

AGENDA

SPECIAL COUNCIL MEETING

Tuesday, 28 October 2025 at 6:30 PM

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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CONTENTS

1	OFFICIAL OPENING	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	ANNOUNCEMENT TO GALLERY	3
4	RECORD OF ATTENDANCE	3
4.1	ATTENDANCE	3
4.2	APOLOGIES	3
4.3	APPROVED	3
5	DISCLOSURES OF INTEREST	4
5.1	FINANCIAL	4
5.2	PROXIMITY	4
5.3	IMPARTIALITY	4
6	PUBLIC QUESTION TIME	4
6.1	PUBLIC QUESTION TIME	4
6.2	DEPUTATIONS	4
7	BUSINESS	4
7.1	ELECTION OF DEPUTY MAYOR	5
7.2	1 (RESERVE 24703) CARNABY CLOSE - EAST FREMANTLE COMMUNITY PARK - EAST FREMANTLE FOOTBALL CLUB SIGNAGE - RECOMMENDATION TO WAPC	13
7.3	AUDIT, RISK & IMPROVEMENT COMMITTEE	48
7.4	PLANNING COMMITTEE	58
7.5	WORKS COMMITTEE	68
7.6	CEO PERFORMANCE REVIEW COMMITTEE	78
7.7	BEHAVIOUR COMPLAINT COMMITTEE	97
7.8	COMMUNITY ASSISTANCE GRANTS OCCASIONAL COMMITTEE	104
7.9	CLIMATE ACTION REFERENCE GROUP (CARG)	110
7.10	RECONCILIATION ACTION PLAN (RAP) STEERING GROUP	122
7.11	PUBLIC ART PANEL	129
7.12	REPRESENTATION ON JOINT DEVELOPMENT ASSESSMENT PANEL (JDAP)	141
7.13	APPOINTMENT TO EXTERNAL ORGANISATIONS	148
8	MATTERS BEHIND CLOSED DOORS	152
9	CLOSURE	152

NOTICE OF MEETING

Elected Members

A Special Council Meeting of the Council will be held on 28 October 2025 at 6:30 PM in the Council Chamber, 135 Canning Highway, East Fremantle and your attendance is requested.



JONATHAN THROSSELL
Chief Executive Officer
23 October 2025

AGENDA

1 OFFICIAL OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."

3 ANNOUNCEMENT TO GALLERY

"Members of the gallery are advised that:

- 1. this meeting will be audio-recorded*
- 2. no Council decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting, unless Council, by resolution carried at this meeting, requested the CEO to take immediate action to implement the decision."*

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

4.2 APOLOGIES

Cr M Wilson

4.3 APPROVED

5 DISCLOSURES OF INTEREST

5.1 FINANCIAL

5.2 PROXIMITY

5.3 IMPARTIALITY

6 PUBLIC QUESTION TIME

6.1 PUBLIC QUESTION TIME

6.2 DEPUTATIONS

7 BUSINESS

Reports start on the next page

It is noted that the Terms of Reference documents, which form part of this Agenda, pertaining to standing and advisory committees are to be reviewed in due course and reformatted to provide uniformity.

7.1 ELECTION OF DEPUTY MAYOR

Applicant	N/A
Report Reference Number	SCR-331
Prepared by	Jonathan Throssell, Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Deputy Mayor Nomination Form
2. Deputy Mayor Nomination by Nominee Form
3. Deputy Mayor Declaration Form

EXECUTIVE SUMMARY

The Local Government Act 1995 (the Act) includes provisions for the election of a councillor to hold the office of deputy mayor. The election of the Deputy Mayor is to be the first matter dealt with at the first meeting of Council after the ordinary local government elections.

BACKGROUND

The Deputy Mayor performs the functions of the Mayor when the Office of Mayor is vacant or when the Mayor is not available, or is unable, or unwilling to perform the functions of Mayor (as the case requires). The role of the Mayor and that of a Councillor is specified in the Act as follows:

2.8. Role of mayor or president

(1) The mayor or president –

- (a) provides leadership and guidance to the council and council members, including guidance as to the roles of the council and council members; and
- (b) acts as the principal spokesperson for the local government, and carries out civic and ceremonial duties on behalf of the local government, at all times acting consistently with council decisions; and
- (c) presides at meetings of the council, ensuring that meetings are orderly and held in accordance with this Act; and
- (d) promotes, facilitates and supports positive and constructive working relationship among council members; and
- (e) liaises with the CEO on the local government's affairs and the performance of its functions.

(1A) The mayor or president has the other functions given to the mayor or president under this Act or any other written law.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

The Deputy Mayor performs the functions of the Mayor when the Office of Mayor is vacant or when the Mayor is not available, or is unable, or unwilling to perform the functions of Mayor (as the case requires). The role of the Mayor and that of a Councillor is specified in the Act as follows:

2.10. Role of councillors

(1) A councillor —

- (a) *represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and*
- (b) *participates in the deliberation and decision-making of the local government at council and committee meetings; and*
- (c) *facilitates communication with the community about council decisions; and*
- (d) *facilitates and maintains good working relationships with other councillors, the mayor or president and the CEO; and*
- (e) *acts consistently with section 2.7(3) to (5); and*
- (f) *maintains and develops the requisite skills to effectively perform their role.*

As stated above, the Deputy Mayor performs the functions of the Mayor when required and therefore plays an important role in maintaining the Town's civic functions and responsibilities. When the Deputy Mayor is not required to perform the role of the Mayor, the roles and responsibilities of a Councillor apply.

To elect a Deputy Mayor, a sitting Councillor must nominate either themselves or another Councillor to the position of Deputy Mayor. Nominations must be made in writing and the Councillor so nominated must accept the nomination in order to be considered for the position.

Newly elected persons to Council may be contacted by current sitting elected members before the Special Council Meeting to canvass their support to elect themselves or a particular member to the position of Deputy Mayor. However, any decision to nominate a person, and subsequently vote for them, remains a personal decision and responsibility of each elected member when the time comes.

Should there be more than one nomination for the position of Deputy Mayor, elected members will be required to elect the Deputy Mayor by way of a secret ballot, as if they were electors voting at an election.

Refer to Attachment 1 for a copy of the nomination form to be used when nominating for the office of deputy mayor. Refer to Attachment 2 for a copy of the nomination form to be used when nominating another council member for the office of deputy mayor.

STATUTORY ENVIRONMENT

Division 2 of Schedule 2.3 of the *Local Government Act 1995* ("the Act") provides when and how a councillor is elected to hold the office of deputy mayor.

Clause 7 of Schedule 2.3 provides that the office of deputy mayor is to be filled as the first matter dealt with at the first meeting of council after an ordinary elections day.

The procedure to elect the deputy mayor is set out in **Schedule 2.3**. This procedure requires the election to be conducted in the same manner as for the local government elections; a key change resulting from amendments to the *Local Government Act 1995* mean that the method of voting to be used is the 'optional preferential' method.

The details are as follows:

“8. How deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

9. Votes may be cast a second time

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election*

Division 3 of **Schedule 4.1A** of the Act provides how votes are to be counted and how to ascertain results in a one office election.

2. One office election: 2 candidates

- (1) *If there are only 2 candidates in a one office election —*
 - (a) *the first-preference votes for each candidate must be counted; and*
 - (b) *the candidate who has the greater number of first-preference votes is elected.*
- (2) *If the candidates have the same number of first-preference votes, the returning officer must draw lots in accordance with regulations to determine which candidate is elected.*

3. One office election: 3 or more candidates

Clauses 4 and 5 apply if there are 3 or more candidates in a one office election.

4. Count of first-preference votes

- (1) *The first-preference votes for each candidate must be counted.*

- (2) *A candidate is elected if the number of first-preference votes for the candidate exceeds 50% of the total number of all the first-preference votes for candidates.*

5. **Process if no candidate elected under clause 4**

- (1) *The process in subclause (2) —*

- a) must be followed if no candidate is elected under clause 4; and*
- b) as necessary, must be repeated until a candidate is elected under subclause (3).*

Notes for this subclause:

- 1. Subclauses (4) to (6) supplement subclauses (2) and (3) for cases where candidates have the same number of votes.*
- 2. Subclauses (7) and (8) explain how the terms ballot paper and continuing candidate are used in this clause.*

- (2) *The process is as follows —*

- a. exclude the candidate (the **excluded candidate**) with —*
 - i. if this process is being followed for the first time — the fewest first-preference votes; or*
 - ii. if this process is being repeated — the fewest votes on the last count under paragraph (d);*
 - b. set aside as exhausted any ballot paper of the excluded candidate that contains —*
 - i. no preference votes at all; or*
 - ii. no preference votes for any continuing candidates;*
 - c. transfer any remaining ballot papers of the excluded candidate that indicate the next available preference for a particular continuing candidate to that continuing candidate;*
 - d. count the number of votes for each of the continuing candidates by totalling the following —*
 - i. the number of first-preference votes for the continuing candidate;*
 - ii. if this process is being followed for the first time — the total number of ballot papers transferred to the continuing candidate under paragraph (c);*
 - iii. if this process is being repeated — the total number of ballot papers transferred to the continuing candidate under paragraph (c) on this or a previous occasion.*
- (3) *A continuing candidate is elected if, on a count under subclause (2)(d), the number of votes for the continuing candidate exceeds 50% of the total number of all the votes for continuing candidates.*
- (4) *Subclause (6) applies if subclause (2)(a) cannot otherwise be applied because, as the case requires —*
- (a) 2 or more candidates have the same number of first-preference votes (no other candidates having fewer first-preference votes); or*
 - (b) 2 or more candidates have the same number of votes on the last count under subclause (2)(d) (no other candidates having fewer votes).*
- (5) *Subclause (6) also applies if subclause (3) cannot otherwise be applied because —*
- (a) there are only 2 continuing candidates in a count under subclause (2)(d); and*
 - (b) on the count, the continuing candidates have the same number of votes.*
- (6) *The returning officer must draw lots in accordance with regulations to determine, as the case requires*
- (a) the candidate to be excluded; or*

- (b) *the continuing candidate to be elected.*
- (7) *For the purposes of the process in subclause (2), a ballot paper is a ballot paper of the excluded candidate if either of the following applies —*
 - (a) *the ballot paper contains a first-preference vote for the excluded candidate;*
 - (b) *the process is being repeated and the ballot paper was transferred to the excluded candidate under subclause (2)(c) on a previous occasion.*
- (8) *For the purposes of the process in subclause (2), a continuing candidate is a candidate to whom neither of the following applies —*
 - (a) *the candidate is the excluded candidate;*
 - (b) *the process is being repeated and the candidate was excluded under subclause(2)(a) on a previous occasion.”*

The regulations referred to in Schedule 4.1 clause 2(2) are the *Local Government (Elections) Regulations 1997*.

Declaration by the Deputy Mayor

Section 2.29 of the Act requires that a person elected by the council as deputy mayor is to make a declaration in the prescribed form before acting in the office (refer **Attachment 3**).

Regulation 13 of the *Local Government (Constitution) Regulations 1995* provides the prescribed form, Form 7, and the following (in part):

- (3) *A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person. ...*
- (5) *In this regulation —*
authorised person *means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.*

REPORT ATTACHMENTS

Attachments start on the next page



NOMINATION FOR DEPUTY MAYOR

I, Cr _____

nominate for the position of DEPUTY MAYOR.

Signed Cr _____ Date _____



NOMINATION FOR DEPUTY MAYOR

I nominate, Cr _____

for the position of DEPUTY MAYOR.

Signed Cr _____ Date _____

I accept the nomination

Signed Cr _____ Date _____



Form 7
Local Government Act 1995
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

DECLARATION BY ELECTED MEMBER OF COUNCIL

I,

of

EAST FREMANTLE

having been elected to the office of **DEPUTY MAYOR** of the **TOWN OF EAST FREMANTLE**
declare that I take the office upon myself, and will duly, faithfully, honestly, and with integrity fulfil
the duties of the office for the people in the district according to the best of my judgment and ability,
and will observe the Code of Conduct adopted by the **TOWN OF EAST FREMANTLE** under section
5.104 of the *Local Government Act 1995*.

Declared at **EAST FREMANTLE** on **28 OCTOBER 2025**

by

Before me

ANTONIO NATALE
MAYOR

7.2 1 (RESERVE 24703) CARNABY CLOSE - EAST FREMANTLE COMMUNITY PARK - EAST FREMANTLE FOOTBALL CLUB SIGNAGE - RECOMMENDATION TO WAPC

Report Reference Number	OCR-3748
Prepared by	Christine Catchpole, Senior Planner
Supervised by	Fraser Henderson, Executive Manager Regulatory Services
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location Plan
2. Photographs
3. Finalised development application plans, images and supporting information forwarded to the WAPC on 24 September 2025

PURPOSE

The purpose of this report is for Council to consider:

- a development application forwarded to the Western Australian Planning Commission (WAPC) for its consideration and determination regarding the East Fremantle Football Club (EFFC) signage proposal, comprising digital and static signage on the scoreboard structure, and static signage on the oval perimeter fence and the grandstand/gymnasium building; and
- providing a recommendation to the WAPC in response to the application in accordance with clause 37(3) of the Metropolitan Region Scheme (MRS).

EXECUTIVE SUMMARY

The EFFC is based at the East Fremantle Community Park (EFCP) which is located on land reserved for 'Open Space – Restricted Public Access' and is vested in the Town for recreation and community purposes under the MRS.

Belgravia Leisure on behalf of the EFFC has submitted a development application for static and digital signage on the scoreboard, the oval perimeter fence and on the grandstand/gymnasium building. The signage proposal comprises EFFC logos, branding, primary sponsorship names and third party advertising for various products and businesses. As stated in the Officer Report considered by Council at the Special Council Meeting (SCM) of 8 July 2025, the proposed signage and operation of the 'Video Board' (i.e. the digital scoreboard structure), could not commence operation until development approval was sought and obtained from the WAPC. The signage proposed is generally consistent with the signage plan included in the EFFC Licence Agreement (Annexure) which was approved by Council at the SCM.

A development application on land reserved under the MRS is required to be considered and determined by the WAPC. The Council is not the approval authority in relation to development on a MRS Reserve. The provisions for, and matters to be considered in relation to development on reserved land are contained within the MRS text and the WAPC must have regard to these matters which refer to orderly and proper planning to the extent the proposal is of State or regional importance.

Under the MRS legislation, consultation with the community and other public authorities to seek comment is at the discretion of the WAPC. The DPLH has advised that the matter of advertising to the community has been considered

and, in this instance, advertising is considered not warranted. The Town does not have a statutory obligation to undertake public consultation of its own accord. However, the WAPC must not determine an application for reserved land under the MRS without first consulting with the local government that owns or manages the land. The DPLH have advised that the City of Fremantle and Main Roads WA will also be consulted. The Town has 42 days (i.e. until 3 November 2025) to provide a recommendation to WAPC and then the WAPC has 60 days to determine the application from the date the application was received on 24 September 2025.

Given general consistency of the signage application with the EFFC Licence Agreement (Annexure) it is recommended that Council advise the WAPC that the EFFC signage is as approved by Council as part of the Licence Agreement at the Special Council Meeting held on 8 July 2025.

Should the WAPC be of a mind to approve the application in its current format, it is recommended Council requests conditions be imposed relating to a limitation on the days/hours of operation of the digital (advertising) boards (as outlined in the signage plan Annexure), no illumination of any static signage to be installed, conformity with the signage plans, images and supporting information received with the application and prompt removal of any graffiti on the signage.

BACKGROUND

East Fremantle Community Park

The EFCP facility is located on Reserve 24703 which is a reserve vested in the Town for the purpose of “Recreation and Community Purposes”. The new EFCP complex includes some community uses in addition to recreational uses.

East Fremantle Football Club Licence Agreement

On 25 June 2025 a revised Licence Agreement was provided by the Town to EFFC. Also at that time, it was noted that the EFFC needed to provide updated plans for the proposed signage to be included in the Licence Agreement. The CEO of the EFFC subsequently provided the documents needed to be attached to the Licence Agreement as an Annexure, including the proposed signage plans and supporting details. At the Concept Forum on the 1 July 2025, Council Members received a presentation explaining the signage and the updated signage plan from the EFFC.

At the SCM of 8 July 2025, the Council considered the Football Club Licence Agreement. This document gives the EFFC the right to occupy and use other parts of the EFCP which are not subject to EFFC’s sublease. Most of these rights are non-exclusive, but EFFC has priority access and usage rights on WAFL match days and for EFFC functions during the hours of use.

Other key elements of the Licence Agreement in respect to signage included the Licence Agreement imposing a development approval framework for the EFFC signage, this included:

- External signage on the building (e.g. EFFC logos/branding, naming rights sponsor branding).
- Temporary sponsorship signage for WAFL match days and EFFC functions.
- Oval signage (perimeter fence and surface).
- Video Board (digital scoreboard).
- Other signage in other areas.

The Town expressly reserved its right under the headlease to consent to any signage (other than oval perimeter fence signage and temporary EFFC sponsorship signage displayed for the duration of WAFL match days and EFFC functions) before Belgravia Leisure can erect or install any signage within EFCP (on behalf of itself, EFFC or others). The signage plan annexed to the Licence Agreement identifies specific signage on the building and it also addresses signage on the scoreboard structure.

As stated in the previous Officer report to Council on the matter of development (planning) approval for the signage and operation of the video (score) board, development approval is required to be obtained from the WAPC because

the Town is not the relevant planning authority for this Reserve. However, it was also explained to Council that by the signage plan's inclusion in the Licence Agreement, the Town would be providing its consent to the specific signage identified in the plan.

Furthermore, at the Council Meeting held on 18 March 2025, Council considered a request by EFFC to enter into a naming rights sponsorship agreement. The Naming Rights Sponsorship Agreement provided by EFFC (attached to the Officer Report) noted that the EFFC included in its sponsorship "offering" the following signage/advertising:

- logo/sign on each façade of the grandstand/gymnasium building;
- static signage below the scoreboard;
- oval boundary fencing; and
- digital (score) board advertising.

Video Board (Scoreboard)

The Football Licence Agreement includes a Video Board licence area to accommodate the video scoreboard. EFFC will own and operate the video scoreboard and will be responsible for all costs associated with its operation, maintenance and replacement. Two further details are noted. There are two sides of the scoreboard structure that will be used for digital (video) sponsorship and third party advertising, one facing the oval (scoreboard) and one facing the car park and Marmion Street.

The static signage on the scoreboard will not be illuminated and the proposed hours of operation of the video scoreboard (as included in the Annexure to the Licence Agreement) are outlined below.

- **Summer –**
 - Monday to Friday 8am to 8pm.
 - Saturday and Sunday 8am to 6pm.
- **Winter –**
 - Monday to Friday 8am to 7pm.
 - Saturday and Sunday 8am to 6pm.
- **Evening game or event**
 - Scoreboard only – 8am to end of event (and no later than 11pm).

As mentioned above, the Video (Score) Board cannot be used for advertising purposes until approval is obtained from the WAPC, however, it can be used as a scoreboard.

CONSULTATION

MRS - Notice (advertising) of Applications

Under the MRS planning regulation community consultation is at the discretion of the WAPC. The DPLH has advised that the matter of advertising has been discussed and, in this instance, it was determined that advertising was not warranted.

Consultation with Other Authorities

The WAPC may consult any other public authority it considers appropriate. However, it must not determine an application in respect of reserved land under the MRS without first consulting each relevant public authority for the land. This includes the local government that owns or manages the land.

The Town has 42 days from the date the application was formally received by the Town (i.e., until 3 November 2025) to provide comments and a recommendation to WAPC. The WAPC then has 60 days to determine the application from the date it received the application from the Town which was 24 September 2025.

The Town does not have authority to undertake public consultation of its own accord.

STATUTORY ENVIRONMENT

Land Administration Act, 1997
 Planning and Development Act, 2005
 Metropolitan Region Scheme (as amended)
 Local Planning Scheme No. 3

POLICY IMPLICATIONS

Local Planning Strategy 2022

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020 – 30 states as follows:

Strategic Priority 1: Social

A socially connected, inclusive and safe community.

Objective

1.2 Inviting open spaces, meeting places and recreational facilities

Strategies

1.2.1 Provision of adequate facilities to support healthy and active lifestyles.

1.2.2 Activate inviting open spaces that encourage social connection across all age groups.

Measures of success

Community perception of value of recreational facilities and meeting spaces

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Planning referral decision by Council is not consistent with the East Fremantle Football Club Licences Agreement.	Possible (3)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Manage by ensuring that any decision and consequential recommendation to the WAPC is based upon consideration of planning merits of the proposal.

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

A site inspection has been undertaken.

COMMENT

The components of the signage application are summarised in the table below and provided in detail in Attachment 3. The proposal has been reviewed and it is considered generally consistent with the signage plan included in the Football Licence Agreement - Annexure which was approved by Council at the SCM on 8 July 2025.

Structure	Position	Sign Type	Illumination
Grandstand /gymnasium building	External wall mounted on facades	EFFC logo/branding and naming rights sponsor	All static – no illumination
	<u>North north-west</u> ~4.5m(h) x 6.2m(l) ~3m(h) x 3m(l) (no dimensions provided)	"Sharks" "The Good Grocer Park"	
	<u>South-east</u> ~4.5m(h) x 7m (l) 10.8m(l) x ~1.2m(h)	"Sharks" "The Good Grocer Park"	
	<u>South-west</u> ~4.5(h) x 6.85m(l) 8m(l) x 870mm(h)	"Sharks" "The Good Grocer Park"	
	<u>North</u> ~3m(l) x ~3m(h) (no dimensions provided)	"The Good Grocer Park"	

Scoreboard	Facing oval – below digital video board 5m(l) x 1m(h)	Naming Rights Sponsor “The Good Grocer Park” “New Choice Homes”	Static – no illumination
	Facing oval – video board scoreboard 5m (l) x 4m(h)	Rotating sponsorship and third party advertising (various)	Digital – illuminated (see below for proposed operating days/hours)
	Westerly facing – angled toward Marmion Street central section video board section 2.88m(h) x 1.92m(l)	Rotating sponsorship and third party advertising (various)	Digital – illuminated (see below for proposed operating days/hours)
	Westerly facing – angled toward Marmion Street – two sections Upper 1.92m(l) x 2m(h) Lower 1.92m(l) x 1m(h)	EFFC logo/branding “Sharks” Naming Rights Sponsors “The Good Grocer Park” “New Choice Homes”	Static – no illumination
	Easterly facing – angled toward the dog park – three sections Lower – 2.0m(l) x 1.0m(h) Middle – 2.0m(l) x 2.0m(h) Upper – 2.0m(l) x 2.0m(h)	EFFC logo/branding “Sharks” Naming Rights Sponsors “The Good Grocer Park” “New Choice Homes”	Static – no illumination
Oval	Oval perimeter fence – advertising placards both sides of fence for some sections 2.2m per section(l) x fence height	Naming rights sponsors Various other sponsors and third party businesses and services	All static – no illumination

MRS Requirements and Considerations for a Development Application

In assessment under the MRS by the WAPC (or delegate) is different from an assessment under a local planning scheme by a local government. However, a local government can make recommendations on all development applications under the MRS (refer to clause 37[3]). The WAPC must not determine an application until it has received recommendations from the local government, or the time for making recommendations has expired (refer to clause 46[a]). As mentioned, the Town has until 3 November 2025 to forward a response to the WAPC in respect to the application.

