



AGENDA

Council Meeting

Tuesday, 16 August 2016 at 6.30pm

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.

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 16 August 2016** in the Council Chamber, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Leave of Absence

Cr White

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Meeting of Council (19 July 2016)

6.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 19 July 2016 be confirmed as a true and correct record of proceedings.

6.2 Special Meeting of Council (26 July 2016)

6.2 OFFICER RECOMMENDATION

That the minutes of the Special meeting of Council held on Tuesday, 26 July 2016 be confirmed as a true and correct record of proceedings.

- 7. ANNOUNCEMENTS BY PRESIDING MEMBER**
- 8. PRESENTATIONS / DEPUTATIONS / PETITIONS**
- 8.1 Presentations**
 - 8.2 Deputations**
 - 8.3 Petitions**
- 9. DISCLOSURES OF INTEREST BY MEMBERS**
- 10. APPLICATIONS FOR LEAVE OF ABSENCE**
- 11. LATE ITEMS**

12. REPORTS OF COMMITTEES

12.1 Town Planning & Building Committee Meeting (2 August 2016)

File ref	C/MTP1
Prepared by	Andrew Malone, Acting Manager Planning Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 2 August 2016, exercised its delegation in all statutory matters before it.

There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

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

12.1 OFFICER RECOMMENDATION

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 2 August 2016 be received.

13. REPORTS OF OFFICERS

13.1 PLANNING REPORTS

13.1.1 Authority to Affix the Common Seal – Section 70A Notification Authorisation - Various sites

Applicant	Carlton Surveys, Vision Surveys & R Tripi
Owner	C Tripi; P Unsworth & J Wisniewski
File ref	P/BED15; WAPC Ref 151745; P/DUK36-42 WAPC Ref: 153946; P/PET161 WAPC Ref: 758-16
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Jamie Douglas, Planning Manager
Meeting Date:	16 August 2016
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Location Map 15 Bedford Street2. Subdivision Deposited Plan and Survey 15 Bedford Street3. WAPC Approval (Ref: 151745) 15 Bedford Street4. Location Map 36-42 Duke Street5. Subdivision Plan – 36-42 Duke Street6. Location Map 161 Petra Street7. Subdivision Plan – 161 Petra Street

Purpose and Executive Summary

The purpose of this report is to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town in respect to placing memorials (i.e. *Notification Under Section 70A* of the *Transfer of Land Act*) on the Certificates of Title in respect to the following properties:

- No. 15 (Lot 632) Bedford Street, SW corner of Canning Hwy;
- No. 36-42 (Lot 601 & 602) Duke Street; and
- No. 161 (Lot 27) Petra Street, NW corner of View Terrace.

The notifications will alert current and prospective purchasers of the land to:

- the need for the heritage listed dwellings to be retained under the provisions of Town Planning Scheme No. 3;
- the location of the land/dwellings/premises within Area 2 of the Fremantle Port Buffer Zone where noise, odour, light spill and other factors might arise from the normal operations of a 24 hour working Port; and/or
- the land/dwellings/premises potentially being impacted by noise and disturbances associated with the operation of a commercial/business/entertainment area where noise, odour, traffic, disturbance and disruption due to construction, light spill and other factors might arise from the normal operations of a mixed use zone.

Background

TPS No. 3 Zoning:

- Lot 632 Bedford Street: Residential R20/40;
- Lot 601 & 602 Duke Street: Mixed Use; and

- Lot 27 Petra Street: Residential R12.5 (corner lot density bonus of R20 under cl 5.3.1 of TPS No. 3)

MRS: Bedford and Duke Street lots about a Primary Regional Road reservation

Site area: Bedford Street (794m²); Duke Street (1441m²); Petra Street (910m²)

Documentation: Deposited Plan 400880, Lot 800 & 801 on Diagram 49994, Lot 27 on Plan 1794 and Section 70A Notification

15 Bedford Street

On 15 July 2015 the WAPC issued an approval for the freehold subdivision of the abovementioned lot subject to a number of conditions and advice notes. Advice note 5 stated:

“The existing Municipal Heritage Inventory listed dwelling being retained and indicated on the Deposited Plan accordingly.”

