2019](#) be received.**

**CARRIED(40/19)**  
**(NO DISSENT)**

**12.1.2 DELEGATIONS OF AUTHORITY AND PROCUREMENT INTERNAL AUDIT REVIEW - APRIL 2019**

<b>File Ref:</b>	<b>FIM/00070-04</b>
<b>Attachments:</b>	<a href="#"><u>Delegations of Authority and Procurement Internal Audit Review – April 2019</u></a>
<b>Responsible Officer:</b>	<b>Les Crichton Director Corporate and Governance</b>
<b>Author:</b>	<b>Hitesh Hans Manager Finance</b>
<b>Proposed Meeting Date:</b>	<b>7 May 2019</b>

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**Purpose**

To present the Delegations of Authority and Procurement Internal Audit Review April 2019.

**Background**

In December 2018, Council on recommendation by the Audit and Risk Management Committee (ARMC), resolved that it engage an external auditor to review and report by the end of the 2018-19 financial year on the appropriateness, processes and application of the Town's policies procedures, and associated record keeping (including sampling) in relation to procurement and delegations.

The Audit and Risk Management Committee (ARMC) raised its concerns, at the increasing number of reports of non-compliance in the areas of procurement and delegations within the local government and public sector.

The Office of the Auditor General had completed and published a review of local government procurement which highlighted weaknesses in procurement controls, processes and documentation across each the eight local governments it reviewed. The local governments ranged in size and location from a large metropolitan city, small country shire, and some in between.

At its meeting of 1 March 2019, the ARMC reviewed proposals from suitable auditing firms to undertake the audit and endorsed the appointment of Paxon Group and met with the Executive Director at its meeting of 8 March to discuss the audit plan prior to commencement.

The audit commenced on 4 March 2019 with the auditor onsite for two weeks over the period of the audit. Access was provided to all staff, documents and the records and financial management systems.

Paxon submitted its Delegations of Authority and Procurement Internal Audit Review April 2019 report which the ARMC considered at its meeting of 1 May 2019.

On review of the report, the Audit & Risk Management Committee resolved to:

*Recommend Council receive the Delegations of Authority and Procurement Internal Audit Review.*

## **Discussion**

Following completion of the audit, Paxon have issued their *Delegations of Authority and Procurement Internal Audit Review April 2019* outlining their findings and recommendations.

### Procurement Audit

As detailed within the report, the auditors have given 4 star rating (very good) out of 5 star which shows that Town currently has effective Procurement Policy, Procedure and Systems in place.

The audit also highlighted a Low risk business issue - that the endorsed version of some of the procurement procedures (Invoice processing instruction and Purchasing Procurement Checklist) can't be located.

### Management Comment

These procedures are now been reviewed, signed and registered.

The Town is currently digitally mapping all procedures as part of its business improvement processes which, in addition to centralising all processes, will maintain of record of all approval and review dates. The procurement process is the first organisation-wide procedure currently being mapped.

To further improve procurement function, administration has commenced a further review of the Town's Procurement Policy. Areas currently being refined include:

- Centralising skill specific elements of procurement process.
- Aligning quote assessment requirements and payment approval which to purchase thresholds.
- Documenting training requirements and records evidencing training has been completed and responsibilities understood.
- Identifying specific goods and services with only designated officers authorised to procure.

On completion, the draft will be submitted to Council for review and endorsement.

### Delegation Audit

The significant issue identified within the audit was the non-review of the delegated authorities during the 2017-18 financial year. It is a requirement of the *Local Government Act 1995* that a review is conducted once during each financial year.

As detailed in the Agreed Management Action, the review was adopted by Council on 17 July 2018, seventeen days following the end of the 2017-18 financial year. This was a thorough review of the Town's Delegated Authority Register, with industry best practice adopted. The Western Australian Local Government Association ('WALGA') released its model Delegated Authority register in May 2017, and this was used in reviewing its current register. This delayed completion beyond the year end.

While completion of the annual review has been brought forward within the Town's annual compliance calendar to negate the likelihood of this reoccurring, future reviews are not expected to be subject of similar change.

For clarity, the 2018-19 review of Delegations has commenced and will be submitted to Council at its first meeting in June 2019.

### **Past Resolutions**

Meeting of Audit and Risk Management Committee 1 May 2019:

*That the Audit and Risk Management Committee -*

- *Notes the recommendations and agreed management action within the Procurement and Delegation Internal Audit Review - April 2019, and*
- *Recommends Council receive the Delegations of Authority and Procurement Internal Audit Review.*

Meeting of Audit and Risk Management Committee 8 March 2019:

*Paxon Group Executive Director, Cameron Palassis, outlined the proposed audit plan for the Procurement and Delegation Process Audit, clarified the expectations and responded to questions from the committee.*

Meeting of Audit and Risk Management Committee 1 March 2019, resolution 04/19:

*That the Audit Committee endorse engagement of the Paxon Group to undertake the audit of procurement and delegation processes as set out in their proposal.*

**CARRIED**

Ordinary Meeting of Council 4 December 2018, Resolution 217/18:

*That Council engage an external auditor to review and report to the Audit and Risk Management Committee by the end of the 2018-19 financial year on the appropriateness, processes and application of the Towns policies, procedures, and associated record keeping (including sampling), in relation to;*