The legislation requires that the WAPC assessment under the MRS focus on the broader issues which may be of State or regional importance. The requirement for MRS development approval ensures that development on Reserves such as that on which the EFCP is located be assessed appropriately, as local planning scheme provisions do not apply, nor does the Town’s Local Planning Policy 3.1.2 – Signage Guidelines, which applies to commercial land.

The provisions for development on reserved land are contained within the MRS text. When considering an application for the WAPC must have regard to the matters referred to in cl. 43 - *Matters to be considered by Commission*. Similar to local planning schemes cl. 43 refers to a wide-ranging list of matters relating to orderly and proper planning. Under cl. 43, the ones to which the WAPC might consider relevant to the subject application are listed below:

- (a) the purposes and aims of the MRS and any relevant local planning schemes in operation;
- (b) the requirements of orderly and proper planning, including —
- (c) any State planning policy;
- (h) the public purpose for which the land is reserved;
- (j) the compatibility of the development with its setting;

- (k) any social issues that may affect the amenity of the locality;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development of adjoining land or on other land in the locality, including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (y) the potential loss of any community service or benefit resulting from the development approval;
- (z) any relevant submissions received on the application;
- (za) any recommendations received from a local government under clause 37(3);
- (zb) consultation under clause 44(1);
- (zd) any other development consideration the Commission considers relevant.

Council Considerations for a Development Application under the MRS

As mentioned above, local planning scheme provisions do not apply, nor does the Town's Local Planning Policy 3.1.2 – Signage Guidelines, which applies to commercial land. However, of relevance in respect to the application is the SCM resolution of 8 July 2025, which states, in part, as follows:

That Council:

1. *approves the Licence Agreement between the Town of East Fremantle and Belgravia Health and Leisure Group Pty Ltd (Licensor) and the East Fremantle Football Club (Licensee), per Attachment One to this report;*
2. *notes:*
 - a. *the provisions regarding signage are subject to the Licensee obtaining all necessary permits from the relevant authorities, per clause 12.3 [For the avoidance of doubt this means EFFC cannot erect permanent signage until an approval is provided by the WA Planning Commission];...*
 - ...c. *the provisions regarding the operation and use of the Video Board are subject to the Licensee obtaining approval from the WA Planning Commission, per clause 13.4 [For the avoidance of doubt this means that the Video Board cannot be used for purposes other than a scoreboard until approval is obtained from the WA Planning Commission]; and*
3. *authorises the CEO to prepare the East Fremantle Football Club Licence Agreement for execution.*

In relation to point 2 and 3 above, it is noted that the Football Club Licence Agreement has been executed and Belgravia Leisure has now submitted a development application, on behalf of the EFFC, for the signage plan referred to in the Football Club Licence Agreement. The application was referred to the WAPC on 24 September 2025 and is now subject to consideration and determination by the WAPC.

The signage proposal has been reviewed by the Town's administration and is considered to be generally consistent with signage plan that was annexed to the Football Club Licence Agreement. The various types of signage and the logos, branding, sponsorship names and third party advertising component is as outlined and presented to Council Members and then later approved at the SCM held on 8 July 2025 with one variation. That being the inclusion of a solid blue panelled background on the south-west façade with the "Sharks" logo overlay, instead of the logo only.

In relation to the matters required to be considered under the MRS for the signage, from the administration's perspective, the following comments are made. The signage format is of a type which is commonly associated with WAFL playing grounds in the metropolitan area and therefore considered compatible with the recreation / community purpose of the reserve. The signage which primarily identifies one of the principal occupiers of the building and its major sponsors, is generally limited to the building and the immediate surrounds of the playing field. The signage in general is considered of a scale, height and appearance that is in keeping with a WAFL club and appropriate in respect to the overall scale of the building/grounds and the EFCP complex as a whole. Also, it is considered not dissimilar to the signage (naming and advertising) at other suburban WAFL grounds and associated buildings. A digital scoreboard is also considered a standard fixture of sports grounds.

The scoreboard will also be used as a digital video board for sponsorship and third party advertising. This is proposed to continuously display digital images Monday to Friday during daylight hours, from 8am to 8pm in summer and from 8am to 7pm in winter, then on the weekends commencing at 8am and continuing until 7pm in summer and 6pm in winter. On match days or for a function, the operating time will be from 8am until no later than 11pm.

The video board advertising component of the signage is oriented south-westwards to the Moss Street carpark and Marmion Street (on the south-westwards facing section) and inwards to the oval and the building on the north facing section. Main Roads WA will provide its comments to the WAPC as to the suitability and safety of the signage in respect to motorists, cyclists and pedestrians and the WAPC will consider any social and amenity considerations for the Reserve and the surrounding area. Marmion Street forms the boundary between the Town and the City of Fremantle, so the WAPC will consider any comments received from the City of Fremantle. The use of the scoreboard in the manner proposed for advertising is not considered to be inconsistent with the purpose of the reserve. The orientation of the scoreboard and video signs as well the operational hours proposed and vegetation screening to the east (Allen Street frontage) are considered to address any potential impacts on local amenity.

Recommended conditions of development approval

Notwithstanding the signage is considered generally consistent with the signage plan endorsed by Council (as per the Licence Agreement - Annexure), should the WAPC be of the view to support the proposal in its current format, the Town's administration considers it necessary to recommend that the hours and days of operation, as outlined in the Licence Agreement - Annexure, be applied as conditions of development approval. Also, it is considered necessary to ensure that no illumination of the static signage on the digital (score) board, oval perimeter fence or on the grandstand/gymnasium building is installed as this was not indicated on the plans submitted and any potential impact of illumination has not been considered. Two other general conditions relating to compliance with approved plans and removal of any graffiti have also been recommended as outlined below.

1. Hours and days of operation to be as follows:

- Summer –
 - Monday to Friday 8am to 8pm.
 - Saturday and Sunday 8am to 6pm.
- Winter –
 - Monday to Friday 8am to 7pm.
 - Saturday and Sunday 8am to 6pm.
- Evening game or EFFC event/function
 - Scoreboard only – 8am to end of EFFC event/function (and no later than 11pm).

2. No illumination to be installed in relation to the digital (score) board, the oval perimeter fence or the grandstand/gymnasium building.
3. The signage is to be constructed and installed in conformity with the plans, drawings, images/montages and written information accompanying the development application forwarded to WAPC on 24 September 2025.
4. All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied to the satisfaction of the Chief Executive Officer.

CONCLUSION

The development application for signage in relation to the EFFC comprises various types of signage to be located on the digital (score) board, oval perimeter fence and grandstand/gymnasium building. The application has been submitted to the Town and was subsequently forwarded to the WAPC for its consideration and determination, as is required for development on land reserved under the MRS.

The various logos, branding, sponsorship names and third party advertising is as presented to Council Members at the Concept Forum on 1 July 2025 and then later approved at the SCM held on 8 July 2025. The signage proposal is considered to be generally consistent with signage plan that was annexed to the Football Club Licence Agreement, with the exception of what is considered inconsequential design changes. The messaging and intent of the signs remains the same.

It is therefore recommended that the WAPC be advised that Council is satisfied that the proposal is generally consistent with the signage outlined in the Football Club Licence Agreement - Annexure. In addition, should the WAPC be of a mind to approve the application in its current format, it is recommended Council requests conditions be imposed relating to a limitation on the days/hours of operation of the digital (advertising) video boards, no illumination of any static signage, conformity with the signage plans, images and supporting information received with the application and prompt removal of any graffiti on the signage.

7.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION:

That in accordance with clause 37 (3) of the Metropolitan Region Scheme, the Western Australian Planning Commission be advised of the Council's recommendations in respect to the development application, forwarded to the Western Australian Planning Commission on 24 September 2025, for signage in relation to the East Fremantle Football Club at No. 1 (Reserve 24703) Carnaby Close, East Fremantle, as outlined below:

- A. The development application for signage in relation to the East Fremantle Football Club at the East Fremantle Community Park is considered generally consistent with the signage plan annexed to the East Fremantle Football Club Licence Agreement which was approved by Council at the Special Council Meeting of 8 July 2025; and
- B. If the Western Australian Planning Commission is of the view to approve the development application in its current format, then the Council requests the conditions listed below be applied to the development approval:
 1. Hours and Days of Operation to be as follows:
 - Summer –
 - Monday to Friday 8am to 8pm.
 - Saturday and Sunday 8am to 6pm.
 - Winter –
 - Monday to Friday 8am to 7pm.
 - Saturday and Sunday 8am to 6pm.
 - Evening game or event
 - Scoreboard only – 8am to end of EFFC event/function (and no later than 11pm).
 2. No illumination to be installed in relation to the static signage on the digital (score) board, the oval perimeter fence or the grandstand/gymnasium building.
 3. The signage is to be constructed and installed in conformity with the plans, drawings, images/montages and written information accompanying the development application forwarded to Western Australian Planning Commission on 24 September 2025.

- 4. All signage to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied as soon as practicable to the satisfaction of the Chief Executive Officer.**

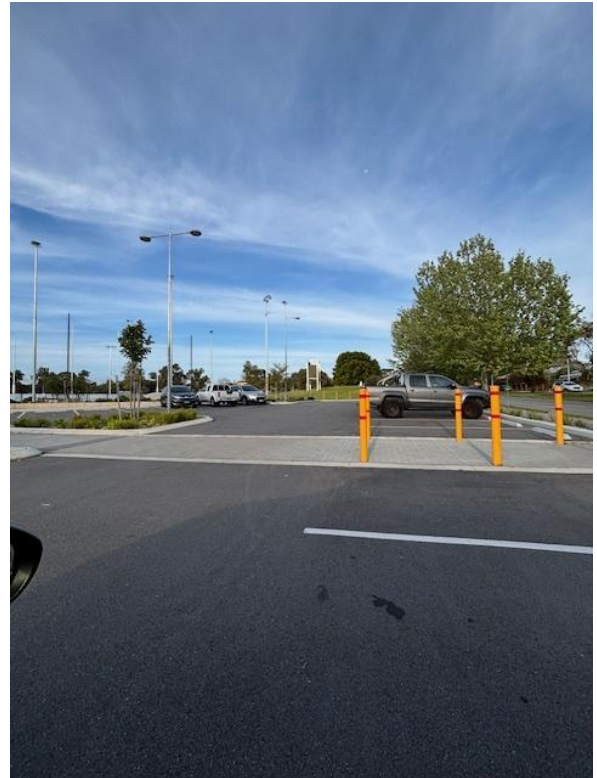
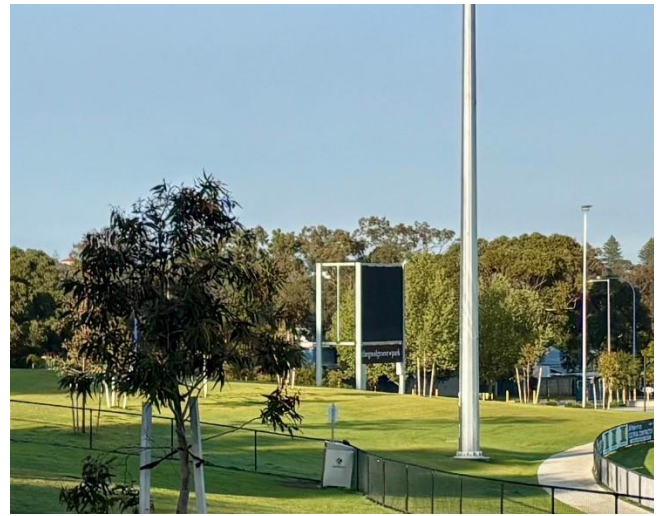
REPORT ATTACHMENTS

Attachments start on the next page

Location Plan – East Fremantle Community Park – 1 Carnaby Close, East Fremantle

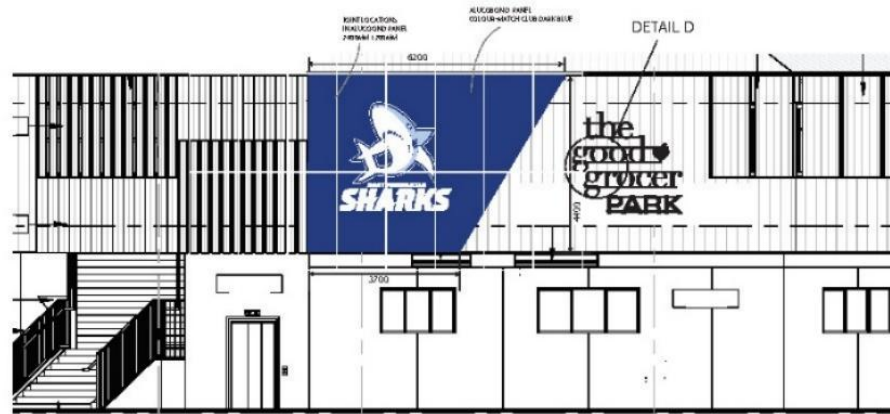


Attachment -2
Photographs – 1/10/2025







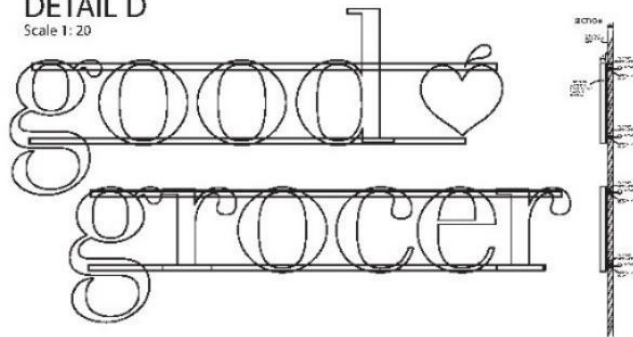


NORTH NORTH-WEST

Scale 1:100

DETAIL D

Scale 1:20



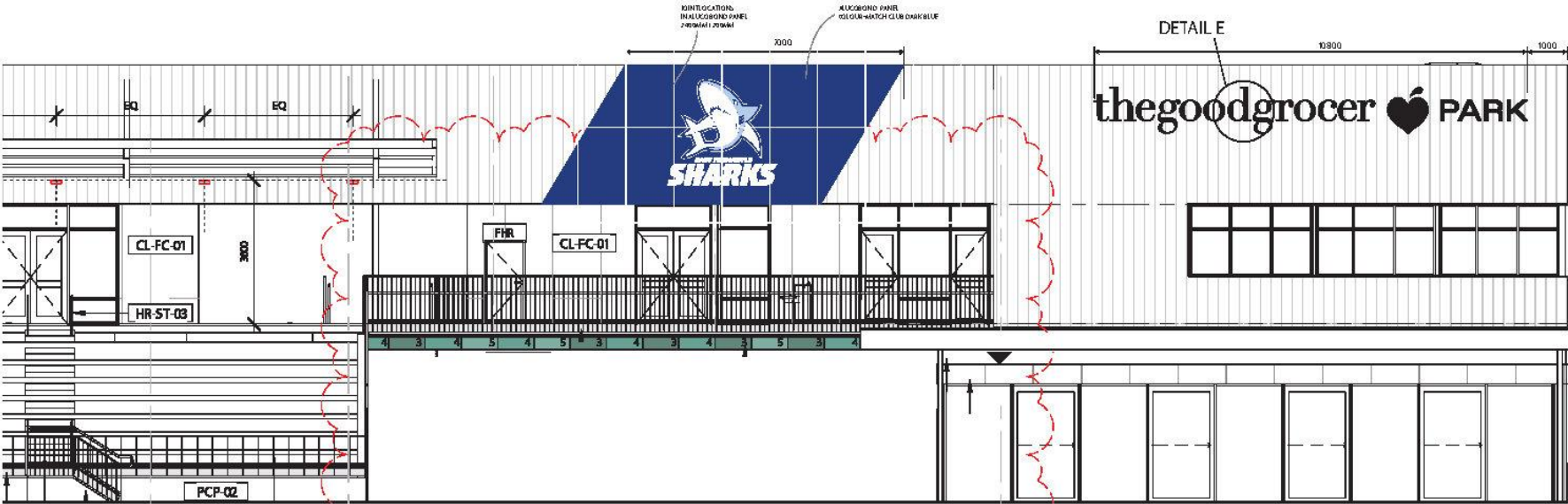
TGG Park East Fremantle Drawing 1



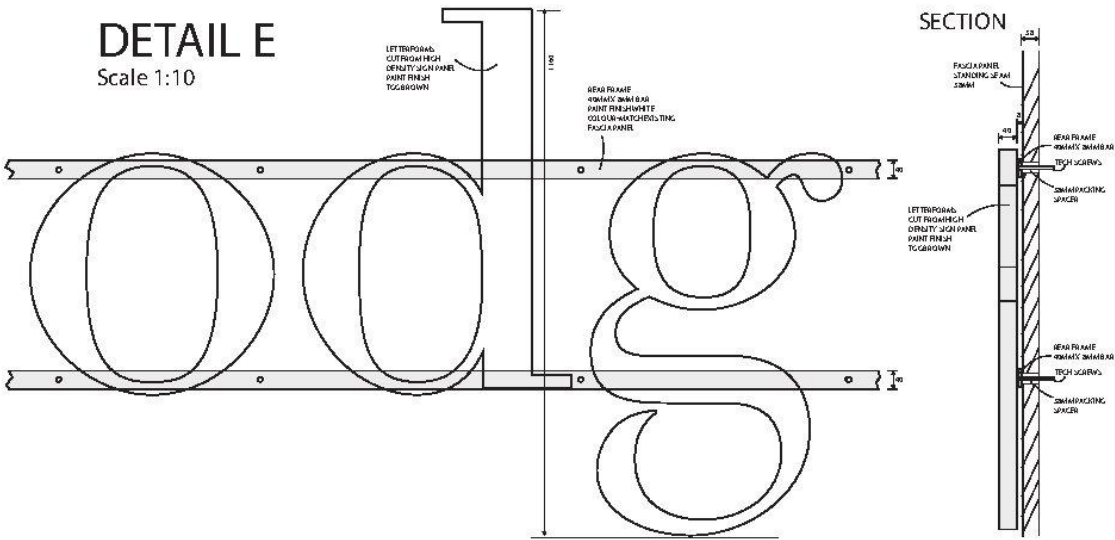
Roland
Butcher
Design

branding
publication
packaging
web

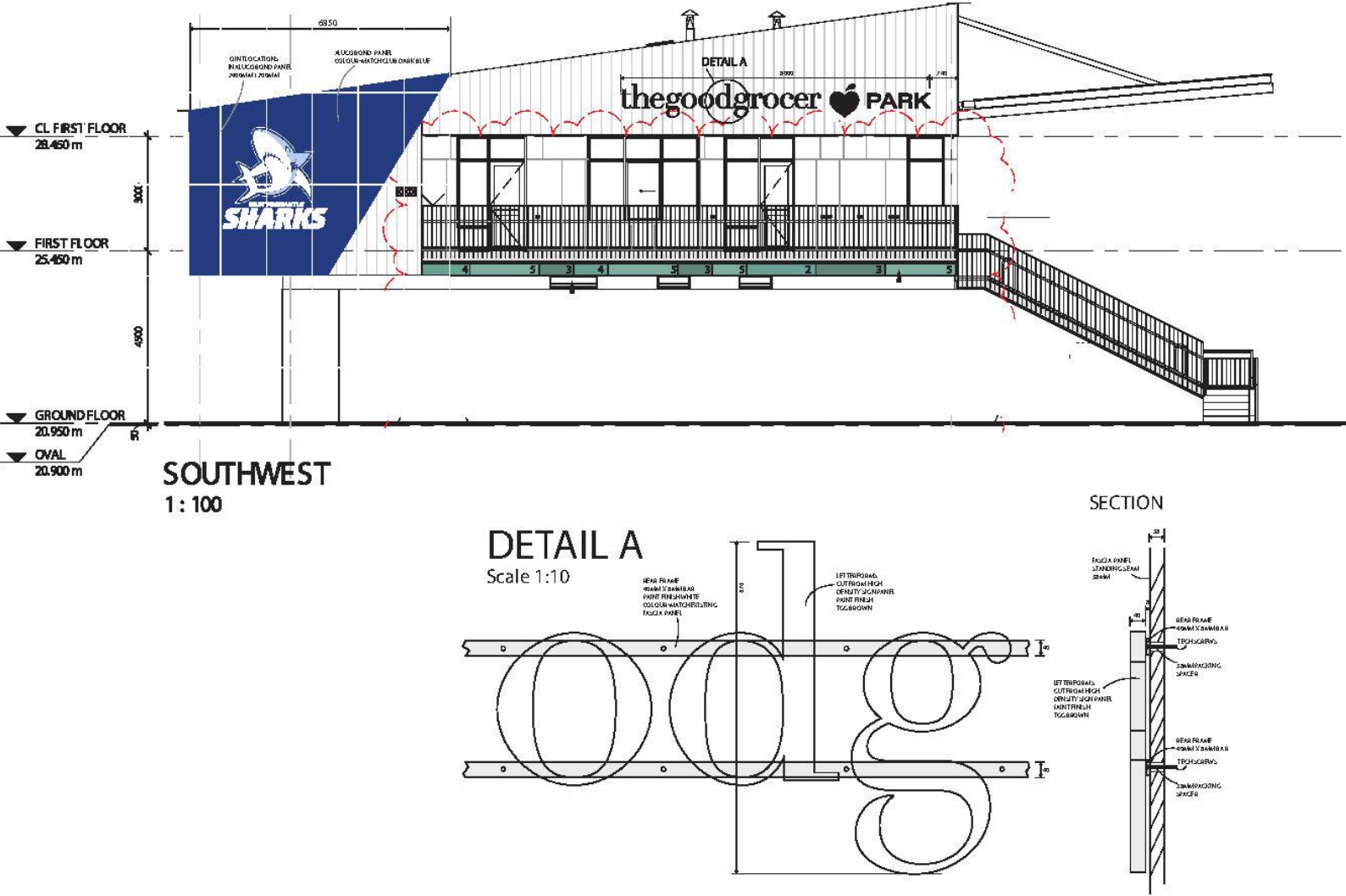
1027 Hedges St
Mt. St. Michaels WA 60156
p 9444 7667 | 9444 5592
m 0411220 124
roland@rolandbutcherdesign.com



SOUTHEAST
Scale 1:100



TGG Park East Fremantle **Drawing 2**



TGG Park East Fremantle **Drawing 3**



Roland
Butcher
Design

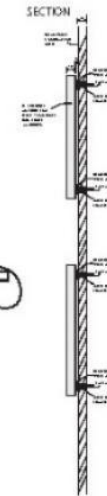
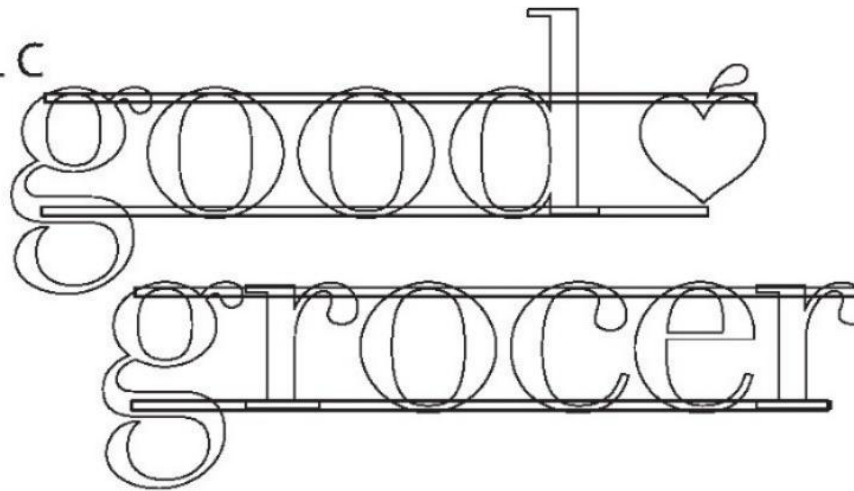
branding
publication
packaging
web

V27 Flanders St
Mt Hawthorn WA 6016
p 9444 79871 9444 5982
m 0411220 134
roland@rolandbutcherdesign.com



NORTH
Scale 1:100

DETAIL C
Scale 1:20





Project Plan – EFFC Scoreboard



Project Plan for East Fremantle Football Club Video Board Installation

Project Overview:

Stage 1 - A new 5m x 4m video scoreboard will be installed offering a dynamic platform for a superior game day experience, greater visibility & broaden fan engagement. In addition to digital promotions showcasing the partners of the East Fremantle Football Club, the scoreboard will incorporate fixed signage, ensuring ongoing exposure for sponsors. Dedicated partner displays will further enhance brand recognition while reinforcing support for the club.

