



MINUTES

Council Meeting

Tuesday, 19 May 2020 at 5.33pm

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD VIA VIDEO-CONFERENCING ON
TUESDAY 19 MAY 2020**

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 5.33pm

2. ACKNOWLEDGEMENT OF COUNTRY

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

The Presiding Member advised that due to the need to conduct the meeting via electronic means, under the present COVID-19 meeting restrictions, a suspension of standing orders was required to suspend the operations of clauses 5.7, 5.9, 5.10 and 7.1 of *The Town of East Fremantle Meeting Procedures Local Law 2016* for the duration of this electronic meeting

PROCEDURAL MOTION

Moved Cr Nardi, seconded Collinson

The suspension of clauses 5.7, 5.9, 5.10 and 7.1 of the *Town of East Fremantle Meeting Procedures Local Law 2016* for the duration of this electronic meeting.

(CARRIED UNANIMOUSLY)

3. RECORD OF ATTENDANCE

Elected members, with the exception of the Mayor who was attending the meeting from the Town Hall with staff were attending the meeting from their homes.

3.1 Attendance

The following members were in attendance:

Mayor J O’Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr A McPhail	From 5.37pm
Cr M McPhail	
Cr A Natale	
Cr D Nardi	
Cr J Harrington	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services
Mr P Kocian	Executive Manager Corporate Services
Ms L Collett	Communications & Marketing Officer
Ms K Dore	Coordinator Capacity Building
Ms J May	Minute Secretary

3.2 Apologies
Nil.

3.3 Approved
Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial
Nil.

4.2 Proximity

4.2.1 Cr Donovan (Item 12.3.1) 243 Canning Highway – Investigation Works for Possible Contaminated Site

Cr Donovan declared a proximity interest in this matter as she resides adjacent to the subject site.

4.3 Impartiality
Nil.

5. PUBLIC QUESTION TIME

5.1 Responses to previous questions from members of the public taken on notice
Nil.

5.2 Public Question Time

5.2.1 Moyna & Roger Haraland, 75 King Street

“What are the developments re the Royal George Hotel? When is work on the refurbishment due to start?”

Response from Executive Manager Regulatory Services

The Minister for Planning has granted final approval of Amendment No. 15 regarding the Royal George Hotel and the Amendment was gazetted on 14 February 2020.

The purpose of the Amendment is to:

- Supplement the ‘Special Zone - Royal George Hotel’ provisions in the Planning Scheme.
- Modifying the Zoning Table to indicate the permissibility of uses listed under the Planning Scheme for the ‘Special Zone – Royal George Hotel’.
- Provide site and development standards for referral to the State Design Review Panel, residential floor space, plot ratio, building height, building setbacks and vehicle parking.

The State Design Review Panel (SDRP) is now working through the initial stages of a concept design with the project team for the development. It is expected the design review process will be undertaken over several month and the Town is involved in this process as an observer. The SDRP is a multi-disciplinary panel of highly-experienced built environment professionals from industry and government that provides independent advice to improve the design of buildings and infrastructure projects.

Due to the COVID-19 pandemic the owners of the property experienced some delays in March/April which slowed down progress of the refurbishment work. It is expected a Building Permit will be lodged with the Town and commencement of works will both be in May 2020.

This first phase of restoration work due to commence shortly will involve the full restoration of the cupola, chimneys and western and southern street facing facades and is estimated to take approximately nine months. Other restoration and stabilisation works focussed around stopping the degradation to the building and ensuring the building is watertight will also be undertaken.

Planning through the SDRP will probably be another 6 months, if not more as the Town has requested the early involvement of Heritage Office and Main Roads. A planning application will be another 3-4 months and then development of full working drawings and engineering another 3-4 months. It could be a year and a half before the actual proposal at the rear starts which pushes it into 2022.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

Nil.

6.2 Deputations

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (21 April 2020)

8.1 OFFICER RECOMMENDATION

Moved Cr Watkins, seconded Cr Natale

That the minutes of the Ordinary meeting of Council held on Tuesday, 21 April 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

Cr A McPhail entered the meeting at 5.37pm.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 Petition – Niergarup Track Upgrade

Mayor O'Neill acknowledged the receipt of a petition from the Friends of East Fremantle Foreshore, containing 204 signatures, seeking the development of a thoughtful and environmentally responsible approach to the foreshore vegetation and condition of the Niergarup Track. He advised that with the uncertainty of COVID-19, this work had been delayed, however, a Management Plan for the area was currently being developed.

Correspondence had been sent yesterday to surrounding residents regarding planned works to the southern half of the limestone pathway due to commence on 25 May.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

10.1 Council Meeting 17 March 2020 - Waste Services – Cr Natale

12.2.4 OFFICER RECOMMENDATION

Moved Cr Harrington, seconded Cr Watkins

That Council receives the SMRC Waste Processing Report.

