



MINUTES

Council Meeting

Tuesday, 19 July 2022 at 6:30 PM

Disclaimer

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 19 JULY 2022.

1 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.30pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ANNOUNCEMENT TO GALLERY

Nil.

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

The following members were in attendance:

Mayor J O’Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr L Mascaro	
Cr D Nardi	
Cr A Natale	
Cr A White	
Cr M Wilson	

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
Mr N King	Executive Manager Technical Services
Ms J May	Minute Secretary

There were no members of the public in attendance

4.2 APOLOGIES

Nil.

4.3 APPROVED

Cr A McPhail

5 DISCLOSURES OF INTEREST

5.1 FINANCIAL

Nil.

5.2 PROXIMITY

Nil.

5.3 IMPARTIALITY

Nil.

6 PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME

Nil.

7 PRESENTATIONS/DEPUTATIONS

7.1 PRESENTATIONS

Nil.

7.2 DEPUTATIONS

Nil.

8 APPLICATIONS FOR LEAVE OF ABSENCE

8.1 CR NATALE

Cr Natale sought leave of absence from the 13 to 21 August.

8.2 CR DONOVAN

Cr Donovan sought leave of absence from the 7 to 13 August.

OFFICER RECOMMENDATION

Moved Cr White, seconded Cr Wilson

That Leave of Absence be granted to both Cr Natale and Cr Donovan for the periods requested in 8.1 and 8.2 respectively.

(CARRIED UNANIMOUSLY)

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 MEETING OF COUNCIL (21 JUNE 2022)

OFFICER RECOMMENDATION

Moved Cr Natale, seconded Cr White

That the minutes of the Ordinary meeting of Council held on Tuesday, 21 June 2022 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

10.1 TREE PLANTING

On Saturday 9 July I had the great pleasure of attending the tree planting along Jerrat Drive. It was simply fantastic with so many locals including families and children. The number of staff that attended including Carly Filbey, Connor Warn, Shelley Cocks, Dave Burke, Hayley Clark, James Morrison, Ken Svilicich and the new ranger Alex Horne was so brilliant.

Well done to everyone it was a huge success. Hopefully we can have more of these tree planting events in the future. One of the best things I have attended.

10.2 SWAN RIVER CROSSING SUBMISSION

I would also like to recognise Stacey Towne, Nick King and Gary Tuffin's work in the Town's response to the Crossing, the new traffic bridge and associated redevelopment. The Town does have some serious concerns regarding this proposal and hopefully these will be taken on board.

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS AND RECOMMENDATIONS OF COMMITTEES

Reports start on the next page

12.1 TOWN PLANNING COMMITTEE REPORT

Report Reference Number	OCR-1179
Prepared by	Andrew Malone Executive Manager Regulatory Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	

1. Town Planning Committee Minutes 5 July 2022

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 July 2022, exercised its delegation in three statutory matters where at least four members voted in favour of the Reporting Officer's recommendation.

BACKGROUND

Nil.

CONSULTATION

Town Planning Committee

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

RISK IMPLICATIONS

Nil.

SITE INSPECTION

N/A

COMMENT

Nil.

CONCLUSION

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

12.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 011907

Moved Cr Collinson, seconded Cr Mascaro

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 5 July 2022 be received.

(CARRIED UNANIMOUSLY)



MINUTES

Town Planning Committee Tuesday, 5 July 2022 at 5:30 PM

Disclaimer

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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MINUTES

1 DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.32 pm and welcomed members of the gallery.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 ANNOUNCEMENT TO GALLERY

"Members of the gallery are advised that no Council decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting, unless Council, by resolution carried at this meeting, requested the CEO to take immediate action to implement the decision."

4 RECORD OF ATTENDANCE

4.1 ATTENDANCE

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor J O'Neill	
Cr A Natale	
Cr L Mascaro	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
K Culkin	Minutes Secretary

There were no members of the public in the gallery.

4.2 APOLOGIES

Nil

4.3 APPROVED LEAVE

Cr D Nardi
Cr A White

5 MEMORANDUM OF OUTSTANDING BUSINESS

Nil

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



6 DISCLOSURES OF INTEREST

6.1 FINANCIAL

Nil

6.2 PROXIMITY

Nil

6.3 IMPARTIALITY

Nil

7 7. PUBLIC QUESTION TIME

7.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

Nil

7.2 PUBLIC QUESTION TIME

Nil

8 PRESENTATIONS/DEPUTATIONS

8.1 PRESENTATIONS

Nil

8.2 DEPUTATIONS

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 TOWN PLANNING COMMITTEE (7 JUNE 2022)

9.1 OFFICER RECOMMENDATION

Moved Cr Natale, seconded Mayor O'Neill

That the minutes of the Town Planning Committee meeting held on 7 June 2022 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



10 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

11 REPORTS OF COMMITTEES

Nil

12 REPORTS OF OFFICERS (COMMITTEE DELEGATION)

12.1 8 BAY PATCH STREET - NEW TWO STOREY DWELLING

Owner	Phooi Sie E
Applicant	ABN Residential Pty Ltd T/A Webb Brown Neaves
Report Reference Number	TPR-670
Planning Reference Code	P42/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 13 May 2022
4. Community consultation checklist

PURPOSE

The purpose of this report is for Council to consider a development application for a new two storey dwelling on a vacant lot at 8 (Lot 296) Bay Patch Street East Fremantle.

EXECUTIVE SUMMARY

This development application proposes a new 2 storey dwelling at 8 (Lot 296) Bay Patch Street, East Fremantle. It is proposed to construct a dwelling with 4 bedrooms, 3 bathrooms, study and alfresco area on a compact, vacant lot within the Richmond Raceway Precinct. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines related to lot boundary setbacks (3 locations), roof pitch and retaining walls and fill. The dwelling has a contemporary design style with a front fence and a 2 car, single width garage.

The following variations to the Residential Design Codes and the Residential Design Guidelines are requested;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall – 4.5m required, 1.01m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall – 1.8m required, 1.6m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall – 1.7m required, 1.21m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 12 degrees provided
- (v) Clause 5.3.7 – Residential Design Codes – Retaining Walls and Fill Behind a Street Setback Line – Setback for retaining 1m required, less than 1m provided

The proposed development is recommended for support subject to the conditions included in the final recommendation.

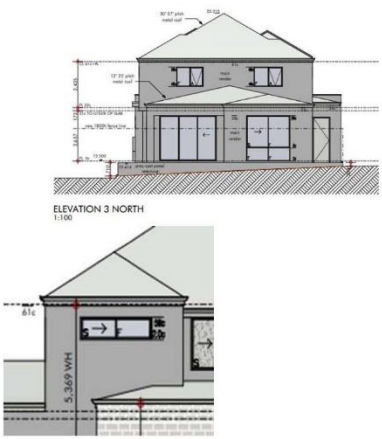
BACKGROUND

Zoning	Residential R30
Site Area	342m ²
Heritage	N/A
Fremantle Port Buffer	Area 3
Previous Decisions of Council and/or History of Issue Onsite	Vacant lot

CONSULTATION

Advertising

The proposed development was advertised to surrounding property owners from 5 to 20 May 2022. One submission was received and is included below;

Submission	Applicant Response	Office Response
<p>Thanks for sending me a copy of the proposed plan. Our only objection to the design is that the windows on the second storey present privacy issues for our property at 5 Speedy Cheval Street. Highlight windows as per those drawn in the side elevations would be okay. Please refer to the below image.</p>  <p>ELEVATION 3 NORTH 1:100</p>	<p>No formal response was received in regard to the submission.</p>	<p>The northern windows on the upper storey bedrooms 2 and 3 achieve the minimum visual privacy setback of 4.5m that is required by the Residential Design Codes deemed to comply clause 5.4.1 C1.1 i. No change is necessary to these window locations.</p>
<p>I support the proposal. I support the development, but I would have preferred if the facade of the property was more in line with the area's heritage look. That being said I have no other issues with the plans and the development. Thank you</p>		<p>Noted. At the time the area was subdivided/ redeveloped a design guideline was implemented for the area. This design guideline has subsequently been superseded. The Residential Design Guidelines requires that new development does not mimic or copy heritage style dwellings, however the proposal does utilize similar materials to those utilized throughout the precinct.</p>

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



Community Design Advisory Committee

This application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

External Consultation

The development application was referred to Main Roads Western Australia and the following response was received;

- (1) *This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for this residential development.*
- (2) *Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development. The notification is to state:
"The lots are situated in the vicinity of a transport corridor and are currently affected or may in the future be affected by transport noise."*

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No 3

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

- 3.1 *Facilitates sustainable growth with housing options to meet future community needs.*
 - 3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*
 - 3.1.2 *Plan for a mix of inclusive diversified housing options.*
 - 3.1.3 *Plan for improved streetscapes.*
- 3.2 *Maintaining and enhancing the Town's character.*
 - 3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
 - 3.3.1 *Continue to improve asset management within resource capabilities.*
 - 3.3.2 *Plan and advocate for improved access and connectivity.*

RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback	4m	4m ground floor 3.3m upper floor - average of setback of neighbouring properties	A
Lot Boundary Setbacks			
Ground floor – garage – western wall	0m (for a max of 2/3 length of boundary behind front setback)	0m for 12.09m (approx. 52%)	A
Ground floor - kitchen, dining – western wall	1.5m	1.6m	A
Ground floor – dining, alfresco – northern wall	1.5m	3.34m	A
Ground floor – alfresco, living, laundry, stairs, powder room, guest bedroom - eastern wall	4.5m	1.01m	D
Upper floor – main bedroom, WIR, ensuite, bathroom, bedroom 2 – western wall	1.8m	1.6m	D
Upper floor – bedroom 2 & bedroom 3 – northern wall	3m	10.651m	A
Upper floor – sitting, stairs, WC, bedroom 3 – eastern wall	1.7m	1.21m	D
Open Space	45%	46%	A
Outdoor Living Area			A
Car Parking	At least 1 car bay	2 car bays	A
Site Works	Compliance with appropriate	Between 0.204m and	D

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



	height and setback requirements	0.724m around northern and eastern boundary – adjacent to dividing fence	
Sightlines	1.5m truncations	1.5m truncations	A
Visual Privacy			
Bed 2	4.5m	>4.5m	A
Bed 3	4.5m	>4.5m	A
Living	6m	<6m	A – screening from fence
Alfresco	7.5m	<7.5m	A – screening from fence
Overshadowing	25%		N/A
Landscaping	2m x 2m planting zone	2m x 2m planting zone	Condition
	1 tree	1 tree	Condition
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof form and pitch	28 to 36 degrees	30 degrees 12 degrees	D
Materials and colours	Colours and materials shown	As per plans	A
Front fence	60% visual permeability` 1.8m maximum height	Greater than 60% visual permeability 1.8 maximum height	A
Pergolas			N/A
Footpaths and crossovers	Advice notes		
Garages	Maximum width of 30%	30%	A

This development application proposes a new 2 storey dwelling at 8 (Lot 296) Bay Patch Street, East Fremantle. It is proposed to construct a dwelling with 4 bedrooms, 3 bathrooms, study and alfresco area on a compact, vacant lot within the Richmond Raceway Precinct. Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines related to lot boundary setbacks (3 locations), roof pitch and retaining walls and fill. The dwelling has a contemporary design style with a front fence and a 2 car, single width garage.



Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall

The eastern wall on the ground floor is 20.59m long and 3.65m high with major openings. It is located 1.01m from the eastern boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 4.5m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because of the use of a dividing fence 1.8m high at a new higher ground level. The fence will act as sufficient privacy screening for the window from the living area and the other major openings are not connected to active habitable rooms (like the laundry for example which is not considered an active habitable space). The restricted area of the lot being 342sqm does cause issues in developing a dwelling on the lot, therefore subsequently there are setback variations requested. The proposal is considered to be an acceptable built form outcome considering the lot size. The reduced lot boundary setback can therefore be supported.

Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall

The western wall on the ground floor is 14.59m long and less than 5.5m high without major openings. It is located 1.6m from the western boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.8m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation are provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is only a minor variation of 0.2m with regards to the lot boundary setback. There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because the windows in the western upper storey wall are not major openings attached to bedrooms or living areas. The restricted area of the lot being 342sqm does cause issues in developing a dwelling on the lot, therefore subsequently there are setback variations requested. The reduced lot boundary setback can be supported.

Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall

The eastern wall on the upper floor is 12.99m long and 6.019m high without major openings. It is located 1.21m from the western boundary. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located 1.7m from the side boundary. In this case the reduced lot boundary can be supported in accordance with design principles 5.1.3 P3.1 for the following reasons;

- Minimal impact of building bulk on the adjoining property,
- Adequate sunlight and ventilation is provided to the building and open spaces on the site and the adjoining property, and
- Minimal overlooking and loss of privacy on the adjoining property.

There is only a minor variation of 0.49m with regards to the lot boundary setback. There is a sufficient gap between the respective buildings to ensure adequate sunlight and ventilation can still reach the area between the buildings and open spaces on both sides of the boundary. Privacy is maintained between the properties because the windows in the eastern upper storey wall are not major openings attached to bedrooms or living areas. The restricted area of the lot being 342sqm does cause issues in developing a



dwelling on the lot, therefore subsequently there are setback variations requested. The proposal is considered to be an acceptable built form outcome considering the lot size. The reduced lot boundary setback can be supported.

Roof Pitch

The roof pitch in the Richmond Raceway precinct is required to be between 28 and 36 degrees in accordance with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1. The front section of the proposed dwelling has a pitch of 30 degrees while the rear roof section of the ground floor has a pitch of 12 degrees. Whilst the rear roof with the roof pitch less than 28 degrees, it can be supported because it complements the traditional form of the surrounding development in the immediate locality. The roof is hidden behind the main part of the upper storey of this dwelling and as such cannot be seen from the street front. For these reasons the reduced roof pitch can be supported.

Retaining Walls and Fill Behind a Street Setback Line

In accordance with the Residential Design Codes deemed to comply clause 5.3.7 C7.2 retaining walls should be located an increasing distance from the boundary depending on their height. In this case the retaining walls are between 0.204m and 0.724m above natural ground level along the eastern and northern boundary. In accordance with Table 4 the retaining walls should be located a minimum of 1m from the boundary. In this case the retaining walls are located up to the boundary and are accompanied by fill to increase the level of the proposed dwelling along the eastern and northern boundary. The reduced setback of the retaining walls and the subsequent increased height can be supported in accordance with design principles 5.3.7 P7.3. The retaining walls result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clause 5.3.7 and 5.4.1 of the Residential Design Codes. The retaining walls will allow for an increase in the height of the site but will also enable privacy between the subject site and the adjoining property, despite the increase in the height of the building above the natural ground level.

Submissions

Two submissions were received. One was supportive of the proposal and the other requested amendments to improve privacy between neighbouring dwellings. The latter submission requested that the bedroom windows at the rear of the dwelling be modified to highlight windows above 1.6m from the finished floor level of the second storey. Bedroom windows require a 4.5m visual privacy setback from the boundary in accordance with the Residential Design Guidelines deemed to comply clause 5.4.1 C1.1 i. In this case the windows easily achieve this to the northern boundary with a setback from the windows to the boundary of 10.651m. There is no requirement for the design of the dwelling to be modified in response to this submission.

Noise

Two conditions were required to be included in the final recommendation in accordance with Main Roads Western Australia advice received as part of standard referral to this organisation.

- (1) *This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for this residential development.*
- (2) *Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development. The notification is to state:
"The lots are situated in the vicinity of a transport corridor and are currently affected or may in the future be affected by transport noise."*

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



These conditions have been included in the final recommendation requiring the development to undertake noise mitigation measures in alignment with State Planning Policy 5.4 Road and Rail Noise and also make future byers aware of potential noise issues in the area.

CONCLUSION

The proposed development is recommended for support subject to the conditions included in the final recommendation. The proposed double storey dwelling is a relatively modest proposal that fits in well with the existing streetscape and the restrictive size of the lot and has minimal variations to the Residential Design Codes and the Residential Design Guidelines. It has limited impacts on the surrounding properties.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

12.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION TP010722

Moved Cr Mascaro, seconded Cr Natale

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Ground Floor – Alfresco, Living, Laundry, Stairs, Powder Room, Guest Bedroom - Eastern Wall – 1.7m required, 1.01m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Main Bedroom, WIR, Ensuite, Bathroom, Bedroom 2 – Western Wall – 1.8m required, 1.6m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Upper Floor – Sitting, Stairs, WC, Bedroom 3 – Eastern Wall – 1.7m required, 1.21m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 12 degrees provided
- (v) Clause 5.3.7 – Residential Design Codes – Retaining Walls and Fill Behind a Street Setback Line – Setback for retaining 1m required, less than 1m provided

for a new 2 storey dwelling at No. 8 (Lot 296) Bay Patch Street, East Fremantle, in accordance with the plans date submitted 27 May 2022, subject to the following conditions:

- (1) This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement Noise Insulation "Deemed to Comply" packages for this residential development.
- (2) Prior to occupation of the Development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development. The notification is to state:
"The lots are situated in the vicinity of a transport corridor and are currently affected or may in the future be affected by transport noise."
- (3) The crossover widths are not to exceed the width of the crossovers indicated on the plans date stamped received and to be in accordance with Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.
- (4) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.
- (5) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.
- (6) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.



- (7) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.
- (8) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (9) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (10) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (11) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (12) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner.

- a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- b) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*

Crossover Specifications

[crossover_specification_2017.pdf \(eastfremantle.wa.gov.au\)](#)

Residential Design Guidelines

[3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf \(eastfremantle.wa.gov.au\)](#)

Urban Streetscape and Public Realm Style Guide

[EFUSPR_Style_Guide_FINAL_210108.indd \(eastfremantle.wa.gov.au\)](#)

Application to Conduct Crossover Works

[Application_to_conduct_crossover_works.pdf \(eastfremantle.wa.gov.au\)](#)

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



- | |
|--|
| <p>d) It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.</p> <p>e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).</p> <p>f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.</p> <p style="text-align: right;">(CARRIED UNANIMOUSLY)</p> |
|--|

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

Attachment -1

8 Bay Patch Street – Location and Advertising Plan



Attachment 1

Attachment -2

8 Bay Patch Street – Photos



Attachment 1

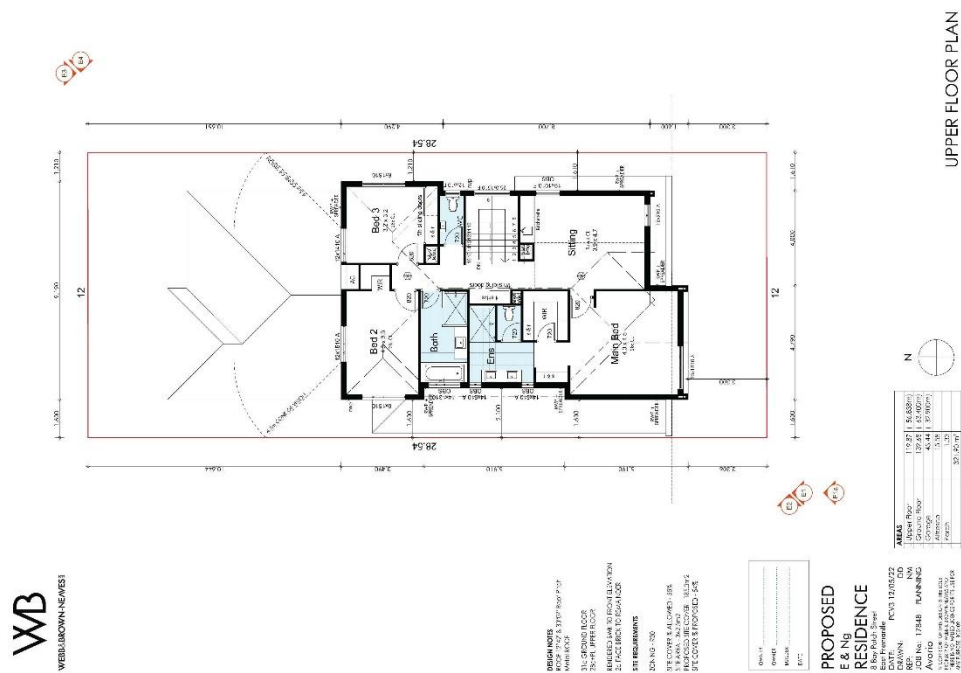
Attachment -2



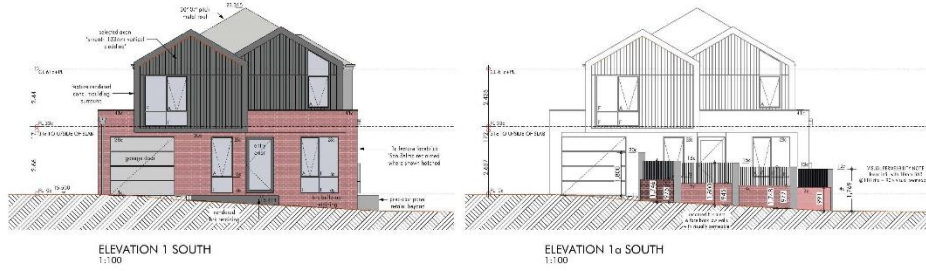
Attachment -3



Attachment -3



Attachment -3



ELEVATION 1 SOUTH
1:100

ELEVATION 1a SOUTH
1:100

ELEVATIONS 1
SCALE: 1/125



ELEVATION 2 WEST
1:100



**PROPOSED
E & NS
RESIDENCE**
 Date: 12/15/2022
 Drawn: J. B. B. B.
 Job No: 17348 PLANNING
 Project: 17348 PLANNING
 17348 PLANNING
 17348 PLANNING