The Town of East Fremantle & Belgravia Leisure will have the opportunity to promote community events and service announcements related to the precinct at no cost, with terms to be determined in collaboration with the Town & Belgravia Leisure.

Stage 2 - Installation of one LED Video Board (2m x 3m) and two fixed static advertising boards facing Marmion Street. The LED Video Board will be full-colour, 1920mm wide x 2880mm high with a 5.71mm pitch and will be attached to the scoreboard, facing Marmion Street. The two static advertising boards will be fixed, non-digital signage, positioned above & below the LED board.

Digital Videoboard Concept

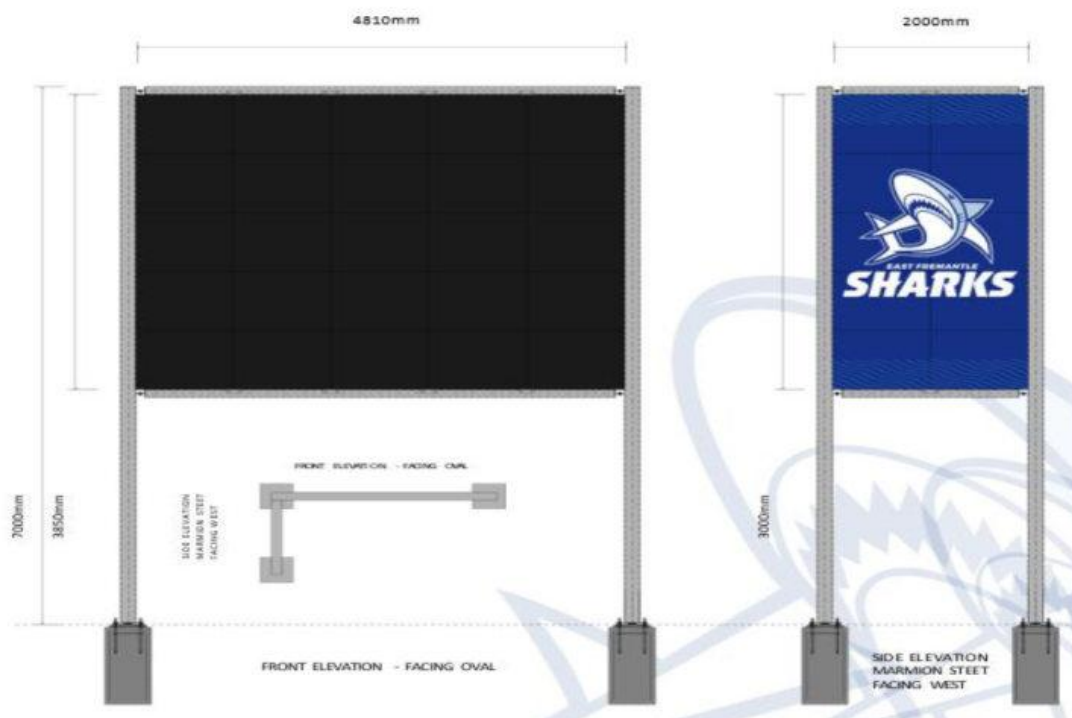




Project Plan – EFFC Scoreboard



Digital Videoboard Dimension



Permitted Operating Hours

Summer Mon-Fri 8am-8pm and Sat/Sun 8am-6pm,

Winter Mon-Fri 8am-7pm and Sat/Sun 8am-6pm.

Evening Game or event – Scoreboard only – 8am – End of event – No later than 11pm

Illumination and Lighting

Digital screens: Equipped with automatic brightness sensors to dim displays during low light conditions.

Maximum brightness not to exceed 6,000 cd/m² daytime and 350 cd/m² evening/night operation, compliant with industry standards for urban environments.

Static signage: Non-digital panels will not be internally lit. If illumination is required, it will be by downward-facing, shielded LED fittings with minimal light spill.

Dark hours compliance: All lighting designed to avoid glare, overspill, or impact on neighbouring residential amenity.

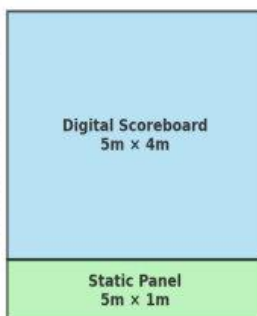
Licensing & Operating Costs

East Fremantle Football Club (EFFC) will cover the operating costs of the video scoreboard(s) during usage times. Research indicates that power consumption for both screens is estimated at approximately \$500 per month.

The advertising board facing Marmion Street will prioritise the newly established precinct, Major Partners, and Club Sponsors before transitioning to a fully coordinated commercial activation.

Facade Overview

North Facade - Oval Facing



The Scoreboard Digital screen will operate only within the following hours:

Summer:

Mon–Fri 8:00am–8:00pm;
Sat/Sun 8:00am–6:00pm.

Winter:

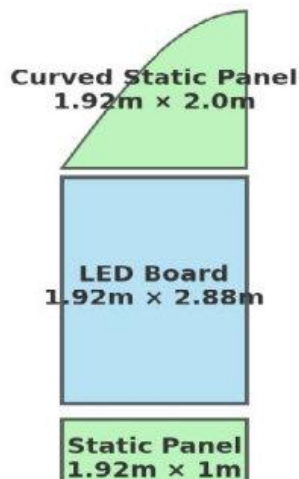
Mon–Fri 8:00am–7:00pm;
Sat/Sun 8:00am–6:00pm.

Evening games/events:

Scoreboard - 8:00am until end of event, not later than 11:00pm.

*Static signage remains in place at all times but is not illuminated outside of approved operating hours.

West Facade



The LED Board will operate only within the following hours:

Summer:

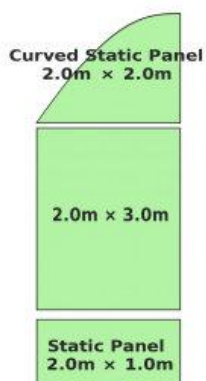
Mon–Fri 8:00am–8:00pm;
Sat/Sun 8:00am–6:00pm.

Winter:

Mon–Fri 8:00am–7:00pm;
Sat/Sun 8:00am–6:00pm.

Static signage remains in place at all times but is not illuminated outside of approved operating hours.

East Facade



Static signage remains in place at all times but is not illuminated outside of approved operating hours.



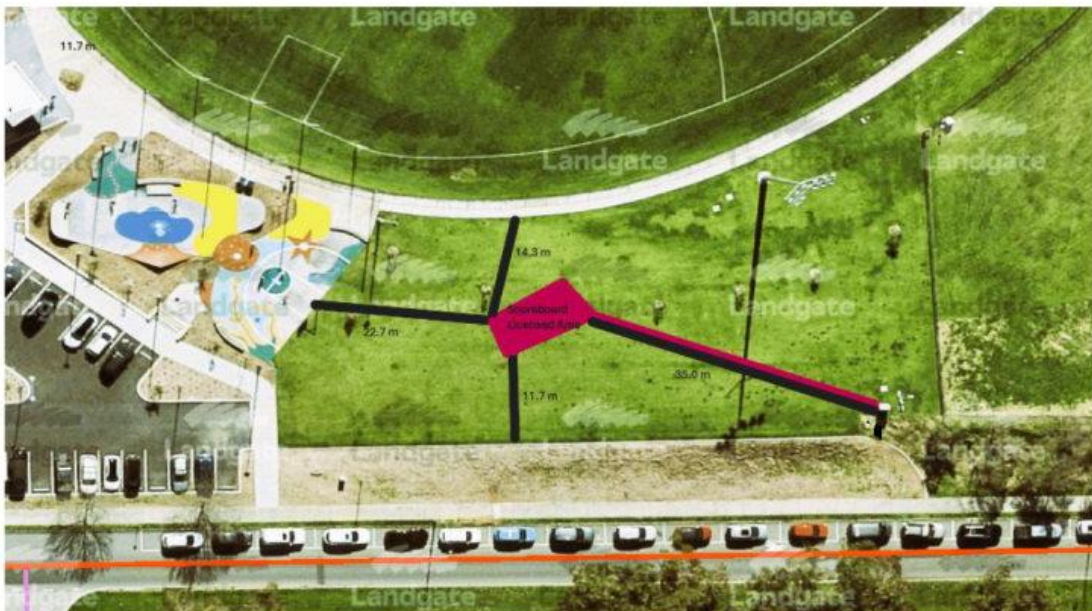
Project Plan – EFFC Scoreboard



Precinct Overview



Digital Videoboard Location



Project Name

EFFC Oval Fence Panels 4th Batch

Contact Info:

Supply Only

Adrian Bromage

adrian.bromage@effc.com.au

0408 861 768

East Fremantle Football Club

READ BEFORE APPROVING

Review proofs to confirm spelling, artwork, and content are correct

Also note: proofs may not represent exact signage

All colours displayed may look different in person than on your computer screen due to the individual monitor or screen colour settings

These designs are the property of Sign On Group Pty Ltd and cannot be reproduced without written permission

An artwork release fee will also apply

All artwork must be approved by the customer before we move forward with manufacture

It is the customer's responsibility to ensure that the proof is correct in all areas

Please be sure to double check spelling, grammar, layout, and design content

If the proof containing errors is approved, the customer is responsible for all costs, including corrections and reprints



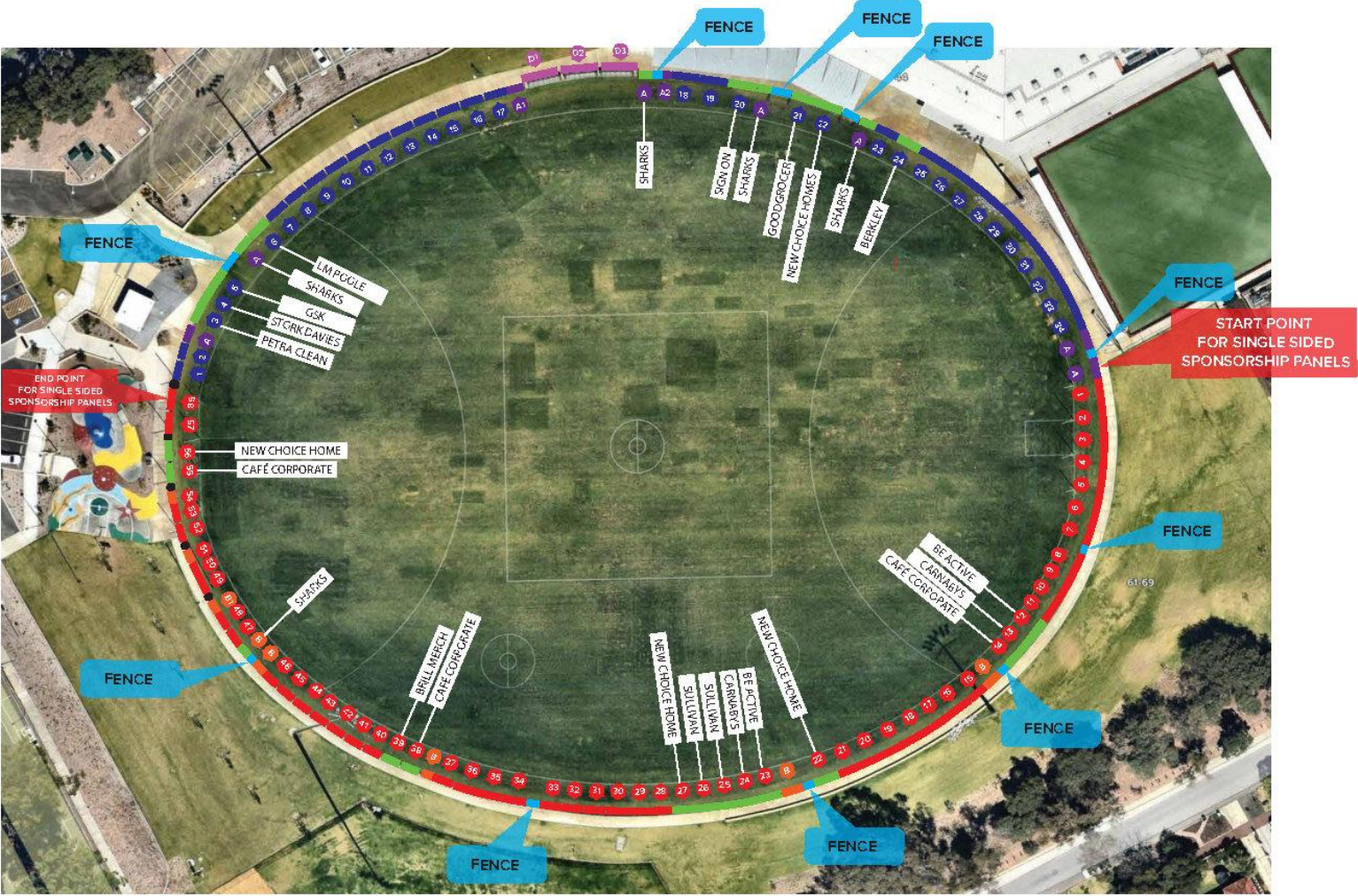
14 Carbon Court Osborne Park

08 9204 9777

www.signon.com.au

LEGEND:

- FULL DOUBLE SIDED SPONSORSHIP WITH SLEEVE
- FULL SINGLE SIDED SPONSORSHIP
- A 2400mm (L) HALF DOUBLE SIDED SPONSORSHIP WITH SLEEVE
- A1 3700mm (L) HALF DOUBLE SIDED SPONSORSHIP WITH SLEEVE
- A2 1400mm (L) HALF DOUBLE SIDED SPONSORSHIP WITH SLEEVE
- B 2400mm (L) HALF SINGLE SIDED SPONSORSHIP
- B1 2200mm (L) HALF SINGLE SIDED SPONSORSHIP
- D 7200mm (L) DUGOUT FENCE SINGLE SIDED SPONSORSHIP
- FENCE INSTALLED WITH SIGN PANELS
- FENCE



File location :

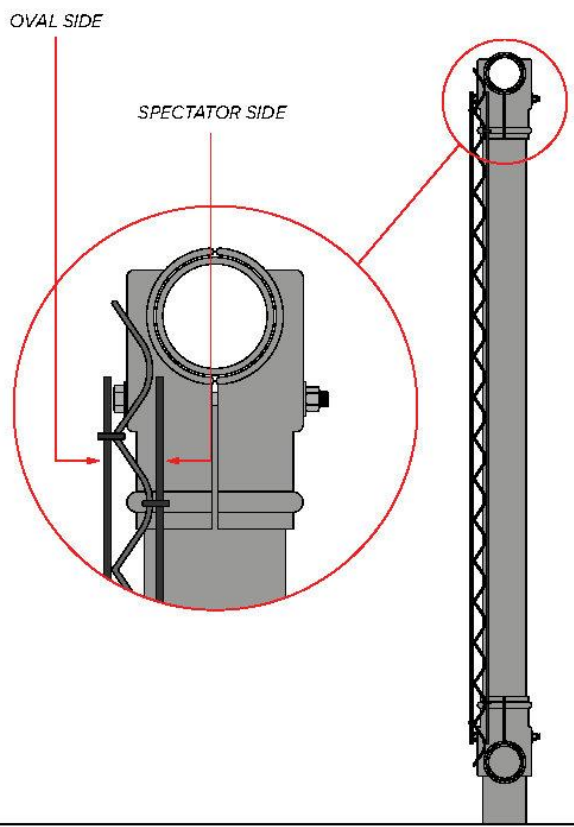
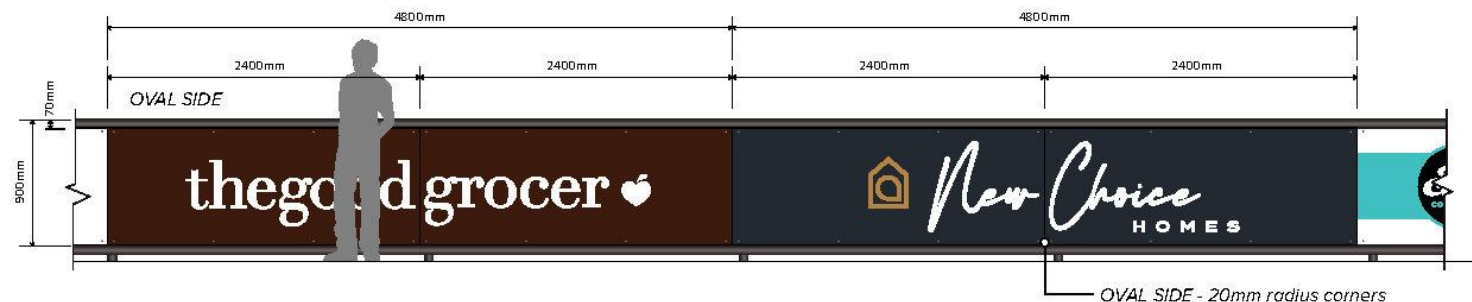
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Photo & aerial layouts may not show true indication of scale.
All dimensions are in millimeters. Do not scale this drawing. Where dimensions are given, they shall govern over visual dimensions.
Sign On and its staff shall not be responsible for any errors or omissions in this drawing. The information and concepts are for the client's use only and are not intended to be used for any other purpose.
The use of this drawing is prohibited from disclosure to any third party without the prior written consent of Sign On Group.
IMPORTANT: It is the responsibility of the client to ensure that all information is correct before approving commencement of work(s).



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Final dimensions are still under review. Do not scale this drawing. White line dimensions are provided for reference only.
Sign On must verify all dimensions on site prior to commencement of work. The information, design and concepts contained in this document are confidential.
The successful bidder must ensure that all dimensions and concepts are approved by the project manager prior to commencement of work.
IMPORTANT: It is the responsibility of the client to ensure that all information is correct before approving commencement of work(s).