Amendment

Moved Cr Natale, seconded Cr Collinson

That the following become part 2 and 3 of the recommendation:

That Council:

- 2. request the CEO invite the SMRC to present to Council on how it plans to commercially improve the effective processing of FOGO;*
- 3. request the CEO provide a further report in 3 months on what cost improvements have been made by SMRC, if none, what options exist for FOGO processing.*

10.1 SUBSTANTIVE MOTION/COUNCIL RESOLUTION 010520

Moved Cr Harrington, seconded Cr Watkins

That Council:

- 1. receives the SMRC Waste Processing Report;**
- 2. request the CEO invite the SMRC to present to Council on how it plans to commercially improve the effective processing of FOGO;**
- 3. request the CEO provide a further report in 3 months on what cost improvements have been made by SMRC, if none, what options exist for FOGO processing.**

(CARRIED UNANIMOUSLY)

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (5 May 2020)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 5 May 2020, exercised its delegation in five statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

A sixth application for a change of use from office to shop at No 22 (Lot 67) May Street was deferred pending advertising to adjoining neighbours.

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 020520

Moved Cr Collinson, seconded Cr Watkins

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 5 May 2020 be received.

(CARRIED UNANIMOUSLY)

12. REPORTS

12.1 FINANCE

12.1.1 Statement of Financial Activity for Period Ended 30 April 2020

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Statement of Financial Activity 30 April 2020 2. Capital Works Report 8 May 2020

Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 30 April 2020.

Executive Summary

A Monthly Financial Report workbook has been prepared to provide an overview of key financial activity. Two Statements of Financial Activity are provided, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2020.

Background

The Town of East Fremantle financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
 - Statement of capital acquisitions and capital funding
 - Significant Accounting Policies
 - Explanation of Material Variances
 - Net Current Funding Position
 - Cash and Investments
 - Budget amendments
 - Receivables
 - Cashed Back Reserves
 - Capital Disposals
 - Rating Information
 - Information on Borrowings
 - Grants and Contributions

The attached Monthly Financial Report is 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

Management team

Statutory Environment

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its Statement of Financial Activity.

Expenditure from the municipal fund not included in the annual budget must be authorised in advance by an absolute majority decision of Council pursuant to section 6.8 of the *Local Government Act 1995*.

Fees and charges are imposed under section 6.16 of the *Local Government Act 1995*. If fees and charges are imposed after the annual budget has been adopted, local public notice must be provided before introducing the fees or charges pursuant to section 6.19 of the *Local Government Act 1995*.

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

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 2019/20 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be:

- (a) 10% of the amended budget; or
- (b) \$10,000 of the amended budget.

whichever is greater. In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Strategic Implications

The monthly financial report is the key financial reporting mechanism to Council, to provide oversight of the financial management of the local government. This ties into the Strategic Community Plan as follows:

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

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)
Inadequate oversight of the financial position of the Town may result in adverse financial trends	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by monthly review of financial statements and key financial information

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

Site Inspection

Not applicable.

Comment

The following is a summary of headline numbers from the attached financial reports:

	Original Budget	Year to Date Budget - April	April Actuals
Opening Surplus	758,451	951,855	951,855
Operating Revenue	10,632,263	10,008,681	10,080,947
Operating Expenditure	(12,141,244)	(9,502,100)	(8,890,996)
Capital Expenditure	(3,816,857)	(3,679,345)	(1,722,322)
Capital Income	919,567	42,000	36,398

Net Transfers from Reserves	1,182,814	520,000	501,465
Non-Cash Items	2,465,204	1,376,750	1,326,708
Closing Surplus	0	(282,158)	2,284,055
Unrestricted Cash			3,292,774
Restricted Cash			1,692,711

- Depreciation, plant cost recoveries and activity based cost distributions have been processed;
- A Capital Works Report is being auto generated within the Town's financial system, and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2, and includes actual expenditure as at 7 May. 39% of budgeted capital works has been expended, whilst 86% of the total budget has been committed under contract/purchase order;
- 95% of total rates levied (including arrears) were collected by the end of April. The due date for rates was the 6 September 2019 and the due date for fourth instalments was 11 March 2020. Final notices have been issued, and debt recovery processes have been implemented. Approximately \$140k in rates are subject to formal debt recovery processes.

The Statements of Financial Activity have been updated to include additional columns; being the annual budget entered in the financial system (SynergySoft), and the current budget. The current budget captures all budget variations that have approved by Council since the original budget adoption.

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030520

Moved Cr Watkins, seconded Cr A McPhail

That Council:

- 1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 30 April 2020.**
- 2. notes the municipal surplus of \$2,284,055, which comprises of \$3,292,774 in unrestricted cash and \$1,605,904 in payables/provisions, as at 30 April 2020.**
- 3. receives the Capital Works Report dated 8 May 2020.**

(CARRIED UNANIMOUSLY)

12.1.2 Accounts for Payment – April 2020

File ref	F/FNS2
Prepared by	John Mondini, Manager, Finance & Administration
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – April 2020

Purpose

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 30 April 2020 and recorded in the minutes of the Council.

Executive Summary

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 April to 30 April 2020, 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.

The bulk of payments are processed by electronic funds transfer (EFT) with the exception of Water Corporation accounts which are paid by cheque and the occasional reimbursements and refunds.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)* requires Local Governments to prepare a list of payments made under delegated authority to be prepared and presented to Council on a monthly basis.

Policy Implications

Policy 2.1.3 Purchasing. All supplier payments are approved under delegated authority pursuant to the authorisation limits outlined in Council's purchasing policy.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

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)
That Council does not accept the list of payments	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	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	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

STRATEGIC PRIORITY 5: Leadership and Governance

A proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable.