- i. Procurement, and*
- ii. Delegations*

**CARRIED BY AN ABSOLUTE MAJORITY**

*That Council:*

- 1. The Terms of Reference for the review and report be developed for endorsement by the Audit Committee Chair, and*
- 2. Council approve an unbudgeted allocation of \$15,000 to fund the external review of the procurement and delegation policies and procedures.*

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CARRIED BY AN ABSOLUTE MAJORITY

Meeting of Audit and Risk Management Committee 23 November 2018,  
*That Council engage an external auditor to review and report to the Audit and Risk Management Committee by the end of the 2018-19 financial year on the appropriateness, processes and application of the Towns policies, procedures, and associated record keeping (including sampling), in relation to;*

- i. Procurement, and*
- ii. Delegations*

CARRIED

### **Financial and Staff Implications**

Nil

### **Policy and Statutory Implications**

*Local Government Act 1995: Division 4 - General Financial Provisions*

*Local Government Act 1995: s. 5.42 Delegations of some powers and duties to CEO*

*Local Government (Financial Management) Regulations 1996: Part 2 - 5(2)c - Financial Management Review.*

### **Communication / Consultation**

Nil

### **Strategic Community Plan**

*We are an open and accountable local government that encourages community involvement and strives to keep its community well informed.*

- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Provide responsive and responsible leadership.

### **Urgency**

Nil

### **Voting Requirements**

Simple majority decision required.

### **OFFICER RECOMMENDATION**

**Moved Cr Haynes, seconded Cr Edwards**

**That Council receive the Delegations of Authority and Procurement Internal Audit Review - April 2019.**

**CARRIED(40/19)  
(NO DISSENT)**

**13 REPORTS OF THE CEO****13.1 CHIEF EXECUTIVE OFFICER****13.1.1 WEST AUSTRALIAN SYMPHONY ORCHESTRATA PROPOSED PARTNERSHIP**

**File No:** REC/00073

**Responsible Officer:** Liz Ledger  
Chief Executive Officer

**Author:** Liz Ledger  
Chief Executive Officer

Catherine Bohdan  
Director Business & Community

**Proposed Meeting Date:** 07 May 2019

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**Purpose**

For Council to consider a proposed three year partnership agreement with the West Australian Symphony Orchestra to co-produce the annual community concert 'A Night on Bay View', featuring the Orchestra.

**Background**

One of the events in the Town's annual community program is a free community concert – 'A Night on Bay View'. This event is very popular, attracting audiences anywhere between 500 and 1500 to Claremont Park. The Park is an amazing venue for such productions, with the only limitation being the inability to protect artists, audiences and equipment from inclement weather.

Artists that have performed previously at 'A Night on Bay View' include acclaimed Australian singers Christine Anu, Katie Noonan and Claire Bowditch.

For the 2019 event the Town formed a one off partnership with the West Australian Symphony Orchestra, using a portion of the orchestra as a one-off trial for both the Town and WASO (as the true costs have prohibited the Town from engaging with WASO previously).

The response from attendees at this year's performance has been extremely positive, and the attendance number (despite the rain) was estimated at 1000.

Following the success of the 2019 'A Night on Bay View' featuring WASO, the Town's CEO and Director Business and Community met with the CEO, Executive Manager Artistic Planning and the Marketing Manager WASO to discuss potential future partnership opportunities. This led to the suggested proposal to enter into three year partnership to co-produce 'A Night on Bay View' featuring the full orchestra.

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## Discussion

WASO is the state's largest and busiest performing arts organisation. It employs 82 full time musicians, and plays to hundreds of thousands of people across the state each year. The reputation of the organisation is second to none and it attracts and retains renowned musicians, conductors and composers.

While the home of WASO is the Perth Concert Hall, and the majority of concerts performed in this venue, the concert in Claremont Park provided the opportunity for people to access a free, extremely high calibre performing art which supports the following:

- Social connection and community mindedness (health & wellbeing),
- Exposure to music and the arts,
- Local (WA) musicians.

Objective 1.2 'Demonstrate a high level of leadership, governance, accountability, management and strategic planning', includes the following strategy in the Corporate Business Plan:

*'Identification of key partners that support our vision'*

A three year partnership with WASO aligns with this strategy and would create a number of other benefits for the Town, which are outlined below.

### 1. Strengthen Community

As a partnership we can add depth and breadth to our community impact, and this has been demonstrated in other successful partnerships that the Town has formed. One example of this is with FORM, and the introduction of the Goods Shed and Scribblers Festival to our community, as well as their support for the Town's cultural program of events.

By forming a creative partnership with WASO, the community will have other opportunities for access to orchestra members through possible school visits or artists in residence, garnering interest in music and educating young people.

### 2. Foster our Brand

The connection with such a reputable organisation will create synergies that allow for greater exposure for the Town through WASO's existing network, strengthening our brand and our existing positive reputation.

### 3. Business Efficiencies

Initiating a three year partnership will reduce the need to source, negotiate and secure a performer each year for the event, improving administration efficiencies and time.

The strength of the partnership may also lead to securing sponsorship funds to support the event, therefore reducing the Town's financial contribution.

Working with WASO staff will provide the ToC staff the opportunity to experience different working styles and methods, and contribute to their professional development.

### **Financial and Staff Implications**

The 2019 A Night on Bay View budget was \$75,000. This amount is commensurate to previous years' budgets. The budget for 'A Night on Bay View' 2020 has been included for consideration in the 2019/20 draft at the amount of \$70,000. This is offset by approximately \$10,000 through Lotterywest funding.