ST1
The Oval Fence Signs ACM Sleeve
(Option 1) Double Sided

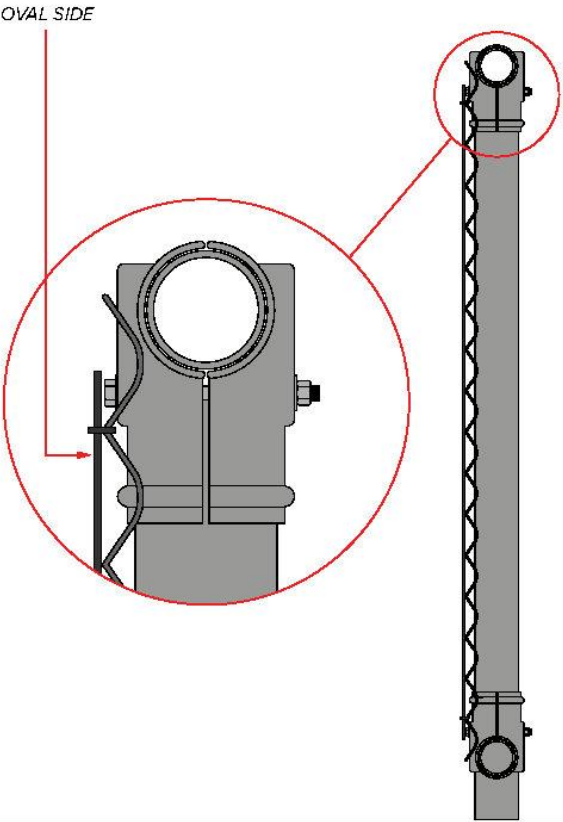
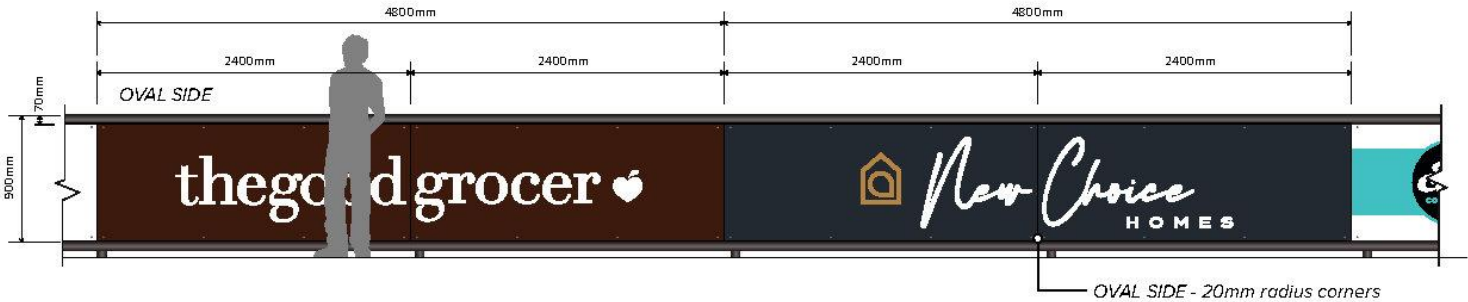
Sign Description :
Oval Side:
3mm ACM panels
Applied digital print with matt laminate
2400mm (w) x 900mm (h) per panel
20mm radius all corners

Spectator Side:
3mm ACM panels
Applied digital print with matt laminate
2400mm (w) x 900mm (h) per panel
To be cut on site to suit each fence section

Installation :
Oval Side:
Cable tie panels to mesh fence
between top and bottom horizontal
rails

Spectator Side:
Cut panels to sit within fencing posts
up against mesh fence
Ensure panel is cut with graphics at
centre of panel width
Cable tie to mesh fence backing onto
oval side panels

Quantity :	Oval Side (x35)
	Spectator Side (x35)
Revision (A3) :	01
Job Number :	133338
Consultant :	Amy Carrasco
Project Manager :	Xxxxxxx
Designer :	L
FOR CONSTRUCTION	



ST1
The Oval Fence Signs ACM Sleeve
(Option 1) Double Sided

Sign Description :
Oval Side:
3mm ACM panels
Applied digital print with matt laminate
2400mm (w) x 900mm (h) per panel
20mm radius all corners

Spectator Side:
3mm ACM panels
Applied digital print with matt laminate
2400mm (w) x 900mm (h) per panel
To be cut on site to suit each fence section

Installation :
Oval Side:
Cable tie panels to mesh fence
between top and bottom horizontal
rails

Spectator Side:
Cut panels to sit within fencing posts
up against mesh fence
Ensure panel is cut with graphics at
centre of panel width
Cable tie to mesh fence backing onto
oval side panels

Quantity :	Oval Side (x58)
	Spectator Side (x58)
Revision (A3):	01
Job Number :	133338
Consultant :	Amy Carrasco
Project Manager :	XXXXXXX
Designer :	L
FOR CONSTRUCTION	



SIGNON.

File location :
\\THECUS\Artwork\Recovered Data\Artwork\JOBS ARTWORK\133338-EFFC Oval Fence Panels 4th Batch

Please find used logos only not for a reproduction of logo.
All dimensions are in millimeters. Do not scale the drawing. All dimensions are in millimeters.
See On: All dimensions are in millimeters. Do not scale the drawing. All dimensions are in millimeters.
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The responsibility of the client to ensure that all information is correct before approving construction is the responsibility of the client.
IMPORTANT: It is the responsibility of the client to ensure that all information is correct before approving construction of work.



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Addressing these risks is not intended to, nor should it be construed to, constitute an offer of insurance or any other financial product. The information is provided for informational purposes only and does not constitute an offer of insurance or any other financial product. The information is provided for informational purposes only and does not constitute an offer of insurance or any other financial product. The information is provided for informational purposes only and does not constitute an offer of insurance or any other financial product.

(IMPORTANT): It is the responsibility of the client to ensure that all information is correct, before approving or commencing a new or renewed policy.



SIGNON.

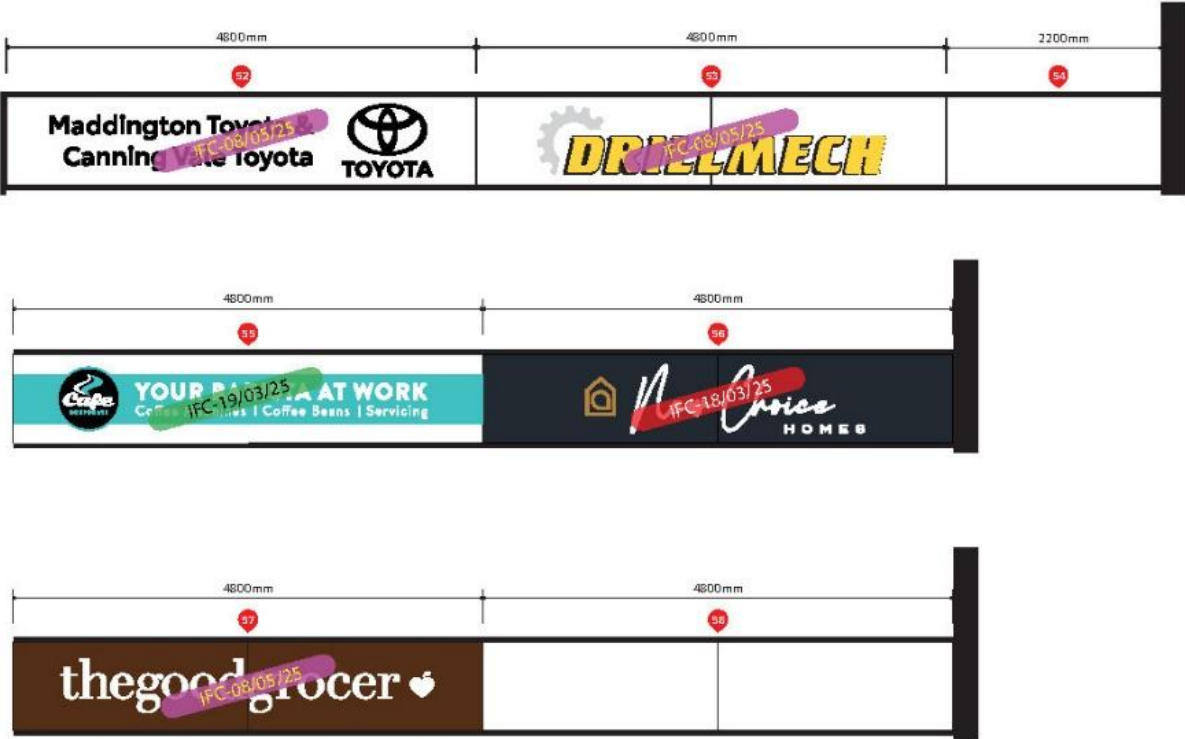
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\\THECUS\Artwork\Recovered Data\Artwork\JOBS ARTWORK\133338-EFFC Oval Fence Panels 4th Batch

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IMPORTANT: It is the responsibility of the client to ensure that all information is correct before approving or commencing work.



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09



File location :
\\THECUS\Artwork\Recovered Data\Artwork\JOBS ARTWORK\133338-EFFC Oval Fence Panels 4th Batch

Photo simulated sign only for illustration of scale.
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The use of this document is prohibited from distribution, alteration, reuse, and concept to any person without the prior written consent of Sign On Group.
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INSTALLATION FORM

INSTALLATION REQUIREMENTS						(AK to complete this section)						
TYPE OF EWP REQUIRED				No. INSTALLERS REQUIRED								
ELECTRICIAN REQUIRED	YES ☐	NO ☐	COUNCIL PERMITS REQUIRED		YES ☐	NO ☐						
INDUCTIONS REQUIRED	YES ☐	NO ☐	CAR PARK AVAILABLE IN BUILDING		YES ☐	NO ☐						
DIAL BEFORE YOU DIG	YES ☐	NO ☐										

INSTALLER SIGN OFF							**LOADING / TRAVEL TO SITE / UNLOAD					
	VISIT 1	VISIT 2	VISIT 3	VISIT 4	VISIT 5	VISIT 6						
DATE OF INSTALLATION							INSTALL ISSUES/COMMENTS:					
INSTALLER #1 NAME												
MOBILISE TO SITE TIME**												
INSTALL START TIME												
INSTALL FINISH TIME												
TOTAL INSTALL TIME												
INSTALLER #2 NAME												
MOBILISE TO SITE TIME**												
INSTALL START TIME												
INSTALL FINISH TIME												
TOTAL INSTALL TIME												
INSTALLER #3 NAME												
MOBILISE TO SITE TIME**												
INSTALL START TIME												
INSTALL FINISH TIME												
TOTAL INSTALL TIME												
INSTALL VARIATIONS:	YES ☐	NO ☐										

FORM TO BE PHOTOGRAPHED AND SENT WITH PICTURES BEFORE LEAVING SITE TO BE PROVIDE DAILY ON LARGE INSTALLATIONS											
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[illegible]

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Note: All related topics may not be a true indicator of scale.

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7.3 AUDIT, RISK & IMPROVEMENT COMMITTEE

Applicant	N/A
Report Reference Number	SCR-337
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Jonathan Throssell, Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Absolute majority
Documents tabled	Nil

Attachments

1. Amended Audit, Risk & Improvement Committee – Terms of Reference (with tracked changes)
2. EOI – Candidate 1 (Confidential)
3. EOI – Candidate 2 (Confidential)
4. EOI – Candidate 3 (Confidential)
5. WALGA Pool for the South Metropolitan Zone (Confidential)
6. Assessment Summary – Independent Candidates

PURPOSE

This report seeks:

- to update the Audit, Risk & Improvement Committee – Terms of Reference to reflect impending legislative changes
- the appointment of elected members and external independent members to the Audit, Risk & Improvement Committee for a two year term in accordance with the adopted Terms of Reference
- the appointment of external independent members as Presiding Member & Deputy Presiding Member to this Committee

EXECUTIVE SUMMARY

The Audit, Risk & Improvement Committee is an advisory committee formally appointed by the Council and is responsible to the Council. Pursuant to the Terms of Reference, the Audit, Risk & Improvement Committee is to comprise of five council members and up to two external independent members.

BACKGROUND

As a result of the October 2025 Council elections, all Committee appointments are spilled. The term of Committee appointments is thus two years, with the Committee to be appointed biennially after the Ordinary Local Government Elections.

Impending changes to the *Local Government Act 1995*, will require the Presiding Member and Deputy Presiding Member of this Committee to be independent members appointed by Council resolution.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Committee appointments are made in accordance with section 5.10 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The *Local Government Act 1995* (see extract below) has been amended to provide for the payment of meeting attendance fees for external independent members of Council committees.

5.100. Fees paid and expenses reimbursed to committee members

- (1) In this section —
- committee member* means a person who is a committee member but who is neither a council member nor an employee;
- determined* means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7BAA.
- (2) A committee member who attends a meeting of the committee is entitled to be paid —
- the fee determined for attending a committee meeting; or
 - if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.

The determination of the Salaries and Wages Tribunal dated 4 April 2025 prescribes for external independent members a Council Meeting attendance fee per meeting of between \$0 - \$450 for a Band 3 Local Government. Given the amount of reading preparation, Council adopted a meeting fee of \$450 for external independent members within the 2025/26 budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020-2030

Strategic Priority 5: Leadership and Governance

5.1.1 Strengthen organisational accountability and transparency

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not appoint an Audit Committee	Rare (1)	Extreme (5)	Moderate (5-9)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	Accept Officer Recommendation

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	5
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

The recent change to the *Local Government Act 1995* require the Presiding Member (and Deputy Presiding Member) to be the external independent members of the Committee.

The Town advertised Expressions of Interest (EOI) for independent external members from the 23 September to 17 October 2025. The EOI was advertised on the website and on social media channels. WALGA also advertised for a pool of independent members from which Local Governments may select persons for appointment to their ARIC.

The Town received a few enquiries from Audit Firms during the EOI process, but these enquires related to commercial services.

Three (3) nominations for appointment as external independent members to the ARIC are thus submitted to Council. These nominations are discussed in the confidential summary attached to this report.

Recently re-elected Cr Mark Wilson is currently away on business and unable to attend the Special Council Meeting. He has expressed an interest in serving on this Committee and would like to submit his nomination.

CONCLUSION

Given the recommended appointment of two independent external members (rather than one as previously), this presents an opportunity to consider a reduction in Council Members appointed to the Committee, from six (6) to five (5). The overall membership number of seven (7) members will be maintained, as well as a quorum of four (4) members.

7.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION:

That Council, by absolute majority in accordance with section 5.10 of the *Local Government Act 1995*, appoints, in accordance with the Audit, Risk & Improvement Committee adopted Terms of Reference:

1. the following council members:

2. _____ as an independent member and Presiding Member of the
Committee

3. _____ as an independent member and Deputy Presiding Member of the
Committee

REPORT ATTACHMENTS

Attachments start on the next page

Town of East Fremantle
Audit, Risk and Improvement Committee
Terms of Reference

Audit, Risk and Improvement Committee Terms of Reference

1. Purpose of the Terms of Reference

The purpose of the terms of reference is to facilitate the operation of the Audit, Risk and Improvement Committee.

2. Introduction

The Audit, Risk and Improvement Committee is an advisory committee formally appointed by the Council and is responsible to the Council. The Audit, Risk and Improvement Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. The Audit, Risk and Improvement Committee does not have any management functions and is therefore independent of management.

The Audit, Risk and Improvement Committee objective is to assist the Town of East Fremantle Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of the Town's financial management systems and reporting. The role of the Committee is to report to the Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

3. Objectives

The objectives of the Audit, Risk and Improvement Committee are to oversee council's obligations under the *Local Government Act 1995*, and *Local Government (Audit) Regulations 1996*, more specifically,

- 3.1 The integrity of external financial reporting, including accounting policies.
- 3.2 The scope of work, objectivity, performance and independence of the external and internal audit charter.
- 3.3 Ensure the Town has established effective controls and systems to safeguard the Town's financial and physical resources.
- 3.4 The systems or procedures that are designed to ensure that the Town and its subsidiaries comply with relevant statutory and regulatory requirements.
- 3.5 The process for recognising risks arising from the Town's operations and strategies, and consider the adequacy of measures taken to manage those risks.
- 3.6 The process and systems which protect the Council against fraud and irregularities.

The Audit, Risk and Improvement Committee must also add to the credibility of Council by promoting ethical standards through its work.

4. Authority

The Audit, Risk and Improvement Committee has the authority to:

- 4.1 Review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken.
- 4.2 Formally meet with the Town's appointed external auditors as necessary.
- 4.3 Seek resolution on any disagreements between management and the external auditors on

Audit, Risk and Improvement Committee Terms of Reference

financial reporting.

4.4 Advise Council on any or all of the above as deemed necessary.

5. Composition

5.1 The Audit, Risk and Improvement Committee will comprise six (6) elected members and a maximum of 8 members in total inclusive of the external independent members.

5.2 The Audit, Risk and Improvement Committee will comprise of up to two (2) external independent members. An external member will be a person independent to the local government and will not have provided paid services to the Town either directly or indirectly.

5.3 External independent members will be selected based on the following criteria:

- a) A demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit; and
- b) Relevant skills and experience in providing independent expert advice.

5.4 Appointments of external independent members will be made following a public advertisement. The Chief Executive Officer will evaluate potential members and make a recommendation to Council.

5.5 External members shall be appointed for a period of up to two (2) years terminating on the day of the Local Government Ordinary Elections, unless Council resolves otherwise

5.6 In accordance with 7.1A (3) of the Local Government Act, "A CEO is not to be a member of an Audit, Risk and Improvement Committee and may not nominate a person to be a member of an Audit, Risk and Improvement Committee or have a person to represent the CEO as a member of an Audit, Risk and Improvement Committee."

5.7 The Council will appoint Audit, Risk and Improvement Committee members. Voting requirement of Council is an *Absolute Majority*.

5.8 The Presiding Member and Deputy Presiding Member will be external independent members appointed by resolution of Council ~~the Audit, Risk and Improvement Committee, biennially by election by all committee members~~ after the Ordinary Local Government Election.

5.9 The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Town. At least one member of the committee will have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment.

5.10 A quorum will be a minimum of 50% of the membership.

5.11 Audit, Risk and Improvement Committee members are required by the *Local Government Act 1995* and Code of Conduct in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.

5.12 New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

6. Meetings

6.1 The Audit, Risk and Improvement Committee will meet at least three (3) times per year, with the dates to be set each year by Council, with authority to convene additional meetings, as

Audit, Risk and Improvement Committee Terms of Reference

circumstances require.

- 6.2 Meetings may be called by the Presiding Member of the Audit, Risk and Improvement Committee, or at the request of the Mayor or Chief Executive Officer.
- 6.3 The Audit, Risk and Improvement Committee meetings are generally open to the public unless the Presiding Member or Chief Executive Officer deem it necessary to proceed behind closed doors pursuant to Section 5.23 of the Local Government Act 1995.
- 6.4 All Elected Members are invited to attend each Audit, Risk and Improvement Committee meeting.
- 6.5 All Audit, Risk and Improvement Committee members are expected to attend each meeting in person.
- 6.6 The Chief Executive Officer will facilitate the meetings of the Audit, Risk and Improvement Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.
- 6.7 The Audit, Risk and Improvement Committee will develop a forward meeting schedule that includes the dates, location, and proposed work plan for each meeting for the forthcoming year, that cover all the responsibilities outlined in this terms of reference.
- 6.8 Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.
- 6.9 A decision of the Audit, Risk and Improvement Committee is to be made by a simple majority.
- 6.10 Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.

7. Responsibilities

The Audit, Risk and Improvement Committee will carry out the following responsibilities:

7.1 Risk management

- 7.1.1 Review whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of the Town's business and financial risks, including fraud.
- 7.1.2 Determine whether a sound and effective approach has been followed in managing the Town's major risks including those associated with individual projects, program implementation, and activities.
- 7.1.3 Review the process of developing and implementing the Town's fraud control arrangements and satisfy itself the Town has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information.

7.2 Business continuity

- 7.2.1 Determine whether a sound and effective approach has been followed in establishing the Town's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.

Audit, Risk and Improvement Committee Terms of Reference

7.3 Internal Control

- 7.3.1 Review whether management has in place relevant policies and procedures and that they are periodically reviewed and updated.
- 7.3.2 Review whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.

7.4 Financial Report

- 7.4.1 Review with management and the external auditors the results of the audit, including any difficulties encountered.
- 7.4.2 Review the annual financial report and performance report of the Town of East Fremantle and its subsidiaries, and consider whether it is complete, consistent with information known to Audit, Risk and Improvement Committee members, and reflects appropriate accounting principles.
- 7.4.3 Review the process for the consolidation of financial information of the Town related entities into the financial reports of the Town.
- 7.4.4 Review with management and the external auditors all matters required to be communicated to the Audit, Risk and Improvement Committee under the Australian Auditing Standards.
- 7.4.5 Review the draft Annual Financial Statements and recommend the adoption of the Annual Financial Statements to Council.

7.5 Compliance

- 7.5.1 Keep informed of the findings of any examinations by regulatory agencies and any auditor (external) observations and monitor management's response to these findings.
- 7.5.2 Obtain regular updates from management about compliance matters.

7.6 Internal Audit Charter

- 7.6.1 Review and recommend the annual internal audit plan for approval by the Council and all major changes to the plan.
- 7.6.2 Monitor that the internal annual plan is linked with and covers the material business risks.
- 7.6.3 Review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 7.6.4 Monitor management's implementation of audit recommendations.

7.7 External Audit

- 7.7.1 Note the external auditor's proposed audit scope and approach for financial performance audits, including any reliance on internal auditor activity.
- 7.7.2 Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure the Town implements relevant

Audit, Risk and Improvement Committee Terms of Reference

recommendations.

7.7.3 Provide an opportunity for the Audit, Risk and Improvement Committee to meet with the external auditors to discuss any matters that the Audit, Risk and Improvement Committee or the external auditors believe should be discussed privately.

7.7.4 Annually review the performance of external audit including the level of satisfaction with external audit function.

7.7.5 Monitor management's implementation of external audit recommendations.

7.8 Reporting Responsibilities

7.8.1 Report regularly to the Council about Audit, Risk and Improvement Committee activities, issues, and related recommendations through circulation of minutes.

7.8.2 Monitor that open communication between the external auditors, and the Town's management occurs.

7.8.3 To review a report given to it by the CEO under regulation 17(3) of the Local Government (Audit) Regulations and is to —

- (i) report to the council the results of that review;
- and
- (ii) give a copy of the CEO's report to the council.

7.9 Other Responsibilities

7.9.1 Perform other activities related to this terms of reference as requested by the Council or as required by *Local Government Act 1995* or *Local Government (Audit) Regulations 1996*.

7.9.2 Annually review and assess the adequacy of the Audit, Risk and Improvement Committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

7.4 PLANNING COMMITTEE

Applicant	N/A
Report Reference Number	SCR-342
Prepared by	Fraser Henderson, Executive Manager Regulatory Services
Supervised by	Jonathan Throssell, Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	
	1. Current Terms of Reference – Planning Committee

PURPOSE

To seek Council consideration to:

- disband the Planning Committee; and
- deletion of the Planning Committee delegation *DA 73 Determination of Planning Applications or Advice to Referral Agencies or Other Planning Authorities*.

EXECUTIVE SUMMARY

State Government Planning reforms have significantly reduced the amount of planning decisions that can be made by elected members. As a result of this planning decisions have been processed without convening the Planning Committee meetings since June 2024. Given the low volume of planning matters requiring decision, it is recommended that this Committee be disbanded.

BACKGROUND

In line with previous changes to the Planning and Development Act 2005, development applications pertaining to single residences are now predominantly determined by the CEO (subdelegated to Executive Manager Regulatory Services), resulting in no Planning Committee meetings being convened since June 2024. Any planning applications outside of this delegation have been referred to ordinary Council meetings. As a consequence, it is no longer considered necessary to continue with the Planning Committee.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

The Planning Committee was established by Council under Section 5.9 of the *Local Government Act 1995* as a committee comprised of council members under section (2)(a).

Council has previously delegated authority to the Planning Committee to *DA 73 Determination of Planning Applications or Advice to Referral Agencies or Other Planning Authorities*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.2 Ensure effective engagement with community and stakeholders

5.2 Proactively collaborate with the community and other stakeholders

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies

RISK IMPLICATIONS

The number of planning issues that are not be determined by the administration following planning reforms is very low creating an opportunity to reduce the administrative burden and cost of supporting a planning committee.

SITE INSPECTION

N/A

COMMENT

Given the Town Planning & Development Act provides for development applications pertaining to single residences to be predominantly determined by the CEO (subdelegated to Executive Manager Regulatory Services) and any other planning applications/issues being considered and determined at an ordinary Council Meeting, the requirement for this Committee no longer exists.

Should Council resolve to disband this Committee, *DA 73 Determination of Planning Applications or Advice to Referral Agencies or Other Planning Authorities* will become redundant.