Comment

Payments for the month of April 2020 include the following significant items:

Payee	Particulars	Amount
East Fremantle Junior Football Club	Contra Payment for Lighting as per funding agreement	45,000.00
Prime Civil Pty Ltd	Riverside Road Culverts	44,757.90
GFG Consulting	Irrigation Upgrades – Progress Claim 1	26,782.33
Aust Taxation Office	PAYG & GST Payments March 2020	37,958.00
SMRC	Waste/Gate Fees March 2020	40,795.05
South West Group	2 nd Instalment Contributions	21,143.65

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040520

Moved Cr Natale, seconded Cr Donovan

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, **RECEIVES** the list of payments made under delegated authority for the month ended 30 April 2020 and recorded in the Minutes of the Council.

APRIL 2020		
Voucher No	Account	Amount
EFT29382 – EFT29527	Municipal (EFT)	\$300,875.95
Payroll	Municipal (EFT)	\$229,121.25
Direct Debits	Municipal (Direct Debit)	\$54,767.92
	Total Payments	\$ 584,765.12

(CARRIED UNANIMOUSLY)

12.1.3 Review of Policy 2.1.5 Donation

File ref	C/POL1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Policy 2.1.5 Donations (with tracked changes)

Purpose

The purpose of this report is for Council to give consideration to making minor amendments to the Youth Sponsorship section of its existing Donations Policy

Executive Summary

That Council adopt revised Policy 2.1.5 Donations attached to this report.

Background

Council's current Policy, in respect to Youth Sponsorship, states:

"Youth Sponsorship

- i. Applications from individuals who are representing the State or competing at national or international level whether as an individual or as part of a team.*
- ii Applications for intellectual and cultural representation will be considered with this item.*

Limit interstate \$300 and international \$500 as a contribution to travel costs.

Applications cannot be considered from persons who previously received a sponsorship in the current or previous financial year."

Delegation DA51 Donation Requests authorises the Chief Executive Officer to approve these applications, following support from the Mayor.

Consultation

Elected Members – Concept Forum 10 March 2020

Statutory Environment

Section 2.7 2(b) *Local Government Act 1995*

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

Policy Implications

The amended Policy forms part of Council's Policy Register and is reviewed annually.

Financial Implications

An annual donation allocation is provided for in Council's budget.

Strategic Implications

Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services.

5.3 Strive for excellence in leadership and governance

5.3.1 Deliver community outcomes through sustainable finance and human resource management.

Site Inspection

Not applicable

Comment

Council receives a number of requests for youth sponsorship each year. Staff would appreciate some further clarity in processing these requests.

Firstly the criteria for “youth”. It has been normal practice to consider youth as under 18 years, however this is not stipulated in the Policy. The United Nations defines youth as persons between the ages of 15 and 24. The 2010 National Strategy for Young Australians defines youth in general as 12-24 years of age. Whilst it is considered Council’s policy was meant to include “children” the maximum age requires clarification.

Secondly, part 1 of Youth Sponsorship section stipulates:

“Applications from individuals who are representing the State or competing at national or international level whether as an individual or as part of a team.”

During early 2020, Council received five applications from young East Fremantle residents, members of a Club located in a neighbouring suburb, who were selected in teams to compete at a sporting meet in another State. Although they satisfied the criteria and each received \$300 to compete at this event, staff believe that the original intent of the Policy was for state representation rather than interclub competition that just happens to be held in the eastern states.

It is proposed the Policy to be amended to read:

“Applications from individuals who are representing the State or Australia at national or international level whether as an individual or as part of a team.”

Arising from discussions at the March Concept Forum, it is recommended that the following changes be made to the policy:

- Youth be defined as between the ages of 12-24 years of age
- National representation be included.
- There should only ever be one Council donation to each recipient.

12.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050520

Moved Cr Harrington, seconded Cr Collinson

That Council amend Policy 2.1.5 Donations attached to this report, as per tracked changes.

(CARRIED UNANIMOUSLY)

12.1.4 Review of Policy 2.1.3 Purchasing

File ref	C/POL1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Policy 2.1.3 Purchasing (with tracked changes)

Purpose

The purpose of this report is for Council to give consideration to amending its current Purchasing Policy:

- in line with recent statutory changes to legislation
- to provide purchasing authorisation for the newly appointed Communications & Marketing Officer.

Executive Summary

That Council adopt revised Policy 2.1.3 Purchasing attached to this report.

Background

On 9 May 2020 the *Local Government (Functions and General) Regulations 1996* were amended increasing the tender and purchasing policy thresholds from \$150,000 to \$250,000.

Council's existing Purchasing Policy has a tender threshold of up to \$150,000, therefore, it needs to be amended accordingly.

Consultation

N/A

Statutory Environment

Regulation 11A & 11 of the *Local Government (Functions and General) Regulations 1996* state:

11A Purchasing policies for local governments

(1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be **\$250,000** or less or worth **\$250,000** or less.*

11. When tenders have to be publicly invited

(1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than **\$250,000** unless subregulation (2) states otherwise.*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*

- (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
- (aa) *the supply of the goods or services is associated with a state of emergency; or*

- (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*

Policy Implications

The amended Policy forms part of Council's Policy Register and is reviewed annually.