Attachment -3



ELEVATION 3 NORTH
1:100

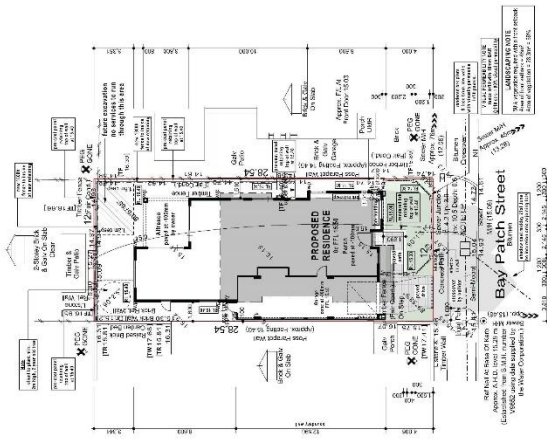
ELEVATION 4 EAST
1:100

ELEVATIONS 2
SCALE: 1/125



**PROPOSED
E & NS
RESIDENCE**
 Date: 12/15/2022
 Drawn: J. B. B. B.
 Job No: 17348 PLANNING
 Project: 17348 PLANNING
 17348 PLANNING
 17348 PLANNING

Attachment -3



OWNER TITLE / SURVEY PRIMA FIDE
RESIDENCE
E & N
RESIDENCE
DAWN POC 12/02/22
JOB No. 17348 PLANNING
AVOID ALL UTILITIES, ETC.
DATE 12/02/22

1ST REQUIREMENTS
 1. PERMIT 24.0001 - RES
 2. PERMIT 24.0002 - RES
 3. PERMIT 24.0003 - RES
 4. PERMIT 24.0004 - RES

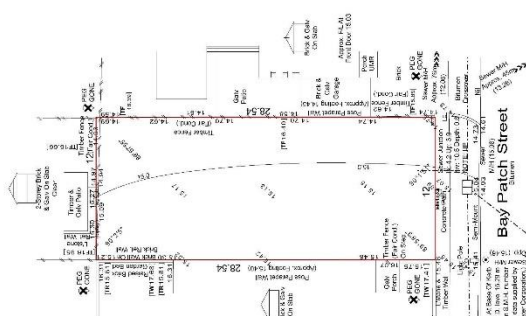
NOTES:
 1. ALL DIMENSIONS ARE IN METERS.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

PROPOSED
E & N
RESIDENCE
DAWN POC 12/02/22
JOB No. 17348 PLANNING
AVOID ALL UTILITIES, ETC.
DATE 12/02/22

PROPOSED SITE
 SCALE: 1:200

Attachment -3

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20



PROPOSED
E & N
RESIDENCE
DAWN POC 12/02/22
JOB No. 17348 PLANNING
AVOID ALL UTILITIES, ETC.
DATE 12/02/22

1ST REQUIREMENTS
 1. PERMIT 24.0001 - RES
 2. PERMIT 24.0002 - RES
 3. PERMIT 24.0003 - RES
 4. PERMIT 24.0004 - RES

NOTES:
 1. ALL DIMENSIONS ARE IN METERS.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

EXISTING SITE
E & N
RESIDENCE
DAWN POC 12/02/22
JOB No. 17348 PLANNING
AVOID ALL UTILITIES, ETC.
DATE 12/02/22

LOT MISCLOSE
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11	12	13	14	15	16	17	18	19	20

PROPOSED
E & N
RESIDENCE
DAWN POC 12/02/22
JOB No. 17348 PLANNING
AVOID ALL UTILITIES, ETC.
DATE 12/02/22



Community Engagement Checklist

Development Application P42/22 – 8 Bay Patch Street

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	20/05/2022	<input checked="" type="checkbox"/> Advertised to 5 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		20/05/2022		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

12.2 27A DUKE STREET - ALTERATIONS AND ADDITIONS

Owner	Melissa Wallis
Applicant	Wing Hong Chong
Report Reference Number	TPR-603
Planning Reference Code	P28/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 12 May & 17 May 2022
4. Place record form
5. Community consultation checklist

PURPOSE

The purpose of this report is for Council to consider a development application for proposed alterations and additions at 27A (Lot 1) Duke Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes alterations and additions at 27A (Lot 1) Duke Street, East Fremantle. The property is on the Town’s heritage survey and categorised as Category C. The owners have chosen to retain the existing building with significant changes being undertaken at the rear and sides of the dwelling. There are 2 variations to the Residential Design Codes and the Residential Design Guidelines that are proposed including lot boundary setback, and roof pitch.

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Southern Wall – Garage, Laundry, Bathroom – 1m required, 0m provided, and
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided.

The proposed development application is recommended for approval subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	Residential R20
Site Area	340m2
Heritage	Category C
Fremantle Port Buffer	Area 2
Previous Decisions of Council and/or History of Issue Onsite	Nil

CONSULTATION

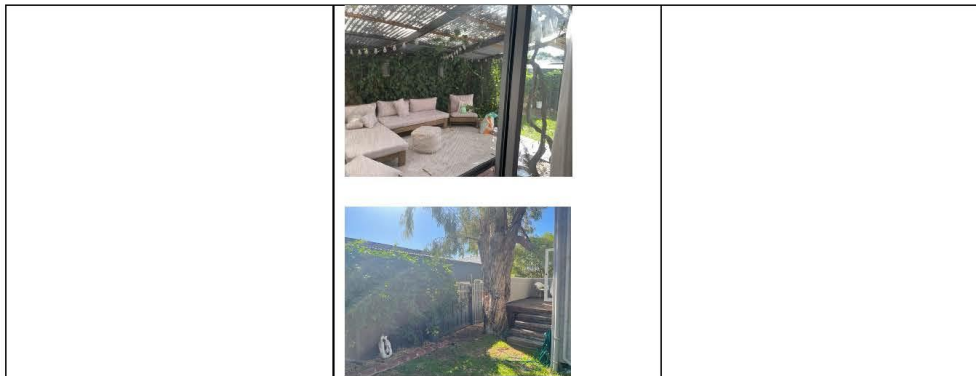
Advertising

The proposed development was advertised from 28 March to 13 April 2022. One submission was received.

Submission	Applicant Response	Officer Response
<p>Submission 1 My concerns with the development are 1) The pool pump working 8 hours 1 meter from my bedroom 2) any windows looking over into my bedrooms and toilet. For example, W5,AW1.SD1.WF2 or any window facing my windows. 3) The height of the decking When people standing on that can look through all my windows. My immediate concerns are all bedrooms run down the side of the house. Due to the elevation of 27A duke street, a standard fence height will not prevent 27a directly looking into our bedrooms invading our privacy.</p>	<p>1. The pool will be installed as per WA standards. The following steps will be taken to ensure minimal disturbance.</p> <ul style="list-style-type: none"> • Pool pump will operate during the day • Pool motor will be a quiet air-cooled model • We will install flexible coupling secured by jubilee clips on the inlet side of the motor to isolate the motor and prevent noise transmission • There will be an enclosure over the pool pump which will be lined with rubber acoustic lining. • Location of the pump will be considered when installing. <p>2. We are a bit unsure about this objection as there are less windows overlooking the property in our proposed plans, than currently.</p> <ul style="list-style-type: none"> • W5 - has been removed from plan however this is an existing window – see attached image 1 • AW1 – unsure how this overlooks bedrooms as it is on other side of the house and it a kitchen servery window? There is currently a glass sliding door here. See image 2 • SD1 – Again unsure how this overlooks bedrooms, being at the rear of the property – it is a sliding door into the back patio – a door is currently in this exact spot. See image 3 • WF2 – Again, this is at the rear of the property and a window is currently in this exact position. See attached image 4 • There are no windows facing the north side of the property or overlooking bedrooms as they are being removed. Currently there are 3 windows which overlook the property. All of these are being removed therefore we are uncertain as to how these plans could possibly be infringing on privacy. <p>3. The height of the decking will not change to what is already there. Further to this we erected a privacy screen and planted a vine 2 years ago to provide further privacy. If they would like a higher privacy screen added, we are</p>	<p>Pools and pool pumps are not subject to the development application in accordance with the Planning and Development Regulations, however as stated in the applicant’s response attempts will be made to mitigate the effects of noise and vibration from the pool pump and filter. North facing windows have been removed from the proposed design to increase privacy between dwellings. Visual privacy screening will be located along the boundary fence to limit overlooking into the neighbouring property. A condition will be included in the final recommendation to ensure that privacy screening is installed in accordance with the requirements of the Residential Design Codes. Absolute privacy cannot be guaranteed in residential areas where there are a mix of housing types and dwellings that do not meet contemporary planning requirements or have design features that limit the ability to gain greater levels of privacy. Privacy requirements typically cannot be imposed unless development is proposed that is subject to a development application and as part of the assessment overlooking is identified and can be rectified through privacy measures such as screening or changes in window location and design.</p>

happy to comply if the shire is happy with the fence being that high. Unfortunately, the placement of their bedrooms is not something we can avoid. As stated above all north facing window have been removed therefore there will be no windows looking into bedrooms – however at the moment, we have 3. We have specifically added skylights to the ensuite and WIR opposed to putting windows in for this exact reason.





Community Design Advisory Committee

This application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No 3

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitates sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Minor incursions			N/A
Lot Boundary Setbacks			
Southern wall – garage, laundry, bathroom, bathroom	1m	0m	D
Western wall – alfresco, pool deck	1m	1.4m	A
Northern wall – alfresco, living	1m	3.2m	A
Northern wall – sauna, ensuite, WIR	1m	1.145m	A
Open Space	50%	53%	A
Car Parking	2 car bays	2 car bays	A
Maximum roof height	10m	6.55m	A
Maximum wall height	7m	3.67m	A
Site Works			N/A
Visual Privacy			
Alfresco	7.5m	Screening to be provided	A
Living area	6m	Screening to be provided	A
Overshadowing	<25%	5%	A
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof form and pitch	28 to 36 degrees	<28 degrees	D
Materials and colours	Colours and materials shown		A

Landscaping	2m x 2m planting zone and tree	Shown on plans - condition	A
Front fence – fence is existing			N/A
Pergolas			N/A
Footpaths and crossovers – no change	N/A		
Garages and carport	30% maximum lot width	<30%	A

This development application proposes alterations and additions at 27A (Lot 1) Duke Street, East Fremantle. The property is designated as heritage Category C (on the heritage survey but not on the heritage list). The owners have chosen to retain the existing building with significant changes being undertaken at the rear and sides of the dwelling. There are two variations to the Residential Design Codes and the Residential Design Guidelines that are proposed including lot boundary setbacks (1 location), and roof pitch.

Lot Boundary Setback - Southern wall – Garage, Laundry, Bathroom

The southern wall is 13.713m long and 3.5m high (mean height) with no major openings. In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 the wall should be located a minimum of 1m from the boundary. In this case the wall is located along the boundary. This can be supported in accordance with design principles clause 5.1.3 P3.2 for the following reasons;

- More effective use is made of the space for enhanced privacy of the occupants and neighbouring properties,
- There is minimal impact of building bulk on adjoining properties,
- Adequate direct sunlight and ventilation is provided to the building and open spaces on site and the adjoining properties,
- Minimal overlooking and loss of privacy on adjoining properties,
- Does not have an adverse impact on the adjoining property,
- Direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted, and
- Positively contributes to prevailing and future development context and streetscape as outlined in the local planning framework.

The wall abuts the side access lane for the rear strata property so has minimal impact on the southern neighbouring property in terms of impacts to sunlight, privacy or bulk to the adjoining neighbour. There are no windows in the wall, so privacy is not compromised. The proposal is single storey and has no significant bulk impacts to the neighbours or the streetscape. For these reasons the proposed wall with the reduced lot boundary setback can be supported.

Roof Pitch

The roof pitch of dwellings in Plympton is supposed to be between 28 to 36 degrees in accordance with the Residential Design Guidelines acceptable development provisions 3.7.8.3 A4.1. In this case the new roof at the rear of the dwelling has a roof pitch that is either 3 degrees and 26 degrees. The proposed roof form can be supported because it complements the traditional form of surrounding development in the immediate locality in accordance with the performance criteria 3.7.8.3 P4.

Submission Following Advertising

There was one submission in relation to this development application. Although there are often concerns about noise and privacy around developments within the Plympton precinct it must be recognised that the Plympton precinct was settled in the 1890s well before the adoption of the latest versions of the Residential Design Codes (2021) and the Residential Design Guidelines (as amended 2016). As such many existing dwellings do not strictly comply with the requirements of the Residential Design Codes or the Residential Design Guidelines and when this is combined with new development concerns may arise. Where possible

and in accordance with the current planning regulations the Town will typically impose requirements on developments that ensure a significant level of privacy but cannot eliminate noise brought on by normal residential activity.

In this case visual privacy screening was included in the proposed plans and the design was changed to remove windows from the side of the dwelling that was of concern to the submitter. As with all development a certain level of compromise has to be reached from all parties to produce a satisfactory outcome. Absolute privacy cannot be guaranteed in residential neighbourhoods and the use of outdoor living areas which is a normal residential behaviour cannot be removed.

It should also be noted that the elements of the built environment within the Plympton precinct that often cause concerns are the same reasons that people are attracted to the area; heritage properties, reduced front and side boundary setbacks, and eclectic dwellings. These design elements are often missing from newer suburbs and give Plympton precinct the character that the Town of East Fremantle is renowned for.

CONCLUSION

Based on the preceding assessment the proposed development at 27A Duke Street can be supported, subject to the conditions included in the final recommendation. The proposed variations to the Residential Design Codes and the Residential Design Guidelines are relatively minor, and changes have been included in the amended plans which addressed issues that were highlighted by the submission received following advertising. For these reasons the proposed development should be supported.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COUNCIL RESOLUTION TP020722

Moved Mayor O'Neill, seconded Cr Mascaro

That development approval is granted, and Council exercises its discretion regarding the following:

- (i) Clause 5.1.3 – Residential Design Codes – Southern Wall – Garage, Laundry, Bathroom – 1m required, 0m provided**
- (ii) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees provided**

for alterations and additions at No. 27A (Lot 1) Duke Street, East Fremantle, in accordance with the plans submitted 12 & 17 May 2022, subject to the following conditions:

- (1) Visual privacy screening is to be installed along the inside of the rear and side boundary fence as indicated on the plans. This visual privacy screening is to be permanently fixed, durable, restrict view in the direction of overlooking, at least 75% obscure, and a minimum of 0.5m above the southern, western, and northern boundary fence as indicated on the plans.**
- (2) A 2m by 2m planting zone is to be created and at least 1 tree is to be planted in this area in the front yard.**
- (3) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.**
- (4) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.**
- (5) Regarding the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.**

- (6) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 - (7) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
 - (8) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 - (9) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 - (10) This development approval is to remain valid for a period of 24 months from date of this approval.
- Footnote:**
The following are not conditions but notes of advice to the applicant/owner.
- a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
 - b) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
 - c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*

Crossover Specifications
[*crossover_specification_2017.pdf \(eastfremantle.wa.gov.au\)*](#)

Residential Design Guidelines
[*3_1_1_LPP_Residential_Design_Guidelines_Amended_17_May_2016.pdf \(eastfremantle.wa.gov.au\)*](#)

Urban Streetscape and Public Realm Style Guide
[*EFUSPR_Style_Guide_FINAL_210108.indd \(eastfremantle.wa.gov.au\)*](#)

Application to Conduct Crossover Works
[*Application_to_conduct_crossover_works.pdf \(eastfremantle.wa.gov.au\)*](#)
 - d) *It is recommended that the applicant provides a structural engineer's dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two*

copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.

- e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

Attachment -1

27A Duke Street – Location and Advertising Plan

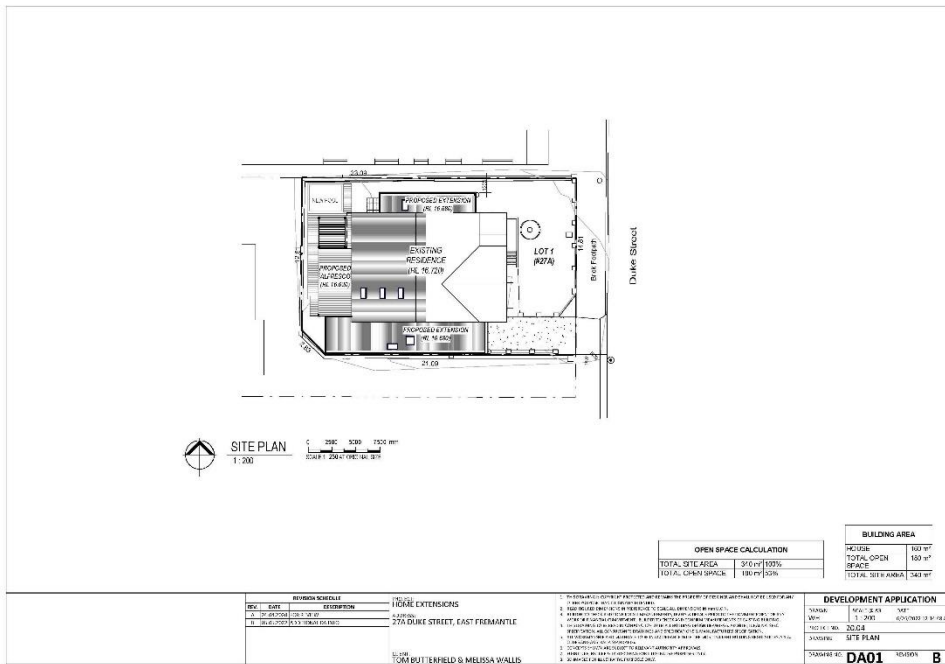
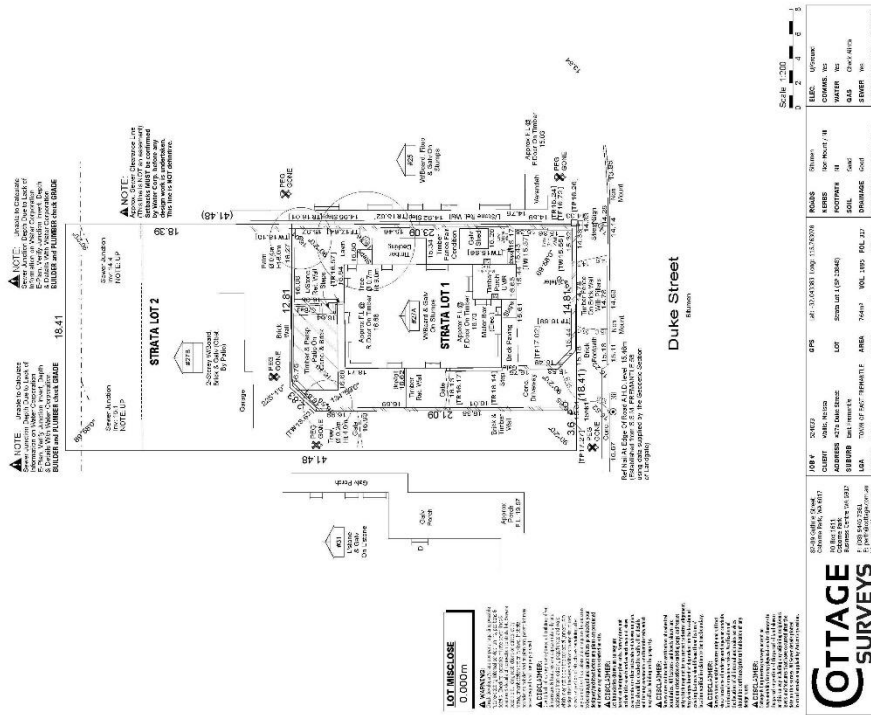