Alternatively, should Council form the view that the Planning Committee be retained, in accordance with the attached Terms of Reference, it would need to consider the appointment of a minimum of four Committee members for the next two years.

Additionally, in accordance with the *Local Government Act 1995 (as amended by the Local Government Amendment Act 2024)*, Council is now required to appoint the Presiding Member of each council established committee per section 5.12 of the Act which now states:

- (1) The local government must appoint* a member of a committee to be the presiding member of the committee.

**Absolute majority required.*

- (2) The local government may appoint a member of a committee to be the deputy presiding member of the committee.

**Absolute majority required.*

As noted above, it is open to Council to also appoint the Deputy Presiding Member of such committees.

Should Council resolve to retain the Planning Committee it will, therefore, be required to amend the Planning Committee Terms of Reference to delete clause 6.3 which directs election of the Chair and Deputy Chair by the Committee.

An alternative recommendation, should Council prefer this option, is provided as follows:

That Council:

1. *amends the Planning Committee terms of reference to delete section 6.3 - Chair and Deputy Chair;*
2. *by absolute majority, in accordance with section 5.10 of the Local Government Act 1995, appoints, in accordance with the Planning Committee adopted Terms of Reference (amended as above):*

(a) the following council members:

3. *by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints*
_____ as Presiding Member of the Planning Committee.
4. *by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints*
_____ as Deputy Presiding Member of the Planning Committee.

7.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council resolves to:

1. **disband the Planning Committee previously established under Section 5.9 of the *Local Government Act 1995*.**
2. **remove *DA 73 Determination of Planning Applications or Advice to Referral Agencies or Other Planning Authorities* from the Delegations Register**

REPORT ATTACHMENTS

Attachments start on the next page



Planning Committee Terms of Reference

(October 2023)

Version history

Version	Release Date	Author	Reason for Change
1.0	23/10/23	Executive Manager Regulatory Services	New document

Contents

Contents	3
1 Interpretation.....	4
2 Purpose	4
3 Roles and responsibilities	4
4 Status of Committee	5
5 Delegations.....	5
6 Membership.....	5
6.1 Overview.....	5
6.2 Council Members	5
6.3 Chair and Deputy Chair	5
6.4 Quorum.....	5
6.5 Term of office	6
7 Other attendance.....	6
7.1 Community representation	6
7.2 General public.....	6
8 Support.....	6
8.1 Specialist support.....	6
9 Meeting schedule	6
10 Meeting practices and procedures.....	7
10.1 Conduct and Conflict of Interest	7
11 Document control	7

1 Interpretation

For the purpose of this document:

Chairperson means the chairperson of the Planning Committee.

Committee means Town of East Fremantle Planning Committee.

Council means the Council of the Town of East Fremantle.

Mayor means the elected Mayor of the Town of East Fremantle.

Member means a member of the Planning Committee.

Town means the Town of East Fremantle.

2 Purpose

The purpose of the Committee is to determine planning matters of Council in accordance with delegated authority, provide advice to Council on planning matters affecting the community, and to provide strategic direction on matters as detailed in the Committee's Roles and Responsibilities.

Council has, by resolution, delegated authority to the Committee to decide matters regarding development applications submitted to the Town.

The Committee will provide much of the investigative and detailed work leading to a recommendation to council should an application be presented to Council.

3 Roles and responsibilities

The role of the Committee is to consider matters and make decisions of Council within the defined scope and to provide recommendations and advice to council as required.

The Committee shall have a primary role in considering and determining statutory development applications of the Town's planning services and functions and to provide advice on the strategic direction on the whole of the Town's Planning Framework where required.

The Committee is charged with considering matters relating to the following services and functions:

- Statutory Planning Development Assessment
- Heritage Planning
- Strategic Planning
- Urban Design
- Planning Scheme
- Community and Stakeholder Engagement relating to the above
- Strategy and Policy (planning recommendations and innovations)
- Plan for the sustainable development of the Town of East Fremantle
- Plan for a range of housing choices to cater for our diverse population
- Review Strategic Planning documents and plans as required

4 Status of Committee

The Committee is a formal committee of Council established under section 5.9 of the *Local Government Act 1995*.

Part 5, Subdivision 2 provides for committees including establishment and appointment of members. Part 5 Subdivision 3 of the Act provides for the quorum, voting, decisions and minutes of committees. The *Local Government (Administration) Regulations 1996* also make provisions in regards to committees.

5 Delegations

The Committee may make decisions of Council as per the Delegations Policy or make recommendations to Council on all matters before it.

Delegations of authority are specific to an individual matter (Planning and Development). Such delegations must be in accordance with Council's Delegations Policy and be included in council's Delegation Register. Delegation may be removed by Council.

The Committee does not have the power to incur expenditure, nor does it have the power to bind Council, unless delegated to make a determination of Council.

A decision of the Committee is to be made by a simple majority.

6 Membership

6.1 Overview

Council will appoint Committee members by *Absolute Majority*. Following each ordinary local government elections all previous appointments on committees are declared vacant in accordance with section 5.11 of the Act.

6.2 Council Members

The Committee is to consist of a minimum of four (4) Council Members.

All other Council Members are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

6.3 Chair and Deputy Chair

The Chairperson and Deputy Chairperson are elected by the Committee at the first meeting of the Committee following the biennial ordinary local government elections.

6.4 Quorum

The quorum for the Committee is at least 50% of all members, whether present or not (i.e., half the total number of committee members plus one).

In the event of a tied vote, the Chairperson will exercise a casting vote.

6.5 Term of office

Committee members are appointed for a period coinciding with the local government election cycle.

A committee member continues as a member of the Committee until the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference, if such event occurs before the next general local government election.

Any casual vacancy in membership is to be filled by Council appointment.

7 Other attendance

7.1 Community representation

The Chairperson and/or the Chief Executive Officer may invite community representatives and/or technical specialists to specific meetings of the Committee in order to assist the Committee in the consideration of matters before it.

Such community representatives attend at the invitation of the Chairperson, are not entitled to vote, and may be requested to leave the meeting if confidential matters are before the Committee.

7.2 General public

The Committee meetings are generally open to the public unless the Chairperson or Chief Executive Officer deems it necessary to proceed behind closed doors pursuant to Section 5.23 of the *Local Government Act 1995*.

8 Support

8.1 Specialist support

Town officers will provide specialist information on the areas of regulatory and legislative frameworks. Such information includes:

- Identification of statutory issues for consideration by the Committee.
- Background research on issues relevant to the Committee.
- Preparation of reports on issues, including submissions to be considered in Committee meetings.
- Proposing strategic issues for consideration by the Committee/ Council.

9 Meeting schedule

The schedule of the Committee meetings is to be adopted by Council each year for the following calendar year.

The frequency and location of meetings may be varied by the Chairperson in consultation with the Chief Executive Officer, following consideration of the matters before it and appropriate notification provided.

10 Meeting practices and procedures

All meetings of the Committee shall be open to the public unless resolved by the Committee to be closed to the public for the purpose of discussing a matter deemed to be confidential.

The administrative provisions of Town's *Meeting Procedures Local Law 2016* apply.

The minutes of each meeting are submitted to the next available Council Meeting with a view to the Committee's recommendations (if any) being considered.

10.1 Conduct and Conflict of Interest

Committee members are required by the *Local Government Act 1995* and the Town's adopted Code of Conduct in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.

11 Document control

The Committee and these Terms of Reference will be reviewed each election cycle. Apart from any inconsequential editing, amendments to these Terms of Reference are to be approved by the Council.

7.5 WORKS COMMITTEE

Applicant	N/A
Report Reference Number	SCR-350
Prepared by	Jacqueline Scott Executive Manager Technical Services
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	
	1. Current Terms of Reference – Works Committee

PURPOSE

To seek Council consideration to disband the Works Committee.

EXECUTIVE SUMMARY

Given Works Committee meetings have been an opportunity to inform and discuss capital works projects and activities carried out in the public domain with no recommendations referred to Council, it is considered this could be carried out as part of the monthly Concept Forums.

BACKGROUND

Council resolved on 19 July 2022 to form a Works Committee in accordance with terms of reference provided at that time.

The Committee meets bi-monthly on the 4th Tuesday although only two meetings have been held in 2025 (a third scheduled for 25 November). Four meetings were held in 2024.

The topics covered in 2025 included:

- Capital Works Program progress
- Beach Emergency Numbers (BEN) signs installation
- New Executive Manager's initial thoughts on areas for improvement inc: playground replacements, bulk waste, asset management, Levels of Service.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

The Works Committee was established by Council under Section 5.9 of the *Local Government Act 1995* as a committee comprised of council members under section (2)(a).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.2 Ensure effective engagement with community and stakeholders

5.2 Proactively collaborate with the community and other stakeholders

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies

RISK IMPLICATIONS

It is expected that this change will reduce the time required to address these issues for both administration and Council. It will provide the full Council with access to the relevant information and briefings whilst also improving efficiency.

SITE INSPECTION

N/A

COMMENT

The present function of this Committee is to provide information on the operations of the Technical Services team and give elected members an opportunity to ask questions about capital works and other Technical Services issues. As there are no recommended actions for endorsement by Council, it is recommended to disband the committee and provide information relating to:

- Building maintenance and improvement program
- Capital works progress report
- Engineering maintenance items
- Parks and Gardens
- Risk & Hazards
- Strategic Projects

at least on a quarterly basis to the Concept Forum, with elected members given the opportunity to raise any matter for discussion at that time.

It is considered that these matters are better suited for review by the full Council, given reports require referral to Council wherever decisions are required.

Alternatively, should Council form the view that the Works Committee be retained, in accordance with the attached Terms of Reference, it would need to consider the appointment of a maximum of five Committee members for the next two years.

Additionally, in accordance with the *Local Government Act 1995 (as amended by the Local Government Amendment Act 2024)*, Council is now required to appoint the Presiding Member of each council established committee per section 5.12 of the Act which now states:

- (2) The local government must appoint* a member of a committee to be the presiding member of the committee.

**Absolute majority required.*

- (2) The local government may appoint a member of a committee to be the deputy presiding member of the committee.

**Absolute majority required.*

As noted above, it is open to Council to also appoint the Deputy Presiding Member of such committees.

Should Council resolve to retain the Works Committee it will, therefore, be required to amend the Works Committee Terms of Reference to delete clause 6.3 which directs election of the Chair and Deputy Chair by the Committee.

An alternative recommendation, should Council prefer this option, is provided as follows:

That Council:

1. *amends the Works Committee terms of reference to delete section 6.3 - Chair and Deputy Chair;*
2. *by absolute majority, in accordance with section 5.10 of the Local Government Act 1995, appoints, in accordance with the Works Committee adopted Terms of Reference (amended as above):*

(a) the following council members:

3. *by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints*

as Presiding Member of the Works Committee.
4. *by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints*

as Deputy Presiding Member of the Works Committee.

Recently re-elected Cr Mark Wilson is currently away on business and unable to attend the Special Council Meeting. Should Council resolve to continue the Committee, he has expressed an interest in again serving on this Committee and would like to submit his nomination.

7.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council resolve to disband the Works Committee previously established under Section 5.9 of the *Local Government Act 1995*.

REPORT ATTACHMENTS

Attachments start on the next page



Works Committee Terms of Reference

(October 2023)

Version history

Version	Release Date	Author	Reason for Change
1.0	4/04/2022	CEO	New document
2.0	23/10/2023	EMTS	Update

Contents

Contents	3
1 Interpretation.....	4
2 Purpose	4
3 Roles and responsibilities	4
4 Status of Committee	5
5 Delegations.....	5
6 Membership.....	5
6.1 Overview.....	5
6.2 Council Members	5
6.3 Chair and Deputy Chair	5
6.4 Quorum.....	6
6.5 Term of office.....	6
7 Other attendance.....	6
7.1 Community representation.....	6
7.2 General public.....	6
8 Support.....	6
8.1 Specialist support.....	6
9 Meeting schedule.....	6
10 Meeting practices and procedures.....	7
10.1 Conduct and Conflict of Interest	7
11 Document control	7

1 Interpretation

For the purpose of this document:

Chairperson means the chairperson of the Works Committee.

Committee means Town of East Fremantle Works Committee.

Council means the Council of the Town of East Fremantle.

Mayor means the elected Mayor of the Town of East Fremantle.

Member means a member of the Works Committee.

Town means the Town of East Fremantle.

2 Purpose

To make recommendations to Council in relation to matters falling within the responsibility of the Works Committee.

To support the success of Council's Integrated planning and reporting framework goals and objectives through the provision of strategic direction and informed decision making.

The Works Committee provides advice on strategic direction, priorities and policy principles related to the Committee function. The terms of reference outlines the function, structure, authority and reporting requirements of the Committee.

The objective/function of the Works Committee is to consider all issues relating to Town Assets and Works. The Committee shall have responsibility for consideration of all matters/issues related to all functions that fall within the respective directorate including but not limited to the following: -

Endorsement of engineering standards; traffic management; construction and maintenance, civil infrastructure; capital projects implementation and monitoring; roads, pathways and reserves; construction, maintenance and management of buildings and facilities; tender's process (works relate); operational works and services programs, capital works programs, streetscapes and landscaping, maintenance of parks, reserves and open spaces, protection of the environment (including River walls), waste management services, general infrastructure maintenance and renewal, residential parking schemes.

3 Roles and responsibilities

The role of the Works Committee includes but is not limited to the following functions:

- Capital Works Program
- Asset Management Planning
- Town Infrastructure Projects
- Parks & Open Space
- Civil Works
- Waste & Cleaning
- Property management
- Assistance with Annual Works Budget

- Consideration of works budget for the forthcoming year including maintenance schedules, and the 5 year capital works plan
- Receive annual asset condition assessments
- Receive Asset Revaluation Reports, as applicable

4 Status of Committee

The Works Committee is a 'formal committee' of Council established under section 5.9 (2)(a) of the *Local Government Act 1995*.

Part 5, Subdivision 2 provides for committees including establishment and appointment of members. Part 5 Subdivision 3 of the Act provides for the quorum, voting, decisions and minutes of committees. The *Local Government (Administration) Regulations 1996* also make provisions in regards to committees.

5 Delegations

The Works Committee has no delegated authority. It may make recommendations to Council on all matters before it. These recommendations are submitted via the minutes of each meeting to Council for consideration.

The Committee does not have the power to incur expenditure, nor does it have the power to bind Council.

A decision of the Works Committee is to be made by a simple majority.

6 Membership

6.1 Overview

Council will appoint Committee members by *Absolute Majority*. Following each ordinary local government elections all previous appointments on committees are declared vacant in accordance with section 5.11 of the Act.

6.2 Council Members

The Committee shall comprise up to five (5) Council members.

All other Council Members are welcome to attend meetings of the Works Committee as observers and contribute to discussions but are not entitled to vote.

6.3 Chair and Deputy Chair

The Chairperson and Deputy Chairperson are elected by the Committee at the first meeting of the Committee following the biennial ordinary local government elections.

6.4 Quorum

The quorum for the Works Committee is at least 50% of all members whether present or not (i.e., half the total members plus one).

In the event of a tied vote, the Chairperson will exercise a casting vote.

6.5 Term of office

Works Committee members are appointed for a period coinciding with the local government election cycle.

A member continues as a member of the Committee until the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference, if such event occurs before the next general local government election.

Any casual vacancy in membership is to be filled by Council appointment.

7 Other attendance

7.1 Community representation

The Chairperson, and/or the CEO may invite community representatives and/or technical specialists to specific meetings of the Works Committee in order to assist the Committee in the consideration of matters before it.

Such community representatives attend at the invitation of the Chairperson, are not entitled to vote, and may be requested to leave the meeting if confidential matters are before the Committee.

7.2 General public

The Works Committee meetings are generally open to the public unless the Presiding Member or Chief Executive Officer deems it necessary to proceed behind closed doors pursuant to Section 5.23 of the *Local Government Act 1995*.

8 Support

8.1 Specialist support

Council provides specialist information on the areas of interest to the Works Committee. Such information includes:

- Proposing strategic issues for consideration by the Committee.
- Background research on issues relevant to the Committee.
- Preparation of reports on issues to be considered in Committee meetings.

9 Meeting schedule

The schedule of the Committee meetings is to be adopted by Council each year for the following calendar year.

The frequency and location of meetings may be varied by the Chairperson in consultation with the Chief Executive Officer, following consideration of the matters before it and appropriate

notification provided.

10 Meeting practices and procedures

All meetings of the Committee shall be open to the public unless resolved by the Committee to be closed to the public for the purpose of discussing a matter deemed to be confidential.

The administrative provisions of Town's *Meeting Procedures Local Law 2016* apply.

The minutes of each meeting are submitted to the next available Council Meeting with a view to the Committee's recommendations (if any) being considered.

10.1 Conduct and Conflict of Interest

Committee members are required by the *Local Government Act 1995* and the Town's adopted Code of Conduct in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.

11 Document control

The Committee and these Terms of Reference will be reviewed each election cycle. Apart from any inconsequential editing, amendments to these Terms of Reference are to be approved by the Council.

7.6 CEO PERFORMANCE REVIEW COMMITTEE

Applicant	N/A
Report Reference Number	SCR-335
Prepared by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Absolute Majority
Documents tabled	Nil

Attachments

1. Terms of Reference for the CEO Performance Review Committee
2. Standards for CEO Recruitment, Performance and Termination

PURPOSE

To:

1. amend the CEO Performance Review Committee (CEOPRC) terms of reference
2. seek nominations and appoint council members, including a Presiding Member & Deputy Presiding Member, to the CEO Performance Review Committee.

EXECUTIVE SUMMARY

The establishment a CEO Performance Review Committee allows Council to comply with its obligations to annually review the CEO's performance and remuneration.

The Committee is an effective method of discharging this responsibility in an efficient manner, noting all recommendations from the CEOPRC would be presented to Council as the committee would have no delegated authority.

BACKGROUND

It is a requirement of the *Local Government Act 1995* (the Act) that all employees whose employment is for a term of one year or more, including the CEO, have their performance reviewed on an annual basis.

In accordance with the Act and Schedule 2 of the *Local Government (Administration) Regulations 1996*, Standards for reviewing the CEO's performance have been adopted by Council. These standards require that Council and the CEO agree on the process by which the CEO's performance will be assessed.

In October 2023 Council established the CEOPRC, adopted the attached terms of reference and appointed the following members:

- Cr McPhail (former)
- Cr Wilson
- Cr Collinson
- Mayor O'Neill (former)
- Cr Natale

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Generally, committees are established under section 5.8 of the Act and may be comprised of council members and other persons (referred to as 'external members' in the adopted Terms of Reference) consistent with section 5.9 of the Act.

Part 5, Subdivision 2 provides for committees including establishment and appointment of members. Part 5 Subdivision 3 of the Act provides for the quorum, voting, decisions and minutes of committees. The *Local Government (Administration) Regulations 1996* also make provisions in regards to committees.

Part 5, Division 4 of the Act provides statutory obligations in regards to local government employees including:

- that all employees whose employment is for a term of one year or more, including the Chief Executive Officer (CEO), have their performance reviewed on an annual basis (section 5.38); and
- the standards for reviewing CEOs performance (section 5.39A and 5.39B)

Schedule 2 of the *Local Government (Administration) Regulations 1996* prescribes the standards for the recruitment, selection, performance and termination of a local government CEO. Council adopted "Standards for CEO Recruitment, Performance and Termination" on 16 March 2021, per **Attachment 2**.

It is proposed that the CEOPRC be established in accordance with section 5.9(2)(a) of the Act, meaning that the committee is to comprise council members only.

POLICY IMPLICATIONS

The CEOPRC Terms of Reference are to be read in conjunction with the "Standards for CEO Recruitment Performance and Termination"

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020-2030

Strategic Priority 5: Leadership and Governance

5.1.1 Strengthen organisational accountability and transparency

The review of the CEO's performance is not only a statutory requirement, but also a critical component in monitoring the delivery of the strategic objectives of the Town.

RISK IMPLICATIONS

RISK

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council fails to undertake an annual review of the CEO's performance	Unlikely (2)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

The objectives of the committee are to undertake an annual assessment of the CEO's performance in accordance with section 5.38 of the Act and the provisions of the CEO's contract of employment, and to review the CEO's remuneration package.

The CEOPRC will not have delegated authority. As such, all recommendations of the committee related the CEO performance review process and consideration of any changes to remuneration will be presented to Council for determination. Such recommendations are advisory only and are not binding on Council.

The CEOPRC will be supported by the appointment of an independent facilitator, who is not a member of the committee, but is appointed to provide specialist advice in the performance of the annual review of the CEO's performance.

The existing terms of reference specify the Committee consist of up to five council members.

In accordance with the *Local Government Act 1995 (as amended by the Local Government Amendment Act 2024)*, Council is now required to appoint the Presiding Member of each council established committee per section 5.12 of the Act which now states:

- (3) The local government must appoint* a member of a committee to be the presiding member of the committee.

**Absolute majority required.*

- (2) The local government may appoint a member of a committee to be the deputy presiding member of the committee.

**Absolute majority required.*

As noted above, it is open to Council to also appoint the Deputy Presiding Member of such committees.

Council will, therefore, be required to amend the Terms of Reference to delete the clause which directs election of the Presiding Member and Deputy Presiding Member by the Committee.

Recently re-elected Cr Mark Wilson is currently away on business and unable to attend the Special Council Meeting. He has expressed an interest in again serving on this Committee and would like to submit his nomination.

7.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council:

1. **amends the CEO Performance Review Committee Terms of Reference to delete section 10.2 Presiding Member;**
2. **by absolute majority, in accordance with section 5.10 of the Local Government Act 1995, appoints, in accordance with the CEO Performance Review Committee adopted Terms of Reference (amended as above) the following council members for a two year period ending October 2027:**

3. **by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Presiding Member of the CEO Performance Review Committee.**
4. **by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Deputy Presiding Member of the CEO Performance Review Committee.**

REPORT ATTACHMENTS

Attachments start on the next page



CEO PERFORMANCE REVIEW COMMITTEE

TERMS OF REFERENCE

These Terms of Reference are to be read in conjunction with:

- the "Standards for CEO Recruitment, Performance and Termination"; and
- the Chief Executive Officer Employment Contract.

1. Name

The name of the Committee shall be the Town of East Fremantle CEO Performance Review Committee.

2. Head of Power

The Committee is established by Council under Section 5.8 of the Local Government Act 1995.

3. Definitions

Act	<i>Local Government Act 1995</i>
CEO	the Chief Executive Officer of the Town of East Fremantle.
committee	CEO Performance Review Committee.
Council	the body consisting of all council members sitting formally as the Council of the Town of East Fremantle.
council member	a person elected under the Act as a member of Council. The Town's council members include the Mayor, Deputy Mayor and Councillors (as defined by the Act).
Independent Facilitator	the person appointed by Council to coordinate and facilitate the performance review process.
member	a person appointed to this committee.