Financial Implications

Whilst tenders are no longer required to be called unless the amount is expected to be or exceed \$250,000, staff will use their discretion to determine which procurement method will be most advantageous to achieve best value for money.

Strategic Implications

Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services.

5.3 Strive for excellence in leadership and governance

5.3.1 Deliver community outcomes through sustainable finance and human resource management.

Site Inspection

Not applicable

Comment

Tender Threshold

As the tender threshold is a statutory requirement, the change to Council's Purchasing Policy is recommended.

Communications & Marketing Officer

To enable this officer to work efficiently, an initial purchasing authority of \$1,500 is recommended. It is also recommended that the reference to the purchasing authority for the Project Officer (formerly Wendy Cooke's position) be removed. These small changes are to be reflected in the Procedures Attachment to the Policy.

12.1.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060520

Moved Cr Nardi, seconded Cr Natale

That Council amend Policy 2.1.3 Purchasing and Procedures Attachment appended to this report, as per tracked changes.

(CARRIED UNANIMOUSLY)

12.2 COMMUNITY

12.2.1 Endorsement of the Preston Point Road North Recreation Precinct Master Plan

File ref	A/PNRM
Prepared by	Karen Dore, Coordinator Capacity Building
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Preston Point Road North Recreation Precinct Master Plan (draft)2. Summary of Public Comment Submissions3. Summary of Proposed Priorities

Purpose

Council is requested to consider endorsing the Preston Point Road North Recreation Precinct Master Plan, as attached with deliberation of the officer's comments.

Executive Summary

The requirement for the preparation of a Preston Point Road North Recreation Precinct Master Plan was identified in the Town's Recreation and Community Facilities Strategy (adopted 13 December 2016).

A Master Plan for the Preston Point Road North Recreation Precinct will provide a blueprint to enable effective planning for the diverse sporting and active recreation requirements of the precinct to meet the needs of the community, providing clear direction in the short and medium term for the redevelopment / upgrade of and investment in recreation facilities.

Better meeting the recreational needs of our community could be reasonably expected to:

- increase the physical activity participation of the community;
- reduce the percentage of residents who are overweight and obese;
- increase the recognition of the value of sport and active recreation in the community; and
- develop social capital leading to a stronger, happier and more connected community.

The following items should also be noted when considering the criticality of this Plan;

- probable growth area due to the proposed redevelopment of the Leeuwin Barracks site;
- proposed co-location of facilities where appropriate and / or the assurance that with the three proposed upgrade / redevelopments there is not a duplication of facilities; and
- expectation of increased participation through new users, special interest groups and the wider community.

The Sporting Clubs that utilise the Precinct are identified as;

- East Fremantle Cricket Club
- East Fremantle Junior Cricket Club
- East Fremantle Junior Football Club
- East Fremantle Lacrosse Club
- East Fremantle Tennis Club

- East Fremantle Yacht Club
- First Fremantle Sea Scouts' (Camp Waller)
- Fremantle City Football Club (formerly EF Tricolore Soccer Club)

Background

A Scope of Works for the Plan was released in November 2018, with six (6) submissions received. In late December 2018 A Balanced View Leisure Consultancy Services (ABV) were engaged to undertake the preparation of the Master Plan. Extensive consultation and research has been undertaken by ABV since February 2019.

The draft Plan was released for public comment period on 21 February 2020, with submissions accepted up until close of business on 20 March 2020. A forum for precinct users was facilitated by the Town on Tuesday 25 February 2020

Forty submissions were received (summary below) and reviewed.

- 06 x Local Resident 15%
- 01 x Local Member 2%
- 04 x Club Representative 10%
- 02 x Non Resident 5%
- 26 x Unknown (no address) 66%
- 01 x State Sporting Association 2%

The submissions were broken down to one hundred and one "observations";

- 24 Local Resident 24%
- 01 Local Member 1%
- 35 Club Representative 35%
- 11 Non Resident 11%
- 28 Unknown (no address) 27%
- 02 State Sporting Association 2%

Consultation

- Businesses, Community Groups & Sporting Clubs
 - Online survey
 - One-on-one meetings
 - Breakfast presentation
 - Public comment period
- Community
 - Online / hard copy survey
 - Drop-in session onsite (2)
 - Breakfast presentation
 - Public comment period
- Department of Biodiversity, Conservation and Attractions (Swan River Trust)
- Town of East Fremantle "Neighbourhood Link"
- Neighbouring LGAs
- State Sporting Associations

Statutory Environment

Not applicable.

Policy Implications

Community Engagement Framework.

Financial Implications

There is no financial implication associated directly with the endorsement of this document.

Strategic Implications

The Town's Recreation and Community Facilities Strategy, adopted in December 2016, identified a range of strategic issues and principles to guide future development of recreation and community facilities in East Fremantle. Relevant to this project is Action 3.

Facility

Parks and Playgrounds

Rationale

Sporting reserves north of Preston Point Road comprise a significant open space precinct.

Comments

Master plan to include sporting facilities and passive recreation facilities (play spaces, trails and community meeting spaces) and amenities such as car parks.

Master plan to integrate the total area and create linkages which allow for multipurpose use and long term flexibility.