This budget covers all costs associated with the event such including but not limited to:

- Artist's fees
- Technical (Stage, sound & lighting)
- Security
- Toilets
- Electrical contractor and generators
- Marketing expenses
- Catering

As a trial for this year WASO agreed, as a one off, to stage a reduced-sized orchestra and perform at the Town's annual event.

Utilising the full WASO, MC, guest singers and cost associated with rehearsals, sheet music, insurance etc. the cost has been estimated by WASO at approximately \$93,000. For this partnership, WASO are offering the Town a reduced rate (43% reduction of this amount) based on working together to achieve common objectives.

In order to facilitate this partnership (which will include a performance by the full orchestra and other opportunities for WASO and the musicians to work with the Claremont community) an additional \$40,000 is required, making the total budget \$110,000 (with \$10,000 offset by a Lotterywest grant if successful).

Efforts to source and secure sponsorship for the event will be made by the administration, which if successful, would reduce Council's contribution.

### **Communication / Consultation**

The event 'A Night on Bay View' has been held for several years now, and continues to receive positive feedback from attendees and surrounding residents. The feedback includes the management of the bump in and bump out, accessibility to quality cultural activities, opportunities for social connections.

The event held this year with WASO was very well received and supported, evidenced by emails and letters to the Town.

### **Strategic Community Plan**

#### **People**

We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging

Recognise and celebrate the Town's history and culture through arts and events.

#### **Urgency**

The urgency relates to the inclusion of the required funds into the 2019/20 Budget for consideration at the June Ordinary Council Meeting.

#### **Voting Requirements**

Simple majority decision of Council required.

#### **Moved Cr Tulloch, seconded Cr Goetze**

#### **That Council**

- 1. Supports the creation of a three year partnership agreement between the Town and WASO to produce 'A Night on Bay View' commencing 2019/20; and**
- 2. Includes \$40,000 in the draft 2019/20 budget to support the partnership.**

**CARRIED(41/19)**

For the Motion: Mayor Barker and Cr Edwards, Cr Goetze, Cr Kelly, Cr Main, Cr Mews, and Cr Tulloch.

Against the Motion: Cr Franklyn and Cr Haynes.

## **13.2 CORPORATE AND GOVERNANCE**

### **13.2.1 WASTE MANAGEMENT UPDATE**

**File No:** WST/00200-20

**Responsible Officer:** Les Crichton  
Director Corporate and Governance

**Author:** Eugene Lee  
Principal Environmental Health Officer

**Proposed Meeting Date:** 7 May 2019

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#### **Purpose**

For Council to receive an update on options for improving waste management in the Town, following the release of the State Government Waste Strategy 2030.

#### **Background**

The Town currently provides a standard service for residents of one 120L general or municipal solid waste (MSW) bin with the red or dark green lid bin collected once per week, and 240L recycling bin (yellow lid bin) collected fortnightly. The Town does not provide waste collection services for commercial/industrial properties.

The Town also provides six bulk verge collections each year for residents. Two are dedicated to mixed waste, left loosely on the verge, and four to green waste placed in waste bags that can be purchased from the Town's administration.

The Town recently commenced a new contract with Suez to empty these bins and deliver the waste to the Town's designated disposal facilities

As a member of the Western Metropolitan Regional Council (WMRC), all MSW kerbside and bulk general (not including white goods or metal items) and green waste collected within the Town is delivered to the West Metro Recycling Centre facility on Brockway Street.

This facility is owned by the WMRC with disposal arrangements governed by the WMRC Establishment Agreement, the Waste Supply Agreement between the WMRC and its operator DiCOM, and the Waste Delivery Agreement between the WMRC and each of the member Councils.

Fortnightly collected kerbside recycling (yellow bin) material is taken by the contractor to its material recovery facility (MRF) where it uses both manual and mechanical processes to sort and recover recyclable materials such as plastic, aluminium, glass, paper and cardboard, which are then baled and transported to be remanufactured as new products.

Any material that cannot be recovered as it is not recoverable material or contaminated beyond efficient recovery, is sent to landfill.

While past community surveys indicate between 74-79% satisfaction level with the Town's rubbish, recycling and verge collection services (May 2017 Community Scorecard Survey – Catalyse), it is opportune for Council to review its services given the changing waste management environment and recent introduction of additional treatment options appearing in the market.

The WA Waste Authority has released recently the Western Australia's Waste Strategy 2030, which has an expressed target that, "*All local governments in the Perth and Peel regions provide a harmonised kerbside collection systems that include Food Organics & Garden Organics (FOGO) Bins, by 2025.*" (Western Australia's Waste Strategy 2030 is available from <http://www.wasteauthority.wa.gov.au/about/waste-strategy>).

The strategy focuses on achieving its ambitious targets of 20% reduction in waste generation per capita by 2030, 75% material recovery by 2030 and ensure all waste is managed or disposed to better practice facilities by 2030. The State wants no more than 15% of Perth and Peel Regions' waste to go to landfill by 2030.