Performance Criteria

includes reference to Key Result Areas, Key Focus Areas or Key Performance Indicators, as agreed between the CEO and Council to deliver the key priorities of the Town of East Fremantle.

Salaries and Allowances Determination

the determination provided by the Salaries and Allowances Tribunal under Section 7A of the *Salaries and Allowances Act 1975* which requires the Tribunal at intervals of not more than 12 months, to "*inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments*"

4. Objectives

The objectives of the committee are to

- undertake an annual assessment of the CEO's performance in accordance with the section 3.58 of the Act and the provisions of the CEO's contract of employment; and
- review the CEO's remuneration package.

Reports from the committee will provide recommendations to Council to:

- Develop Performance Criteria, in conjunction with the CEO, to deliver the key priorities of the Town, and other methods that will be used to assess the CEO's future performance and to meet the expectation of Council.
- Utilise the Performance Criteria to assess the CEOs performance.
- Review remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination.

5. Review Process

The annual review process may comprise the following steps:

- a. Council appoints an independent facilitator to assist with the performance review process who is acceptable to both parties ie CEO and Council.
- b. Committee meets to confirm review process with independent facilitator.
- c. CEO provides written report and self-rating to the committee against the agreed Performance Criteria.

- d. All council members participate in the performance review process by individually and independently rating the performance of the CEO against the Performance Criteria. The individual rating assessment is provided directly (via a confidential interview) to the independent facilitator.
- e. The independent facilitator consolidates all ratings and comments from interviews to present a first draft of the assessment report to the committee, who will discuss and agree overall ratings.
- f. The CEO meets with the committee and independent facilitator for feedback and discussion.
- g. The committee agree on final ratings.
- h. The committee and CEO agree to the draft Performance Criteria for the forthcoming year.
- i. The independent facilitator completes the final report with final ratings and specific comments against each Performance Criteria.
- j. The CEO meets with the committee and independent facilitator to discuss any proposed changes to the CEO's remuneration package.
- k. The performance review final report, new Performance Criteria and any review of the CEO's remuneration package will be presented to Council for consideration each year, in accordance with the CEO contract of employment.

6. Timetable

The timetable for the review process will be determined annually at the start of the review process.

7. Dispute

Where the CEO disagrees with the recommendations, the CEO is entitled to raise the matter with Council.

8. Powers

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference. This is in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The committee has no delegated authority.

The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

9. Committee Structure

The committee shall consist of up to five council members.

An independent facilitator, who is acceptable to both parties (ie CEO and Council), shall be appointed by Council to assist with the performance review process but is not a member of the committee.

If authorised by the committee, council members who are not committee members may attend as observers but are not able to vote.

10.Appointment

Members are appointed to the committee by Council for a term to expire on the date of the subsequent ordinary local government elections.

If for any reason a member is unable to hold office for the full period of their appointment, Council shall fill that vacancy. The member appointed to fill the vacancy shall hold the office for the balance of the term of the member originally appointed.

10.1Council Members

Council members are appointed in accordance with section 5.10 of the Act.

10.2Presiding Member

The presiding member and deputy presiding member are to be appointed by the committee at its first meeting immediately following the biennial local government elections.

11.Roles and Responsibilities

Each member is expected to abide by the Town's "Code of Conduct for Council Members, Committee Members and Candidates" (Code of Conduct) to have open and honest discussions and to treat each member and employees with due courtesy and respect.

Council members and employees are to disclose financial, proximity and impartiality interests in accordance with the Act.

Each member is responsible for attending meetings, reviewing relevant material to enable informed discussion, and making timely decisions/actions to progress the objectives of the committee.

In addition to the above, the specific roles for each membership type are as follows:

- Council members are responsible for contributing from a Town-wide perspective and ensure the delivery of the committee's objectives.
- The presiding member is responsible for ensuring that the committee adheres to the direction set by Council, that all members have the opportunity to participate in discussions in an open and encouraging manner and ensuring the timely consideration of items.
- Where the presiding member is unable or unwilling to chair the meeting, the deputy presiding person shall chair the meeting.
- The independent facilitator is to coordinate and facilitate the performance review process.
- Employees are responsible for conducting necessary research as required by the committee, providing professional advice, and for administering committee meetings.

12. Meetings

Meetings shall be held in accordance with the provisions of the Act, the *Local Government (Administration) Regulations 1996* and the *Meeting Procedures Local Law 2016*.

Ordinary meetings will be held at least three times per year to undertake the annual assessment of the CEO's performance.

Special meetings may be held:

- a. If called for by either the presiding person or at least two members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- b. If so decided by the committee; or
- c. If called for by Council.

Meetings are not open to the public.

Meeting quorum is at least 50% of the number of members of the committee whether vacant or not. Each member of the committee will have one vote. In accordance with section 5.21 (3) of the Local Government Act 1995, the presiding member, in the event of an equality of votes, is to cast a second vote.

If a member is unable to attend a meeting they must advise the presiding member as soon as reasonably practicable.

13. Recording and Reporting

The contents of committee minutes are to be in accordance with the Act and the *Meeting Procedures Local Law 2016*.

Recommendations of the committee are to be included in a Council meeting agenda to obtain a formal Council decision. Recommendations are advisory only and are not binding on Council.

14. Changes to Terms of Reference

These Terms of Reference are to be reviewed prior to each ordinary local government elections.

The Terms of Reference may be amended by Council when required.

15. Disband

Council may determine at any time that the committee is no longer required and is to be disbanded.

Document Control

Item	Date	Resolution #
Committee established	October 2023	



***Standards for CEO recruitment, performance
and termination***

***Local Government (Administration) Regulations 1996
(Reg 18FA & Schedule 2)***

Adcpted by Council 16 March 2021

Contents

Division 1 — Preliminary provisions	3
1. Citation.....	3
2. Terms used.....	3
Division 2 — Standards for recruitment of CEOs	4
3. Overview of Division.....	4
4. Application of Division	4
5. Determination of selection criteria and approval of job description form	4
6. Advertising requirements.....	4
7. Job description form to be made available by local government	4
8. Establishment of selection panel for employment of CEO	5
9. Recommendation by selection panel	5
10. Application of cl. 5 where new process carried out.....	6
11. Offer of employment in position of CEO	6
12. Variations to proposed terms of contract of employment.....	6
13. Recruitment to be undertaken on expiry of certain CEO contracts	6
14. Confidentiality of information	7
Division 3 — Standards for review of performance of CEOs.....	8
15. Overview of Division.....	8
16. Performance review process to be agreed between local government and CEO	8
17. Carrying out a performance review.....	8
18. Endorsement of performance review by local government.....	8
19. CEO to be notified of results of performance review	8
Division 4 — Standards for termination of employment of CEOs	9
20. Overview of Division.....	9
21. General principles applying to any termination	9
22. Additional principles applying to termination for performance-related reasons	9
23. Decision to terminate	9
24. Notice of termination of employment	9

Division 1 — Preliminary provisions

1. Citation

These are the Town of East Fremantle *Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Town of East Fremantle;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;

and

- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

7.7 BEHAVIOUR COMPLAINT COMMITTEE

Applicant	N/A
Report Reference Number	SCR-329
Prepared by	Janine May, EA/Governance Coordinator
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Absolute majority
Documents tabled	Nil

Attachments

1. Terms of Reference – Behaviour Complaints Committee

PURPOSE

To:

1. amend the Behaviour Complaints Committee terms of reference
2. seek nominations and appoint council members, including a Presiding Member & Deputy Presiding Member, to the Town of East Fremantle Behaviour Complaints Committee.

EXECUTIVE SUMMARY

The Behaviour Complaints Committee (the Committee) is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Town of East Fremantle's *Code of Conduct for Council Members, Committee Members and Candidates* (the Code of Conduct).

BACKGROUND

In accordance with s.5.8 of the *Local Government Act* the Committee was established for the purpose of dealing with Behaviour Complaints made under Division 3 of the Town of East Fremantle's Code of Conduct.

In line with this legislation, on 18 May 2021 Council adopted:

- Code of Conduct Behaviour Complaints Management Policy
- Behaviour Complaint Committee – Terms of Reference
- Complaints Committee Delegation
- Behaviour Complaint Form
- Behaviour Complaint Statutory Declaration

Previous membership on this Committee was:

- Cr Donovan (former)
- Cr Harrington
- Cr McPhail (former)
- Mayor O'Neill (former) – deputy member
- Cr Natale – deputy member

CONSULTATION

N/A

STATUTORY ENVIRONMENT

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* gazetted on 2 February 2021

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.2 Ensure effective engagement with community and stakeholders

5.2 Proactively collaborate with the community and other stakeholders

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies

RISK IMPLICATIONS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council failing to appoint elected members to the Behaviour Complaint Committee	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	Accept Officer Recommendation

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

The existing terms of reference require a minimum of three council members with at least two deputy members.

In accordance with the *Local Government Act 1995 (as amended by the Local Government Amendment Act 2024)*, Council is now required to appoint the Presiding Member of each council established committee per section 5.12 of the Act which now states:

- (4) The local government must appoint* a member of a committee to be the presiding member of the committee.

**Absolute majority required.*

- (2) The local government may appoint a member of a committee to be the deputy presiding member of the committee.

**Absolute majority required.*

As noted above, it is open to Council to also appoint the Deputy Presiding Member of such committees.

Council will, therefore, be required to amend the Terms of Reference to delete the clause which directs election of the Presiding Member/Chairperson by the Committee.

7.7 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council:

1. amends the Behaviour Complaints Committee terms of reference to delete the section headed Presiding Member/Chairperson;
2. by absolute majority, in accordance with section 5.10 of the Local Government Act 1995, appoints, in accordance with the Behaviour Complaints Committee adopted Terms of Reference (amended as above) the following council members for a two year period ending October 2027:

_____ (deputy member)

_____ (deputy member)

3. by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Presiding Member of the Behaviour Complaints Committee.
4. by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Deputy Presiding Member of the Behaviour Complaints Committee.

REPORT ATTACHMENTS

Attachments start on the next page



Behaviour Complaints Committee

Terms of Reference

Objective

To establish Terms of Reference for the Behaviour Complaints Committee of the Town of East Fremantle.

Scope

These Terms of Reference apply exclusively to the Town of East Fremantle's Behaviour Complaints Committee.

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Town of East Fremantle's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [clause 12(3) of the Code of Conduct].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of a minimum of three Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least two Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

There is no external membership associated with this Group.

Term of membership

Two (2) years in line with the local government election cycle.

Presiding Member/Chairperson

The members shall elect a meeting Chairperson from the Group membership as required.

Meeting Schedule

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Town of East Fremantle Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time [Admin.r.5]
- make the Committee Notice Papers and Agenda publicly available [s.5.94(p), s.5.96A(f)], with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) [Admin.r.14]; and
- make Committee minutes publicly available [s.5.94(n), s.5.96A(h)], with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

Administration

Town officers will:

- be responsible for coordinating meetings;
- circulate an agenda before each meeting to Committee Members;
- take Minutes of the meeting and register them in the City's Document Management System.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Owner Business Unit:	Office of the CEO
Reviewer:		Decision Maker:	Council
Compliance Requirements:			
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021		
Other:			
Organisational:	Council Policy 1.1.10 Code of Conduct Behaviour Complaints Management Delegated Authority 1.1.1 Behaviour Complaints Committee		

7.8 COMMUNITY ASSISTANCE GRANTS OCCASIONAL COMMITTEE

Applicant	N/A
Report Reference Number	SCR-377
Prepared by	Janine May EA/Governance Coordinator
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Community Grants and Sponsorship Policy (No 2.1.11)

PURPOSE

To:

1. amend the Community Grants and Sponsorship Policy (2.1.11) to amend the reference to Community Assistance Grants Advisory Group to Community Assistance Grants Occasional Committee
2. seek nominations and appoint council members to the Community Assistance Grants (CAG) Occasional Committee.

EXECUTIVE SUMMARY

The purpose of the Community Assistance Grants Occasional Committee is to assess applications received from individuals and incorporated not-for-profit organisations/associations that meet the criteria set out in the Town's Policy 2.1.11 Community Grants and Sponsorship.

BACKGROUND

Under section 5.11 of the *Local Government Act 1995*, following the local government elections on 18 October 2025 all previous member appointments to committees are declared vacant.

It appears previously this Committee was established as an Advisory Group and did not have the same formal status as a committee of Council established under section 5.8 of the *Local Government Act 1995*. Given the Group makes recommendations to Council, it is considered its status should be as an Occasional Committee and be governed by the requirements of the Act.

The Community Grants and Sponsorship Policy and the Community Assistance Grants (CAG) program were adopted by Council in June 2016 to provide an orderly and consistent way of dealing with small funding requests on an annual basis. The aim of the program is to provide financial assistance to community groups to help build capacity within the community in relation to recreation and leisure activities. The CAG program is intended for small grants only and does not prevent clubs from seeking assistance for larger contributions from Council for more substantial capital projects.

In March each year, local community groups are advised of the opportunity to apply for funding through the CAG program for the following financial year (total grant funds of \$13,339 were allocated to successful clubs/associations for 2025/26).

The Community Assistance Grants Advisory Group meet annually to consider these grant applications and make recommendations to Council.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Community Grants and Sponsorship Policy (No 2.1.11) details the composition of this Group and criteria for determining successful grant funding applications.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance**5.1 Strengthen organisational accountability and transparency****5.1.2 Ensure effective engagement with community and stakeholders****5.2 Proactively collaborate with the community and other stakeholders****5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies**

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decline to appoint member to this Committee	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, low impact, low news item	Accept Officer Recommendation

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk

matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

The Community Grants and Sponsorship Policy (2.1.11) stipulates the Committee will comprise:

- Mayor (or his/her representative) and two Councillors
- two staff members
- two community members

The Policy further states:

Perception of Bias

In accordance with best practice public sector transparency and accountability principles, all committee members and staff who are, or have in the last three years, been a board member, committee member, executive member or life member of an association applying for funds, shall disqualify themselves from all aspects of the consideration process from receipt of application through to consideration at the Community Assistant Grants Advisory Group.

Over the coming months, It is proposed to develop separate terms of reference for this Committee for adoption by Council.

Suzi Nelson and John Chisholm are the current community members and have expressed a willingness to continue in this role.

Elected member membership for the previous two year period was:

- Cr Kerry Donovan (Mayor's representative) (former)
- Cr Andrew McPhail (former)
- Cr Mark Wilson

In accordance with the *Local Government Act 1995 (as amended by the Local Government Amendment Act 2024)*, Council is now required to appoint the Presiding Member of each council established committee per section 5.12 of the Act which now states:

- (5) The local government must appoint* a member of a committee to be the presiding member of the committee.

**Absolute majority required.*

- (2) The local government may appoint a member of a committee to be the deputy presiding member of the committee.

**Absolute majority required.*

As noted above, it is open to Council to also appoint the Deputy Presiding Member of such committees.

Recently re-elected Cr Mark Wilson is currently away on business and unable to attend the Special Council Meeting. He has expressed an interest in again serving on this Committee and would like to submit his nomination.

7.8 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

That Council:

1. amends Policy 2.1.11 Community Grants and Sponsorship Policy to rename the Community Assistance Grants Advisory Group to Community Assistance Grants Occasional Committee;
2. by absolute majority, in accordance with section 5.10 of the Local Government Act 1995, appoints, in accordance with the above amended Policy, the following council members for a two year period ending October 2027:
3. by absolute majority, in accordance with section 5.10 of the Local Government Act 1996, reappoint the following community members to the Community Assistance Grants Occasional Committee :
 - Suzi Nelson
 - John Chisholm
4. by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Presiding Member of the Community Assistance Grants Occasional Committee.
5. by absolute majority, in accordance with section 5.12 of the Local Government Act 1995, appoints _____ as Deputy Presiding Member of the Community Assistance Grants Occasional Committee.

REPORT ATTACHMENTS

Attachments start on the next page

2.1.11 Community Grants & Sponsorship

Type:	Corporate Services – Financial Management
Legislation:	
Delegation:	
Other Related Document:	Community Assistance Grants & Sponsorship Funding Guidelines Community Grants & Sponsorship Process

Objective

To provide financial assistance to community groups and individuals that will build capacity within the community, stimulate volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

Policy Scope

Funding for individuals and incorporated not-for-profit organisations/associations that are resident-based or those providing services within the East Fremantle community.

Policy

The Community Grants Assistance Program aims to provide assistance to individuals and incorporated associations that can deliver meaningful benefits and outcomes in the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Emergency Services

Grant Categories

"Community Assistance Grants" refers to funding towards infrastructure and equipment. Examples of this type of funding are uniforms or equipment.

"Sponsorships" refers to funding towards events, projects (annual or one off), Community Bus use and Photocopying/Printing.

Funding of up to \$5,000 will be considered for Community Assistance Grants.

Funding of up to \$3,000 will be considered for Sponsorship Funding.

Council contributions will generally be limited to:

\$0 - \$1,000	100% funded
\$1,001 - \$3,000	50% matching contribution (dollar for dollar up to \$3,000)
\$3,001 - \$5,000	1/3 matching contribution

The value of in-kind work undertaken by volunteers may not exceed one third of the completed value of the project. The voluntary work should be described and valued at a rate of \$20 per hour (generally \$15 per hour for unskilled works and \$20 per hour for skilled labour).

Minor grants are to be considered by the Mayor. Formal acquittal processes are not mandatory but may be requested if considered appropriate.

Funding Application Assessment Criteria

Consideration will be given to priority areas, not limited to, emergency services, education, youth, sports, recreation, heritage and culture within the Town of East Fremantle.

Only one application for assistance towards one project will be assessed for the provision of minor sporting, recreation, cultural or other project.

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.

Only groups who can demonstrate that they are a not-for-profit community organisation will be considered eligible for funding.

Community Grants Committee

The Community Grants Advisory Group will consist of the following membership;

- Mayor (or his/her representative) & two Councillors
- 2 x staff members
- 2 x Community members.

Retrospective Funding

No application for retrospective projects will be considered as part of this grant/funding scheme.

Projects may not materially commence before the announcement of successful applicants.

Ineligibility

State and Federal Government agencies, incorporated associations whose members derive individual benefit or financial return from their activities, individuals outside of Travel Subsidy and Youth Encouragement grants.

Perception of Bias

In accordance with best practice public sector transparency and accountability principles, all committee members and staff who are, or have in the last three years, been a board member, committee member, executive member or life member of an association applying for funds, shall disqualify themselves from all aspects of the consideration process from receipt of application through to consideration at the Community Grants Committee.

Responsible Directorate:	Corporate Services
Reviewing Officer:	CEO
Decision making Authority:	Council
Policy Adopted:	21/06/16
Policy Amended/Reviewed:	17/9/19, 19/11/19
Former Policy No:	1.2.2

7.9 CLIMATE ACTION REFERENCE GROUP (CARG)

Applicant	N/A
Report Reference Number	SCR-374
Prepared by	Janine May EA/Governance Coordinator
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Terms of Reference - CARG

PURPOSE

To seek nominations and appoint elected members to the Climate Action Reference Group (CARG).

EXECUTIVE SUMMARY

The CARG is a community led reference group whose purpose is to assist in identifying targets, corporate projects and actions that the Town can undertake with community and local businesses to build the community's capacity to identify and address (where practicable) climate-based issues.

BACKGROUND

Following an Expression of Interest (EOI) process, Council in June 2025 appointed four additional community members, updated the Terms of Reference for the CARG (which included increasing community membership) and adopted supporting CARG Guidelines as a companion document to the Terms of Reference, to provide procedural guidance for the effective operation of the Group.

The CARG meet on a quarterly basis (or as required), currently on a Monday evening from 6pm.

Following the local government elections on 18 October 2025 all previous appointments to advisory groups are declared vacant.

Although appointments to advisory groups do not have the same formal status as a committee of Council established under section 5.8 of the *Local Government Act 1995*, the principle of appointments for the same two year period (in keeping with the election cycle) is still applied.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

The *Code of Conduct for Council Members, Committee Members and Candidates* (Policy No 1.1.9) provides an expected standard of conduct for Council members.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance**5.1 Strengthen organisational accountability and transparency****5.1.2 Ensure effective engagement with community and stakeholders****5.2 Proactively collaborate with the community and other stakeholders****5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies**

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decline to appoint elected members to Town advisory groups	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

RISK MATRIX

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

Under the terms of reference, membership should consist of:

- 3.1 up to three (3) elected members to provide guidance to the group, with one elected member serving as Chair of CARG.
- 3.2 the Town's CEO and/or a designated proxy.
- 3.3 up to twelve (12) community members, relevant industry professionals, or subject matter experts who will assist in implementing the actions outlined in the CES and CEAP and supporting associated community initiatives.

East Fremantle employees to act as technical advisor to the group as required.

Current community membership consists of:

- Rebecca James
- Maureen Flynn
- Leigh Nicholas
- Wendy Wisniewski
- Imma Farre
- Fraser Maywood
- Emma McSweeney
- Stephanie Boyd
- Rebecca Cutter
- Anne Price
- Wendy Rosenstreich
- Marcel Maron

As Stephanie Boyd and Rebecca Cutter have been elected as Councillors for the Town, they are no longer eligible to sit on the Group as community members.

Elected member membership for the previous two year period was:

- Cr Tony Natale (Chair)
- Mayor Jim O'Neill (former)
- Cr Cliff Collinson

7.9 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council appoint:

1. _____

2. _____

3. _____

to the Climate Action Reference Group for a two year period until October 2027.

REPORT ATTACHMENTS

Attachments start on the next page



TOWN of
EAST FREMANTLE



Climate Action Reference Group - Terms of Reference

1.0 Purpose

The purpose of these Terms of Reference is to establish the framework, roles, and responsibilities of the Climate Action Reference Group (CARG), ensuring clear guidelines for its operation, membership, and contribution to the Town of East Fremantle's climate action initiatives.

2.0 Introduction

On 19 November 2019, the Town of East Fremantle formally recognised the Climate Emergency during an Ordinary Council meeting, calling for action across all levels of government to address the impacts of climate change. Following the Annual Electors Meeting on 17 March 2020, the Town resolved to establish the East Fremantle CARG to assist in the development and implementation of the:

- Climate Emergency Strategy 2022-2032 (CES);
- and the Climate Emergency Action Plan 2023-2033 (CEAP).

The CES, comprising of seven Strategic Objectives, was adopted by the Council in March 2022. The CEAP, outlines specific actions to be undertaken by 2030, and was endorsed by the Council in August 2023. CARG has played a crucial role in providing professional and community input on climate and sustainability issues, fostering a collaborative relationship between the Town and the group based on mutual respect and a shared commitment to addressing climate change.