Designate reserves north of Preston Point Road as sites for major multi age play spaces, incorporating drinking water fountains, shade, seating and toilets in close proximity.

Action

Prepare a master plan for the sporting reserves north of Preston Point Road (Wauhop Park, Henry Jeffery Oval, Chapman Oval and Preston Point Reserve*).

Timeframe

2018-2019

*This 'precinct' also includes the following built facilities; East Fremantle Yacht Club, Camp Waller, Tennis Club Pavilion, East Fremantle Cricket & Lacrosse 'Clubhouse', East Fremantle Junior Cricket & Junior Football 'Clubhouse' and Tricolore Community Centre.

Site Inspection

ABV undertook various site inspections during the course of consultation and Plan preparation.

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)
That Council not endorse this document.	Unlikely (2)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	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	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

The Master Plan's Summary of Proposed Priorities is a suggested timeline with indicative costings. The listed projects are not final, and any identified project will be subject to a rigorous project planning process with further approval sought prior to commencement.

The focus area was gifted the quite onerous title of Preston Point Road North Recreation Facilities Precinct through the Town's Recreation and Community Facilities Strategy. It is recommended that this be simplified to "Preston Point Precinct", with the final document edited to reflect this change.

In deference to the review of submissions it is suggested that;

- an access audit (on buildings, reserves and existing pathways) be undertaken by Town staff.
- an end-of-trip facilities audit be undertaken by Town staff.
- a lighting audit be undertaken by Town staff.

OFFICER RECOMMENDATION

That Council:

1. note the forty submissions presented in Attachment 2;
2. endorse the Preston Point Road North Recreation Precinct Master Plan with the amended title of Preston Point Precinct Master Plan;
3. endorse the priority projects outlined in Part 14 of the Master Plan with projects to be reviewed and prioritised on an annual basis as part of the budget process; and
4. support the proposed audits (access, end-of-trip facilities and lighting) to be undertaken by Town staff.

*Moved Cr M McPhail, seconded Cr Nardi
The adoption of the Officer's recommendation.*

12.2.1 PROCEDURAL MOTION/COUNCIL RESOLUTION 070520

Moved Cr Natale, seconded Cr Harrington

That this matter be deferred to the June Council Meeting.

(CARRIED 5:4)

Reason for not Supporting Officer's Recommendation

To allow public participation in receiving the report at the June Ordinary Council Meeting.

Due to her proximity interest in the following matter, Cr Donovan left (logged off) the meeting at 6.44pm

12.3 REGULATORY

12.3.1 243 Canning Highway – Investigation Works for Possible Contaminated Site

Applicant	Not Applicable
File ref	P/CAN243
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 May 2020
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scope and Works and Quote 2. Permit Form Canning Highway

Purpose

This report recommends that Council approve the expenditure of up to \$5500 to investigate a ‘possibly contaminated - investigation required’ (PCIR) under the Contaminated Sites Act 2003(CS Act) at 243 Canning Highway, East Fremantle (subject site). The Town will approach WAPC as landowners and request a 50% contribution for the initial assessment (up to \$5,500). The Town will await the results of the report before determining additional actions for the subject site.

Executive Summary

The Town requested and has been offered the attached permit (expiring 9/12/24) for 243 Canning Highway, East Fremantle from Department of Planning, Lands and Heritage (DPLH) to potentially use the Site for Public Open Space (POS) purposes.

The subject site was a former service station and motor vehicle workshop facility (OTEK Australia, 1996) (years of operation unknown, Site infrastructure removed by 2003) and is classified as potentially contaminated ‘possibly contaminated - investigation required’ (PCIR) under the Contaminated Sites Act 2003(CS Act) due to uncertainty as to whether the Site is suitable for the proposed POS land use.

The Town requested a quote from Western Environmental (WEPL) to undertake investigation works at the site (attached quote). This report requests approval to commence initial investigation works on the subject site to ascertain the presence of contaminants.

Background

As part of the former service station and motor vehicle workshop facility divestment process, underground storages tanks (USTs) were removed from the Site and OTEK Australia were engaged to identify, validate and assist with the on-site remediation of hydrocarbon impacted soils; these activities were documented in a validation report was prepared by OTEK Australia in 1996.

Six USTs were reportedly removed from Site and approximately 450 m³ of soil was excavated from the UST pits to depths of 3 m and from other areas of the Site that displayed “obvious hydrocarbon impact”. Visually impacted soils were subject to on-site remediation. Validation samples were collected from the walls and floor or each UST pit and from the land-farmed (remediated) soil. Remediated soils were then backfilled into UST voids with imported sand before being compacted.

Validation samples from four locations were also collected by hand auger from the former bowser location and adjacent to the triple interceptor trap. Validation results were compliant with adopted assessment criteria and OTEK Australia concluded that “the site is now suitable for ongoing use as a commercial/industrial property” following the field work and remediation activities.

Groundwater was not encountered at the Site and no investigations were undertaken by OTEK Australia. Groundwater is reportedly at 37 metres below ground level (mbgl) based on review of the Perth Groundwater Atlas. Department of Environment and Conservation [DEC, currently part of and since renamed to Department of Water and Environmental Regulation (DWER)] reviewed the OTEK Australia validation report for the Site and identified a number of uncertainties and limitations associated with the soil and validation program in a letter dated 25 October 2011.