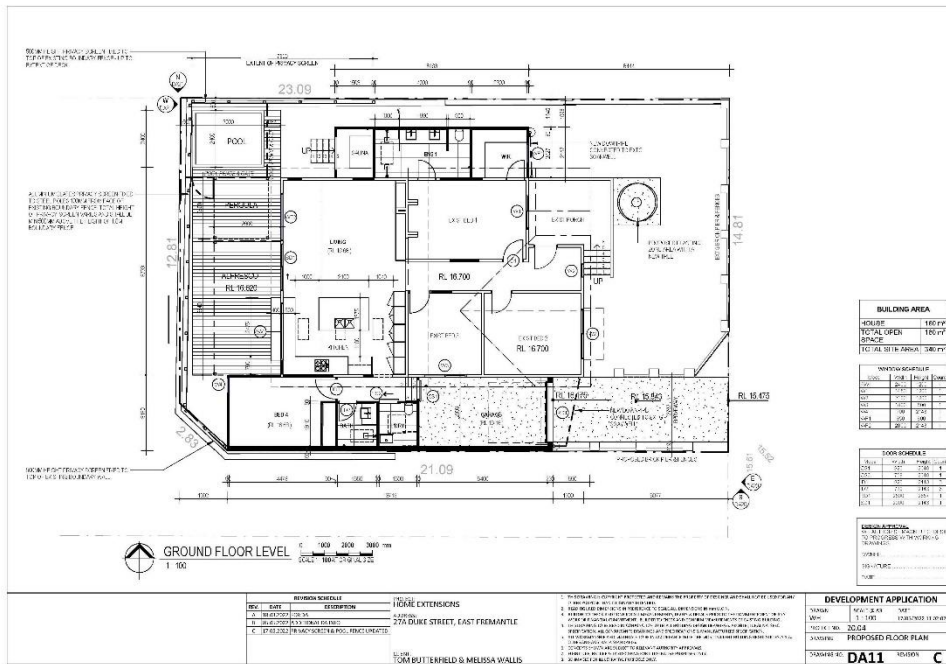
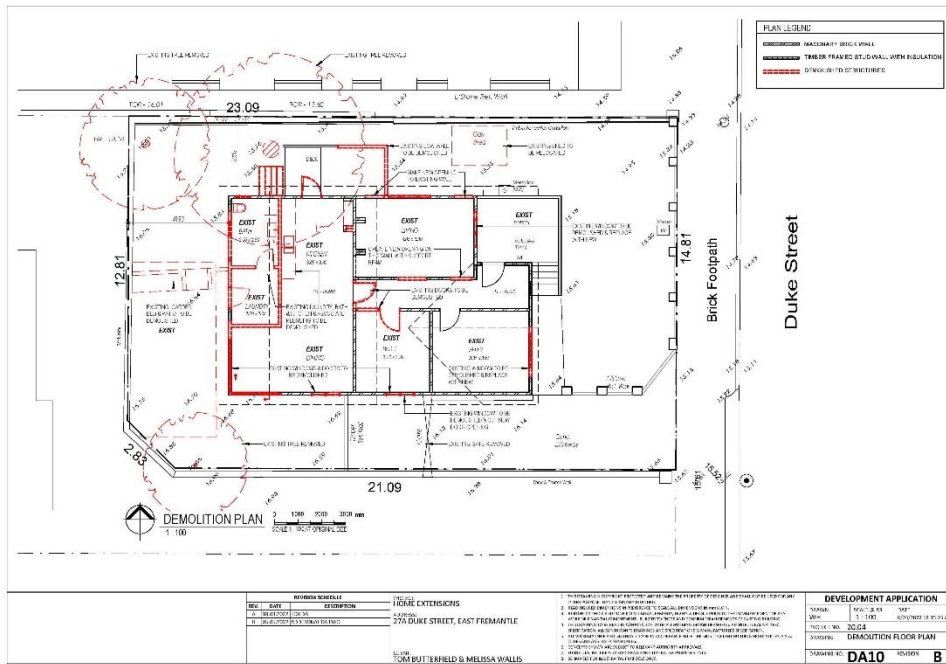
Attachment 1

Attachment -2

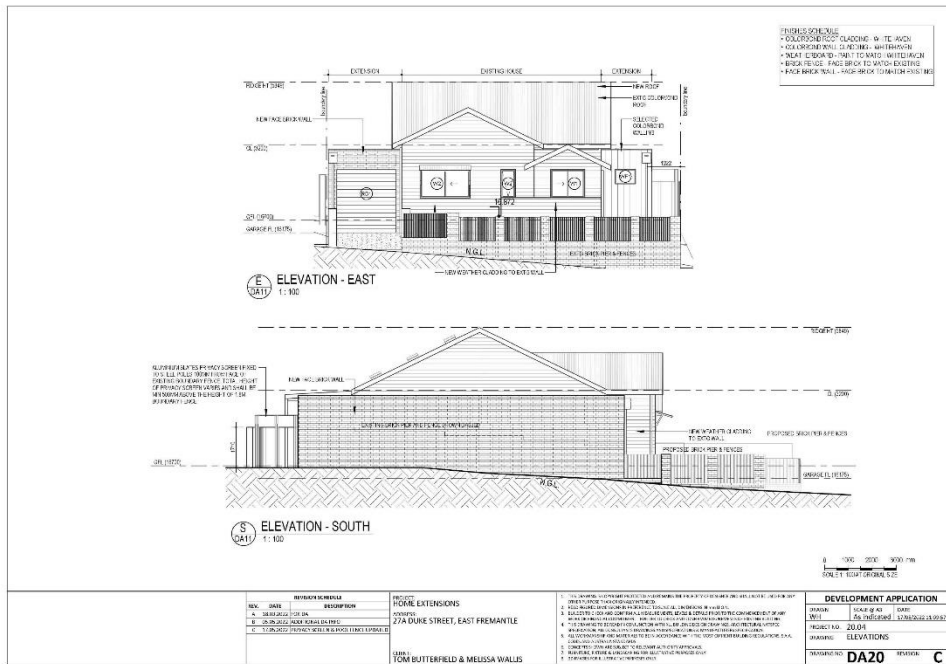
27A Duke Street – Photos





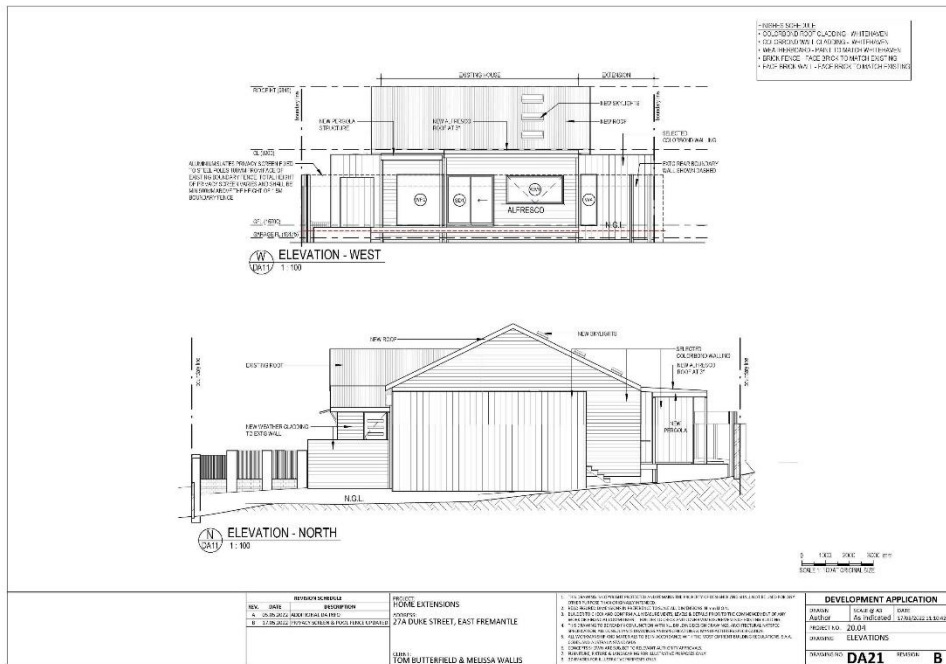


Attachment-3



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Attachment-3



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Attachment -3



DUKE STREET - STREETSCAPE 1

REVISION SCHEDULE REV. DATE DESCRIPTION 1. 10.08.2022 ADDITIONAL INFO		PROPOSED EXTENSIONS 27A DUKE STREET, EAST FREMANTLE OWNER: TOMI BUTTERFIELD & MELISSA WALLIS	1. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. 2. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS.	DEVELOPMENT APPLICATION DRAWN: SCALE: 1:100 DATE: 10/08/2022 PROJ: 20/04 PROJECT NO: 20/04 DRAWING: STREETSCAPE VIEWS DRAWING NO: DA31 REVISION: A
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Attachment 3

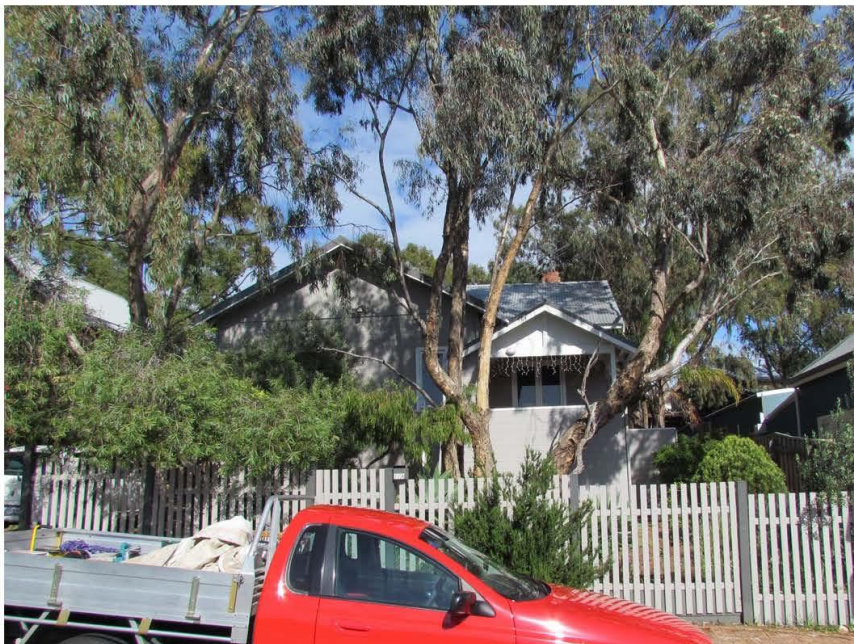


OVERSHADOW DIAGRAM @ 21 JUN 1pm
1:200

REVISION SCHEDULE REV. DATE DESCRIPTION 1. 10.08.2022 ADDITIONAL INFO		PROPOSED EXTENSIONS 27A DUKE STREET, EAST FREMANTLE OWNER: TOMI BUTTERFIELD & MELISSA WALLIS	1. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. 2. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS. 8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR SUPPLIERS.	DEVELOPMENT APPLICATION DRAWN: SCALE: 1:100 DATE: 10/08/2022 PROJ: 20/04 PROJECT NO: 20/04 DRAWING: SHADOW DIAGRAM DRAWING NO: DA40 REVISION: B
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Attachment -4


PLACE RECORD FORM



PRECINCT	Plympton
ADDRESS	27A Duke Street
PROPERTY NAME	N/A
LOT NO	Lot 1
PLACE TYPE	Residence
CONSTRUCTION DATE	1920s
ARCHITECTURAL STYLE	Inter-War Bungalow
USE/S	Original Use: Residence/ Current Use: Residence
STATE REGISTER	N/A
OTHER LISTINGS	N/A
MANAGEMENT CATEGORY	Category C
PHYSICAL DESCRIPTION	No 27A Duke Street is a single storey house of timber framing and jarrah weatherboard cladding with a hipped and gabled corrugated iron roof. The rear of the lot has been subdivided and a further residence constructed. It is an uncommon expression of the Inter-War Bungalow style with later modifications. The front elevation is asymmetrically planned with a small gabled roof verandah supported on turned timber posts with post brackets resting on a timber floor.

Attachment -4

	The place is consistent with the pattern of development in Plympton and plays an important role in the pattern of development of a working class suburb.
HISTORICAL NOTES	Plympton is a cohesive precinct where most of the places were constructed in the late nineteenth century and the first quarter of the twentieth century. It is comprised primarily of homes for workers and their families with a high concentration of small lots with timber, brick and stone cottages.
OWNERS	Unknown
HISTORIC THEME	Demographic Settlements - Residential Subdivision
CONSTRUCTION MATERIALS	Walls – Timber frame and jarrah weatherboards Roof - Corrugated roof sheeting
PHYSICAL SETTING	The residence is situated on a sloping site with a picket fence at the front of the lot.
STATEMENT OF SIGNIFICANCE	No 27A Duke Street is a single storey house constructed of timber framing with jarrah weatherboard cladding and a hipped corrugated iron roof. The place has historic and aesthetic value for its contribution to Plympton's high concentration of worker's cottages and associated buildings and contributes to the local community's sense of place. The place has some heritage value for its intrinsic aesthetic value as an Inter-War Bungalow and it retains a moderate degree of authenticity and a high degree of integrity. The rear house has no significance.
AESTHETIC SIGNIFICANCE	No 27A Duke Street has some aesthetic value as an uncommon expression of an Inter-War Bungalow. It retains all the characteristic features of a dwelling of the type and period.
HISTORIC SIGNIFICANCE	No 27A Duke Street has some historic value. It was part of the suburban residential development associated with the expansion of East Fremantle during the Goldrush period of the 1880s and 1890s.
SCIENTIFIC SIGNIFICANCE	N/A
SOCIAL SIGNIFICANCE	No 27A Duke Street has some social value. It is associated with a significant area of worker's cottages which contributes to the community's sense of place.
RARITY	No 27A Duke Street is not rare in the immediate context but Plympton has rarity value as a working-class suburb.
CONDITION	No 27A Duke Street is in good condition.
INTEGRITY	No 27A Duke Street retains a high degree of integrity.
AUTHENTICITY	No 27A Duke Street retains a moderate degree of authenticity.
MAIN SOURCES	



TOWN of EAST FREMANTLE

Community Engagement Checklist

Development Application P28/22 - 27A Duke Street

Project Name

Objective of Engagement:	Neighbour consultation		
Lead Officer:	Regulatory Services		
Timeline:	Start Date:	29/03/2022	Outcomes By: 13/04/2022
Stakeholders			
Stakeholders to be considered. <i>Please highlight those to be targeted during engagement.</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted) <input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted) <input checked="" type="checkbox"/>
	Children (School / Playgroup)	<input type="checkbox"/>	Service Providers <input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed <input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors <input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers <input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers <input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth <input type="checkbox"/>
	Indigenous	<input type="checkbox"/>	
	Neighbouring LGs	<input type="checkbox"/>	
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors <input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultant/s <input type="checkbox"/>
	Development Services	<input type="checkbox"/>	
	Operations (Parks/Works)	<input type="checkbox"/>	
Community Engagement Plan			
Methods	Responsible	Date Due	Reference / Notes
1.1 E News	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.2 Email Notification ~	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
1.3 Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.4 Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.5 Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.6 Fact Sheet	<input type="checkbox"/> Communications		<input type="checkbox"/>
1.7 Media Rel./Interview	<input type="checkbox"/> Communications		<input type="checkbox"/>
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
3.1 Focus Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
3.3 Workshop	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
4.1 Council Committee	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
4.2 Working Group	<input type="checkbox"/> Executive Direction		<input type="checkbox"/>
* Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	13/4/2022	<input checked="" type="checkbox"/> Advertised to 4 surrounding properties
# Heritage Consultation	<input type="checkbox"/> Regulatory Services		<input type="checkbox"/>
^ Mail out (note: timeliness)	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Y:\Regulatory\DCU PLANS\Duke 27A P28-22 (advertised) - TPC 7 June 2022\Advertising\ToEF_CommunityEngagementChecklist.doc

Evaluation			
Summary of...		Date Due	Complete / Attached
Feedback / Results / Outcomes / Recommendations		13/04/2022	
Outcomes Shared			
Methods	Responsible	Date Due	Complete / Attached
E-Newsletter	<input type="checkbox"/> Communications		<input type="checkbox"/>
Email Notification	<input type="checkbox"/> Relevant Officer		<input type="checkbox"/>
Website	<input type="checkbox"/> Communications		<input type="checkbox"/>
Facebook	<input type="checkbox"/> Communications		<input type="checkbox"/>
Media Release	<input type="checkbox"/> Communications		<input type="checkbox"/>
Advert - Newspaper	<input type="checkbox"/> Communications		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Notes			

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12.3 28 PIER STREET - NEW DWELLING

Owner	Phillip & Jessica Zoiti
Applicant	Studio Origami
Report Reference Number	TPR-677
Planning Reference Code	P39/22
Prepared by	James Bannerman
Supervised by	Andrew Malone
Meeting date	Tuesday, 5 July 2022
Voting requirements	Simple majority
Documents tabled	Nil

Attachments

1. Location and advertising plan
2. Photos
3. Plans submitted 28 April 2022
4. Community consultation checklist

PURPOSE

The purpose of this report is to present to Council a development application for a new dwelling located at 28 (Lot 228) Pier Street, East Fremantle.

EXECUTIVE SUMMARY

This development application proposes the demolition of the existing dwelling located on this steeply sloping elevated site at 28 Pier Street, East Fremantle. The existing dwelling is not heritage listed. It is proposed to construct a new dwelling that is to be built over 3 levels. An undercroft garage is to be built on the lowest level. On the second level there will be 3 bedrooms, a bathroom and lounge, kitchen, and dining room along with a multipurpose room and southern and northern alfresco areas. The top floor is to have a master bedroom, lounge, study and additional bathroom and balcony. The variations to the requirements of the Residential Design Codes and the Residential Design Guidelines include the following;

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, greater than 5.6m provided,
- (ii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1 required, greater than 8.1m provided, and
- (iii) Clause 5.3.7 - Site Works – Residential Design Codes – Retaining Walls – no more than 0.5m required, greater than 0.5m and setback less than 2m from boundary provided

The proposed development application is recommended for approval subject to the conditions included in the final recommendation.

BACKGROUND

Zoning	Residential R12.5
Site Area	890m2
Heritage	N/A
Fremantle Port Buffer	N/A
Previous Decisions of Council and/or History of Issue Onsite	N/A

CONSULTATION

Advertising

The proposed development was advertised to surrounding property owners from 2 to 17 May 2022. No submissions were received.

Community Design Advisory Committee

This application was not provided to the Community Design Advisory Committee (CDAC) as administration has determined at this time it is not appropriate to undertake the CDAC meeting because of restrictions and risks associated with the Covid virus.

External Consultation

Nil

Internal Consultation

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Residential Design Codes (Volume 1)
Local Planning Scheme No 3

POLICY IMPLICATIONS

Town of East Fremantle Residential Design Guidelines 2016

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020-2030 states as follows;

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitates sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

RISK IMPLICATIONS

A risk assessment was undertaken and the risk to the Town in determining this application was deemed to be negligible.

SITE INSPECTION

A site inspection was undertaken.

COMMENT

Statutory Assessment

This development application was assessed against the Town's Local Planning Scheme No 3, the Residential Design Codes and the Residential Design Guidelines.

A summary of the assessment is included in the following tables.

Legend	
A	Acceptable
D	Discretionary
N/A	Not applicable

Residential Design Codes

Design Element	Required	Proposed	Status
Street Front Setback	7.5m	>7.5m	A
Lot Boundary Setbacks			
Eastern wall - ground floor – multi room, bed 2, bath, bed 3, bed 4, laundry	1.5m	1.6m	A
Eastern wall – ground floor -staircase	1m	3.53m	A
Eastern wall – ground floor – lounge	1m	2.34m	A
Eastern wall – upper storey	1.6m	2.34m	A
Northern wall - upper storey	6m	>8.3m	A
Northern wall – ground floor	6m	7.5m	A
Western wall - carport	1m	5.5m	A
Western wall – ground floor – multi room, passage	3.3m	13.192m	A
Western wall – ground floor – alfresco west, scullery, dining	1.2m	6.2m	A
Western wall – upper storey	4.5m	7.5m	A
Open Space	55%	81%	A
Outdoor Living Area			A
Car Parking	At least 1 car bay	2 car bays	A
Site Works	Compliance with appropriate height and setback requirements	Greater than 0.5m	D
Sightlines			N/A
Visual Privacy			
Pool deck	7.5m	Less than 7.5m	A - Privacy screening to be

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



			provided and conditioned
Landing and part of staircase overlooking pool	Privacy requirements do not apply		N/A
Overshadowing			N/A
Landscaping			A
Drainage	To be conditioned		

Residential Design Guidelines

Design Element	Required	Proposed	Status
Roof height	8.1m	Greater than 8.1m	D
Wall height	5.6m	Greater than 5.6m	D
Roof form and pitch	Plans show roof form	1 degree	A
Materials and colours			A
Front fence			N/A
Pergolas			N/A
Footpaths and crossovers	To be included as advice notes		
Garages			N/A

This development application proposes the demolition of the existing dwelling located on this steeply sloping elevated site at 28 Pier Street, East Fremantle. The existing dwelling is not heritage listed. It is proposed to construct a new dwelling that is to be built over 3 levels. An undercroft garage is to be built on the lowest level. On the second level there will be 3 bedrooms, a bathroom and lounge, kitchen, and dining room along with a multipurpose room and southern and northern alfresco areas. The top floor is to have a master bedroom, lounge, study and additional bathroom and balcony.

Three variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines regarding maximum wall height, maximum roof height, and site works.

Maximum Wall Height

The acceptable development provisions of the Residential Design Guidelines requires that wall heights are limited to 5.6m in accordance with clause 3.7.17.4.1.3 A1.4. In this case the wall height of this proposed dwelling exceeds 5.6m but is no more than 8.1m. In accordance with performance criteria 3.7.17.4.1.2 P1 it is considered that the additional height above 5.6m can be supported because the proposed development is of a compatible form, bulk, and scale to traditional development in the immediate locality. The proposal will maintain significant vegetation to the front of the property. The property is located so as to exceed all setback requirements. The overall development is considered to have no/ minimal impact to adjoining properties and the street. The overall wall height is recommended for support.