The owner’s surveyor believes it is not current standard practice for the retention of the dwelling to be indicated as such on the Deposited Plan and has requested the Town consent to a memorial on the title instead. The *Notification Under Section 70A* document has been prepared by the owner’s lawyers, signed and submitted to the Town for execution.

The Town has agreed that in preference to the dwelling to be retained being indicated on the deposited plan, a *Notification Under Section 70A* of the *Transfer of Land Act 1893* (as amended) can be placed on the certificate of title for proposed Lot 407. The notification wording will alert current and prospective land owners that the building on Lot 407 is a heritage listed building and must be retained in accordance with the requirements of the Scheme.

It is noted that since the WAPC approval of the subdivision the Council has resolved to include the dwelling on the Heritage List of TPS No. 3 with a category ‘B’ rating.

36-42 Duke Street

A freehold subdivision application has been referred from the WAPC for comment. The subdivision proposes two freehold titles which will reflect the division between the two mixed use components of the development approved for the site, with the primary aim being to separate the commercial development components (i.e. the commercial car park and services infrastructure) from the residential component in respect to land tenure. Where the drainage, water and support infrastructure that services both lots traverses the residential lot easements will be created to benefit the commercial lot and burden the residential lot.

The proposed lots meet the requirements of TPS No. 3. However, a number of conditions of approval are considered necessary to address the site circumstances and the easements proposed. These conditions will require easements and memorials (*Notifications Under Section 70A*) on the Titles to advise of proximity to Fremantle Port, potential disturbance and disruption due to the location within a mixed use zone and the requirement for the retention of the heritage listed building on proposed Lot 800.

161 Petra Street

An application for survey strata subdivision has been referred from the WAPC for comment. A corner lot of 910m² is proposed to be subdivided into Lot 1 of 561m² and Lot 2 of 350m². The current lot is occupied by a single storey heritage listed dwelling under TPS No. 3 with a category ‘B’ rating. The proposed lots meet the minimum lot area requirements under the R-Codes for a R20 coding (corner lot density bonus in R12.5 areas applies) and the application can be supported on the

basis that the resulting lots will be in keeping with the intended pattern of subdivision and density of development permitted under the Scheme. A number of standard conditions of approval, however, are considered necessary as well as a condition specific to the retention of the heritage listed dwelling on proposed Lot 1. This will require a memorial to be placed on the Title of the new lot.

Consultation

Not applicable.

Statutory Environment

Transfer of Land Act 1893 (as amended)
Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not required.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

In order to satisfy conditions and observe advice notes of current and impending WAPC subdivision approvals notifications on Titles will be required. The execution of the documents will require the Mayor and Chief Executive Officer to sign and affix the Common Seal on the documents in respect to various sites as noted in this report.

It is therefore recommended that Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal in relation to the subdivision of No. 15 (Lot 632) Bedford Street, No. 36-42 (Lot 601 & 602) Duke Street and No. 161 (Lot 27) Petra Street, East Fremantle.

13.1.1. OFFICER RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal in relation to the subdivision of No. 15 (Lot 632) Bedford Street, No. 36-42 (Lot 601 & 602) Duke Street and No. 161 (Lot 27) Petra Street, East Fremantle on:

- 1. The Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating**

to a notice that 'Registered proprietors and prospective purchasers of the land described above or any part thereof (land) are notified that the existing Town Planning Scheme – Heritage Listed dwelling on the land must be retained in accordance with the requirements of Town Planning Scheme No. 3 and the Residential Design Codes.' on Lot 407 on Deposited Plan 400880 (Bedford Street) and on Lot 800 on Diagram 94449 (Duke Street) and Lot 1 on Plan 1794 (Petra Street).