Key uncertainties and limitations include:

- Absence of information regarding historical operations at the site,
- The remediation program did not meet the appropriate standards as outlined in the Contaminated Site Management Series with no leachate control systems implemented or validation of soils below remediated soil stockpiles.
- Potential contamination of other Site infrastructure including the sales building and service workshop has not been investigated.

On this basis, the subject site was and remains classified as PCIR – Possible Contamination – Investigation Required pursuant to the Contaminated Sites Act.

Consultation

No consultation at this point has been undertaken. Upon the receipt of the report a further assessment regarding any required consultations will be undertaken.

Statutory Environment

Nil

Policy Implications

There are no Council Policies relevant to this item.

Financial Implications

Preliminary Site Investigation (PSI) / Detailed Site Investigation (DSI) / Sampling and Analysis Quality Plan (SAQP)

Western Environmental (quote attached) can undertake the above scope of works and prepare a PSI report for a lump sum fee of \$3,500 (ex GST) or a combined PSI/SAQP for a combined cost at \$5,500 (ex GST) to offer a cost saving to Town of East Fremantle. These costs are subject to the assumptions and exclusions provided in the quote.

WEPL estimates that a stand-alone SAQP could be completed for a fee of \$3,000 and DSI could be completed for a fee between \$15,000 to \$30,000, however, this DSI value is subject to the findings of the PSI.

Strategic Implications

Strategic Priority 4 – Natural Environment – Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore*
 - 4.1.2 *Plan for improved streetscapes parks and reserves*
- 4.2 *Enhance environmental values and sustainable natural resource use*
 - 4.2.1 *Reduce waste through sustainable waste management practices*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts*

Site Inspection

Not applicable.

Risk Implications

A risk assessment has been undertaken with regard to the proposed investigations works and the permit relating to the subject site. In order to mitigate risks associated with the site and any potential contaminants onsite, it is proposed to undertake initial investigation. This investigation should detail possible risks associated with Council commencing a lease on the site.

The Town will approach WAPC and request a 50% contribution for the initial assessment (up to \$5,500). Possible further risks that will be identified upon completion of the investigation works include potential financial implications, health and safety implications and future development risks. The Town will consider all matters upon the assessment results for the site being presented to Council

Comment

The CEO requested Council's PEHO to determine on what basis the Town could utilise 243 Canning Highway as a passive recreational use given the Town is considering accepting the proposed permit on a peppercorn basis from the WAPC. The Town intends to take over responsibility to maintain the land i.e., lawn mowing and watering, and would like to possibly further utilise the space as an extension of adjoining Lee Park. The Town would like the fencing to be removed and tree planting to improve the ambience of the area.

Discussions with DWER identified that a detailed site (contamination) investigation would have to be undertaken by an approved environmental consultant in accordance with current Contaminated site Management Series.

The PEHO arranged for an archive search of DWER database for the original OTEK Validation Report which was then provided to environmental consultant WEPL. WEPL have taken this report and letter received on 25 October 2014 to develop a proposal to undertake a relevant contamination investigation and to determine if there are residual potential contamination impacts that may require further investigation and possible remediation to ensure the Site is suitable for the proposed POS land use.

This proposal details the undertaking of Preliminary Site Investigation (PSI) and a cost estimate to undertake a subsequent Detailed Site Investigation (DSI) at the Site. The requirement for and

scope of additional risk assessment, remediation and/or ongoing management at the Site will be determined following completion of the PSI and DSI.

- The scope of works will comprise the following:
- Determining the characteristics of the site and surrounding land through a detailed desktop assessment.
- Reviewing historical tenure and state records.
- Reviewing current and historical site plans (where available).
- Reviewing historical aerial photographs.
- Searching Government databases including DWER's contaminated sites database.
- Searching DWER Water Information Reporting (WIR) Groundwater Bore Database.
- Search under Freedom of Information (FOI) of DMIRS dangerous goods storage registers.
- Search Town of East Fremantle and DWER records for information pertaining to potential contamination under Freedom of Information (FOI).
- Formal site walkover/inspection to assess for visual signs of contamination.
- Interviews with available persons with knowledge of past and present Site activities.
- Development of a preliminary conceptual site model (CSM) to determine likely potential contamination sources, pathways, receptors.
- Preparation of a PSI Report as per DWER guidelines, encompassing the information described above.

Potential Future Works

Based on the historical land uses, and in accordance with the DER (2014) Assessment and management of Contaminated Sites, it is anticipated the PSI will identify potential areas of contamination on the Site. In line with the staged approach to contamination assessments the next phase will be the development of a Sampling and Analysis Quality Plan (SAQP) for a Detailed Site Investigation (DSI).

The purpose of the DSI would be to establish the extent, nature and magnitude of contamination identified (if any) associated with the historical land uses within and surrounding the Site and allow informed decision regarding future management of the Site.

The scope of works for a DSI, which would encompass soil and potential groundwater investigations, can be established once the SAQP has been finalised. If contamination is identified on-site further delineation sampling and possible remediation and validation activities may be required.