To achieve these targets it is reliant on eight key strategies:

1. Implementation of consistent 3 bin FOGO kerbside collection, in Peel and Perth local governments by 2025.
2. Local Governments to implement Waste Plans which align planning processes with Waste Avoidance Resource Recovery Strategy.
3. Sustainable government procurement, to ensure that recycled goods and local markets are developed.
4. Provide funding to promote recovery of more value and resources.
5. Review the scope and application of waste levy and future schedule.
6. State wide communications to support consistent messaging.
7. State to undertake data collection and reporting systems implementation for timely assessment.
8. Waste infrastructure review including landfills by 2020.

FOGO (Food organics/Garden organics) is an extension of GO (Garden organics only) with all organic including food scraps such as (meat, bones etc.) material collected for recovery.

New to WA, two waste-to-energy plants will be built south of the river over the next few years which will provide a further waste treatment option. This option incinerates all residual waste material to generate energy.

In addition, the State is also introducing a container deposit scheme to commence in early 2020. The scheme allows consumers to take empty beverage containers covered by the scheme to a point to receive a refund of 10 cents. Similar to South Australia, the scheme

is intended to complement kerbside recycling and existing waste services, and encourage recycling.

The MyCouncil website hosted by the Department of Local Government, Sport and Cultural Industries has been recently updated to include data on diversion from landfill by each local government which has prompted further interest/demand from residents on their Councils' efforts to improve waste diversion within their local government.

As detailed on the MyCouncil site, the Town's overall waste recovered (diverted from landfill) for 2017-18 was 34%, the majority of which was sourced through the quarterly bulk verge green collections (100%) and fortnightly kerbside recycling collections (63%).

In order to increase waste recovery to meet state government targets and to increase community involvement, it is suggested that the Town should take up opportunities that will actively redirect waste material away from landfill.

These options are detailed within the Discussion section of this report.

## **Discussion**

### Option 1 - Garden Organics (GO) Bin System

Provision of GO bins has been provided throughout the metropolitan area for some years with more local governments taking it up over the past five years. While the Town has received occasional requests in the past for the service, these have increased recently prompted by introduction of a 'third bin' by neighbouring councils.

The Town of Mosman Park has recently moved to implement a GO bin system for properties larger than 400m<sup>2</sup> (and on request for those properties smaller) at the start of the 2019-20 financial year.

As the GO Bin has been in use over the metro area, this system should be relative easy to implement. It will require the delivery of the 240L garden organics bin for collection on a fortnightly basis, where the material is converted to compost for reuse.

Some education will be required to introduce the new system and to advise on materials that make up garden organics.

The advantages of the GO bin system include:

- Regular removal of garden organics.
- Removal the bulk green verge collection
- Grant funding available to assist implementation
- Financial modelling (Table 2) indicates this option will be effectively cost neutral first year with savings thereafter
- Limited change to current collection schedule
- Enables recovery of almost all garden organic waste.

Implementation of a GO bin system might also provide a staged entry into the State's preferred FOGO option should the Town decide to adopt this system in the future.

The GO bin system provides;

1. 120 litre MSW bin – red lid collected weekly,
2. 240 litre co-mingled recycling bin – yellow lid, collected fortnightly, and
3. 240 litre garden organics (GO) bin – lime lid collected every other fortnightly.

Disadvantages

- Adding a third bin to the system.
- Does not recover all organic (food) material.

#### Option 2 - Food organics/Garden organics (FOGO) Bin System

The Food Organics and Garden Organics (FOGO) bin provides for garden organics and food waste (including meat, bones and dairy). This removes further material from the general waste stream and landfill, also converting it to compost.

While greater diversion rates can be achieved using FOGO than GO bin system, it does require these bins to be collected on a weekly basis to avoid odour issues associated with rotting food waste. This however can be offset by decreasing the collection frequency for the MSW (red lid bins) from weekly to fortnightly.

The FOGO system was trialled at the City of Melville during 2017-18 and their experience indicated successful implementation required extensive community education and promotion together with provision of additional ancillary equipment.

The FOGO bin system provides;

1. 120 litre MSW bin – red lid collected fortnightly,
2. 240 litre co-mingled recycling bin – yellow lid, collected every other fortnightly, and
3. 240 litre food & garden organics (FOGO) bin – lime lid collected weekly.

Advantages

- Capacity to achieve greatest waste diversion estimated at 65%

Disadvantages

- Adding a third bin to the system.
- FOGO currently cannot be treated at the Brockway facility and will therefore require WMRC exemption to be delivered to an alternative treatment facility
- Short term increased cost to roll out education and ongoing cost for collection and disposal (higher than GO)
- Integrity and market the final product remains untested.

*Incentive Funding for take up of GO or FOGO bins*

As a local government that already provides MSW and recycling bin services, adoption of either GO and FOGO bin system entitles the Town to ‘Better Bins’ funding assistance from the State.

The Waste Authority through its “Better Bins” program provides a financial incentive for Council’s to adopt a third bin system by offering up to \$30 per household depending on meeting specific criteria, as shown in Table 1 below.

Table 1: Better Bins Funding Method, (pg. 5 Better Bins Kerbside Collection Program Guidelines”, September 2016.)