2. The Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to a notice that 'The subject lot is located within proximity to the Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working port.' on Lot 800 & Lot 801 on Diagram 94449 (Duke Street);
3. The Notification under Section 70A of the *Transfer of Land Act 1893* (as amended) relating to a notice that 'The subject land/dwellings/premises are located within a commercial/business/entertainment area where the location may experience noise, odour, traffic, light spill, disturbance and disruption due to construction works and other factors that may arise from living within a mixed use zone.' on Lot 800 & Lot 801 on Diagram 94449 (Duke Street); and
4. Any other relevant documents pertaining to subdivision WAPC Ref: 151745, WAPC Ref: 153946 and WAPC Ref: 758-16.

13.2 FINANCE REPORTS

13.2.1 Monthly Financial Activity Statement 31 July 2016

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 August 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

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

Staff recommend that Council receives the Financial Activity Statement for the period ending 31 July 2016.

Background

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

The monthly Financial Activity Statement for the period ending 31 July 2016 is appended and includes the following:

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

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

Policy Implications

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

Financial Implications

The July 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

Strategic Implications

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

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

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

The budget is forecasting a surplus therefore the economic indications of this budget are positive.

Social implications

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

Environmental implications

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

Comment

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

Revised Budget Forecast

The current budget forecast for the 30 June 2017 indicates a breakeven of \$0 which is not represented by any change to date.

Operating YTD Actuals (compared to the YTD Budget)

The July 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 105%; is \$28,000 more than the YTD budget. (Favourable)

Operating Expenditure 83%; is \$160,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$200,000 more than the YTD budget (Favourable).

Operating Revenue is 5% Favourable to year to date budget.

The significant favourable variance within operating revenue is Recreation & Culture – where a majority of Riverside Road Mooring Pen Lease fees have been raised in July instead of August which has created timing difference of \$87,000.

Unfavourable variance in Recreation & Culture – is an additional Swan River Trust Grant of \$60,000 which is available dependent on the level of foreshore works exceeding \$335,000.

Operating Expenditure is 17% Favourable to year to date budget.

The main areas of favourable variation for operating expenditure are timing differences in;
Governance – Employee Costs \$26,000 which will be offset as recruitment activities are completed
Education & Welfare – Glyde-In learning centre \$21,000 timing difference;
Community Amenities – Annual Bulk & Green Waste \$22,000, and the SMRC Waste Composting Facility \$38,000 which is mainly due to invoices received in the following month;
Other areas of favourable variance are spread across various programs as detailed in the report.

The significant areas of unfavourable variation for operating expenditure include;
Governance – Computer System Support \$25,000 due to the early payment of software renewal and licenses;
Community Amenities – timing difference for SMRC annual member contributions for governance, R&D and education paid one month early \$24,000 offset in August.

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

The majority of Infrastructure projects have not been mobilised during July.

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

Capital Programs YTD Progress Summaries

Annual Timeline 8% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 0% expended

Plant & Equipment 6% expended

Furniture & Equipment 3% expended

Capital expenditure is \$4,078,000 less than the YTD budget (Favourable) which represents 99% of the capital programs to be completed. The major capital items are yet to mobilise at this early stage. The report provides details on individual capital works to have progressed as at 31 July 2016.

All amounts quoted in this report are exclusive of GST.

13.2.1 OFFICER RECOMMENDATION

That Council receives the Financial Activity Statement for the period ending 31 July 2016.

13.2.2 Accounts for Payment – July 2016

File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, CEO
Meeting Date	16 August 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – July 2016

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of July 2016.

It is therefore recommended that Council receives the List of Accounts paid for the period 1 July to 31 July 2016, as per the summary table.

Background

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is an itemised list of all payments made under delegated authority during the said period.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

Policy Implications

Policy F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

Town of East Fremantle Strategic Community Plan

Key Focus Area 4: Governance and Leadership

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

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

The list of payments is to be presented to Council at the next Ordinary Meeting after it has been prepared, and recorded in the minutes of that meeting.