12.3.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080520

Moved Cr Watkins, seconded Cr Nardi

That Council:

- 1. agree to initial investigation works being undertaken and approve the expenditure of up to \$5500 to investigate a 'possibly contaminated - investigation required' (PCIR) under the Contaminated Sites Act 2003(CS Act) at 243 Canning Highway, East Fremantle.**
- 2. approach the WAPC being the landowners and request a 50% contribution for the initial assessment (up to \$5,500).**

(CARRIED UNANIMOUSLY)

Cr Donovan returned (logged in) to the meeting at 6.52pm via an electronic meeting invite, and it was noted she did not speak nor vote on the previous matter.

12.4 GOVERNANCE

12.4.1 Elected Member & CEO Training and Professional Development Policy

File ref	C/POL1
Prepared by	Janine May, EA to the Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	19 May 2020
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Draft Policy 1.1.8 Elected Member & CEO Training and Professional Development

Declaration of Interest

The Chief Executive Officer assisted with the preparation of the report.

Purpose

The purpose of this report is for Council to give consideration to adopting an Elected Member & CEO Training and Professional Development Policy as required as part of the recent review of the *Local Government Act 1995*.

Executive Summary

That Council adopt Policy 1.1.8 Elected Member & CEO Training and Professional Development attached to this report.

Background

Recent amendments to the *Local Government Act 1995* require:

- each elected member to complete training in accordance with the Regulations (s5.126)
- the CEO to publish a report on the local government's website within one month of the end of each financial year detailing the mandatory training completed by elected members (s5.127)
- a local government to prepare and adopt a policy in relation to the continuing professional development of elected members (s5.128)

Consultation

Elected Members – Concept Forum 12 May 2020

Statutory Environment

Local Government Act 1995:

5.126. *Training for council members*

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which training must be completed; and*

- (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
- (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. *Report on training*

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

5.128. *Policy for continuing professional development*

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*
** Absolute majority required.*
- (2) *A local government may amend* the policy.*
** Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government —*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.*

Policy Implications

The adopted Policy would form part of Council's Policy Register and be reviewed annually.

Financial Implications

Proposed training allocations are set out in the draft Policy attached.

- Councillors \$3,000 x 8 = \$24,000 pa
- Mayor \$6,000 pa
- CEO \$6,000 pa

Current budget allocations for 2019/20

- E04252 Councillor Training Expenses \$25,000
- E04245 Staff Training & Conferences \$20,000

Strategic Implications

Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services.

5.3 Strive for excellence in leadership and governance

5.3.1 Deliver community outcomes through sustainable finance and human resource management.

Site Inspection

Not applicable

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)
Contravention of requirements of LGA by not adopting the required Policy	Rare (1)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	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	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

Mandatory Training

The *Local Government (Administration) Regulations 1996* (Regulations) requires elected members to complete a *Council Member Essentials* course consisting of five modules. Training exemptions as specified in the Regulations, apply. Training must be completed by all elected members following their election within 12 months of taking office and is valid for five years. The Regulations require that the course is completed through North Metropolitan TAFE, South Metropolitan TAFE, or West Australian Local Government Association (WALGA).

Following each Ordinary Election, elected members will be provided with information on training options from the approved training providers. Elected members will be able to select a training option to meet their learning style and availability, this may include online, in person or a combination of both.

Unless otherwise resolved by Council, the mandatory training that elected members are required to complete under section 5.126 of the Act will be paid for separately by the Town and will not be allocated to the elected member's individual training and professional development allocation.

The Town is required to report annually on who has completed mandatory training and publish this on the Town's website. The report will list the applicable elected member and the training completed by each elected member in that financial year.

Professional Development

The Town supports elected members to participate in continuing professional development opportunities in accordance with section 5.128 of the Act. The Policy ensures alignment of professional development activities with the strategic direction of the Town, considers skills gaps in fulfilling duties required to be performed by the Council and the needs of the individual elected members. The Policy also addresses the CEO's professional development needs.

12.4.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090520

Moved Cr Natale, seconded Cr Watkins

That Council

- (1) adopt Policy 1.1.8 Elected Members & CEO Training and Professional Development attached to this report.**
- (2) instruct the CEO to publish Policy 1.1.8 on the Town's website in accordance with section 5.128(4) of the *Local Government Act 1995*.**

(CARRIED UNANIMOUSLY)

(ABSOLUTE MAJORITY)

12.4.2 Delegated Authority Register

Applicant	Town of East Fremantle
File ref	C/DEL1
Prepared by	Gary Tuffin, Chief Executive Officer
Report Date	19 May 2020
Voting requirements	Absolute majority
Documents tabled	Nil
Attachments	1. Updated Delegated Authority Register (Changes marked in red)

Purpose

To consider approving the delegation of designated powers and functions as listed in the Delegated Authority Register 2020 to the Chief Executive Officer and Committees pursuant to sections 5.42 & 5.16 of the *Local Government Act 1995* respectively.

Executive Summary

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

The Delegated Authority Register was last reviewed at Council's Ordinary meeting held on 19 March 2019 with some further amendments adopted on 16 July, 17 September & 19 November 2019 and 18 February and 21 April 2020.

The Delegated Authority Register 2020 is now presented for Council's consideration and endorsement.