Maximum Roof Height

The acceptable development provisions of the Residential Design Guidelines requires that the maximum roof height should not exceed 8.1m in accordance with clause 3.7.17.4.1.3 A 1.4. The roof of the building is above 8.1m at the north-western end of the dwelling however, this is by less than 0.5m. It is considered the majority of the roof form significantly complies with the maximum height requirements. The roof of the dwelling has been designed in such a manner that the roof height is kept below 8.1m by utilising a skillion roof that aims to minimise the impact of height. In accordance with performance criteria 3.7.17.4.1.2 P1 it is considered that the additional height above 8.1m in one location towards the north-western corner of the dwelling can be supported because the proposed development is of a compatible form, bulk, and scale to traditional



development in the immediate locality. The overall development is considered to have no/ minimal impact to adjoining properties and the street. The overall roof height is recommended for support.

Site Works – Retaining Walls

It is proposed to excavate the ground levels adjacent to the western boundary of the house towards the rear of the lot/ house to create a turning circle for vehicles exiting the garage. Retaining walls are proposed to be constructed on the edge of this area in the north-western corner of the property in response to this. These retaining walls are between 0.79m and 1.09m high from the ground level created by the vehicle turning area and are built up to the northern boundary. In accordance with the Residential Design Codes a retaining wall that is over 0.5m in height should be located at least 1m from the boundary. In this case the setback is not unreasonable. The retaining walls result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered, and landscaped having due regard to clauses 5.3.7 and 5.4.1. For this reason, the location of the retaining walls can be supported.

Visual Privacy

The pool deck area requires visual privacy screening to be installed along the northern edge of the pool. This privacy screening has been shown on the submitted plans. A condition will be imposed in the final recommendation that reinforces the requirement for this.

The steps directly to the north of the dwelling do not require visual privacy screening as they will require the ground level to be lowered rather than raised.

CONCLUSION

The proposed development is recommended for support subject to the conditions included in the final recommendation. It is noted that no submissions were received following advertising. The proposed development has minimal variations to the Residential Design Codes and the Residential Design Guidelines and is considered to have minimal impacts on surrounding properties.

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030722

Moved Cr Natale, seconded Cr Mascaro

That development approval is granted, and Council exercises its discretion regarding the following;

- (i) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Wall Height – 5.6m required, greater than 5.6m provided,**
- (ii) Clause 3.7.17.4.1.3 – Residential Design Guidelines – Maximum Roof Height – 8.1 required, greater than 8.1m provided, and**
- (iii) Clause 5.3.7 - Site Works – Residential Design Codes – Retaining Walls – no more than 0.5m required, greater than 0.5m and setback less than 2m from boundary provided**

for a new dwelling at No. 28 (Lot 228) Pier Street, East Fremantle, in accordance with the plans submitted 28 April 2022, subject to the following conditions:

- (1) Visual privacy screening is to be installed along the pool edge as indicated on the plans. This visual privacy screening is to be permanently fixed, durable, restrict view in the direction of overlooking, at least 75% obscure, and a minimum of 1.6m above the pool level.**
- (2) The crossover widths are not to exceed the width indicated on the plans date submitted 28 April 2022 and to be in accordance with Council’s crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide.**
- (3) All fencing within the street setback area is to be in compliance with the front fence provisions of the Residential Design Guidelines.**



- (4) The works are to be constructed in conformity with the drawings and written information accompanying the application for development approval other than where varied in compliance with the conditions of this development approval or with Council's further approval.
- (5) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (6) Regarding the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received development approval, without those changes being specifically marked for Council's attention.
- (7) All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (8) If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (10) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified, or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (11) This development approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner.

- a) *This decision does not include acknowledgement or approval of any unauthorised development which may be on site.*
- b) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- c) *An application for a new crossover is to be submitted to the Operations Department of the Town and plans are to be included with the application that meets the requirements of the Council's crossover policy, the Residential Design Guidelines and the Urban Streetscape and Public Realm Style Guide. This application and relevant information are available at the following links;*

Crossover Specifications

[crossover specification 2017.pdf \(eastfremantle.wa.gov.au\)](#)

Residential Design Guidelines

[3 1 1 LPP Residential Design Guidelines Amended 17 May 2016.pdf \(eastfremantle.wa.gov.au\)](#)



Urban Streetscape and Public Realm Style Guide
[EFUSPR_Style_Guide_FINAL_210108.indd \(eastfremantle.wa.gov.au\)](#)

Application to Conduct Crossover Works
[Application_to_conduct_crossover_works.pdf \(eastfremantle.wa.gov.au\)](#)

d) It is recommended that the applicant provides a structural engineer’s dilapidation report, at the applicant/owner expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.

e) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).

f) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.

g) Trees on verges are the property of the Town of East Fremantle. They are not to be damaged, pruned or removed. Any actions which harm verge trees will result in the Town taking action against the owners/builders/contractors responsible for such actions. If there are concerns regarding trees owners/builders/contractors are asked to contact the Town to seek further advice.

(CARRIED UNANIMOUSLY)

Note: As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 21 June 2022, this application is deemed determined, on behalf of Council, under delegated authority.

REPORT ATTACHMENTS

Attachments start on the next page

Attachment -1

28 Pier Street – Location and Advertising Plan



Attachment 1

Attachment -2

28 Pier Street – Photos



Attachment -3

STUDIO RIGAMI ARCHITECTS
 11 UNDERWOOD ROAD, SUITE 101, EAST FREMANTLE, WEST AUSTRALIA 6155
 WWW.STUDIORIGAMI.COM.AU
 TEL: 08 9437 5555
 10/11/2022

DEVELOPMENT APPROVAL (DA)

ISSUE FOR DA
 28/04/2022

PROJECT NAME
2113

THE TREE HOUSE

PROJECT ADDRESS
 28 PIER STREET, EAST FREMANTLE

DRAWN BY
 JESS & PHIL ZOITI

SHEET INDEX

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A00010C	ILLUSTRATION - NEW	DA-5
A00010D	ILLUSTRATION - NEW	DA-5
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A00010Z	ILLUSTRATION - NEW	DA-5

EXTERNAL MATERIAL SCHEDULE

CODE	DESCRIPTION	FINISH
ST(1)	STEEL PROFILE STEEL CLADDING	DARK FINISH
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PRELIMINARY EXTERNAL MATERIAL SELECTIONS

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Attachment -3

STUDIO RIGAMI ARCHITECTS

DATE: 28/04/2022
 PROJECT NAME: THE TREE HOUSE
 PROJECT ADDRESS: 28 PIER STREET, EAST FREMANTLE
 DRAWN BY: JESS & PHIL ZOITI

DEVELOPMENT APPROVAL (DA)

PROJECT CODE: A00(1)3D
 SHEET CODE: DA-5

SCALE: 1:100

DATE: 28/04/2022

PROJECT NAME: THE TREE HOUSE

PROJECT ADDRESS: 28 PIER STREET, EAST FREMANTLE

DRAWN BY: JESS & PHIL ZOITI

DATE: 28/04/2022

PROJECT CODE: A00(1)3D

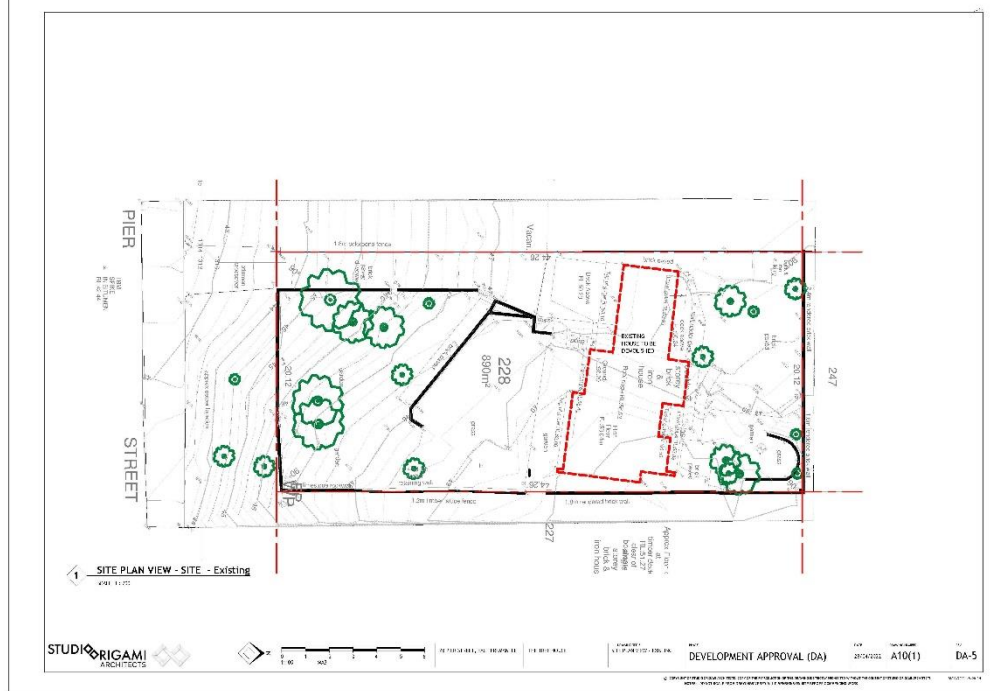
SHEET CODE: DA-5

STUDIO RIGAMI ARCHITECTS

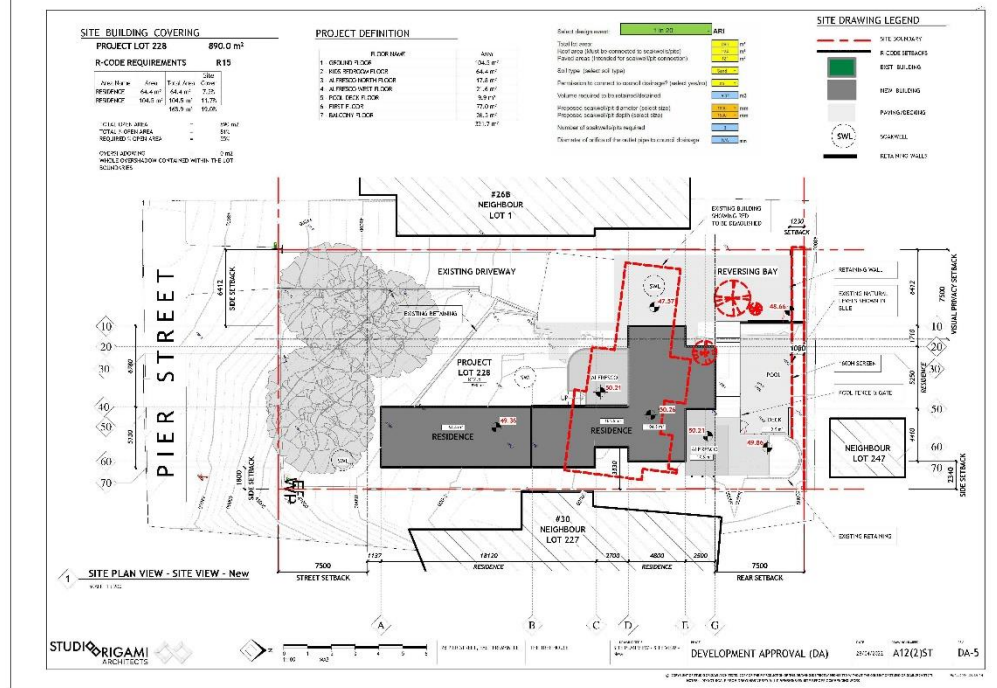
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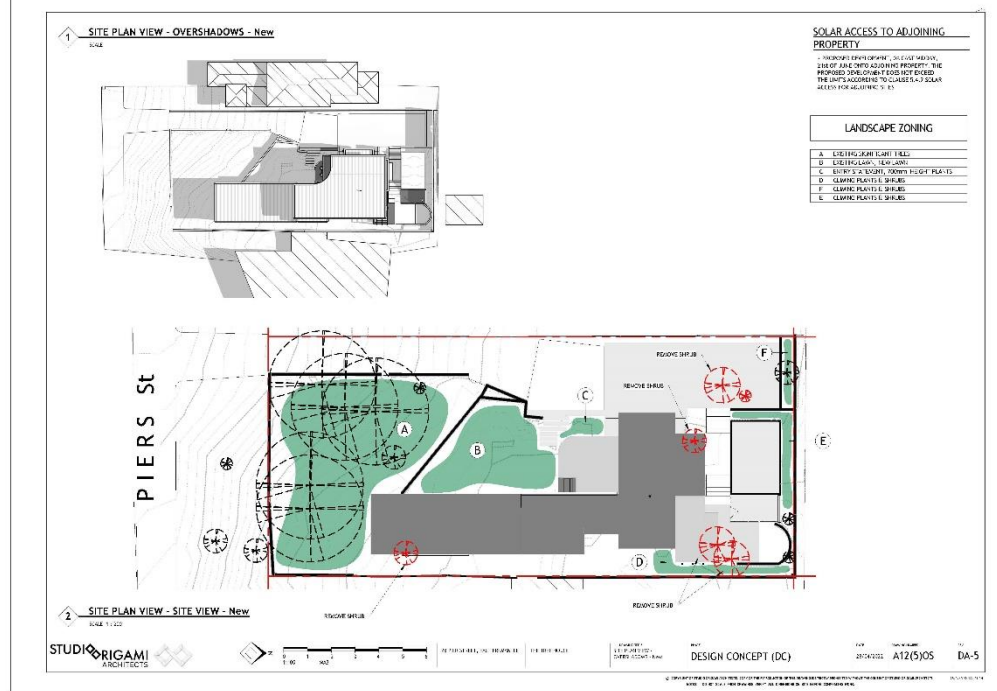
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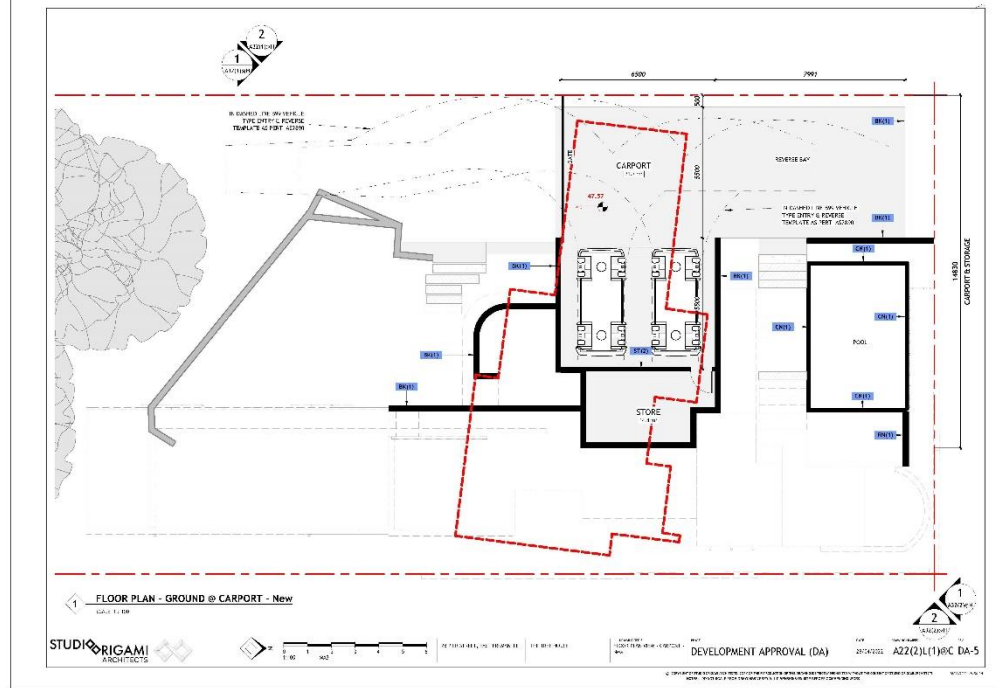
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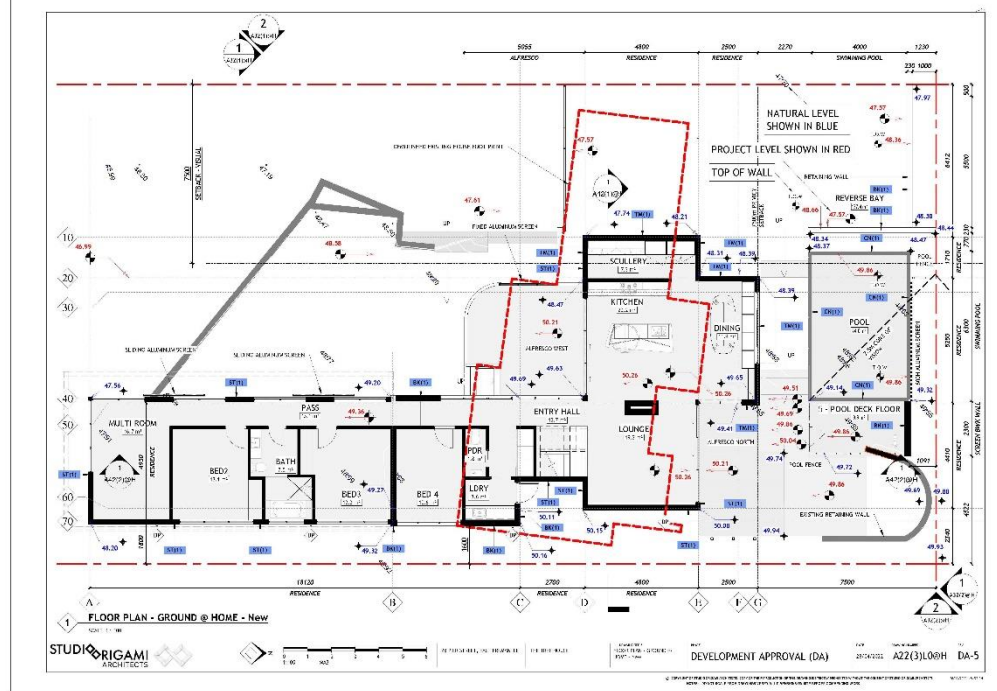
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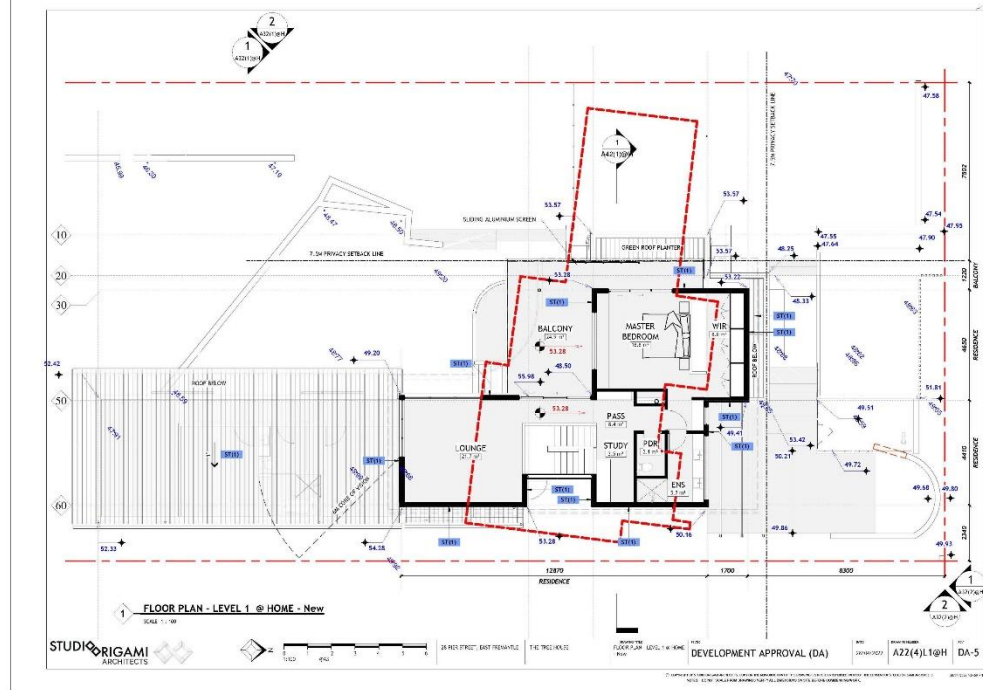
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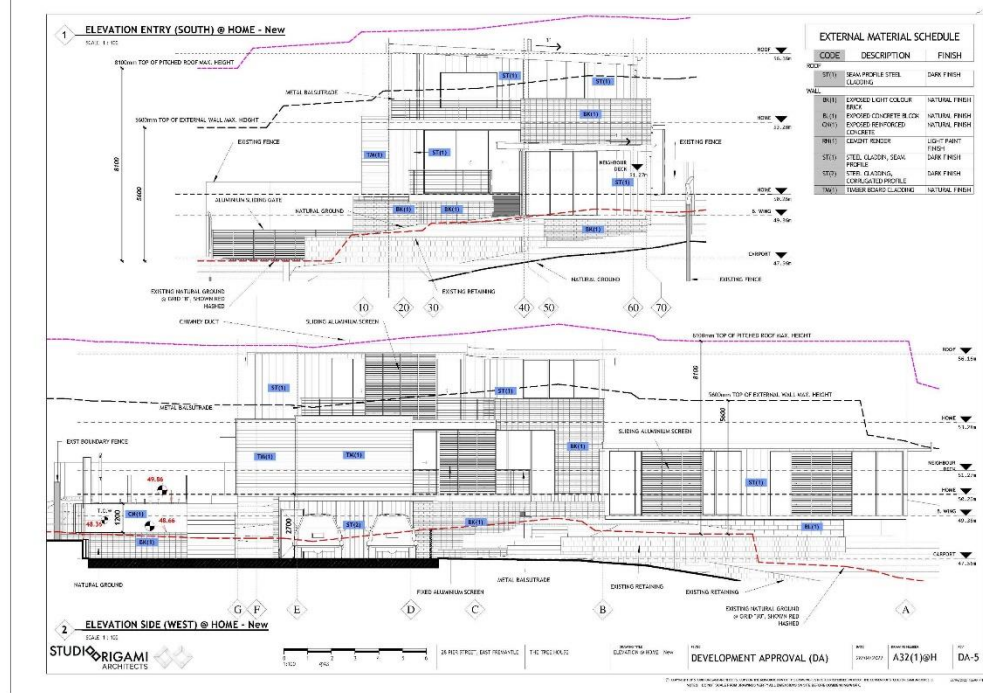
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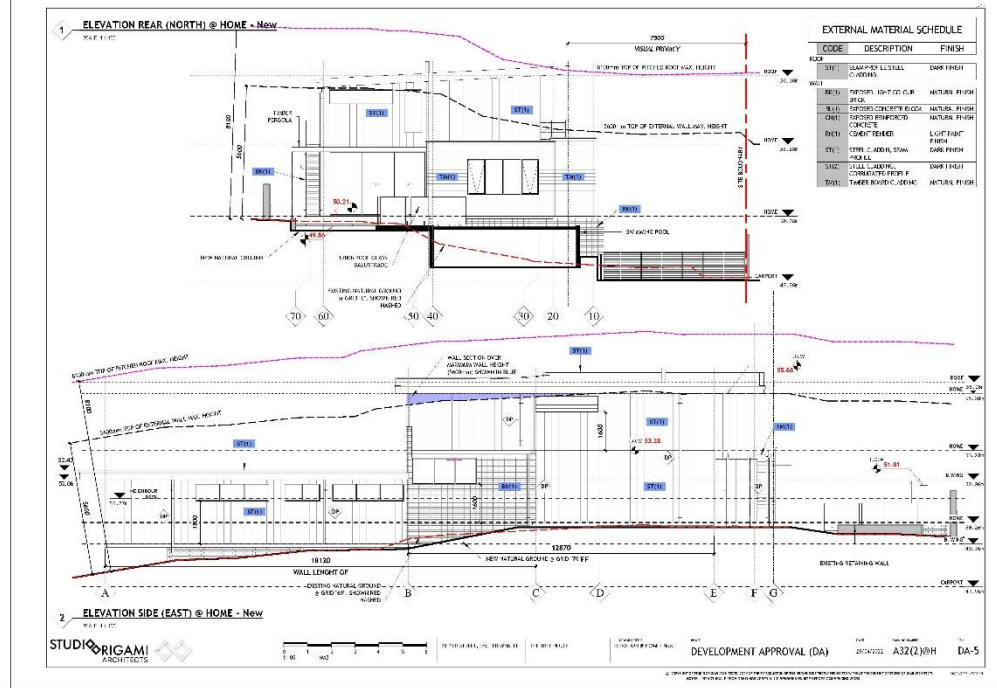
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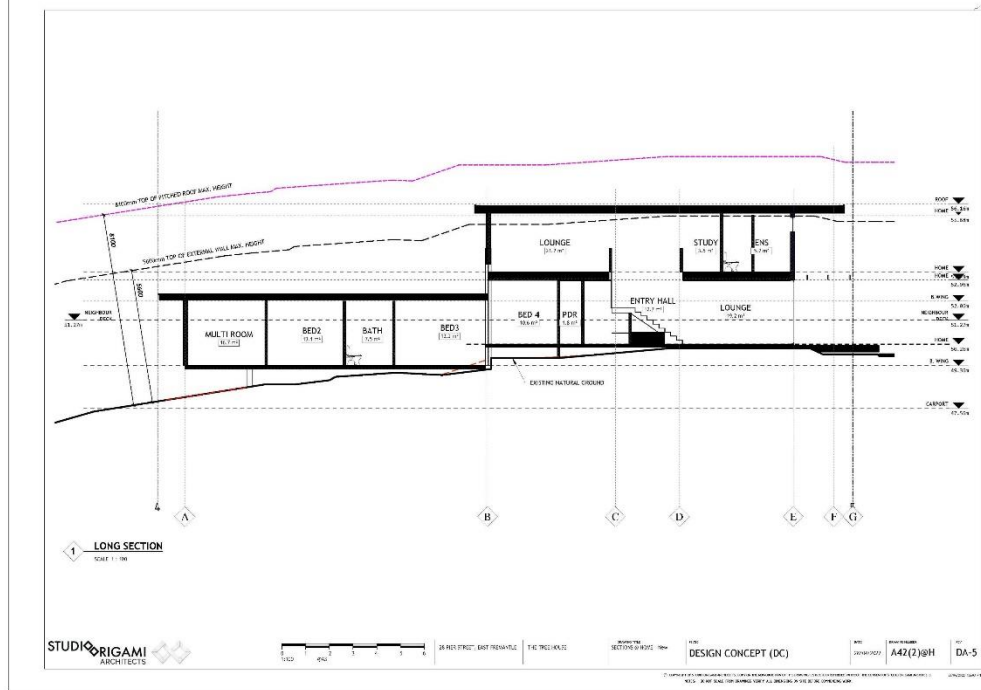
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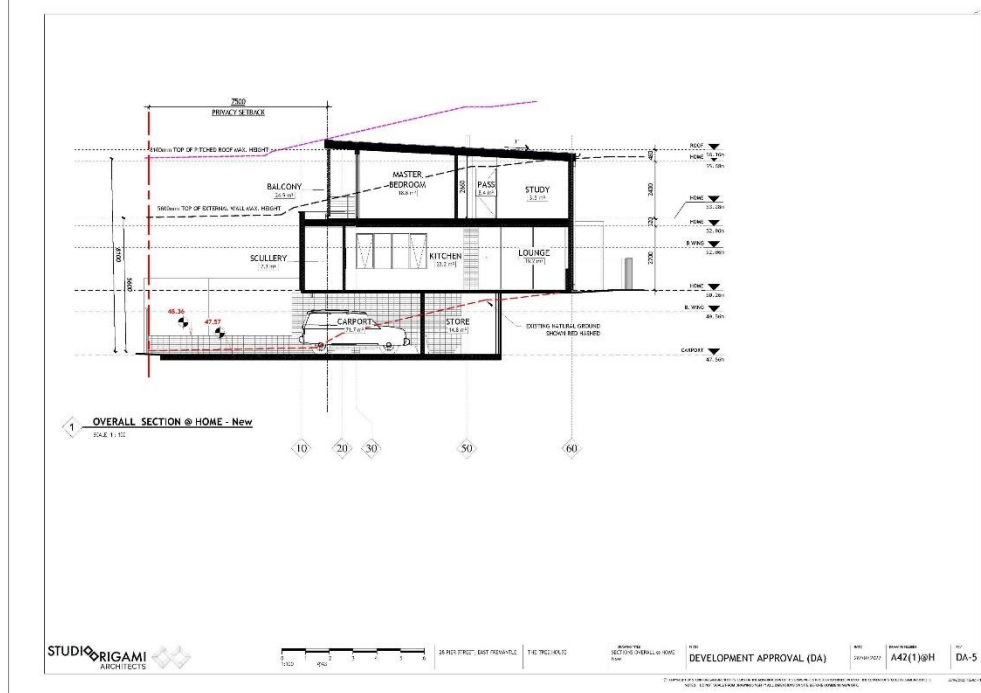
Attachment 3