Kerbside Collection Preference	Kerbside Collection Services—Households			Funding allocation per household
	General waste Red lid	Comingled recycling Yellow lid	Green waste/ organic Lime green lid	
<b>Preference 1</b> Three bin system, small general waste	140L or less weekly	240L or more fortnightly	240L or more fortnightly	\$30
<b>Preference 2</b> Three bin system, standard general waste	240L or less weekly	240L or more fortnightly	240L or more fortnightly	\$24
<b>Preference 3</b> Two bin system, small general waste	140L or less weekly	240L or more fortnightly	–	\$10
<b>Preference 4</b> Two bin system, standard general waste	240L or less weekly	240L or more fortnightly	–	\$4

### Option 3 - Waste to Energy Option

The State has agreed to issue approvals for two new waste to energy plants; the Phoenix Energy plant in Kwinana and the New Energy plant in East Rockingham. These plants will provide an alternative to divert waste from landfill and reduces the potential for land and water contamination while generating energy from waste, viewed as another means of resource recovery.

However the *Waste Avoidance and Resource Recovery Act 2007* favours material recovery over energy recovery and this is consistent with the aims of the State’s Waste Strategy 2030. With the Waste Strategy 2030 having energy recovery as its least

preferred option, the Waste Authority has advised that only “residual waste” will only be permitted to be used as fuel for waste to energy.

Residual waste has been defined as, “*Waste that remains after the application of a better practice source separation process and recycling system, consistent with the waste hierarchy as set Waste Strategy 2030*”.

While no waste to energy plants are currently operating, the first is expected to be operational in 2021-22, some local governments have already committed to send their MSW to these plants. Dependant on how strongly the Waste Strategy objectives are enforced (and perhaps legislated), this may see some local governments retaining only the MSW and recycling bins.

As these facilities are not yet operating, costs are not available however it is expected the costs against landfill should be less.

#### Advantages

- Excellent potential diversion at approximately 90%
- Simple to implement – potential retention of 2 bin system
- Potential energy savings/buy back.

#### Disadvantages

- No plant currently operating
- Benefits and costs yet to be determined
- Does not align with Waste Strategy 2030.

#### Option 4 - Increase in Bulk Green Waste collections

An alternative to the three options (GO/FOGO/Waste to Energy) is an increase in bulk green waste collections. As previously indicated, the Town currently provides bulk green waste collections every three months (four a year). This could be increased to six a year (or every other month).

#### Advantages

- Simple to implement – well understood
- No change to MSW 7 recycling collection schedule
- Provides simple short term option while other options (FOGO/waste to energy) are further developed and tested.

#### Disadvantages

- Most expensive option after first year
- No access to funding assistance.

### Option 5 – Hold

With a number of matters still to be finalised, including the WMRC contractual arrangements, development of the waste to energy plants, and further clarity on FOGO waste treatment and product market, an option may be to defer action until these are better understood.

#### Advantages

- Delays any decisions until further information is available on issues influencing the waste management environment.
- No financial impact.

#### Disadvantages

- Does not align with Waste Strategy 2030.

In summary, Option 2 achieves the most objectives set out in the WA Waste Strategy. However, as detailed within the report the cost is prohibitive until diversion rates of 75% are maintained. This option also requires the greatest change in behaviour by residents requiring additional education and resourcing, and will require WMRC exemption as its facility currently cannot process this waste. Processing methods to produce a consistent and marketable product are yet to be established.

Garden organics (Option 1) provides progress towards the Waste Strategy objectives however does not address food organics. The option however is paid back after two years and provides a staging option towards the FOGO option.

With Waste to Energy (Option 3) plants not yet constructed, the State's requirement that only residual (post reuse & recovery) waste be sent for energy conversion, and no pricing available, this option cannot be fully understood at this time.

An increase in bulk green waste collections (Option 4) may increase some diversion of waste from landfill and is simple to implement. It is neither cost effective and provides no step towards the State's preferred FOGO option.

### **Past Resolutions**

Ordinary Meeting 18 December 2018, resolution 248/18 – confidential item relating to WMRC arrangements.

Ordinary Meeting 21 August 2018, resolution 161/18 – confidential item awarding kerbside collection contract and request report be submitted on WMRC arrangements.

Ordinary Meeting 7 August 2018, resolution 144/18 – confidential item relating to kerbside collection contract and that a report be present on options and financial implications of implementing a green waste (with and without food organics) collection service.

## Financial and Staff Implications

Cost estimates to implement the GO and FOGO bin systems are detailed in Table 2 are based on existing collection figures and charges (collection and disposal), bin audits results, and secured funding.

Table 2 – Estimated annual cost impact on introduction of GO & FOGO options

Item	Garden Organics (GO)		Food & Garden Organics (FOGO)	
	Year 1	Year 2	Year 1	Year 2
New 240L	(\$119,275)	0	(\$119,275)	0
Waste Authority - Better Bins Grant	\$75,000	0	\$75,000	0
Collection	(\$68,250)	(\$68,250)	(\$98,800)	(\$98,800)
Disposal –garden organics/garden & food organics diverted from MSW	\$37,375	\$37,375	\$48,750	\$48,750
Reduction from 4 bulk green waste services per year to 1 bulk green waste service per year	\$92,248	\$92,248	\$92,248	\$92,248
Consumables	0	0	(\$30,000)	(\$30,000)
Implementation	(\$20,000)	0	(\$40,000)	0
<b>Annual cost (increase)/savings</b>	<b>(\$2,902)</b>	<b>\$61,373</b>	<b>(\$72,139)</b>	<b>\$12,198</b>

While infrastructure investment and implementation require funding in the first year, the GO option provides overall savings (and payback) in the second, and continuing savings thereafter.