Background

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

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

Consultation

Executive Manager Regulatory Services
Executive Manager Corporate Services
Operations Manager

Statutory Environment

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

- *Any duty requiring an absolute or higher majority of Council*
- *Accepting a tender greater than an amount set by Council*
- *Appointing an auditor*
- *Disposing of or acquiring property valued higher than an amount set by Council*
- *Deciding fees payable to elected members*
- *Borrowing money*
- *Determining objections to a Council decision of a kind referred to in Section 9.5*

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

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

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency

5.3 Strive for excellence in leadership and governance

5.3.2 Improve organisational systems with a focus on innovation

Site Inspection

Not applicable

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)
That Council won't meet its statutory obligations if delegations are not reviewed annually.	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	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	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

There have been minor amendments (marked up in red) to the following delegations, in most cases simply adding sub-delegations:

- DA4 Disposal of Property Other than Land
- DA7 Contract Price Variation
- DA11 Issuing of Notices
- DA13 Prosecutions
- DA14 Rates and Service Charges Agreements
- DA15 Tenders/Quotations
- DA15 Bond Refunds
- DA35 Ordering Thresholds
- DA38 Food Act 2008 – To Issue Infringement Notices
- DA39 Food Act 2008 – To Receive Payment & Grant Extensions of Time
- DA42 Cat Registration
- DA69 Category 2 Advertising Signs Within Main Roads WA Reserves
- DA75 Dog Registration
- DA78 Petty Cash Disbursements

The amendment to delegation DA35 Ordering Thresholds is to replace the Project Officer (this position no longer exists) with the recently employed Community Marketing Officer. Report 12.1.4 of this Agenda contains a recommendation to provide the Community Marketing Officer with a purchasing threshold of \$1,500.

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

12.4.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 100520

Moved Cr Harrington, seconded Cr Nardi

That Council endorse the revised Delegated Authority Register 2020 as attached.

(CARRIED UNANIMOUSLY)

(ABSOLUTE MAJORITY)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

4.5 Motions of which previous notice has been given

- (1) *Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business of the Town as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO or at the last Council meeting.*
- (2) *A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.*
- (3) *A notice of motion must relate to the good government of persons in the district.*
- (4) *The CEO—*
 - (a) *with the concurrence of the Mayor, may exclude from the notice paper any notice of motion that he or she considers to be out of order under clause 8.2(1), such as a breach of clause 7.7 and 7.13 of this local law; and*
 - (b) *may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.*

13.1 Cr M McPhail - Voting at Council Meetings

With a new Council, and with Council meetings now happening in a more digital manner, the following motion is proposed:

“That Council’s voting pattern be minuted for every vote.”

Administration comments:

Cr McPhail has advised that the proposed motion is to cover all future meetings, not just electronic meetings during the current state of emergency.

Section 5.21 (4) of the *Local Government Act 1995* provides;

- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present,**on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*

13.1 ELECTED MEMBER MOTION

Moved Cr M McPhail, seconded Cr Natale

That Council’s voting pattern be minuted for every vote.

(LOST 2:7)

13.2 Cr M McPhail – Public Art Reserve Allocation – One Year Deferral

Council acknowledges the need to prepare a ‘no frills’ VY2021 budget following its decision to freeze rate yield in response to the COVID19 pandemic and economic emergency. In view of this, the following motion is proposed:

“That Council pause allocation of funds to the Public Art Reserve for FY2021, instead directing this funding to more essential services and capital works.”

Administration comment:

Officers support the proposed motion.

13.2 ELECTED MEMBER MOTION/COUNCIL RESOLUTION 110520

Moved Cr M McPhail, seconded Cr Harrington

That Council pause allocation of funds to the Public Art Reserve for FY2021, instead directing this funding to more essential services and capital works.

(CARRIED UNANIMOUSLY)

14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

16. NEW BUSINESS OF AN URGENT NATURE

Nil.

17. MATTERS BEHIND CLOSED DOORS

17. PROCEDURAL MOTION

Moved Cr Harrington, seconded Cr Nardi

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

(CARRIED UNANIMOUSLY)

17.1 Leeuwin Scout Hall Consideration of Future Use

Confidential Report (Separate Attachment)

17.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr Donovan, seconded Cr A McPhail

That Council support the investigation of an alternative facility use model, or models, for the Leeuwin Scout Hall, which is to include the following process:

- 1. Meeting with the current incumbents to explain and discuss the proposed process**
- 2. Formal advice of the withdrawal of the existing draft lease agreements**
- 3. Initiation of casual hire agreements (minimum term of 12 months) with FFSSG and HDBOCC 'hall area' bookings managed by the Town of East Fremantle**
- 4. Delineation of storage areas within the existing 'boat shed' portion of the facility, and clarification of what items the Town envisages are 'suitable' for storage**
- 5. Community consultation to gather ideas for consideration**
- 6. Preparation of a proposal for an alternative facility use model, or models, for consideration by Council.**

(CARRIED UNANIMOUSLY)



17. PROCEDURAL MOTION

Moved Cr Natale, seconded Cr M McPhail

That the meeting be reopened to the public at 7.32pm.

(CARRIED UNANIMOUSLY)

18. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.32pm.

I hereby certify that the Minutes of the ordinary meeting of the Council of the Town of East Fremantle, held on 19 May 2020, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

16 JUNE 2020



Presiding Member