Attachment-3



Attachment-3





Attachment - 4

Community Engagement Checklist Development Application P39/22 – 28 Pier Street

Objective of Engagement	Neighbour Consultation			
Lead Officer:	Regulatory Services			
Stakeholders				
Stakeholders to be Considered <i>Please highlight those to be targeted during engagement</i>	Aged	<input type="checkbox"/>	Ratepayers (all / targeted)	<input type="checkbox"/>
	Businesses	<input type="checkbox"/>	Residents (all / targeted)	<input checked="" type="checkbox"/>
	Children (School / Playground)	<input type="checkbox"/>	Service Providers	<input type="checkbox"/>
	Community Groups	<input type="checkbox"/>	Unemployed	<input type="checkbox"/>
	Disabled People	<input type="checkbox"/>	Visitors	<input type="checkbox"/>
	Environmental	<input type="checkbox"/>	Volunteers	<input type="checkbox"/>
	Families	<input type="checkbox"/>	Workers	<input type="checkbox"/>
	Govt. Bodies	<input type="checkbox"/>	Youth	<input type="checkbox"/>
	Indigenous	<input type="checkbox"/>		<input type="checkbox"/>
	Neighbouring LGs	<input type="checkbox"/>		<input type="checkbox"/>
Staff to be notified:	Office of the CEO	<input type="checkbox"/>	Councillors	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Consultants	<input type="checkbox"/>
	Development Services	<input type="checkbox"/>		<input type="checkbox"/>
	Operational (Parks/Works)	<input type="checkbox"/>		<input type="checkbox"/>
Community Engagement Plan				
Methods	Responsible	Date Due	Reference / Notes	
1.1 E News	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.2 Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.3 Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.4 Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.5 Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.6 Fact Sheet	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
1.7 Media Rel/Interview	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.1 Information Stalls	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.2 Public Meeting/Forum	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
2.3 Survey/Questionnaire	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.1 Focus Groups	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.2 Referendum/Ballot	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
3.3 Workshop	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.1 Council Committee	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
4.2 Working Group	<input type="checkbox"/> Executive Direction	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
*Statutory Consultation	<input checked="" type="checkbox"/> Relevant Officer	17/05/2022	<input checked="" type="checkbox"/> Advertised to 7 surrounding properties	
#Heritage Consultation	<input type="checkbox"/> Regulatory Services	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
^Mail Out (note: timelines)	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Evaluation				
Summary of...		Date Due	Completed / Attached	
Feedback / Results/ Outcomes / Recommendations		17/05/2022		
Outcomes Shared				
Methods	Responsible	Date Due	Reference / Notes	
E-Newsletter	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Email Notification	<input type="checkbox"/> Relevant Officer	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Website	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Facebook	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Media Release	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
Advert – Newspaper	<input type="checkbox"/> Communications	Click or tap to enter a date.	<input type="checkbox"/> Click or tap here to enter text.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Notes				

MINUTES OF TOWN PLANNING MEETING TUESDAY, 5 JULY 2022



13 MATTERS BEHIND CLOSED DOORS

Nil

14 CLOSURE OF MEETING

There being no further business the Presiding member declared the meeting closed at 6.46 pm.

*I hereby certify that the Minutes of the ordinary meeting of the **Town Planning Committee** of the Town of East Fremantle, held on **5 July 2022**, Minute Book reference **1. to 14.** were confirmed at the meeting of the Committee on:*

.....

Presiding Member

12.2 AUDIT COMMITTEE REPORT

Report Reference Number	OCR-1173
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	

1. Audit Committee Minutes 06 July 2022

PURPOSE

To

- Submit the minutes of the Audit Committee for receipt by Council
- Consider the Committee's recommendations in relation to
 - Annual Financial Report and Audit Report and Attendance of Office of Auditor General
 - Mid-Year Review of 2021-22 Budget for period 1 July 2021 – 31 December 2021
 - Amendments to Policies 2.1.4, 2.1.7, 2.1.10, 2.1.16 & 2.1.17

EXECUTIVE SUMMARY

The Committee, at its meeting on 6 July 2022, considered matters relating to its terms of reference with three items referred to Council for consideration.

BACKGROUND

Nil.

CONSULTATION

Audit Committee

STATUTORY ENVIRONMENT

Part 7 of the *Local Government Act 1995* deals with the audit of the financial accounts of local governments including the conduct of audits. Division 1A deals with Audit Committees.

The Department of Local Government, Sport and Cultural Industries has published Operational Guideline Number 09 – The appointment, function and responsibilities of Audit Committees.

Section 5.41 of the *Local Government Act 1995* details the functions of the CEO.

Regulation of the *Local Government (Financial Management) Regulations 1996* details the CEOs duties as to the financial management of the local government.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

RISK IMPLICATIONS

Not Applicable

SITE INSPECTION

Not Applicable

COMMENT

Nil.

CONCLUSION

The unconfirmed minutes of the Audit Committee are now presented to Council for receipt.

Moved Cr Natale, seconded Cr Donovan

That the following four resolutions contained within this report be adopted by exception.

(CARRIED UNANIMOUSLY)

12.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 021907

That the unconfirmed Minutes of the Audit Committee Meeting held on 6 July 2022 be received.

Recommendations relating to three items referred to Council for consideration are reprinted below.

10.1 0607 Presentation of Risk Register Application

Council Resolution 031907

That Council:

- 1. receives the presentation from Smart Office Systems on the Microsoft 365 application for the Operational and Strategic Risk Register and Contracts Register.**
- 2. supports the use of the Microsoft 365 application for the Operational and Strategic Risk Register and Contracts Register to enable the creation, management and review of the registers at future meetings.**

10.2 0607 Hazard Reporting Process

Council Resolution 041907

That Council notes the Town's updated hazard reporting processes as detailed with the modifications in the attached process map.

10.4 0607 Review of Finance Policies

Council Resolution 051907

That Council adopts the following amended Policies as presented with tracked changes, subject to references pertaining to Heritage and Cultural significance being deleted from Policy 2.1.16 Rates Concession:

- **Policy 2.1.10 Infringement Debt Management**
- **Policy 2.1.16 Rates Concession**
- **Policy 2.1.17 Pensioners and Seniors Rebates**
- **Policy 2.1.4 Rates Exemption**
- **Policy 2.1.7 Debt Collection**

REPORT ATTACHMENTS

Attachments start on the next page



MINUTES

Audit Committee Meeting Wednesday, 6 July 2022 at 6:30 PM

Disclaimer

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 I) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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MINUTES

1 DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

The Presiding Member opened the meeting at 6.18pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORD OF ATTENDANCE

3.1 ATTENDANCE

The following members were in attendance:

Cr A Natale	Presiding Member
Mayor J O’Neill	
Cr K Donovan	
Mr Ben Arnold	Independent Committee Member

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Mr Peter Kocian	Executive Manager, Corporate Services
Mr Nick King	Executive Manager, Technical Services
Mr Richard Olson	Revenue Officer
Mr Kelvin Wong	Finance Officer
Mrs Bron Browning	Minute Secretary

3.2 APOLOGIES

Nil

3.3 APPROVED LEAVE

Cr Andrew McPhail
Cr Andrew White
Cr Mark Wilson

3.4 APPLICATION FOR LEAVE OF ABSENCE

Ben Arnold requested leave of absence for the 2 November 2022 Audit Committee meeting.

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O’Neill

That Leave of Absence be granted to Ben Arnold for the 2 November 2022 Audit Committee Meeting.

(CARRIED UNANIMOUSLY)

MINUTES OF AUDIT COMMITTEE MEETING WEDNESDAY, 6 JULY 2022



4 MEMORANDUM OF OUTSTANDING BUSINESS

Nil

5 DISCLOSURES OF INTEREST

Nil

6 PUBLIC QUESTION TIME

Nil

7 PRESENTATIONS/DEPUTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 AUDIT COMMITTEE (22 FEBRUARY 2022)

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O'Neill

That the minutes of the Audit Committee meeting held on Tuesday, 22 February 2022 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

10 REPORTS

Reports start on the next page

10.1 PRESENTATION OF RISK REGISTER APPLICATION

Report Reference Number	ACR-248
Prepared by	Bron Browning, Co-ordinator Corporate Services
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	

1. Risk Register Sample

PURPOSE

It is recommended that the Audit Committee receives the presentation from Smart Office Systems pertaining to the development of a new Operational and Strategic Risk Register and Contracts Register via a Microsoft 365 application as per the scope agreed to at the Audit Committee meeting on 22 February 2022.

EXECUTIVE SUMMARY

The Town's previous independent review of Financial Management, Risk Management, Legislative Compliance and Internal Controls identified the requirement for a comprehensive Risk Register to be developed and presented to the Audit Committee as a standing item.

BACKGROUND

The Town had been using a Strategic Risk Dashboard report provided by Local Government Insurance Services (Risk Management Team), however, the Audit Committee at its meeting on 22 February 2022 requested that consideration be made to presenting the information in a more concise and user-friendly format.

The Town engaged Smart Office Systems to develop an Operational and Strategic Risk Register and Contracts Register via a Microsoft 365 application that will be enable the creation, management and review of the registers.

CONSULTATION

Executive Team and Audit Committee

STATUTORY ENVIRONMENT

Regulation 17 of the Local Government (Audit) Regulations 1996 requires the CEO to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal control and legislative compliance separately or all at the one time, on the provision that each matter is reviewed at least once every three years. The CEO is also required to report the results of that review to Council.

POLICY IMPLICATIONS

There are no Council Policies relevant to this matter.

FINANCIAL IMPLICATIONS



The cost of the SharePoint Risk Register application was \$5,400 which includes data migration, development of training guides and staff training.

STRATEGIC IMPLICATIONS

- Strategic Priority 5 – Leadership and Governance
- 5.1 Strengthen organisational accountability and transparency
- 5.3 Strive for excellence in leadership and governance

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That risk controls are not adequate resulting in high and extreme risks materialising.	Possible (3)	Extreme (5)	High (10-16)	SERVICE INTERRUPTION Prolonged interruption of services - additional resources; performance affected <1 month	Control through oversight of high and extreme risks by the Audit Committee.

Risk Matrix

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

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

RISK RATING

Risk Rating	15
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 Audit Committee is requested to accept a MS Teams presentation from Mr. David Dunn from Smart Office Solutions on the new format of the Town’s Risk Register. The presentation is expected to take 15-20 minutes.

CONCLUSION

The Microsoft 365 application for the Operational and Strategic Risk Registers and Contracts Registers as presented by Smart Office Systems be received and recommended to Council for Adoption to enable the creation, management and review of the registers at future meetings.

10.1 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 010607

OFFICER RECOMMENDATION

Moved Mayor O’Neill, seconded Cr Donovan

That the Audit Committee:

- 1. receives the presentation from Smart Office Systems on the Microsoft 365 application for the Operational and Strategic Risk Register and Contracts Register.**
- 2. recommend to Council the adoption of the Microsoft 365 application for the Operational and Strategic Risk Register and Contracts Register to enable the creation, management and review of the registers at future meetings.**

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Governance & Performance Documents												
Risk Register ★												
Title	Risk Description	Likelihood	Calculated Residual Risk	Health Impact	Financial Loss Impact	Service Disruption Impact	Reputation Impact	Governance Impact	Environmental Impact	Mitigating Controls	Control Rating	Last Review
Breach of reporting legislation	Failure to comply with legislation in relation to presentation of reports or other performance related documents required by government by due dates	2. Unlikely - Could occur at some time	6	0. Not applicable	0. Not Applicable	0. Not Applicable	1. Unsubstantiated, low impact, low profile or no news item	3. Short term non-compliance but with some regulatory requirements imposed	0. Not Applicable	External Audit and review, Committee review, Other (enter details in Mitigating Control Details)	2. Adequate	19/04/2022
Governance Breach	Audit non-compliance in relation to governance related functions of NR TAFE.	3. Possible - Should occur at some time	6	0. Not applicable	1. Less than \$10,000 (Operational); Less than \$20,000 (Strategic)	0. Not Applicable	1. Unsubstantiated, low impact, low profile or no news item	2. Some temporary non-compliance	0. Not Applicable	Committee review, External Audit and review, Internal Audit and review, Other (enter details in Mitigating Control Details)	2. Adequate	9/03/2022
Service disruption to Training Services staff	Backlogs in work or staff shortages create service disruption to Training Service staff awaiting action from team.	3. Possible - Should occur at some time	9	0. Not applicable	1. Less than \$10,000 (Operational); Less than \$20,000 (Strategic)	3. Stoppages for up to 1 week / Significant impact on major deliverables or KPI's	1. Unsubstantiated, low impact, low profile or no news item	2. Some temporary non-compliance	0. Not Applicable	Staff training, Other (enter details in Mitigating Control Details)	2. Adequate	20/06/2021
Breach of RTO Standards around awarding	Breach of RTO Standards caused by manual information processing and inefficiencies with process/systems.	4. Likely - Will probably occur in most circumstances	8	0. Not applicable	1. Less than \$10,000 (Operational); Less than \$20,000 (Strategic)	2. Stoppages for up to 1 day / Minor impact on deliverables or KPI's	2. Substantiated, low impact, low news profile, non-headline exposure	2. Some temporary non-compliance	0. Not Applicable	Suitable stakeholder communication protocols in place, External Audit and review, Internal Audit and review	3. Needs Improvement	27/06/2021
Operation of plant or equipment causing injury	1. Lack of operator competency with consequential incident/injury. 2. Lack of plant/equipment registration, service and maintenance with consequential incident/injury.	3. Possible - Should occur at some time	12	4. Single fatality and/or single permanent disability	3. \$50,000 to \$100,000 (Operational); \$100,000 to \$400,000 (Strategic)	2. Stoppages for up to 1 day / Minor impact on deliverables or KPI's	4. Substantiated / at fault, public embarrassment, high news profile, Third Party actions, Ministerial involvement	3. Short term non-compliance but with some regulatory requirements imposed	2. Low environmental impact. Rapid clean-up of local area by staff / contractor	Staff training, Signage, Other (enter details in Mitigating Control Details)	4. Inadequate	2/07/2021
Use of faulty electrical equipment/appliances causing injury	Use of faulty equipment/appliances results in burns, injury electrocution or fatality.	2. Unlikely - Could occur at some time	8	4. Single fatality and/or single permanent disability	2. \$10,000 to \$50,000 (Operational); \$20,000 to \$100,000 (Strategic)	2. Stoppages for up to 1 day / Minor impact on deliverables or KPI's	3. Substantiated, public embarrassment, moderate news profile, Ministerial inquiry / briefing	2. Some temporary non-compliance	2. Low environmental impact. Rapid clean-up of local area by staff / contractor	Staff training, Signage	3. Needs Improvement	2/07/2021
Non-compliant working at heights resulting in injury	Working at height close to an edge unprotected, slippery roof, brittle roof, no anchor points, unsecured equipment, adverse weather conditions causing injury whilst working at heights.	2. Unlikely - Could occur at some time	6	3. Medical treatment / hospital admission	2. \$10,000 to \$50,000 (Operational); \$20,000 to \$100,000 (Strategic)	2. Stoppages for up to 1 day / Minor impact on deliverables or KPI's	3. Substantiated, public embarrassment, moderate news profile, Ministerial inquiry / briefing	3. Short term non-compliance but with some regulatory requirements imposed	2. Low environmental impact. Rapid clean-up of local area by staff / contractor	Staff training, Signage, Other (enter details in Mitigating Control Details)	4. Inadequate	1/07/2021
Incident occurring whilst travelling remotely or long distance	Inexperienced drivers travelling long distance on unsealed roads with the potential of an accident, flat tyre, poor or no communication whilst travelling, driving alone, fatigue management, College unaware of travelling staff member's location.	2. Unlikely - Could occur at some time	8	4. Single fatality and/or single permanent disability	2. \$10,000 to \$50,000 (Operational); \$20,000 to \$100,000 (Strategic)	2. Stoppages for up to 1 day / Minor impact on deliverables or KPI's	3. Substantiated, public embarrassment, moderate news profile, Ministerial inquiry / briefing	3. Short term non-compliance but with some regulatory requirements imposed	4. Major environmental impact. Potential for clean-up using external resources. Impact may extend outside College boundary	Staff training, Other (enter details in Mitigating Control Details)	1. Excellent	2/07/2021



10.2 HAZARD REPORTING PROCESS

Report Reference Number	ACR-272
Prepared by	Nicholas King, EMTS
Supervised by	Gary Tuffin, CEO
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Hazard Reporting Process
2. Snap Send Solve Report - Sample

PURPOSE

The Audit Committee is requested to receive this report on the changes to Hazard reporting undertaken within the Operations Department.