Cost savings achieved through the reduction in bulk waste collections and MSW disposal diversions do not offset increased collection and consumable costs within the FOGO option, particularly as bin numbers increase. A cost neutral outcome can only be achieved if diversion rates increase to above 75%

### Waste to energy

No estimate can be made on this option as pricing is not currently available.

### Increase in bulk waste collections

An additional two collections are estimated to cost an additional \$46,200 per year.

### **Policy and Statutory Implications**

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)  
Western Australia's Waste Strategy 2030  
Town of Claremont Sustainable Living Action Plan 2018-2020

### **Communication / Consultation**

A Communication Strategy will need to be developed and implemented should the Council approve to implement a third bin system for its residents.

The WMRC would be able to support the Town with the community education and engagement through their communication strategy for three bin implementation by member councils.

### **Urgency**

Direction on provision of alternative/additional waste services will assist informing the 2019-20 Budget preparations.

It will also assist finalising the 2019-20 Waste Calendars which are distributed in July of each year.

### **Voting Requirements**

Simple majority decision of Council required.

### **OFFICER RECOMMENDATION**

**Moved Cr Haynes, seconded Cr Main**

#### **Option 1**

**That Council;**

- 1 Endorse, for the purpose of applying for the Better Bins grant funding, strategy to stage the Waste Authority's objective of implement FOGO bins by 2025, through introduction of standard kerbside service comprising :-**
  - a. 120 litre MSW bin – red lid collected weekly,**
  - b. 240 litre co-mingled recycling bin – yellow lid, collected fortnightly, and**
  - c. 240 litre garden organics (GO) bin – lime lid collected every other fortnight;**
- 2 Make provision in the 2019-20 draft Budget for implementation of the third (GO) bin system should the grant be successful. Implementation to-**
  - a. be rolled out in January 2020**
  - b. mandatory for all properties larger than 400m<sup>2</sup>**
  - c. be available to properties less than 400m<sup>2</sup> on opt-in basis**
  - d. replace bulk verge green waste collections.**

**AMENDMENT**

**Moved Cr Kelly, seconded Cr Haynes**

**That the current wording in 2d of the officer recommendation be replaced with-  
'retain three green waste verge collections and review continuation after 12 months of operation with a view to possibly ceasing the green waste verge collection.'**

Reason: To have a smooth transition to new practice of green waste bins given that there has been little community consultation before introducing the green waste bin.

**CARRIED(42/19)  
(NO DISSENT)**

**THE AMENDED PRIMARY MOTION WAS PUT****Option 1**

**That Council;**

- 1 Endorse, for the purpose of applying for the Better Bins grant funding, strategy to stage the Waste Authority's objective of implement FOGO bins by 2025, through introduction of standard kerbside service comprising :-
  - a. 120 litre MSW bin – red lid collected weekly,**
  - b. 240 litre co-mingled recycling bin – yellow lid, collected fortnightly, and**
  - c. 240 litre garden organics (GO) bin – lime lid collected every other fortnight;****
- 2 Make provision in the 2019-20 draft Budget for implementation of the third (GO) bin system should the grant be successful. Implementation to-
  - a. be rolled out in January 2020**
  - b. mandatory for all properties larger than 400m<sup>2</sup>**
  - c. be available to properties less than 400m<sup>2</sup> on opt-in basis**
  - d. retain three green waste verge collections and review continuation after 12 months of operation with a view to possibly ceasing the green waste verge collection.****

**CARRIED(43/19)  
(NO DISSENT)**

### 13.3 PLANNING AND DEVELOPMENT

#### 13.3.1 PROPOSED DRAFT LOCAL PLANNING POLICY 206 - CHILD CARE CENTRES

**File No:** DAB/00143

**Attachments – Public** **Planning Bulletin 72/2009 Child Care Centres**  
**([Attachment 1](#))**  
**Draft Local Planning Policy 206 – Child Care Centres**  
**([Attachment 2](#))**

*Note: A revised Draft Local Planning Policy 206 – Child Care Centre (Attachment 2) was issued prior to the meeting.*

**Author:** David Vinicombe  
Director Planning and Development

**Responsible Officer:** David Vinicombe  
Director - Planning and Development

**Proposed Meeting Date:** 7 May 2019

**Date Prepared:** 29 April 2019

**Enabling Legislation:** *Planning and Development Act 2005 (PDA)*  
*Local Planning Scheme No. 3 (LPS3)*  
*Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*

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#### Summary

- It has been identified that Council requires a Local Planning Policy (LLP) to assist in the assessment and determination of applications for Development Approval for Day (Child) Care Centres.
- Day Care Centres are subject to Council's Special Approval in the Residential and Local Centre zones, and Council Approval in the Town Centre, Highway Educational and Development zones. The only other related planning controls under Local Planning Scheme No. 3 (LPS3) include setback, fencing and landscaping requirements relative to Non-Residential Development Abutting a Residential Zone (cl.37A).
- It is appropriate for the Town to prepare LPP guidelines to assist in the assessment and determination of applications for Child Care Centres.
- Guidelines on Child Care Centres have been prepared by the Western Australian Planning Commission (WAPC) in Planning Bulletin 72/2009 Child Care Centres

([Attachment 1](#)) to assist Local Government in preparing a LPP to address common issues relating to this matter.