The Town seeks to empower the local community through the CES and CEAP, with CARG serving as community champions. CARG acts as a conduit between the Town and the community, presenting local challenges and opportunities related to climate change and driving measurable outcomes as outlined in the CES and CEAP.

To support the effective operation of the Group, the **CARG Guidelines** provide procedural guidance on the day-to-day functioning of CARG. This includes details on planning, consultation processes, working groups, funding and procurement considerations, and key definitions. The Guidelines do not override this Terms of Reference or members' letters of appointment and should be read as a companion document to support consistent and effective practice.

3.0 Membership

This section outlines the composition of CARG, including criteria for membership and the roles of different stakeholders.

Council CARG Membership:

- 3.1 Up to three (3) elected members will provide guidance to the group, with one elected member serving as Chair of CARG.
- 3.2 The Town's CEO and/or a designated proxy.
- 3.3 Up to twelve (12) community members, relevant industry professionals, or subject matter experts who will assist in implementing the actions outlined in the CES and CEAP and supporting associated community initiatives.
- 3.4 East Fremantle employees to act as technical advisor to the group as required.

Vacancies for CARG members will be advertised on the Town's various media platforms for a minimum of fourteen (14) days. A report will then be prepared for Council, and the selection and appointment will be made by the Council. Community representatives must live, work, or have an active interest in the Town of East Fremantle, unless otherwise appointed by Council for their specialised services or expertise.

Positions are voluntary, and no meeting fees are paid; however, refreshments will be provided at Town-run meetings.

4.0 Responsibilities

This section details the key duties and responsibilities of CARG members in supporting climate action within the Town of East Fremantle.

The responsibilities of CARG include:

- 4.1 Providing a forum for discussing climate change issues and needs specific to the Town of East Fremantle.
- 4.2 Offering advice, recommendations, and assistance to Council in executing the actions and solutions to mitigate and adapt to climate change, as detailed in both the CES and CEAP and assist the Town with costing and prioritising CEAP actions for inclusion in the Town's Long Term Financial Plan.
- 4.3 Identifying and sharing relevant research or documents as determined by the Reference Group
- 4.4 members.
- 4.5 Representing the community by providing feedback, advice, and opinions on the Town's climate-related initiatives.
- 4.6 Acting as leaders within the community on climate issues, supporting both the local and broader community.
- 4.7 Representing CARG at community events when appropriate.

5.0 Powers of the Climate Action Reference Group

This section defines the scope of authority and limitations of CARG as an advisory group for the Town. CARG is an informal working group appointed by Council and does not possess executive powers or authority to direct Council actions or implement actions within areas where the CEO holds responsibility. CARG does not have delegated decision-making or financial responsibilities.

- 5.1 CARG is not involved in the Town's day-to-day functions and will meet solely to discuss actions listed in the CES and CEAP.

- 5.2 Members of the group have the same rights as all community members to raise concerns through the appropriate Council channels.
- 5.3 Members of CARG are not authorised to post material (social or otherwise) on behalf of the Town unless expressly requested by the Town. Members may engage with the media individually but not as representatives of the Reference Group.

6.0 Expertise

This section describes the qualifications and experience required for CARG members, including industry and community representatives.

Subject Matter Experts Must:

- 6.1 Demonstrate experience and knowledge in one or more areas of environmental sustainability or climate change.
- 6.2 Have strong connections to the local community.
- 6.3 Have the ability to work collaboratively to achieve objectives in a team environment.

Community Representatives Must:

- 6.4 Demonstrate an interest in and/or experience or knowledge of one or more areas of environmental sustainability or climate change.
- 6.5 Have strong connections to the local community
- 6.6 Have the ability to work collaboratively within a team environment to achieve desired objectives.

7.0 Meetings

This section outlines the meeting schedule, procedures, and requirements for CARG, including agenda setting and quorum.

- 7.1 CARG will meet quarterly, with additional meetings scheduled as needed.
- 7.2 Meetings can be attended in person or via video conference.
- 7.3 Members of the CARG may request that items related to the core business of the group be placed on the agenda.
- 7.4 A Town of East Fremantle employee will coordinate the agenda and record actions.
- 7.5 The typical agenda meeting will include:
 - 7.5.1 Welcome & Acknowledgement of Country
 - 7.5.2 Schedule of Meetings
 - 7.5.3 Record of Attendance
 - 7.5.4 General Updates
 - 7.5.5 Standing Items
 - 7.5.6 Upcoming Events and Past Events
 - 7.5.7 Other Business
 - 7.5.8 Close (including Appendix of Actions to be undertaken)
- 7.6 A quorum requires at least one (1) Councillor and 50% of active Reference Group members. A Town of East Fremantle employee is responsible for recording attendance and maintaining a simple record of agreed actions following each meeting. This includes:

- 7.6.1 The names of those present at the meeting.
 - 7.6.2 A list of action items agreed to by CARG members and/or Town staff.
 - 7.6.3 Any agreements or conclusions reached and any recommendations to be forwarded to the Council or a Committee meeting by a Council Member or Officer.
- 7.7 For a decision to be passed as a recommendation from CARG, a majority vote must be carried at the meeting. Voting is one vote per member, including Councillors, with a casting vote given to the Chair. Town staff act as technical advisors and do not have voting rights within the Reference Group.

8.0 Consultation

The CARG Chair, supported by other elected members on CARG members and the Town Administration, shall actively seek consultation with CARG on all actions, solutions, feedback, opinions, activities, and discussions related to the CEAP that the Council is progressing.

The Town Administration may provide CARG with opportunities to review documents relevant to the intent of the CES.

These CEAP items may be raised during a scheduled CARG meeting or, if necessary, outside of a planned meeting by the CARG Chair (or their proxy) to the broader CARG group. The CARG Chair and the Town Administration will review these items to identify those that are materially unchanged from the CEAP and do not require further CARG consultation.

CARG members will collectively discuss the consultation item and nominate a spokesperson from among their members. The nominated individual will gather input from other CARG volunteers, resolve comments, and communicate the agreed response in writing to the CARG Chair.

To facilitate consultation and ensure effective participation by all CARG volunteers, email 'circular resolutions' may be used. The subject line of such emails should include the topic, reference to the CEAP action item(s), the issue under discussion, reference material, the required action, and the deadline for comments.

Should CARG members require additional information from the Council, this will be obtained through the CARG Chair.

CARG members shall not communicate directly with Elected Members or Town of East Fremantle employees regarding matters outside the CES and the CEAP in their capacity as CARG members.

9.0 Strategic Alignment

- 9.1 The tasks and actions undertaken by CARG members will support the Town of East Fremantle in achieving the actions and outcomes in the CES and CEAP and will also assist in completing the following objectives outlined in the Strategic Community Plan 2017-2027:

Strategic Priority 4: Natural Environment

- 4.3 Acknowledge the changing climate and understand the impact of those changes.
 - 4.3.1 Improve systems and infrastructure standards to mitigate climate change impacts.

10.0 Code of Conduct

10.1 Members of the Reference Group are bound by the Council's Code of Conduct and Media Policy 4.4.1, which applies to all Town volunteers.



Town of East Fremantle Climate Action Reference Group Guidelines

Introduction

On the 19th of November 2019 at the Ordinary Council meeting, the Town of East Fremantle recognised the Climate Emergency and subsequently formed a Climate Action Reference Group (CARG) to assist Council with:

1. Preparing a Climate Emergency Strategy (CES) 2022-2032;
2. Preparing a Climate Emergency Action Plan (CEAP) 2023-2033;
3. Implementing the CEAP.

CARG members consist of community Volunteers, Councillors and Town of East Fremantle employees.

One of the CARG Councillors acts as the Chair and focal point aided by Town Administration.

Community Volunteers are appointed by Council and are bound by their appointment letter and the CARG Terms of Reference.

The purpose of these Guidelines is to provide procedural guidance and do not duplicate or override Volunteers' letters of appointment or the CARG Terms of Reference.

Planning

Action items from the CEAP are progressed with Council Reports instigated from Council's integrated planning and budgeting process in preparation of the Corporate Business Plan and the annual budget.

The CARG Chair or delegate will advise CARG at the planned meetings dates the status of the CEAP items that will be progressed in that year.

Consultation

The CARG Chair with support from the other CARG Councillors and the Town Administration, will actively seek to consult with CARG and CARG Volunteers in all CEAP related actions, solutions, feedback, opinion, activities, discussions, support etc for CEAP related actions that the Council are progressing. The Town Administration may provide an opportunity to the CARG to review relevant documents that contribute to the intent of the CES.

These CEAP items may be raised at a planned CARG meeting or raised outside of a planned meeting by the CARG Chair (or proxy) to the wider CARG group. The items will be reviewed by the CARG Chair and the Town Administration to highlight which items are materially unchanged from the CEAP and do not require further CARG consultation.

CARG Volunteers will collectively discuss consultation items and nominate one of their members to act as the spokesperson. The nominated CARG person will seek input from other CARG Volunteers and resolve comments before communicating the agreed response in writing to the CARG Chair.

To assist with consultation and the effective involvement of all the CARG Volunteers, CARG Volunteers can use email 'circular resolutions' with the topic in the email subject line, reference to the CEAP action item(s), the issue under discussion, reference material, the action required and the close off date for comments.

In the event CARG Volunteers require additional information from Council this will be obtained via the CARG Chair.

CARG Volunteers will not communicate directly with Elected Members or Town of East Fremantle employees regarding other matters outside the CES and the CEAP in their capacity as CARG members.

CARG Working Groups

In assisting the Council progress action items in the CEAP, CARG community volunteers may decide to undertake community activities under the auspices of CARG and with the support of Council. This may involve additional community volunteers and the formation of Working Groups to address particular action item(s).

As an example, strategic objective #1 in the CEAP covers Energy, including energy efficiency and electrification of homes and businesses. CARG Volunteers have formed an "Electrify 6158" Working Group to advance that strategic objective.

The "Electrify 6158" name takes advantage of the brand and material provided by Rewiring Australia under their Electrify Everything Australian campaign. CARG community volunteer members shall comply with Rewiring Australia's terms of use associated with Rewiring Australia's resources.

Other CARG Working Groups may be formed with the approval of CARG to progress other strategic objectives or individual actions in the CEAP.

Funding and Procurement

Requests for funding of CARG activities will be directed to the Town Administration in support of the CARG Chair for review and approval via the Council's established policies. Subsequent procurement activities for approved expenditure items will also follow Council guidelines.

Definitions

CARG – Climate Action Reference Group as defined via the Council website

Chair – CARG Chair as appointed by Council

CEAP - Climate Emergency Action Plan as published on the Council website

CES - Climate Emergency Strategy as published on the Council website

Council – Town of East Fremantle Council as published on the Council website

Elected Members – Elected officials as published on the Council website

Rewiring Australia – refer <https://www.rewiringaustralia.org/>

Terms of Reference – CARG terms of reference as published on the [Council website](#)

Volunteers – Community volunteers appointed by Council to be part of CARG

Working Group – A sub-set of CARG Volunteers and other volunteers formed to progress a CEAP objective or action item

7.10 RECONCILIATION ACTION PLAN (RAP) STEERING GROUP

Applicant	N/A
Report Reference Number	SCR-369
Prepared by	Janine May EA/Governance Coordinator
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Terms of Reference – RAP Steering Group

PURPOSE

To seek nominations and appoint council members to the Reconciliation Action Plan (RAP) Steering Group.

EXECUTIVE SUMMARY

The primary objective of the RAP Steering Group is to oversee the implementation of the Town's Reflect Reconciliation Action Plan (RAP) and the development of an Innovate RAP in consultation with Reconciliation Australia, using their toolkit, templates and resources.

BACKGROUND

Following an Expression of interest (EOI) process, Council in August 2025 appointed an additional community member to the Group.

The RAP Steering Group meet approximately four times per year, currently on a Monday evening at 5.30pm.

Following the local government elections on 18 October 2025 all previous council member appointments to advisory groups are declared vacant.

Although appointments to advisory groups do not have the same formal status as a committee of Council established under section 5.8 of the *Local Government Act 1995*, the principle of appointments for the same two year period (in keeping with the election cycle) is still applied.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

The *Code of Conduct for Council Members, Committee Members and Candidates* (Policy No 1.1.9) provides an expected standard of conduct for Council members.

FINANCIAL IMPLICATIONS

A fee of \$250 per meeting is payable to each Aboriginal and Torres Strait member for their cultural direction and advice in relation to reconciliation matters

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.2 Ensure effective engagement with community and stakeholders

5.2 Proactively collaborate with the community and other stakeholders

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decline to appoint elected members to Town advisory groups	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

RISK MATRIX

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

The RAP Steering Group Terms of Reference:

- make no stipulation on the number of elected members to be appointed.
- state that the tenure of membership is until the Town of East Fremantle Reconciliation Plan has been adopted by Council. Therefore community membership is unchanged.

The Steering Group shall consist of Council Members, the CEO or a nominated officer, and a minimum of four community members with Council strongly encouraging and welcoming nominations from Aboriginal and Torres Strait Islander community members.

Current community membership consists of

- Freda Ogilive (Elder)
- Geoff Addison
- Maureen Flynn
- Margaret King
- Wendy Wisniewski
- Chris Dawson

and they have all indicated a willingness to continue on the Group.

Elected member membership for the previous two year period was:

- Cr Kerry Donovan (Chair) (former)
- Cr Tony Natale
- Cr Cliff Collinson

7.10 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council appoint:

Cr _____

Cr _____

Cr _____

to the RAP Steering Group for a two year period until October 2027.

REPORT ATTACHMENTS

Attachments start on the next page



Terms of Reference

Reconciliation Action Plan (RAP) Steering Group

1. Reconciliation Action Plans

Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey and organisations can repeat the same type of RAP if appropriate.

- Reflect: Scoping capacity for reconciliation
- Innovate: Implementing reconciliation initiatives
- Stretch RAP: Embedding reconciliation
- Elevate RAP: Leadership in Reconciliation

The Town formally received endorsement from Reconciliation Australia for its first (Reflect) Reconciliation Action Plan.

2. Objectives of the Town of East Fremantle RAP Steering Group

The primary objective of the RAP Steering Group is to oversee the implementation the Town of East Fremantle's Reflect Reconciliation Action Plan (RAP) and the Development of an Innovate RAP in consultation with Reconciliation Australia, using their toolkit, templates and resources. .

3. Powers of the Town of East Fremantle RAP Steering Group

The Steering Group is an informal Steering Group appointed by the Council and is responsible to that body. The Steering Group does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer (CEO) has legislative responsibility and does not have any delegated financial responsibility. The Steering Group does not have any management functions and cannot involve itself in management processes or procedures.

The Steering Group is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

4. Membership

The Steering Group shall consist of Elected Members, designated Town of East Fremantle employees and Aboriginal and Torres Strait Islander community members as follows:



- Crs _____
- Town of East Fremantle CEO or nominated officer.

Minimum of four (4) community members (to be invited by way of public advertisement). Council strongly encourages and would welcome nominations from Aboriginal and Torres Strait Community members.

5. Structure

The RAP Steering Group will be administered by the CEO or representative and include:

- Taking and disseminating minutes to the RAP Steering Group.
- Planning up-coming meetings.
- Locating and sharing research or other documents as determined by the Steering Group members.
- Facilitating consultation with interested staff, external stakeholders (as decided by the RAP Steering Group), and Reconciliation Australia.

6. Agenda

Members of the RAP Steering Group can ask for any item relating to the core business of the group to be placed on any agenda.

7. Meetings

The Steering Group shall meet as and when required.

Additional meetings shall be convened at the discretion of the presiding member.

8. Reporting

Notes and recommendations of each Steering Group meeting shall be presented to the Council via the Council Concept Forum and or next Ordinary Meeting of the Council.

The RAP Steering Group is responsible for liaising with all relevant staff to complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia as required.

9. Duties and Responsibilities

The following activities will be carried out by the RAP Steering Group:

- Oversee the implementation of the Town of East Fremantle (Reflect) RAP
- Develop an Innovate RAP within the context of the Town's core business and in-line with the Town's over-arching community strategic plan and corporate business plan.



- Establish a collaborative/consultative process for engaging staff across the organisation so that they can provide ideas for the RAP and comment on drafts.
- Develop a project plan and timeline to development, launch and begin implementing the RAP, including consultation with Reconciliation Australia at regular intervals.
- Regularly liaise with relevant staff and stakeholders to review progress of RAP actions and:
 - Report RAP progress to Reconciliation Australia annually.
 - Report RAP progress internally to Council and staff as per Town requirements.
 - Report RAP progress to the community and relevant Aboriginal and Torres Strait Islander stakeholders.
 - Reflect on key learnings in the development of RAPs.
 - Consider RAP implementation issues and consult with relevant business units to find solutions.
 - Liaise with Town staff to finalise the RAP document, and register it on Reconciliation Australia's website.

10. Tenure of Membership

Until the Town of East Fremantle Reconciliation Plan has been adopted by Council.

11. Steering Group

11.1. Chairperson

The members shall appoint the Chairperson.

11.2. Secretary

As appointed by the Chief Executive Officer.

11.3. Quorum

The quorum at any meeting shall be half plus one of the number of offices. Therefore, the number for a Quorum shall be four (4) voting members.

11.4. Voting

Shall be in accordance with the *Local Government Act*, Section 5.21

11.5. Minutes

Shall be in accordance with the *Local Government Act*, Section 5.22.

11.6. Who Acts If No Presiding Member

Shall be in accordance with the *Local Government Act*, Section 5.14.

11.7. Meetings



Meetings shall be generally open to the public pursuant to Section 5.23 of the *Local Government Act* and include question time for members of the pursuant to Section 5.24 of the *Local Government Act*.

11.8. Members Interests to be Disclosed

Members of the Steering Group are bound by the provisions of the *Local Government Act* Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

11.9. Code of Conduct

Members of the Steering Group are bound by Council's Code of Conduct.

11. Meeting Fees

Positions on the Steering Group are voluntary, therefore, no meeting fees are payable to any member of the Steering group, however, a light meal and refreshments will be provided at each meeting.

12 Cultural Advisor Fees

A fee of \$250 per meeting will be paid to each Aboriginal and Torres Strait member for their cultural direction and advice in relation to reconciliation matters.

7.11 PUBLIC ART PANEL

Applicant	N/A
Report Reference Number	SCR-371
Prepared by	Janine May EA/Governance Coordinator
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	

1. Public Art Panel Policy (4.1.2)

PURPOSE

To seek nominations and appoint council members to the Public Art Panel (PAP).

EXECUTIVE SUMMARY

The Public Art Panel's function is to:

- oversee and make recommendations to the Council on matters related to:
 - the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - the development of public art project briefs;
 - the deaccession, relocation, removal and disposal of public artworks; and
 - to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town's Percent for Public Art Policy
- consider the recommendations of specialist selection panels;
- assess the implementation of the public art annual action plan.

BACKGROUND

Following an Expression of interest (EOI) process, Council in August 2025 amended the terms of reference incorporated in the Public Art Panel Policy to increase the number of community members on the Panel from eight to nine and appointed four new members.

The Public Art Panel meet quarterly, currently on a Monday evening at 5.30pm.

Following the local government elections on 18 October 2025 all previous council member appointments to advisory groups are declared vacant.

Although appointments to advisory groups do not have the same formal status as a committee of Council established under section 5.8 of the *Local Government Act 1995*, the principle of appointments for the same two year period (in keeping with the election cycle) is still applied.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Public Art Panel (Policy 4.1.2) contained the Terms of Reference for the operation of the Panel.

The *Code of Conduct for Council Members, Committee Members and Candidates* (Policy No 1.1.9) provides an expected standard of conduct for Council members.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.2 Ensure effective engagement with community and stakeholders

5.2 Proactively collaborate with the community and other stakeholders

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies

RISK IMPLICATIONS
RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decline to appoint elected members to Town advisory groups	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

RISK MATRIX

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk

matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

Under the Policy, membership of the PAP should consist of:

- two elected members
- CEO (or his representative)
- six other specialists such as a practicing artist, public art coordinator, curator, art historian, academic, art critic or design professional.

The Panel Chairperson is an elected member of Council and appointed by Council.

Over the coming months, It is proposed to develop separate terms of reference for the Panel for adoption by Council.

Current specialist membership is as follows, and all members have indicated their willingness to continue at this time:

- Tony Jones
- Soula Veyradier
- Michael Knight
- Katina Bowie
- Malcolm Hundley
- Jane Barwell

Elected member membership for the previous two year period was:

- Cr Jenny Harrington (Chair)
- Cr Cliff Collinson

7.11 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council appoint:

Cr _____

Cr _____

to the Public Art Panel for a two year term until October 2027 with Cr _____ being appointed Chairperson

REPORT ATTACHMENTS

Attachments start on the next page



4.1.1.2 Public Art Panel

Type:	Operations – Public Infrastructure
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	Public Art Policy 4.1.3

Objective

To establish a Public Art Panel to guide the Town of East Fremantle Public Art Strategy in accordance with associated policies, processes and procedures.

Policy Statement Definitions

"The Panel" means the Public Art Panel referred to in this Policy.

"Financial Interest" has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

"Proximity Interest" has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

"Impartiality Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

Policy Scope

Background

Consultation and research undertaken has shown that it is best practice for Local Government Authorities to appoint a panel or committee with responsibility for making decisions and recommendations about public art.

The Town of East Fremantle Public Art Panel should comprise Elected Members, staff and dedicated experts in the field. It is important that Panel Membership covers a range of expertise in public art to ensure a balance of skill and opinion.

The Panel would conduct itself according to the role given to it by the Council, which would outline the Panel's responsibilities, operations and composition.

Status and Role of the Panel

The Public Art Panel will:

1. oversee and make recommendations to the Council on matters related to:
 - 1.1 the strategic direction, policy and public program matters of the Town of East Fremantle Public Art Strategy;
 - 1.2 the development of public art project briefs;
 - 1.3 the deaccession, relocation, removal and disposal of public artworks; and
 - 1.4 to assess and determine the suitability of percent for public art proposals submitted in accordance with the Town's Percent for Public Art Policy

2. consider the recommendations of specialist selection panels;
3. assess the implementation of the public art annual action plan.

Positions on the Panel will be non-paid.

Policy

Section 1: Terms of Reference

- To provide guidance for the Town of East Fremantle Public Art Strategy.
- To act in an advisory capacity and make recommendations on specified projects in relation to the acquisition of public art; development projects with public art components; and any proposed projects that have the potential for public controversy and/or risk to the Town's reputation (noting that this does not include the selection or approval of new works where they meet the Policy;
- The Panel will provide expert advice in the development and review of the Town's public art program and on public art projects.
- The Panel's advice will help the Town achieve high-quality public art outcomes; an excellent reputation with stakeholders; effective relationships with partners and the arts sector.