EXECUTIVE SUMMARY

Following several public liability claims submitted to the Town in late 2021 and early 2022, the Town reviewed its hazard reporting and resolutions procedures. This included a town wide condition assessment of all footpaths, updating of the hazard reporting process and implementation of better internal reporting of hazards.

BACKGROUND

The Towns hazard reporting processes prior to early 2022 were not acceptable in terms of documentation or fixing of issues. Hazards would get reported in several different ways, through word of mouth, emails, phone calls, which all lacked a good solid process behind it. Following several public liability claims, the Town amended its hazard reporting processes to include the use of snap send and solve application, which has the capability to take a picture, GPS locate where the hazard has occurred, and automatically send an email to the relevant responsible stakeholder.

In addition to this the Town commissioned a consultant to undertake a condition assessment of all footpaths within the Town, rating them 1-5, and noting sections that were highly dangerous to be actioned immediately. The condition assessment also picked up overhanging tree branches onto footpaths, be it private trees or Council trees, and tactile paving around the Town and its condition.

CONSULTATION

Consultation was undertaken internally once the hazard reporting process was updated, with the OHS committee and Executive Management Group.

STATUTORY ENVIRONMENT

Section 5Z of the Civil Liability Act 2002 effectively states that a local government will only be liable for compensation arising from personal injury if the following criterion are met:

- The local government is to have actual knowledge of a hazard existing, and



- The actual knowledge must be attributable to the local government officers, who in fact have the function of carrying out repairs/works, before it can be held liable for any damages

Whilst the primary objective of the hazard reporting process is to identify and remediate hazards in a timely manner to prevent the likelihood of personal injury, it also provides a framework for public liability claims to be properly assessed against documented processes.

POLICY IMPLICATIONS

Policy 2.2.4 Risk Management

FINANCIAL IMPLICATIONS

Annual footpath condition assessment undertaken by consultant	\$3,000
Footpath maintenance budget	\$80,000
Footpath upgrade projects 2022-23	\$250,000

STRATEGIC IMPLICATIONS

Strategic Priority 3: Built Environment applies as follows:

3.3.1 Continue to improve asset management within resource capabilities

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Footpath trip hazards	Possible (3)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, high impact, high news profile, third party actions	Manage by Noting hazards, signing, and fixing as soon as practicable.

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

Risk Rating	6
Does this item need to be added to the Town's Risk Register	Yes
Is a Risk Treatment Plan Required	Yes

SITE INSPECTION

Nil

COMMENT

The condition assessment undertaken in February 2022 is a key component of the updated hazard reporting process, with it identifying hazards around the Town and giving the Operations department a way of moving forward towards fixing the hazards.

Table 1 shows the summary of individual sections of footpaths, their relevant condition, and number of defects under that specific rating. As can be seen the majority of the Town's footpath network is good or better, with 68% being Excellent and good. Also noting that only 18% was very poor condition.

Condition	Number	%	Defects
Excellent	126	29%	191
Good	169	39%	281
Average	49	11%	112
Poor	16	4%	24
Very Poor	77	18%	464
Total	437	100%	1072

Table 1: Condition summary

Of the 1072 individual defects over 10% of these were issues of service authorities assets such as Telstra or Water Corp. These have all been reported to the relevant service authority in snap send and solve.

CONCLUSION

Since the reporting of several footpath trip incidents in late 2021 and early 2022, the Town has taken relevant action in ensuring that any possible hazards are picked up, made safe and then ultimately fixed. The addition of the annual footpath condition assessment is a major part of this, which will mitigate the risk for the Town, if we can find the hazards, and make them safe until they can get fixed.



10.2 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 020607

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O'Neill

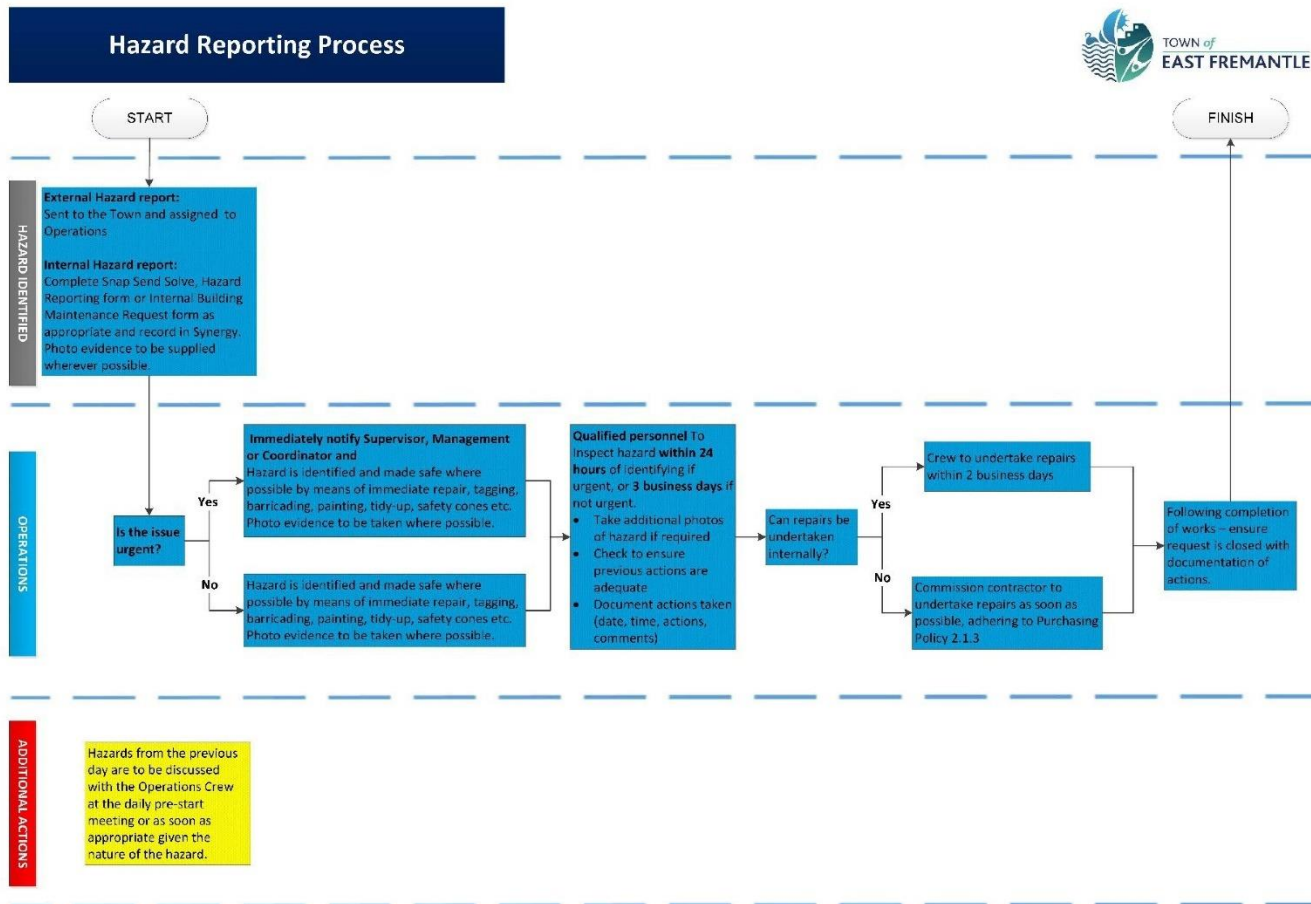
That the Audit Committee recommend Council note the Town's updated hazard reporting processes as detailed with the modifications in the attached process map.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Attachment -1





Town of East Fremantle

Monthly report summary

This period: 2022-01-01 to 2022-01-31
 Last period: 2021-12-01 to 2021-12-31

Total Reports

This Period	Last Period	% Change
17	20	-15%

Customer Satisfaction Score

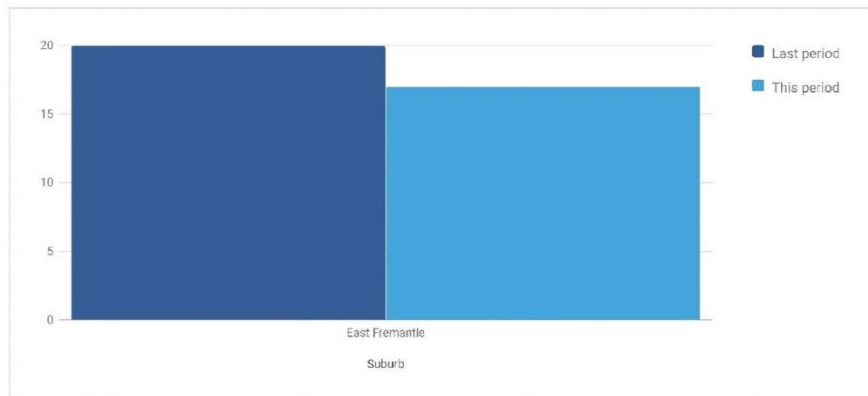
Customer Satisfaction Score (out of 5) provided by Snap Send Solve users for your authority.

	This Period	Last Period	% Change
Town of East Fremantle	5.0	4.9	2%
Similar sized council average(state based)	4.4	4.1	8%
State average	3.4	3.4	-1%

Reports by Top 5 Suburbs

Total reports received by suburb for the period.

	This Period	Last Period	% Change
East Fremantle	17	20	-15%



Reports by Top 5 Incident types

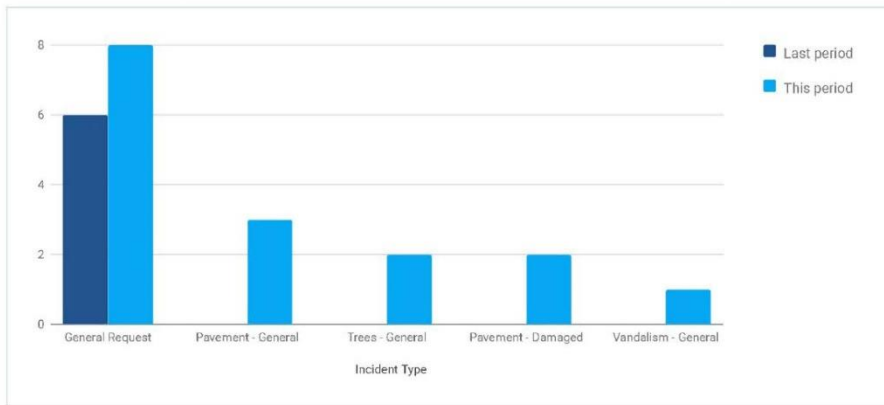
Total reports received by incident type for the period.

Attachment -2

2/2/22, 8:45 AM

Snap Send Solve

	This Period	Last Period	% Change
General Request	8	6	33%
Pavement - General	3	0	N/A
Trees - General	2	0	N/A
Pavement - Damaged	2	0	N/A
Vandalism - General	1	0	N/A



Reports by Top 5 Suburbs and Top 5 Incident types (This period)

	General Request	Pavement - General	Trees - General	Pavement - Damaged	Vandalism - General
East Fremantle	8	3	2	2	1

Reports Triaged

Total reports received by your Authority that have been triaged to other authorities by your Customer Service team.

	This Period	Last Period	% Change
--	-------------	-------------	----------

Reports Sent to Other Authorities

Total reports sent by Snap Send Solve users to other Authorities within your boundary, that your Authority is not responsible for.

	This Period	Last Period	% Change
NBN	1	0	N/A
Telstra	1	3	-67%

NA* - There is no comparison data for this period

For any questions or comments, please contact: [Snap Send Solve](#)
[Unsubscribe from this Dashboard](#)

<https://services.snapendsolve.com/reporting/view?signature=eyJhbGciOiJIUzI1NiIsInR5cCI6Ii91bnRpdWJzY3JpcHRpb25JzC6MzQ4N2YyY3JlYXRZEF0joiMjAyMjMwM1R5YyMjQ0MD00S4Z0TVh1aWw...> 2/3

10.3 AUDIT REG 17 - FINANCIAL MANAGEMENT REVIEW

Report Reference Number	ACR-240
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Consolidated Report – Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls – November 2019 (Confidential) 2. Request for Quotation – Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

PURPOSE

The Audit Committee is requested to endorse the attached Request for Quotation for the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.

EXECUTIVE SUMMARY

In order to meet the requirements under Regulation 5 (2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996*, the CEO is required to undertake a review of the Town's financial management, risk management, legislative compliance and internal controls every 3 years.

Given the methodology undertaken, and the need for independence, this review is outsourced to qualified companies.

BACKGROUND

The *Local Government Act 1995*, *Local Government (Audit) Regulations 1996* and *Local Government (Financial Management) Regulations 1996* detail the statutory requirements with respect to audit of local government. The following reporting requirements to the Audit Committee are mandatory:

Item	Requirements	Legislation
External Audit Report	The Auditor is to provide a report (annually) giving an opinion on the financial position of the local government and the results of the operations of the local government. Where it is considered by the auditor appropriate to do so, the audit is to prepare a management report to accompany the auditor's report.	Regulation 10 of the <i>Local Government (Audit) Regulations 1996</i>
Compliance Audit Return	Local Governments are required to complete a statutory compliance return (Compliance Audit Return) annually and have the return adopted	Regulation 14 of the <i>Local Government (Audit) Regulations 1996</i>

	by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered 'high risk'. The audit committee is to review the Compliance Audit Return and report to the Council the results of that review.	
Risk Management/Internal Controls/Legislative Framework	The CEO is to review the appropriateness and effectiveness of a local governments and procedures in relation to risk management, internal control and legislative compliance at least once every three years and report to the audit committee the results of that review.	Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>
Financial Management Review	The CEO is review the appropriateness and effectiveness of the financial management systems and procedures of the local government at least once every years and reports the results of that review.	Regulation 5 of the <i>Local Government (Financial Management) Regulations 1996</i>

The last review of financial management, risk management, legislative compliance and internal controls was completed in November 2019 – see attached confidential report. The next review is required to be completed by the end of this calendar year pursuant to the Internal Audit Work Plan.

CONSULTATION

Audit Committee

STATUTORY ENVIRONMENT

The local government audit framework is governed by the *Local Government Act 1995* and Regulations including the *Local Government (Administration) Regulations 1996*, *Local Government (Audit) Regulations 1996*, *Local Government (Financial Management) Regulations 1996* and *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

There are no Council Policies relevant to this matter.

FINANCIAL IMPLICATIONS

The 2022/23 Budget includes an allocation of \$20k for this project against GL account E04203.

STRATEGIC IMPLICATIONS

Strategic Priority 5 – Leadership and Governance

- 5.1 Strengthen organisational accountability and transparency
- 5.3 Strive for excellence in leadership and governance



RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the CEO does not comply with the Regulation 17 of the LG Audit Regulations 1996 and Regulation 5 of the LG Financial Management Regulations 1996.	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliance	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

Risk Rating	9
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
Financial Management Review

Once every three (3) years the Chief Executive Officer is required to review the appropriateness and effectiveness of the financial management systems and procedures, as required by Financial Management Regulation 5 (2)(c). The review covers the systems and procedures established by the Town in performing the duties defined by Financial Management Regulation 5 (1), including, but not limited to the following:

- Collection of money owed;
- Custody and security of money held;
- Maintenance and security of financial records;
- Accounting for revenue and expenses;
- Accounting for assets and liabilities;
- Accounting for trust transactions;
- Authorisation of purchases;
- Authorisation of payments;
- Maintenance and processing of payroll;
- Stock control and costing records;
- Preparation of budgets and budget reviews; and
- Preparation of financial reports.

Systems and Procedures Review

Likewise, at least once every three (3) years the Chief Executive Officer is required to report on the appropriateness and effectiveness of the Town's risk management, internal controls and legislative compliance systems and procedures, every three years, as required by Audit Regulation 17. The results of the review are to be reported by the CEO to the Audit Committee. The Audit Committee is required to review the CEO's report and then report to the Council. The report from the Audit Committee to the Council is required to have attached a copy of the CEO's report to the Audit Committee.

To ensure independence of process, it is recommended that an external company be appointed to undertake the review, and follow the methodology below:

- Conduct onsite interviews with key personnel involved in risk management, financial management legislative compliance.
- Identify the extent of commitment and mandate to Risk Management principles (using AS/NZS ISO 31000:2018 as the framework) within the overall risk management framework.
- Review each component (risk management, legislative compliance and internal controls) after considering the overall risk environment, governance structure and internal control environment.
- Assess the gaps (if any) between the current processes and the expected risk management, internal controls and legislative compliance systems and procedures and recommend suggested improvements.
- Report on the appropriateness and the effectiveness of current systems and procedures.

CONCLUSION

That the Audit Committee endorse the commencement of this independent review, noting that the Chief Executive Officer will appoint the successful respondent to the Request for Quotation as per his statutory responsibility. The final report and audit findings will be presented to the Audit Committee.



10.3 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 030607

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O'Neill

That the Audit Committee endorse the Request for Quotation for the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls as presented.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Attachment 1

Attachment -1

Confidential Attachment



Request for Quotation
RFQ01-2022/2023
Review of Financial Management, Risk
Management, Legislative Compliance and
Internal Controls

Submission to be received by 4pm
Date: Friday 12 August 2022

Late submissions will not be accepted

To be submitted via the WALGA E- Quotes Portal

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1 Conditions of Responding

1.1 Contract Requirements in Brief – Scope of Works in Brief

The Town seeks the services of an experienced professional to undertake a review of systems and procedures two reviews and issue one report to meet the two separate reporting requirements the CEO has under legislation.

1. Financial Management Review

The CEO is to review the appropriateness and effectiveness of the financial management systems and procedures of the local government at least once every three years and reports the results of that review.

Regulation 5 of the *Local Government (Financial Management) Regulations 1996*

2. Review of Risk Management, Internal Controls and Legislative Framework

The CEO is to review the appropriateness and effectiveness of a local governments and procedures in relation to risk management, internal control and legislative compliance at least once every three years and report to the audit committee the results of that review.

Regulation 17 of the *Local Government (Audit) Regulations 1996*.

A full statement of the Goods/Services required under the proposed Contract appears in the Specification **Part 2**.

1.2 Definitions

Below is a summary of some of the important defined terms that may be used in this Request:

AS/NZS: means Australian and New Zealand Standard

Appendix(ces): means the documents attached to the Principal's Request for Quotation document

Attachment(s): means the documents you attach as part of your Quotation submission

Consultant: means the same as Contractor

Part 1	READ AND KEEP THIS PART
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Contractor: Means the person or persons, corporation or corporations whose Response is accepted by the Principal, and includes the executors or administrators, successors and assignments of such person or persons, corporation or corporations.