13.2.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 July to 31 July 2016 be received, as per the following summary table:

JULY 2016		
Voucher No	Account	Amount
4998 – 5005	Municipal (Cheques)	\$10,362.67
EFT22725 – EFT22853	Electronic Transfer Funds	\$627,953.85
Payroll	Electronic Transfer Funds	\$206,084.72
Superannuation	Electronic Transfer Funds	\$36,169.81
Credit Card	Corporate Credit Card	\$756.90
	Total Payments	\$881,327.95

13.2.3 Adoption of New Purchasing Policy

Applicant	N/A
File ref	C/POL1, F8.4 Purchasing Policy
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 August 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Draft Purchasing Policy

Purpose

To facilitate decisions by Council on the procurement of goods and services with regard to compliance and best practice in local government purchasing.

Executive Summary

Council is to consider a review of the purchasing policy in line with the Western Australian Local Government Association (WALGA) model policy which is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity, good governance and legislative compliance.

It is recommended that Council adopt attached Purchasing Policy 4.2.4.

Background

The policy for the purchasing of goods and services was last reviewed 18 March 2008, although later a review was deferred in November 2011 and is part of the post amalgamation backlog of administrative review. In September 2015 regulatory changes to tender thresholds have occurred that should be reflected in respective purchasing policies. Also a review of purchasing policy provides an opportunity to include a focus on sustainable procurement, corporate social responsibility, and buying from local, disability or aboriginal enterprises. The revised purchasing policy also extends to a scope for the establishment of panels of pre-qualified suppliers if this is ever required.

Consultation

Nil.

Statutory Environment

Local Government Act 1995, s3.57

Local Government (Functions and General) Regulations 1996, Part 4 Provision of Goods and Services.

Policy Implications

Purchasing Policy

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

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

Social implications

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

Environmental implications

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

Comment

The draft policy represents current best practice in purchasing and has been put forward by WALGA as a guide for local government authorities to consider when creating or amending a purchasing policy to comply with Regulation 11A and 24AC of the Local Government (Functions and General) Regulations 1996.

It is also considered administratively prudent for the Town to include provisions under Section 11 in the Purchasing Policy for the creation and management of panels of pre-qualified suppliers instead of such provisions being represented in a separate policy. If the Town ever has intent to establish and manage panels of pre-qualified suppliers, it must do so in accordance with Division 3 Part 4 of the *Local Government (Functions and General) Regulations 1996*, through the creation of a written policy permitting the local government to do so. The draft policy will cover for this requirement.

In Clause 5.5 the Town may determine its own purchasing thresholds and establish its own purchasing requirements in the provisions of the policy, noting that current purchasing thresholds have remained intact for 8 years. The values have been taken from the guidance of WALGA, which are generally representative of local governments requirements and reflective of current legislation, but for the lowest threshold which was reduced from \$5,000 down to \$2,500 to fall in line with our capitalisation threshold.

In Clause 5.6 there are choices given when making a decision about whether to conduct a public Tender or utilise a Tender exempt arrangement, the Local Government should compare the cost and benefits of both processes. The compliance requirements, time constraints, costs and risks associated with a public Tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a Tender exempt arrangement which include direct access to pre-qualified suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.

New Inclusions in the draft policy are Section 8 *Buy Local*, for consideration of supporting local business.

Section 9 introduces *Purchasing from Disability Enterprises*. Regulation 11(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise. WALGA recommends testing of quotations received against other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the local government.

Section 10 introduces *Purchasing from Aboriginal Business*. Regulation 11(h) provides a tender exemption if the goods or services are supplied by a person registered on the Aboriginal Business Directory WA, where the consideration under contract is, or expected to be under \$250,000. WALGA

recommends testing of quotations received against other suppliers (which may include other Aboriginal businesses) to determine overall value for money for the local government. A further qualitative weighting (as determined by the local government) may be afforded where non-Aboriginal businesses demonstrate a well-established Aboriginal engagement strategy.

13.2.3 OFFICER RECOMMENDATION

That Council replace previous Purchasing Policy F8.4 with Purchasing Policy 4.2.4, attached to this report.

- 14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 16. CONFIDENTIAL BUSINESS**
- 17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS**
- 18. CLOSURE OF MEETING**