Section 2: Membership

- The Town will engage the correct or suitable expertise (art, architecture, urban design and cultural expertise) to achieve high-quality art outcomes for the Town.
- It is important that Panel Members are specialists in their field and that the membership covers a range of expertise in public art to ensure a balance of skill and opinion.
- Artists, curators, architects and other design and cultural experts will help the Council achieve public art outcomes for the Town of East Fremantle that are world-class and innovative, and that surprise, delight, challenge and stimulate.
- Invitations to nominate for the Public Art Panel are to be advertised biennially. Nominees will be invited to provide a response to the criteria.
- The Council will appoint Panel Members on the recommendation of the administration following the assessment of applications.
- The Panel should have up to nine representatives (including the Chair) covering a range of expertise and ideally made up as follows:
 - Two Elected Members (including the Mayor or representative);
 - Chief Executive Officer (or his representative)
 - Six other specialists such as a practising artist, public art coordinator, curator, art historian, academic, art critic or design professional (expertise in theory and/or practice of contemporary art, urban design or related practice or national and international public art perspectives should be rated highly).

The Chairperson

- The Panel Chairperson is an Elected Member of Council and appointed by Council.
- The Chief Executive Officer shall give all assistance to the Panel Chairperson in respect to administrative support for the Panel.

Section 3: Meeting Procedure and Process

- Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Panel shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.

- Members will be required to provide sufficient notice of their ability or inability to attend the next scheduled meeting.
- Panel Meetings are not open to the Public.

Quorum

- A quorum for the meeting of the Committee will be at least 50% of voting members (including the Chairperson).
- The Panel meeting shall not proceed unless a quorum is present.

Chairperson

The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair.

Agendas

- The Chief Executive Officer will determine the Agenda for each meeting. All meetings shall be confined to items listed on the Agenda. Agendas will be distributed to all members at least four (4) working days in advance of meeting dates.
- Detailed documents will be distributed to Panel members at least four (4) working days in advance of the meeting dates.

Minutes

- The Panel Chairperson (in liaison with the Chief Executive Officer) shall be responsible to ensure the preparation and accuracy of the Minutes/Meeting notes.
- Items considered at the meeting will not be formally voted upon. The Minutes/Meeting notes of the Panel will record consensus agreement and any points of agreement/disagreement. They will not reflect verbatim discussion on matters discussed during debate prior to consensus agreement being reached. The Minutes/Meeting notes of the Meeting will be prepared by an officer of the Town and distributed to members within five (5) working days after the date of the meeting.
- The Panel Minutes/Meeting notes are to be presented in the form of:
 - explanatory comments on the matters before Panel and general views regarding the proposal;
 - formal recommendation to the Council, where appropriate reflecting the views of the majority of members present at the meeting;
 - The Panel Chairperson will endorse the Minutes/Meeting notes and proposed recommendations; and
 - Original copy of the endorsed Minutes/Meeting notes to be retained for record purposes.

Administrative Support

A Town employee will be assigned to provide administrative support to the Panel. This person will be responsible for the following;

- Issuing of the Agenda;
- Recording of Apologies prior to the meeting;
- Preparation of the Minutes/Meeting notes;
- Room booking; and
- Catering requirements.

Code of Conduct

- The Town's Code of Conduct shall apply to members of the Panel.
- All Panel members shall be required to declare any conflicts of interest in matters being considered.
- A copy of the Town's Code of Conduct will be provided to each member upon their appointment.
- The Town's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of interest.

Conflict of Interest

- All members need to be aware that any conflict of interest needs to be recognised. On receipt of the Agenda, if a member has an interest in the matter, then the member is required to declare the interest.
- Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

Financial and Insurances

The Town will arrange all insurance to cover Panel members whilst discharging their normal course of duty, including travel to and from the meeting.

Tenure of Appointment

- The Council will appoint a member to the Panel including the prescribed term and any conditions.
- The Panel Membership is normally for a period of 2 years from the period of the ratification of the Panel by the Council. (Generally the term is from November after the Ordinary local government elections.).
- Once selected by the Council, if a member fails to attend three (3) consecutive meetings of the Panel, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Panel. The Chief Executive Officer shall advise any member, in writing, when their membership of Panel is terminated.
- The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- The Chairperson and Chief Executive Officer consider that the member is not making a positive contribution to the Panel; or
- The member is found to be in breach of the Town of East Fremantle Code of Conduct or a serious contravention of the Local Government Act 1995; or
- A member's conduct, action or comments brings the Town of East Fremantle into disrepute.

Vacancies

Vacancies shall be filled by calling for nominations of external members. Members filling a vacated position will hold that position for the remainder of the vacant positions' term as approved by the Council.

Section 4: Related Policies and Plans

Interpretation and implementation of this Policy is in accordance with the Town of East Fremantle documents as outlined below.

- Town of East Fremantle Public Art Strategy
- Town of East Fremantle Local Planning Policy - Percent for Public Art
- Town of East Fremantle Public Art Annual Action Plan 2017/18 – 2020/21

- Town of East Fremantle Public Art Panel Policy

Other Related Policies or Plans

- Town of East Fremantle Strategic Community Plan 2017-2027

Section 5: Definitions

Public Art

For the purposes of this Policy, public art is defined as a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- *the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;*
- *landscape art enhancements such as walkways, bridges or art features within a public garden;*
- *murals, tiles and mosaics covering walls, floors and walkways; and*
- *sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.*

Public art does not include:

- *business logos;*
- *advertising signage;*
- *art objects which are mass produced or off the-shelf reproductions; and*
- *landscaping or architectural features which are considered by the Town to be normally integrated into the building or development.*

Attachment

For an extended list of detailed definitions please refer to the Appendix.

Responsible Directorate:	Office of CEO
Reviewing Officer:	Manager Community Engagement and Communications
Decision making Authority:	Council
Policy Adopted:	21/10/17
Policy Amended/Reviewed:	17/4/18, 17/9/19, 15/10/19, 19/8/25
Former Policy No:	4.1.6

Appendix

A. Types of public art

The descriptors that follow indicate the diversity of approaches to public art projects.

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: form part of the ground in a public setting and may be experienced as carved/shaped paving elements, metal relief elements, toughened glass panels and ceramic or mosaic inserts, amongst others. Ground plane works are designed to be viewed closely by pedestrians in the space, potentially slowing their movement through the area and creating the opportunity for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Iconic Artworks: a significant, freestanding work, where the approach is largely independent of other considerations.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment.

Interactive Artworks: are works that are designed to encourage a tactile response.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project.

Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Memorial: a structure, sculpture or other object erected to commemorate a person or an event.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.

B. Definitions

Artist

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person whose work is represented in major public or private collections; and

A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions. In some cases, this definition may be relaxed where it may be specified for a particular project.

For example, a project involving emerging artists, Indigenous artists, students or street/graffiti artists.

Artist Fees

That portion of the art project budget reserved for payment to the artist for his/her creative services for design, fabrication, and/or project management services.

Artwork or Work of Art

Any work or object designed by an Artist.

Collection Management

The administration and management of an Art Collection. This encompasses the management of collection records both electronic and hard copy, the database, catalogues, inventories and condition assessments, maintenance and conservation programs, accession of new acquisitions and overseeing the deaccession, disposal or relocation of public artwork.

Community Art

A process where the community initiates or participates in the art project.

Contemporary Art

Artwork created in the present day that engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice.

Hand-over

The transfer of ownership of an artwork from one party to another. This includes the transfer of legal title and the supplying of the Maintenance Manual and other associated contractual documents.

Maintenance Manual

Those forms completed by the artist detailing the maintenance and technical information for the completed artwork.

Public Art

Public art is a work of art that is created by an artist, sited in a visually accessible public location. Public art can include (but is not limited to):

- the artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique;
- landscape art enhancements such as walkways, bridges or art features within a garden;
- murals, tiles and mosaics covering walls, floors and walkways; and
- sculptures, free-standing or incorporated as an integral element of a building's design, paintings, pictures and photographic works.

Public art does not include:

- business logos;

- advertising signage;
- art objects which are mass produced or off the-shelf reproductions; and
- landscaping or architectural features which would normally be integrated into the building or development.

Public Art Maintenance & Conservation Program

The coordinated administration of regular treatments, professional conservation and repairs to works in an Art Collection to maintain their integrity.

Public Art Consultant

A professional specialising in public art, engaged to provide expert advice or project management.

Public Art Project Manager

A professional employee or contractor responsible for the planning, execution, contract management and close-out of the public art project.

7.12 REPRESENTATION ON JOINT DEVELOPMENT ASSESSMENT PANEL (JDAP)

Applicant	N/A
Report Reference Number	SCR-333
Prepared by	Fraser Henderson Executive Manager Regulatory Services
Supervised by	Jonathan Throssell Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Correspondence from Department of Planning, Land and Heritage dated 10 October 2025
2. Local Government Member Nomination - Frequently Asked Questions

PURPOSE

To seek Council nomination of four council members to sit as DAP members (two members and two alternate members) for the period 27 January 2026 to 26 January 2028.

EXECUTIVE SUMMARY

Under Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, local governments are required to nominate, as soon as possible following elections, four council members to sit as DAP members.

BACKGROUND

In October 2023, Council nominated Cr Collinson and Cr White as the Town's DAP members and Cr Natale and Cr Wilson as the alternate members.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020-2030

Strategic Priority 5: Leadership and Governance

5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies.

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decline to appoint members to the JDAP	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Non-compliance results in termination of services or imposed penalties	Accept Officer Recommendation

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

Given the short appointment term remaining (to 26 January 2026), it is recommended that Council's current DAP appointments would remain as:

- Member - Crs Collinson and White
- Alternate Members Mayor Natale and Cr Wilson.

The Town has been requested to nominate four council members to sit as DAP members for the period 27 January 2026 to 26 January 2028.

CONCLUSION

It is recommended that current representation to the JDAP remain until expiry (26 January 2026) and Council determine appointments for the period 27 January 2026 to 26 January 2028.

7.12 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council advises the Development Assessment Panel (DAP) Secretariat the following council members are nominated as DAP members for the period 27 January 2026 to 26 January 2028:

_____ (alternate member)

_____ (alternate member)

REPORT ATTACHMENTS

Attachments start on the next page



Department of Planning,
Lands and Heritage



Our ref: DG-2025-2387 (PLH2023P1487)
Enquiries: DAP Secretariat, 6551 9919

Dear Local Government CEO

DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

Representation of local interests is a key aspect of the Development Assessment Panel (DAP) system. The combination of local knowledge with technical expertise provides for informed and balanced decision making by DAPs. The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) provides for this local knowledge in the constitution of a DAP by requiring the local government to nominate elected members for inclusion on the register of Local Government DAP Members.

All existing Local Government DAP Members are currently appointed for a term ending 26 January 2026. Prior to this date, your local government is required to nominate four (4) DAP members for inclusion on the register by the Minister for Planning and Lands. With the upcoming local government elections on 18 October 2025, there may be changes in the composition of your Council and this is considered to be the appropriate time to review nominations for Local Government DAP Members ahead of the expiry date.

Please note that if an existing member is not re-elected as a Councillor, they will cease to be a Local Government DAP Member as of 19 October 2025.

Pursuant to Regulation 25 of the DAP Regulations, your local government is requested, by Friday 21 November 2025, to nominate four elected council members to sit as DAP members for your local government district. The nominations must include two members who will be the primary Local Government DAP Members for your district and two alternate members whom the DAP Executive Director can invite if either of the primary members are unavailable.

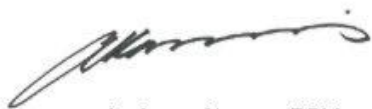
Please complete the attached nomination form and provide it to the DAP Secretariat, along with a copy of the council resolution. If you are unable to provide nominations by the above date, please contact the DAP Secretariat to discuss alternative arrangements and implications. Once nominations are received, the Minister will include the nominees on the register of Local Government DAP Members for the term ending 26 January 2028.

Nominations should be submitted via email to the DAP Secretariat at dapnomination@dplh.wa.gov.au.

The WA Government is committed to increasing the diversity and backgrounds of Government Board and Committee members along with the total number of women appointed. Therefore, I encourage you to consider diversity of representation when putting forward your nominations in supporting this important commitment. Further information about can be found in the [Premier's Circular 2025/15 – State Government Boards and Committees](#) as well as the [Department of the Premier and Cabinet's State Government Boards and Committees – Classification and Appointment Guidelines](#).

If you have any queries regarding this request for nominations, please contact Zoe Hendry at the DAP Secretariat on (08) 6551 9919 or via email to dapnomination@dph.wa.gov.au. Further information is available online at [Development Assessment Panels \(www.wa.gov.au\)](http://DevelopmentAssessmentPanels.wa.gov.au).

Yours sincerely



Anthony Kannis PSM
Director General

10 October 2025

Att 1 – LG DAP Members – Nomination Form
Att 2 – LG DAP Members – Nomination Form FAQ
Att 3 – Local Government Contact List 2025





DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION FREQUENTLY ASKED QUESTIONS

Question: When are nominations due back?

Answer: Completed nominations are due Friday 21 November 2025

Question: What is the term the local government DAP members will be nominated for?

Answer: The Minister for Planning and Lands will appoint local government DAP members from 27 January 2026 until 26 January 2028.

Question: What's the email address to return completed nominations or if we have any queries about the nominations?

Answer: dapnomination@dplh.wa.gov.au

Question: Is there anything else that we need to provide with the completed nomination form?

Answer: Yes, along with the completed form, a copy of the council resolution nominating up to four (4) elected council members from the respective local government

Question: Are Local Government DAP Members representatives of the Council on a DAP?

Answer: The role as a Local Government DAP Member is independent of your role as a Local Government Councillor and is covered by different legislation. While Local Government DAP Members are mostly elected members of the relevant local government, they are not bound by any previous decision or resolution of the local government. All DAP Members are required to exercise independent judgment in relation to any DAP application before them and consider the application on its planning merits

Question: Why don't DAP member terms align with Councillor terms?

Answer: A transition period of 3 months is provided to allow sufficient time for nominations by the Local Government, registration by the Minister, and training requirements.

Question: Is being a councillor considered my employment?

Answer: No, employment details refer only to external employment and does not include your role as a Local Government member. If you don't have employment outside of being a councillor, then mark yourself as unemployed.

Question: How do I know if I am eligible for payment?

Answer: Eligibility for DAP sitting fees is determined in accordance with the [Premiers Circular 2025/15](#).

Board members may not be eligible for remuneration (other than reimbursement for travel expenses) if they:

- are being paid from public monies including:
 - current full time local, State and Australian Government employees;
 - current Members of Parliament;
 - current and retired judicial officers (except magistrates);
 - current non-academic employees of public academic institutions; or
 - were a Member of Parliament within the last six (6) months.

Instances where board members may be eligible for remuneration include:

- Local, State and Commonwealth Government employees who are:
 - part time and where the relevant Minister is satisfied that the work relating to the board occurs outside their employment and all other potential conflicts of interest are appropriately managed; or
 - not currently being paid from public monies such as those on leave without pay and volunteers;
- university academics (defined as those engaged primarily for the purpose of providing education services and not administrative or other services); and
- elected Local Government councillors.



Question: What if I am employed part time in one of the above and would like to receive payment for sitting on a DAP meeting?

Answer: Please provide evidence of your part time status from your employer, which will accompany the nomination. Your request to receive payment is required to be approved by the Minister for Planning and Lands.

Question: If I am eligible for payment, what are the sitting fees?

Answer: The sitting fees are as per schedule 2 of the *Planning and Development (Development Assessment Panels) Regulations 2011*. For a Local Government DAP Member, as at 1 March 2024 they are currently as follows:

- Per meeting to determine DAP applications (Form 1) - \$425
- Per meeting to determine DAP applications to amend or cancel determination (Form 2) - \$100
- Attendance at a SAT proceeding - \$425
- DAP Member training - \$400
- DAP member re-training - \$200

Question: I have undertaken Local Government training as a Councillor, is it the same thing?

Answer: The role as a Local Government DAP Member is independent of your role as a Local Government Councillor and is covered by different legislation. While there may be some common themes, it is important you attend the training to ensure you are aware of the specific requirements and responsibilities of DAP Members.

Question: When can I sit on a DAP meeting?

Answer: Before you can sit on a DAP meeting, you will need to complete the DAP member training run by the DAP Secretariat. If you have previously completed training the DAP Executive Director will consider time since you completed that training and/or since you last participated on a DAP meeting to determine whether you are required to attend a refresher training before participating on another DAP meeting. We do encourage everyone to attend a training session, even if you have attended training previously, to ensure you are aware of any recent changes to DAP procedures and protocols.

Question: When will training sessions be held?

Answer: Once the Minister registers the local government DAP members, the DAP Secretariat will contact those who are within a Local Government district where there is a current DAP application that will require a DAP meeting within the next 3-4 months.

As of January 2026, the DAP Secretariat will be holding regular training sessions that will be extended to those who have not received training and are expected to be required on an upcoming DAP meeting. These training sessions have been staggered to ensure members have received training within a reasonable timeframe of participating on a DAP meeting.

Question: Where will training sessions be held?

Answer: Training sessions will be hosted by the DAP secretariat at the Department of Planning, Lands and Heritage, at 140 William Street, Perth. While attendance in person is encouraged, it is acknowledged that this is not also possible. Online attendance is available to those who cannot attend in person.

7.13 APPOINTMENT TO EXTERNAL ORGANISATIONS

Applicant	N/A
Report Reference Number	SCR-340
Prepared by	Janine May, EA/Governance Coordinator
Supervised by	Jonathan Throssell, Chief Executive Officer
Meeting date	Tuesday, 28 October 2025
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

PURPOSE

To seek Council approval to appoint council member representatives to the following external organisations:

- Western Australian Local Government Association (WALGA) South Metropolitan Zone
- South West Corridor Development Foundation (SWCDF) & Environmental Forum
- Fremantle Ports Inner Harbour Community Liaison Group
- Glyde-In Community Learning Group Committee
- Local Emergency Management Committee

EXECUTIVE SUMMARY

Delegates to these external organisations are appointed immediately following local government elections.

BACKGROUND

Previous representation is as follows:

- WALGA – Crs Collinson, Donovan (former) and Natale with Cr Harrington (Deputy)
- SWCDF/Environmental Forum – Cr Donovan (former) with Cr Natale (Deputy)
- Ftle Ports Inner Harbour Community Liaison Group – Cr McPhail (former) with Cr White (Deputy)
- Glyde-In Community Learning Group Committee – Cr Collinson with Cr White (Deputy)

The Town of East Fremantle and City of Fremantle operate a combined Local Emergency Management Committee (LEMC), as permitted under the Emergency Management Act 2005. This joint committee supports a coordinated approach to emergency management across both local government districts. Elected members from the City of Fremantle sit on this Committee. Although not previously represented, it is hoped that an elected member from the Town can be appointed to this Committee.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020 -2030

Strategic Priority 5: Leadership and Governance**5.2 Proactively collaborate with the community and other stakeholders****5.2.1 Foster and promote strategic collaborative relationships with neighbouring LGAs, NGOs, State and Federal government representatives and agencies**

RISK IMPLICATIONS

RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council fail to appoint elected members to external organisations	Rare (1)	Moderate (3)	Low (1-4)	REPUTATIONAL Substantiated, low impact, low news item	Accept Officer Recommendation

RISK MATRIX

Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

WALGA South Metro Zone	
Membership	Requires the appointment of three elected members plus a deputy.
Meeting Day/Time	Bi-monthly (generally 4 th Monday of the month) at 5.30pm. Venue on a rotation basis between member councils.
Summary/Purpose	South Metro Zone incorporates representatives from Cities of Rockingham, Fremantle, Cockburn and Melville and the Towns of Kwinana and East Fremantle. All decisions made at the South Metro Zone meetings are referred to the WALGA State Council meetings for consideration.
South West Corridor Development Foundation & Environmental Forum	
Membership	Previously representatives were elected to each Group, however one member and one deputy member are now appointed to sit on both Groups in a combined capacity.
Meeting Frequency	Approximately 4-6 meetings per year (Thursdays 12-3pm)
Summary/Purpose	<u>SWCDF</u> : To facilitate and promote sustainable development of the Perth South West Metropolitan Region. <u>Environmental Forum</u> : To oversee the implementation of the Regional Natural Resources Management (NRM) Strategy Development by the Perth South West Metropolitan Alliance.
Fremantle Ports Inner Harbour Community Liaison Group	
Membership	One delegate and deputy. Representation from various government and community agencies.
Meeting Day/Time	Quarterly on a Tuesday evening at 5.00pm
Summary/Purpose	To represent Council in relation to Fremantle Port issues.
Glyde-In Community Learning Centre Committee	
Membership	One delegate and deputy.
Meeting Day/Time	3 rd Tuesday of each month 2pm to 3.30pm
Summary Purpose	To represent Council on the Glyde In Community Learning Centre Committee
Local Emergency Management Committee (LEMC)	
Membership	At least one delegate and deputy
Meeting Day/Time	Every 4 months with day/time to be advised however held during standard business hours to allow attendance by representatives of both councils, emergency services, government agencies and community stakeholders. Venue to be alternated between CoFtle and ToEF.
Summary/Purpose	The LEMC plays a key role in enhancing community resilience by: - developing, reviewing and testing the Local Emergency Management Arrangements (LEMA), which outline how emergencies are managed locally. - advising and assisting both councils in meeting their emergency management responsibilities under the Emergency Management Act.

	- liaising with emergency services and relevant agencies to coordinate preparedness, response, and recovery efforts. - ensuring community risks are understood and addressed through collaborative planning and engagement. City of Fremantle and Town of East Fremantle are responsible for ensuring the LEMA is current and promoting emergency preparedness within their communities.

7.13 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution Choose an item. Click or tap to enter a date.

OFFICER RECOMMENDATION

That Council:

1. notes all previous appointments to external organisations referred to in this report have expired; and
2. appoints council members to the following external committees/groups:
 - a) **WALGA South Metropolitan Zone**

Cr _____

Cr _____

Cr _____

Cr _____ (Deputy)
 - b) **South West Corridor Development Foundation (SWCDF) & Environmental Forum**

Cr _____

Cr _____ (Deputy)
 - c) **Fremantle Ports Inner Harbour Community Liaison Group**

Cr _____

Cr _____ (Deputy)
 - d) **Glyde-In Community Learning Group Committee**

Cr _____

Cr _____ (Deputy)
 - e) **Local Emergency Management Committee**

Cr _____

Cr _____ (Deputy)

REPORT ATTACHMENTS

No Attachments

8 MATTERS BEHIND CLOSED DOORS

9 CLOSURE