Deadline: The Deadline shown on the front cover of this Request for lodgement of your Submission.

General Conditions of Contract: Means the General Conditions of Contract for the Supply of Goods and Services under a Purchase Order in **Part 3**.

Offer: Your Offer to be selected to supply the Requirements.

Principal: *Town of East Fremantle*

Response: Completed Offer, response to Selection Criteria and Attachments.

Requirement: The Goods and/or Services requested by the Principal.

Request or RFQ or Request for Quotation: This document.

1.3 Contact Persons

Respondents should not rely on any information provided by any person other than the person listed below:

Name:	<i>Peter Kocian, Executive Manager Corporate Services</i>
Telephone:	<i>(08) 9339 9317</i>
Email:	<i>pkocian@eastfremantle.wa.gov.au</i>

1.4 Briefing/Site Inspection

Not applicable.

1.5 Selection Criteria

The Contract may be awarded to a Respondent who best demonstrates the ability to provide quality products and/or services at a competitive price. The quoted prices will be assessed together with the qualitative and compliance criteria to determine the most advantageous outcome to the principal.

Part 1 READ AND KEEP THIS PART

The Principal has adopted the best value for money approach to this Request. This means that, although price is considered, the Response containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the Qualitative Criteria.

A scoring system will be usual as part of the assessment of the Qualitative Criteria. Unless otherwise stated, a Response which provides all the information requested will be assessed as satisfactory.

The extent to which the Respondent demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Response will be used as one of the factors in the final assessment of the Qualitative Criteria and in the overall assessment of value for money.

1.6 Compliance Criteria

These criteria are detailed within **Part 4** of this document and will not be point scored. Each Response will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of “No” against any criterion may eliminate the Submission from consideration.

1.7 Qualitative Criteria

In determining the most advantageous Response, the Evaluation Panel will score each Response against the Qualitative Criteria as detailed within **Part 4** of this document. Each criterion will be weighted to indicate the relative degree of importance that the Principal places on the technical aspects of the goods or services being purchased.

Note: It is essential that Respondents address each Qualitative Criterion.

Information that you provide addressing each Qualitative Criterion will be point scored by the Evaluation Panel.

Failure to provide the specified information may result in elimination from the evaluation process or a low score.

1.8 Value Considerations

The non-weighted cost method is used where functional considerations such as capacity, quality and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Respondents to complete the Requirements and a number of factors will be considered including:

- a) the qualitative ranking of each Respondent; and
- b) the pricing submitted by each Respondent.

Part 1 READ AND KEEP THIS PART

Once the tenders have been ranked, the Evaluation Panel will make a value judgement as to the cost affordability, qualitative ranking and risk of each Response, in order to determine the Response which is most advantageous to the Principal.

The quoted price will be considered along with related factors affecting the total cost to the Principal (eg the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome).

1.8.1 Price Basis

All prices for Goods/Services offered under this Request are to be fixed for the term of the Contract. Quoted prices must include Goods and Services Tax (GST).

Unless otherwise indicated prices tendered must include delivery, unloading, packing, marking and all applicable levies, duties, taxes and charges. Any charge not stated in the Response, as being additional will not be allowed as a charge for any transaction under any resultant Contract.

Any charge not stated in the Tender as being additional will not be allowed as a charge for any transaction under any resultant Contract.

1.9 Principal's Policies That May Affect Selection

2.1.3 Town of East Fremantle Purchasing Policy – a copy can be downloaded from the Town's website at www.eastfremantle.wa.gov.au

1.10 Lodgement of Response and Delivery Method

The Response must be lodged by the Deadline. The Deadline for this Request for Quote is

4.00pm Friday 12 August 2022

The Response is to be submitted via the WALGA E-Quotes portal.

1.11 Rejection of Responses

A Response will be rejected without consideration of its merits in the event that:

- a) it is not submitted before the Deadline; or
- b) it is not submitted at the place specified in the Request for Quotation; or
- c) it may be rejected if it fails to comply with any other requirements of the Request for Quote; or
- d) the Respondent does not submit an Offer form which has been completed and signed together with all the required Attachments.

Part 1 READ AND KEEP THIS PART
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1.12 Acceptance of Responses

Unless otherwise stated in this Request, Responses may be for all or part of the Requirements and may be accepted by the Principal either wholly or in part. The Principal is not bound to accept the lowest Response and may reject any or all Responses submitted.

1.13 Response Validity Period

All Responses will remain valid and open for acceptance for a minimum period of ninety (90) days from the Deadline.

1.14 Precedence of documents

In the event of there being any conflict or inconsistency between the Terms and Conditions herein and those in the General Conditions of Contract, the Terms and Conditions appearing in this Request will have precedence.

1.15 Alterations

The Respondent must not alter or add to the Request documents unless required by these General Conditions of Responding.

The Principal will issue an addendum to all registered Respondents where matters of significance make it necessary to amend the issued Request for Quote documents before the Deadline.

1.16 Ownership of Responses

All documents, materials, articles and information submitted by the Respondent as part of or in support of a Response shall become upon submission the absolute property of the Principal and will not be returned to the Respondent at the conclusion of the Response Process PROVIDED that the Respondent shall be entitled to retain copyright and other intellectual property rights therein, unless otherwise provided by the Contract.

1.17 Canvassing of Officers

If a Respondent, whether personally or by agent, canvasses any of the Principal's Commissioners or Councillors (as the case may be) or Officers with a view to influencing the acceptance of any Respondent, then regardless of such canvassing having any influence on the acceptance of such Submission, the Principal may at its discretion omit the Respondent from consideration.

Part 1 READ AND KEEP THIS PART
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1.18 Identity of the Respondent

The identity of the Respondent and Contractor is fundamental to the Principal. The Respondent shall be the person, persons, corporation or corporations named as the Respondent in Part 3 of this Request. Upon acceptance of the Response, the Respondent will become the Contractor.

Part 2 KEEP AND READ THIS PART
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2 Specification

2.1 Introduction

In order to assist the CEO to meet his obligations under Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996* we are seeking quotations to undertake two reviews and issue one report to meet the two separate reporting requirements the CEO has under legislation.

The Financial Management Review (*FM Reg 5(2)(c)*) will focus on the financial management duties of the CEO as set out in Regulation 5(1) of the *Local Government (Financial Management) Regulations 1996*. With the broader Audit Regulation 17 review, focusing on the overall systems and procedures in relation to risk management, internal controls and legislative compliance.

The financial management review will combine with a review of systems and procedures review of non-financial areas of the Town, to form the overall System and Procedure Review in accordance with Audit Regulation 17(3). A single report will be prepared for the CEO to detail the results of the two reviews to the local government as required by legislation.

2.2 Financial Management Review

2.2.1 Objective of the engagement

Review the appropriateness and effectiveness of the financial management systems and procedures of the local government on behalf of the CEO, as required by *Financial Management Regulation 5(2)(c)*.

The financial management review will cover the systems and procedures established by the CEO in performing the duties defined by *Financial Management Regulation 5(1)*.

2.2.2 Procedures

A review is to be undertaken of all of the Town's financial systems including, but not necessarily limited to:

- Collection of money owed;
- Custody and security of money held;
- Maintenance and security of financial records;
- Accounting for revenue and expenses;
- Accounting for assets and liabilities;
- Accounting for trust transactions;
- Authorisation of purchases;
- Authorisation of payments;
- Maintenance and processing of payroll;
- Stock controls and costing records;
- Preparation of budgets and budget reviews; and
- Preparation of financial reports.

Part 2 KEEP AND READ THIS PART
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2.2.3 Reporting

A detailed report is to be provided following the completion of the review.

The primary focus of this component of the review is to assess the appropriateness and effectiveness of the key areas listed above as required by *Local Government (Financial Management) Regulation (5)(2)(c)*.

The report should highlight any areas requiring improvement noted during the course of the review.

2.3 Systems and Procedures Review

2.3.1 Objective of the engagement

The review aims to provide the basis for a report by the CEO on the appropriateness and effectiveness of the Town’s risk management, internal controls and legislative compliance systems and procedures as required by Audit Regulation 17. The results of the review are to be reported by the CEO to the Audit Committee. The Audit Committee is required to review the CEO’s report and then report to the Council. The report from the Audit Committee to the Council is required to have attached a copy of the CEO’s report to the Audit Committee.

2.3.2 Procedures

Procedures would encompass the following services:

- A review of the risk management systems policies, procedures and plans in place at the Town;
- Evaluate the non-financial/operational internal control systems and procedures at the Town;
- Assess systems and procedures for maintaining legislative compliance;
- Prepare a report of matters identified during the review to assist the Chief Executive Officer to assess the appropriateness and effectiveness of the relevant systems and procedures in accordance with Local Government Audit Regulation 17.

To undertake these procedures, the following methodology should be applied as a minimum:

- Conduct onsite interviews with key personnel involved in risk management, financial management and ensuring Town adherence to legislative compliance;
- Identify the extent of commitment and mandate to Risk Management principles (using AS/NZS ISO 31000:2018 as the framework) within the overall risk management framework;
- Review each component (risk management, legislative compliance and internal controls) after considering the overall risk environment, governance structure and internal control environment;
- Assess the gaps (if any) between the current processes and the expected risk management, internal controls and legislative compliance systems and procedures and recommend suggested improvements; and
- Report on the appropriateness and the effectiveness of current systems and procedures.

The review will be a high level review given the scale, variety and breadth of non-financial activities and will consider as a minimum the issues identified by the Department of Local Government, Sport and Cultural Industries in Appendix 3 to Local Government Operational Guideline Number 09 – Audit in Local Government.

Part 2 KEEP AND READ THIS PART

2.3.3 Reporting

The review is to be more than a compliance exercise and seeks to identify sound practices and confirm their effectiveness as well as offer practical assistance to rectify any weaknesses identified.

The primary focus of this component of the review report is to provide an assessment of the appropriateness and effectiveness of risk management, internal controls and legislative compliance for the CEO, the systems and procedures review report will provide an assessment for each of the three elements and identify any opportunities for improvement noted during the course of the review.

1. A written report is to be provided, including the following headings:
 - Engagement overview
 - Review context
 - Review summary
 - Methodology
 - Framework Design, Implementation and Evaluation
 - Report Findings

2. All findings are to be incorporated into an Excel Register with the following headings to be included for alignment with the Town’s Risk Management Framework and Audit Status Reports:

Audit Finding	Risk Assessment Category <small>Risk Issue and Failure Modes</small>	Risk Identified	Date of initial risk identification	Risk Category <small>(Low, Medium or High)</small>	Action Required	Mitigation and Management Strategy (Possible Future Controls)
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2.3.4 Timing

The work is to be undertaken between the months of September – November 2022, with the final report to be submitted by the 9th December 2022.

Part 3 READ AND KEEP THIS PART
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3 General Conditions of Contract for Supply of Goods and Services under Purchase Order

1. SUPPLY OF GOODS AND SERVICES

- 1.1. The Contractor must supply the Goods or Services to the Principal in accordance with the Contract.
- 1.2. Unless expressly agreed to in writing by the Principal and referenced in the Contract, to the extent permitted by Law, no other terms or conditions, including the Contractor's own terms and conditions even where they have been provided to the Principal or signed by a representative of the Principal, will apply or have any legal effect in connection with the supply of the Goods, the performance of the Services or the Contract.
- 1.3. Where the Contract relates to Goods or Services the subject of a separate contract between the Contractor and the Principal, the terms of the separate contract also apply to the extent of any inconsistency with the Contract unless the Principal has clearly stated otherwise on the Purchase Order.

2. CONTRACTOR'S OBLIGATIONS

- (a) The Contractor must ensure that it and the Contractor's Personnel, in performing the Contractor's Obligations under the Contract:
- (b) comply with all applicable Laws, any standards and procedures made available by the Principal to the Contractor, and any reasonable instructions given by the Principal;
- (c) do not interfere with the Principal's activities or the activities of any other person at the Delivery Point or any place the Contractor provides the Services;
- (d) carry out and perform the Contractor's Obligations in a safe manner in a way which does not prejudice safe working practices, safety and care of property or continuity of work;
- (e) unless otherwise set out in the Contract, supply all plant, resources and equipment necessary to perform the Services; and
- (f) provide all such information and assistance as the Principal reasonably requires.

3. RECEIPT, INSPECTION AND ACCEPTANCE OF GOODS AND SERVICES

- 3.1. The Contractor must deliver the Goods in full to the Delivery Point and perform the Services at the times stated in the Contract. In this respect, time will be of the essence of the Contract.
- 3.2. Acceptance of the Goods or Services by the Principal does not constitute approval of the Goods or Services or prejudice any claim the Principal may have in connection with the Goods or Services.
- 3.3. Acceptance of the Goods or Services occurs on the earlier of:

Part 3 READ AND KEEP THIS PART

- (a) a representative of the Principal notifying the Contractor in writing that the Goods or Services have been accepted; or
- (b) the lapse of 14 days after delivery of the Goods to the Delivery Point without the Principal notifying the Contractor in writing that the Goods have been rejected.

3.4. The Contractor must allow the Principal or a representative of the Principal, upon 2 Business Days' written notice from the Principal and during standard business hours, to inspect, examine, review and witness tests of the Goods or Services, or the performance of the Goods or Services and to carry out site inspections at the Contractor's premises.

4. TITLE AND RISK

- 4.1. Title in the Goods will pass from the Contractor to the Principal upon payment of the Contract Price. The Contractor warrants that title in the Goods will be transferred to the Principal without any encumbrances or liens.
- 4.2. Risk in the Goods will pass to the Principal on acceptance of the Goods in accordance with clause 3.3.

5. VARIATIONS

The Contractor must not change the Goods or Services, including an addition, reduction or omission to any part of the Goods or Services except in accordance with a written direction of the Principal in which case the Contractor must comply with that direction and the Contract Price will be adjusted by an amount agreed in writing by the parties.

6. INVOICING AND PAYMENT

- 6.1. The Principal must pay the Contract Price to the Contractor for the Goods and the Services.
- 6.2. The Contract Price is inclusive of all costs and expenses including packaging, freight, delivery, insurance, the cost of any miscellaneous services, compliance with the Contract and Taxes and, subject to clause 5, no additional amounts will be payable by the Principal.
- 6.3. Subject to clause 6.4, on or promptly after the later of the Date of Delivery of the Goods or the Date of Completion of the Services (as applicable), the Contractor must submit an Invoice to the Principal for the amount due to the Contractor.
- 6.4. If agreed in writing by the Principal, the Contractor may submit an Invoice to the Principal at the end of each month for any Services performed during that or previous months provided those Services have not already been included in a previous Invoice issued to the Principal.
- 6.5. An Invoice must include:
 - (a) the Purchase Order number;
 - (b) a description of the Goods delivered, including the quantity of Goods and the Date of Delivery; or
 - (c) a description of the Services performed;
 - (d) the amount being claimed for the Goods and the Services;

Part 3 READ AND KEEP THIS PART

- (e) the amount of any applicable GST;
- (f) if applicable, include the WALGA Preferred Supplier discount associated with the purchase and
- (g) any further information reasonably requested by the Principal.

6.6. If an Invoice does not contain the information required in clause 6.5, the Principal may, at its option, complete the missing details or return the incomplete Invoice to the Contractor, in which case the Contractor must submit a replacement Invoice compliant with clause 6.5.

6.7. Subject to the Contractor submitting an Invoice in accordance with clause 6.5 or a compliant Invoice in accordance with clause 6.6, the Principal must pay the amount payable within 30 days or as otherwise agreed by the parties.

6.8. Payment under this clause 6 will not be taken as proof or admission that all, or any part of, the Goods or the Services have been delivered or performed (as the case may be) to the satisfaction of the Principal, but will be taken to be payment on account only.

6.9. The Contractor agrees that the Principal may:

- (a) deduct from moneys due to the Contractor any money due or which may become due from the Contractor to the Principal under, or in connection with, the Contract; and
- (b) withhold payment of any amounts payable under the Contract pending resolution of any dispute.

7. GOODS AND SERVICES TAX

7.1. If GST is imposed on any supply made by the Contractor in connection with the Contract, the Contractor may recover from the Principal, in addition to the Contract Price, an amount equal to the GST payable in respect of that supply.

7.2. The Contractor must first provide the Principal with an Invoice before the Principal will pay the GST amount to the Contractor.

8. QUALITY OF GOODS AND SERVICES

8.1. The Contractor must ensure that:

- (a) all Goods or Services conform to the description of the Goods or Services set out in the Contract;
- (b) all Goods and Services are fit for their intended purpose and to the extent Services performed are design Services, the works being designed will be fit for their intended purpose;
- (c) if the Contractor provided the Principal with a demonstration of the Services or represented that a result could be achieved by the Services before the Principal issues the Purchase Order, the Services correspond in nature and quality with the services demonstrated or the services that achieved that result (as the case may be); and
- (d) any Goods are new and of merchantable quality.

Part 3 READ AND KEEP THIS PART
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- 8.2. The Contractor warrants that the Contractor’s Personnel engaged to perform the Services have all the necessary skills, training and qualifications to carry out the Services in accordance with the Contract.
- 8.3. The Contractor must ensure that the Principal has the full benefit of any manufacturer’s warranties that may be applicable to the Goods (and the Contractor must, at its cost, pursue any manufacturer’s warranties on the Principal’s behalf).

9. DEFECTS

- 9.1. At any time prior to the expiry of the Defects Liability Period, the Contractor must, at its cost and at the Principal’s direction, promptly rectify all Defects other than a Defect caused by the negligence of the Principal.
- 9.2. Nothing in this clause 9 prejudices any other right that the Principal may have against the Contractor arising out of the failure of the Contractor to supply the Goods or perform the Services in accordance with the Contract.
- 9.3. If the Principal directs the Contractor to rectify a Defect and the Contractor fails to rectify that Defect within a reasonable time specified by the Principal:
 - (a) the Principal may, without prejudice to any other rights the Principal may have against the Contractor, rectify the Defect itself; and
 - (b) the rectification costs incurred by the Principal will be a debt due and payable on demand from the Contractor to the Principal.
- 9.4. Where any Defect has been rectified under the Contract, the rectification work will be the subject of an additional Defects Liability Period commencing on the date the relevant rectification works are completed.

10. CONFIDENTIAL INFORMATION

The Contractor must not use any Confidential Information or disclose any Confidential Information other than to any of the Contractor’s Personnel who need the information to perform the Services or deliver the Goods, to the Contractor’s legal advisers or where required by Law.

11. INTELLECTUAL PROPERTY

- 11.1. Subject to clause 11.3, the Contractor IP remains vested in the Contractor and the Principal IP remains vested in the Principal.
- 11.2. The Principal will own all Intellectual Property that the Contractor creates in the performance of the Services and the supply of the Goods.
- 11.3. The Contractor grants to the Principal a non-exclusive, perpetual, royalty-free, irrevocable, transferable, sub-licenseable licence (with the right to grant sub-licenses on the same terms) to use the Contractor IP to the extent necessary to use the Goods and the Services.

Part 3 READ AND KEEP THIS PART
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12. INSURANCE

- 12.1. Where the Contract is for Services, the Contractor must effect and maintain with a reputable insurer the following insurance policies for the entirety of the term of the Contract:
- (a) *public and products liability insurance* covering liability for damage to property and the death of or injury to any person (other than as covered under a workers compensation policy) in an amount of not less than \$10 million in respect of each and every claim, unlimited as to the number of occurrences for public liability;
 - (b) *workers compensation insurance* as required by Law, including cover for common law liability for an amount of not less than \$50 million for any one occurrence;
 - (c) *motor vehicle insurance* covering all vehicles, plant and equipment (whether owned, hired or leased) used in connection with the Contract for loss or damage of not less than the market value and third party liability of not less than \$20 million in respect of each and every claim;
 - (d) insurance covering the Contractor's own property, goods, materials owned, hired, leased or used by the Contractor, for an amount not less than the market value of those insured items; and
 - (e) any additional insurance required by an applicable Law or reasonably requested by the Principal; and
 - (f) where the Contractor is providing professional services, *professional indemnity insurance* of not less than \$2 million for each claim and in the aggregate for all claims arising in the same insurance period, covering the liability of the Contractor for any professional services provided by the Contractor and the Contractor's Personnel under the Contract. Where this insurance is effected on a 'claims made' basis, the policy must be maintained for a period of at least 7 years after the Completion Date or the earlier termination of the Contract.
- 12.3 The Contractor must provide to the Principal, within 3 business days of a written request, certificates of currency for each of the insurance policies required under clauses 12.1 or 12.2 (or both, as applicable).
- 12.4 Subject to clause 17.4, if the Contractor subcontracts any part of the Contractor's Obligations, then the Contractor must ensure that every subcontractor effects and maintains all of the insurances required under clause 12.1 or 12.2 (or both, as applicable), as appropriate for the work being performed by that subcontractor, before the subcontractor commences any of the Contractor's Obligations.

13 INDEMNITY AND LIMITS OF LIABILITY

- 13.1 The Contractor indemnifies the Principal and the Principal's officers, employees, agents and contractors for and against any claims (including third party claims) and losses suffered or incurred by any of them arising out of, or in connection with, any wrongful act or omission of the Contractor or any of the Contractor's Personnel. This indemnity will be reduced to the extent that the claim or loss is caused by the negligence of the Principal or the Principal's personnel.
- 13.2 Neither party is liable to the other for Consequential Loss.