- The attached Draft Local Planning Policy 206 – Child Care Centre (Draft LPP 206) ([Attachment 2](#) - Draft Local Planning Policy 206 – Child Care Centres) addresses locational and development requirements to guide the location of these centres and the development requirements to ensure they can operate to service the local community, but also to ensure that local residential amenity is not impacted.
- The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) provides procedures for Council to prepare and adopt a LPP. Council is required to resolve to prepare Draft LPP 206 and advertise the proposal for public comment for a minimum period of 21 days.
- As Draft LLP 206 is based on sound planning principles to address strategic and operational requirements of Child Care Centres, and is consistent with WAPC Planning Bulletin 72/2009, there is no need to give notice to the WAPC on the Draft LPP.
- On conclusion of the consultation period, all submissions will be referred to Council for consideration and resolution to proceed (or not proceed) with LPP 206, with or without modification, and following publication of a notice in the local newspaper, the LPP will have effect.

### **Purpose**

The proposal is for Council to consider whether to prepare a Draft LPP 206 and then advertise the proposal for public comment in accordance with deemed provisions 3 and 4 of Schedule 2 Part 2 of the LPS Regs.

### **Background**

It has been identified that Council does not have effective development controls to equip itself with the consideration of applications for Development Approval for Child Day Care Centres, particularly when proposed in Residential zones away from commercial areas, where the impacts on local residential amenity may be significant. Effectively the only controls under LPS3 include those relating to access to parking areas under cl.36(6), and setback, fencing, landscaping and access location under cl.37A for Non-Residential Development Adjoining a Residential Zone.

In recent years, all applications for Child Day Care Centres have been considered within areas close to or within commercial zones, where the impact on local residents has been minimised.

The WAPC has prepared draft guidelines for Child Care Centres in Planning Bulletin 72/2009 Child Care Centres, which propose a consistent policy approach to planning for Child Care Centres and identifies planning considerations in relation to the location and development of these centres. The Planning Bulletin provides a guide to Local Government in the preparation of Scheme and LPP provisions on Child Care Centres, and forms the basis of the proposals contained in Draft LPP 206.

The Planning Bulletin indicates that with the growing population and changing socio-economic conditions resulting in pressure for both parents to work, there is increased pressure for child care centres to be located in close proximity to workplaces. The rising demand for child care services is resulting in these businesses becoming larger and servicing a greater catchment area, resulting in potentially greater impacts on the local area.

### **Past Resolutions**

There are no past Council resolutions relevant to this application.

### **Statutory Considerations**

For a LPP to be effective, it must be prepared, advertised for a minimum period of 21 day, considered by Council and a notice published in the local paper in accordance with the LPS Regs deemed provisions.

### **Discussion**

#### Description

The Draft Policy proposes to address requirements relating to location, site characteristics, environmental suitability, design, traffic, access, noise and health impacts and safety issues:

- This LPP relates to the provision of a “Day Care Centre” in accordance with LPS3, and where appropriate, the provision of limited “Family Day Care Centres” in single house or grouped dwellings subject to the specific requirements referred to below.
- The objectives of the LPP are to provide guidance on the appropriate location of Child Care Centres in the Town relative to their surrounding area; minimise the impact on the surrounding locality, in particular the amenity of existing residential areas; minimise the impact the surrounding area has on the Child Care Centre; and consider the health and safety of children attending the centre.
- Child Care Centres are to be located where they provide a strategic distribution of centres for the community it serves; within walking distance or part of appropriate commercial, recreation or community nodes and education facilities; in areas where adjoining land uses are compatible with Child Care Centres, serviced by public transport, considered suitable from a traffic engineering/safety point of view; and be of sufficient size and dimension to accommodate the development without impacting on the amenity of the area. Preferred locations are on lots zoned “Local Centre”, “Town Centre”, “Highway”, or “Educational”, or on “Residential” lots immediately adjacent to these zones, subject to compliance with the LPS3 provisions.
- Child Care Centres are not to be located in (or adjacent to) areas of soil contamination or groundwater pollution (where play areas and gardens are reticulated); where access is from major roads or in close proximity to a major intersection where there may be safety concerns or where access is from a local access street which may result in traffic or parking concerns in the street; and

where adjoining uses/potential uses may produce unacceptable levels of noise, fumes or emissions or pose a potential hazard by reason of activities or materials stored on site, or where noise from nearby roads and railways are likely to have an adverse impact on the site or the site.

- Sites should be of sufficient size, shape and dimension to accommodate the development (inclusive of buildings with required setbacks, parking, outdoor play areas and landscape buffer strips); and be level/non elevated sites to reduce impacts on access and noise transfer/mitigation.
- Visual appearance of developments should reflect the character of the area, enhance its amenity and ideally be purpose built or adapted to be suitable/appropriate for regular use of children.
- Parking access is to be provided in accordance with LPS3 requirements and parking areas are to be located at the front of the building and provide for access to and egress from the site in forward gear. Parking for staff and children is to be at a rate of one space per five children or possibly varied in accordance with any concessions provided under LPS3 (where applicable) at Council's full discretion.
- Outdoor play areas to be in a safe location away from high traffic areas and also away from any adjoining noise sensitive premises such as dwellings and nursing homes.
- Landscaping and masonry fencing is to be provided along all adjoining residential property boundaries to reduce potential amenity and visual impacts on adjoining residents. Landscaping shall not contain toxic plants, and be provided along street frontages with a minimum width of 2 metres compatible with adjoining residential properties and at a height which does not result in an access/visibility hazard at the access crossover.
- A traffic impact statement shall be provided with all applications which addresses the site and its location, the expected trip generation, parking requirements and parking area design (including access located in accordance with LPS3 requirements), existing and future traffic conditions, current road safety conditions including crash history in the immediate locality, and the expected impact on existing and future traffic conditions. No access is to be permitted directly from a Primary or Regional Distributor Road, a Right of Way or short Access Road such as a cul-de-sac or no through roads.
- A noise impact assessment shall be provided with all applications which address the prime objectives of limiting the impact of a Child Care Centre on adjacent residential properties and also limit the impact of external noise sources on the Child Care Centre.
- Hours of operation should be limited to between the hours of 7.00am and 7.00pm weekdays and Saturdays.
- Where located adjacent to noise sensitive uses, all noise generating activities such as outdoor and indoor play areas, parking areas and any plant or equipment are to be located away from the noise sensitive use and where provide amenity

impacts are to be mitigated by appropriate fencing, non-openable and double glazing (or equivalent) windows together with landscaping.

- The design and construction of the Day Care Centre is to also mitigate against impacts from external noise and vibration sources.
- In order to assess the impact to the local community on the impact a proposed Child Care Centre has on the level of service of similar or approved facilities, applications are to include information on the level of existing (or proposed) services in the locality, proximity to other centres, population catchments for the proposed centre and the number of primary schools and kindergartens in the locality, together with the number of students at these facilities.
- “Family Day Care Centres” for up to seven children (including the applicant’s own children) may be approved in single houses or grouped dwellings where suitable access and parking is provided on site with easy access to the dwelling which does not interfere with sightlines or prejudice road safety; and where internal and external play spaces are designed and located to minimise impacts on adjoining residents.
- Approvals should only be issued where it can be demonstrated that the Child Care Centre will have minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians, cyclists or road users.

### **Policy and Statutory Implications**

Once the Draft LPP is advertised, approved by Council and a notice is published in the local paper, it will be formally recognised as part of the Local Planning Framework and can be applied to the consideration of all applications for Child Care Centres in the Town. Council must then have regard to the LPP in determining applications for Development Approval for Day Care Centres.

### **Financial and Staff Implications**

Nil

### **Strategic Community Plan**

#### **Leadership and Governance**

*We are an open and accountable local government; a leader in community service standards.*

Our stakeholders are well informed and we provide opportunities for community engagement.

Demonstrate a high standard of governance, accountability, management and strategic planning.

**Conclusion**

Based on the above, it is recommended that Council prepare and advertise Draft Local Planning Policy 206 – Child Care Centres for public comment.

**Voting Requirements**

Simple majority decision of Council required.

**OFFICER RECOMMENDATION**

**Moved Cr Franklyn, seconded Cr Haynes**

**THAT Council prepare Local Planning Policy 206 – Child Care Centres and advertise the revised Draft for public comment for a period of 21 days in accordance with the deemed provisions contained in Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED(44/19)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker, and Cr Haynes, Cr Mews, Cr Goetze, Cr Main, and Cr Tulloch reported on their attendance at the Anzac Day ceremony.

Cr Franklyn reported on Lake Claremont being well maintained.

Mayor Barker, Cr Goetze, and Cr Main reported on their attendance at the launch of the 'Off the Page' exhibition.

Cr Kelly reported on his attendance at an Anzac Day ceremony in Auckland, New Zealand.

**15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

NIL

**16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING**

NIL

**17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****MOTION TO CLOSE DOORS**

**Moved Cr Haynes, seconded Cr Main**

**That the doors be closed in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to members of the public with the following aspect of the Act being applicable to these matters:**

**c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

**CARRIED(45/19)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:44pm.*

*All members of the public and press left the meeting at 7:44pm.*

*Mayor Barker reconvened the meeting at 7:45pm.*

**17.1 CORPORATE AND GOVERNANCE****17.1.1 DOLPHINS WATER POLO CLUB - HIRE FEES REVIEW 2019-20**

**File No:** REC/00021-09  
**Responsible Officer:** Les Crichton  
Director Corporate and Governance  
**Author:** Sean Badani  
Aquatic Centre Manager  
**Proposed Meeting Date:** 7 May 2019

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**Purpose**

The following item was considered in closed session.

**OFFICER RECOMMENDATION**

**Moved Cr Haynes, seconded Cr Franklyn**

**That;**

- 1. The fees for the Dolphins Water Polo Club for use of the water space at the Claremont Aquatic Centre be set at 11% of the applicable 'Not for Profit' hourly rate for the 2019-20 financial year:**
- 2. Include this provision in the draft 2019-20 Fees and Charges Schedule for consideration in the 2019-20 Budget.**
- 3. Include a further review of the subsidised Dolphins Water Polo Club fees when undertaking its fees and charges review in preparation of its annual Budgets.**

**CARRIED(46/19)  
(NO DISSENT)**

**MOTION TO OPEN DOORS**

**Moved Cr Haynes, seconded Cr Edwards**

**That the doors be opened.**

**CARRIED(47/19)  
(NO DISSENT)**

*The doors opened at 7:47pm.*

**THE MAYOR READ ALOUD THE MOTION MADE BEHIND CLOSED DOORS.**

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 21 May 2019, at 7:00PM.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:48PM.

Confirmed this ... .. day of ... .. 2019.

**PRESIDING MEMBER**