Part 3 READ AND KEEP THIS PART
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14 TERMINATION

14.1 The Principal may terminate the Contract by notice to the Contractor:

- (a) at any time and in its absolute discretion by giving 7 days' notice to the Contractor;
- (b) if the Contractor commits a breach of the Contract and fails to remedy that default within 14 days of the Principal giving notice of the breach; or
- (c) immediately if an Insolvency Event occurs.

14.2 On termination of the Contract, the Contractor must promptly return to the Principal any of the Principal's Confidential Information, property and documents which the Principal owns or in which the Principal has an interest.

14.3 If the Contract is terminated under clause 14.1(a):

- (a) the Principal must pay the Contractor that part of the Contract Price for any Contractor's Obligations performed prior to termination that have not already been paid by the Principal; and
- (b) the Contractor is not entitled to, and the Principal is not liable for, any additional amounts whatsoever.

14.4 Subject to clause 14.3, termination of the Contract, however it may occur, does not prejudice any claim that either party may have against the other under the Contract on termination.

15 NOTICES

Any notice or other communication relating to the Contract must be in writing, signed by the sender or its agent, and either hand delivered, sent by pre-paid post, faxed or emailed to the other party at the address, fax number or email address set out in the Purchase Order.

16 DISPUTES

16.1 Neither party may commence any action, bring any proceedings or seek any relief or remedy in a court, except interlocutory or equitable relief, from a court in respect of a dispute until they have complied with the dispute resolution process in accordance with this clause 16.

16.2 If any dispute arises between the parties in relation to the Contract, either party must give notice of the dispute to the other party.

16.3 A senior representative of each of the parties must promptly meet and attempt to resolve the dispute. If the parties are unable to resolve a dispute within 21 days of the notice referred to in clause 16.2, then either party may issue court proceedings.

17 GENERAL

17.1 The Contract states all the express terms of the agreement between the parties in respect of its subject matter. It supersedes all prior representations, discussions, negotiations, understanding and agreements in respect of its subject matter.

Part 3 READ AND KEEP THIS PART

- 17.2 The Contract is governed by the law in force in Western Australia and each party irrevocably submits to the non-exclusive jurisdiction of courts exercising jurisdiction in Western Australia.
- 17.3 The Contractor must not assign or novate the Contract or assign any other right, benefit or interest under the Contract to any person or entity without the prior written consent of the Principal.
- 17.4 The Contractor must not, without the prior written consent of the Principal, which consent must not be unreasonably withheld, subcontract any of the Contractor's Obligations.
- 17.5 No term or provision of the Contract will be construed against a party on the basis that the Contract or the term or provision in question was put forward or drafted by that party.
- 17.6 The Contract is a non-exclusive contract for the supply of Goods or Services and it does not prevent the Principal from entering into other contracts for the supply or performance of the same or similar goods or services with other contractors.
- 17.7 Any provision of the Contract which is illegal, void or unenforceable will be ineffective to the extent only of that illegality, voidness or unenforceability without invalidating the remaining provisions.
- 17.8 If the Principal is restructured by Law, then the rights and obligations of the Principal under the Contract are novated to and assumed by the appropriate legal entity as determined by the Principal or the successors of the Principal under the restructure.
- 17.9 Clauses 4, 6.8, 6.9, 10, 11, 12.2(f), 13, 14.4 and 17 survive the termination or expiry of the Contract.

18 DEFINITIONS

Completion Date means the date on which performance of the Services is completed.

Conditions of Contract means these general conditions of contract for the supply of goods and services under a purchase order.

Confidential Information means the Contract and information (regardless of its form) which is disclosed directly or indirectly by the Principal to the Contractor or Contractor's Personnel which is treated or designated as confidential, or which the Contractor or the Contractor's Personnel ought to know is confidential, but does not include information which is or becomes public knowledge (other than by the Contractor's disclosure or breach of the Contract).

Consequential Loss means any loss of production, loss or revenue, loss of profit, loss of business reputation, business interruptions, loss of opportunities, loss of anticipated savings or wasted overheads.

Contract means the Conditions of Contract and the relevant Purchase Order.

Contract Price means the price for the Goods or Services (exclusive of GST) set out in the Purchase Order.

Contractor means the contractor specified in the Purchase Order.

Part 3 READ AND KEEP THIS PART

Contractor IP means any Intellectual Property of the Contractor (or Intellectual Property licensed to the Contractor by a third party) which:

is in existence before the date of the Contract or comes into existence after the date of the Contract other than in connection with the Contract, the Goods or the Services; and

which the Contractor makes available, contributes, brings to or uses in connection with the Contract.

Contractor's Obligations means all of the Contractor's obligations under the Contract.

Contractor's Personnel means the Contractor's officers, employees, agents and subcontractors and their respective employees and agents.

Date of Delivery means the date on which the Goods are delivered to the Delivery Point.

Day means a business day that is not a Saturday, Sunday, a public holiday in Western Australia or 27, 28, 29, 30 or 31 December.

Defect means any defect, error, damage, deficiency, fault or inadequacy in the design, performance, workmanship, quality or makeup of the Goods or Services.

Defects Liability Period means a period of 12 months commencing: (a) in respect of the Goods, on the Date of Delivery; and

in respect of the Services, on the Completion Date,

and, where relevant, any additional period of time specified in accordance with clause 9.4.

Delivery Point means the place set out in the Purchase Order for delivery of the Goods or otherwise notified by the Principal in writing.

Goods means any goods, materials, supplies, equipment or other items set out in the Purchase Order.

GST means goods and services tax or similar value added tax levied or imposed in Australia pursuant to *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Insolvency Event means in respect of the Contractor, the following events: appointment of an administrator, appointment of a liquidator, appointment of a provisional liquidator, appointment of a controller (including any receiver or receiver and manager), insolvency, bankruptcy, winding up or any event analogous to these events.

Intellectual Property means all intellectual and industrial property rights, including trade marks, copyright (including future copyright), inventions, patents, designs, circuits and other eligible layouts, database rights, including any application or right to apply for registration of any of these rights.

Invoice means any document or record treated by the Commissioner of Taxation as an invoice or as a document entitling a recipient to an input tax credit.

Law means any law in force in Australia, whether common law, equity or any law under any statute, subordinate legislation, ordinance or code.

Part 3 READ AND KEEP THIS PART

Principal means the party ordering or receiving the Goods or Services in accordance with the Contract, being that party specified in the Purchase Order.

Principal IP means any Intellectual Property of the Principal (or licensed to the Principal by a third party) which the Principal makes available, contributes, brings to or uses in connection with the Contract.

Purchase Order means the Principal's purchase order form for the Goods or Services.

Services means any services set out in the Purchase Order, including the delivery of any goods and performance of services ancillary to the Services.

Tax means any income, land, indirect and other taxes, levies, imposts, deductions, charges, duties, compulsory loans and withholdings, including financial institutions duty, debits tax or other taxes whether incurred by, payable by return or passed on to another person and includes any interest, penalties, charges, fees, fines or other amounts imposed in respect of any of the above, but does not include GST.

19 INTERPRETATION

In the Contract:

a reference to "Goods or Services" is to be read as "Goods or Services, or both of them, as applicable";

the singular includes the plural and the plural includes the singular;

a reference to a clause or party of the Contract is a reference to a clause of, and a party to, the Contract;

a reference to legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them;

the words 'include', 'includes' and 'including' must be construed without limitation as to what else might be included; and

Part 1F of the *Civil Liability Act 2002* (WA) does not apply to the Contract.

Part 4 COMPLETE AND RETURN THIS PART

4 Respondent's Offer

4.1 Offer Form

Chief Executive Officer
Town of East Fremantle
135 Canning Highway
EAST FREMANTLE WA 6158

I/We (Registered Entity Name): _____
(BLOCK LETTERS)

of: _____
(REGISTERED STREET ADDRESS)

ABN _____ ACN (if any) _____

Telephone No: _____ Facsimile No: _____

E-mail: _____

In response to Request for Quotation – RFQ26-2021/22 – Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

I/We agree that I am/We are bound by, and will comply with this Request and its associated schedules, attachments, all in accordance with the Conditions contained in this Request signed and completed.

The responded price is valid up to ninety (90) calendar days from the date of the RFQ closing.

I/We agree that there will be no cost payable by the Principal towards the preparation or submission of this Response irrespective of its outcome.

The consideration is as provided under the schedule of rates of prices in the prescribed format and submitted with this RFQ.

Dated this _____ day of _____ 2022

Signature of authorised signatory of Respondent: _____

Name of authorised signatory (BLOCK LETTERS): _____

Position: _____

Telephone Number: _____

Authorised signatory Postal address: _____

Email Address: _____

Part 4 COMPLETE AND RETURN THIS PART

4.2 Selection Criteria

4.2.1 Compliance Criteria

Please select with a “Yes” or “No” whether you have complied with the following compliance criteria:

Description of Compliance Criteria	
a) Respondents are to provide acknowledgment that your organisation has submitted in accordance with the Conditions of this RFQ including completion of the Offer Form and provision of your pricing submitted in the format required by the Principal.	Yes / No
b) Respondents are to provide any relevant certifications/accreditations required for the scope of work.	Yes / No
c) Compliance with the Specification contained in the Request.	Yes / No
d) Compliance with the Delivery Date.	Yes / No
e) Risk Assessment Respondents must address the following information in an attachment and label it “Risk Assessment”:	Yes / No
i) An outline of your organisational structure inclusive of any branches and number of personnel.	Yes / No
ii) If companies are involved, attach their current ASC company extracts search including latest annual return.	Yes / No
iii) Provide the organisations directors/company owners and any other positions held with other organisations.	Yes / No
iv) Provide a summary of the number of years your organisation has been in business.	Yes / No
v) Attach details of your referees. You should give examples of work provided for your referees where possible.	Yes / No
vi) Are you acting as an agent for another party? If Yes, attach details	

Part 4 COMPLETE AND RETURN THIS PART	
<i>(including name and address) of your principal.</i>	Yes / No
vii) <i>Are you acting as a trustee of a trust? If Yes, give the name of the trust and include a copy of the trust deed (and any related documents); and if there is no trust deed, provide the names and addresses of beneficiaries.</i>	Yes / No
viii) <i>Do you intend to subcontract any of the Requirements? If Yes provide details of the subcontractor(s) including; the name, address and the number of people employed; and the Requirements that will be subcontracted.</i>	Yes / No
ix) <i>Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract? If Yes, please supply in an attachment details of any actual or potential conflict of interest and the way in which any conflict will be dealt with.</i>	Yes / No
x) <i>Are you presently able to pay all your debts in full as and when they fall due?</i>	Yes / No
xi) <i>Are you currently engaged in litigation as a result of which you may be liable for \$50,000 or more? If Yes, provide details.</i>	Yes / No
xii) <i>In order to demonstrate your financial ability to undertake this contract, include a profit and loss statement and the latest financial return for you and each of the other proposed contracting entities, together with a list of financial referees from your bank and/or accountant.</i>	Yes / No
<p>The insurance requirements for this Request for Quotation are stipulated in Part 3 of the RFQ. Respondents are to supply evidence of their insurance coverage including, insurer, expiry date, value and type of insurance. If a Respondent holds “umbrella Insurance”, please ensure a breakdown of the required insurances are provided. A copy of the Certificate of Currency is to be provided to the Principal within five (5) days of acceptance.</p>	

Part 4 COMPLETE AND RETURN THIS PART

4.2.2 Qualitative Criteria

Before responding to the following Qualitative Criteria, Respondents must note the following:

- a) All information relevant to your answers to each criterion are to be contained within your Response;
- b) Respondents are to assume that the Evaluation Panel has no previous knowledge of your organisation, its activities or experience;
- c) Respondents are to provide full details for any claims, statements or examples used to address the Qualitative Criteria; and
- d) Respondents are to address each issue outlined within a Qualitative Criterion.

<p>A. Relevant Experience & Specific Local Government Operations Review Experience</p> <p>Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “Relevant Experience”:</p>	<p>Weighting</p> <p>40%</p>	
<ul style="list-style-type: none"> a) <i>Provide details of similar work.</i> b) <i>Provide scope of the Respondent’s involvement including details of outcomes.</i> c) <i>Demonstrate competency and proven track record of achieving outcomes.</i> 	<p>“Relevant Experience”</p>	<p>Tick if attached</p> <p><input type="checkbox"/></p>
<p>B. Organisation Capability (Incl. Individual Capability Credentials/Experience Experience)</p> <p>Respondents should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p>	<p>Weighting</p> <p>30%</p>	
<ul style="list-style-type: none"> a) <i>Their role in the performance of the Contract.</i> b) <i>Membership to any professional or business associations.</i> c) <i>Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement.</i> d) <i>Any additional information.</i> 	<p>“Organisation Capability”</p>	<p>Tick if attached</p> <p><input type="checkbox"/></p>

Part 4 COMPLETE AND RETURN THIS PART

Supply any other relevant details in an attachment and label it "Organisation Capability".		
--	--	--

<p>C. Methodology</p> <p>Respondents should detail the process they intend to use to achieve the Requirements of the Specification.</p> <p>Areas you may wish to cover include:</p>	<p>Weighting</p> <p>30%</p>	
<p><i>a) A project schedule/timeline.</i></p> <p><i>b) The process for the delivery of the Goods/Services.</i></p> <p><i>c) Demonstrated understanding of the Scope of Work.</i></p>	<p>"Methodology"</p>	<p>Tick if attached</p> <p><input type="checkbox"/></p>
<p>Supply details and provide an outline of your proposed methodology in an attachment labelled "Methodology".</p>		

Part 4 COMPLETE AND RETURN THIS PART

4.3 Price Information

Respondents must complete the following "Price Schedule". Before completing the Price Schedule, Respondents should ensure they have read this entire Request for Quotation.

Activity	Pricing Exclusive of GST
Lump Sum - list inclusions	
Hourly rate	
Total (GST EXCLUSIVE)	\$

4.3.1 Price Basis

- 4.3.1.1 Unless otherwise stated in this Contract, the Contract Price shall be firm and not subject to rise and fall.
- 4.3.1.2 Unless otherwise provided in this Contract, the Contractor shall pay all packaging, freight, Taxes, insurances and other charges whatsoever, in connection with this Contract and the Goods and/or Services including delivery of Goods to the Delivery Point and the return of Goods wrongly supplied and all packaging.



10.4 REVIEW OF FINANCE POLICIES

Report Reference Number	ACR-244
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Policy 2.1.10 Infringement Debt Management
2. Policy 2.1.16 Rates Concession
3. Policy 2.1.17 Pensioners and Seniors Rebates
4. Policy 2.1.4 Rates Exemption
5. Policy 2.1.7 Debt Collection

PURPOSE

The Audit Committee is requested to receive the review of the Finance Policies as presented with tracked changes.

EXECUTIVE SUMMARY

One of the objectives of the Audit Committee is to ensure the Town has established effective controls and systems to safeguard the Town's financial and physical resources. All of the attached Policies (and subsidiary procedures) relate to control and management of revenue functions and therefore are deemed to be relevant to the Audit Committee Terms of Reference.

BACKGROUND

The majority of the attached Policies were developed and adopted by Council in the last 4 years to implement controls concerning the collection of revenue, and to provide a framework for decisions under delegated authority.

CONSULTATION

Revenue Officer

STATUTORY ENVIRONMENT

Section 2.7 (b) of the *Local Government Act 1995* identifies that one of the principal roles of Council is to determine the Policies of the local government.

POLICY IMPLICATIONS

Amended Policies are presented for endorsement to Council.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.



STRATEGIC IMPLICATIONS

Strategic Priority 5: Leadership and Governance

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

5.1 Strengthen organizational accountability and transparency

5.1.1. Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The absence of Policies impacts governance and the efficiency of decision making/delegated authority	Possible (3)	Moderate (3)	Moderate (5-9)	SERVICE INTERRUPTION Medium term temporary interruption - backlog cleared by additional resources <1 week	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

MINUTES OF AUDIT COMMITTEE MEETING WEDNESDAY, 6 JULY 2022



Risk Rating	9
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 Town's Revenue Officer has completed a review of the following Policies, that are presented as attachments to this report with tracked changes:

- Policy 2.1.10 Infringement Debt Management
- Policy 2.1.16 Rates Concession
- Policy 2.1.17 Pensioners and Seniors Rebates
- Policy 2.1.4 Rates Exemption
- Policy 2.1.7 Debt Collection

The Policies have been updated to reflect current practices of the Town. The Towns revenue collection processes are deemed to be effective as evidenced by the very low outstanding rates ratio, and a decrease in infringements receivables from \$88k at 30 June 2018 to \$53k at the present time.

The following is a summary of key indicators relevant to each of the Policies as at 28 June 2022:

Policy	Indicator
Infringement Debt Management	303 Infringements outstanding (472 as at 30-6-21) \$53k Total Receivables (\$64k at 30-6-21)
Rates Concession	No concessions approved for the 21/22 and 22/23 financial year
Pensioner and Seniors Rebates	861 Pensioner and Senior Rateable Assessments
Rates Exemption	11 Rates Exemptions approved for 22/23 (from 2021-22)
Debt Collection	14 Special Payment Arrangements 2 Referrals to Debt Collection 2 Assessments under Court Proceedings 1.70% - Outstanding Rates Ratio (98.30% recovered)((2.10% outstanding at 30-6-21)

10.4 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

OFFICER RECOMMENDATION

That the Audit Committee recommend Council:

Adopt the following amended Policies as presented with tracked changes:

- Policy 2.1.10 Infringement Debt Management
- Policy 2.1.16 Rates Concession
- Policy 2.1.17 Pensioners and Seniors Rebates

MINUTES OF AUDIT COMMITTEE MEETING WEDNESDAY, 6 JULY 2022



- Policy 2.1.4 Rates Exemption
- Policy 2.1.7 Debt Collection

Moved Cr Donovan, seconded Mayor O'Neill
The adoption of the Officer's recommendation

Amendment

Moved Mayor O'Neill Seconded Cr Donovan

That references pertaining to Heritage and Cultural significance be deleted from Policy 2.1.16 Rates Concession.

(CARRIED UNANIMOUSLY)

The substantive motion, as amended, was put.

Committee Resolution 040607

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O'Neill

That the Audit Committee recommend Council:

Adopt the following amended Policies as presented with tracked changes, subject to references pertaining to Heritage and Cultural significance being deleted from Policy 2.1.16 Rates Concession:

- **Policy 2.1.10 Infringement Debt Management**
- **Policy 2.1.16 Rates Concession with references pertaining to Heritage and Cultural significance be deleted from the Policy**
- **Policy 2.1.17 Pensioners and Seniors Rebates**
- **Policy 2.1.4 Rates Exemption**
- **Policy 2.1.7 Debt Collection**

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page



2.1.10 Infringement Debt Management

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	Parking Infringement Appeals Policy 2.1.9

Objective

The objective of this policy is to outline the process for collection of infringements, the referral process to the Fines Enforcement Registry, and the process to write off debt for unpaid infringements.

Policy Scope

This Policy applies to all infringements issued by the Town of East Fremantle under delegated State Government legislation and the Town’s Local Laws. Council is committed to ensure that enforcement is carried out in the public interest and is transparent, fair, efficient and consistent.

Policy

~~Parking Infringement Notices Process~~

Infringement notice is issued - 28 days to pay.

~~Weekly registration submission to the Department of Transport (obtaining ownership details).~~

~~Issuance of a Reminder Notice – 28 days to pay.~~

~~Issuance Issue of a Final Demand letter Notice - 28-14 days to pay.~~

Appeals must be lodged within the 28-day period being the due date on the original infringement notice. The due date will not be amended irrespective of the appeal being received. If the appeal is received after the 28-day period, it will not be considered.

Unpaid Infringement Notices will be forwarded to the Fines Enforcement Registry (FER) to recover the outstanding infringement following the non-payment of a Final Notice.

~~The Senior Ranger is to review and authorise those infringements being referred to FER.~~

~~Prior to an infringement being referred to FER, a list (generally monthly) will be prepared for the Senior Ranger to review and authorise.~~

Fines Enforcement Registry (FER)

Amounts that remain outstanding past the prescribed due date of the Final ~~Notice Demand letter~~ will be referred to the Fines Enforcement Registry; ~~resulting in and will result in~~ additional fees and charges.

The debt will remain active with ~~the~~ Fines Enforcement Registry for a period of ~~eight three (83)~~ years ~~until paid or recommended for write-off by them (quarterly reports)~~, after which it will be written off under delegated authority.

~~Infringements written off are to be withdrawn from FER are required to be manually written off via the eCourtsFER portal.~~

Interstate/~~and~~ International Drivers & Infringements with no Ownership detail

~~Where ownership details are unable to be obtained from the Department of Transport and the reasoning is confirmed as an interstate registration, the infringement status will be updated to reflect 'Interstate Rego'.~~

~~Infringements where ownership detail is unable to be obtained (unregistered vehicles or illegal plates, etc) are to have a status reflecting 'Action Deferred'.~~

~~If ~~an~~ Those infringements with a status of 'Interstate Rego' or 'Action Deferred' remaining unpaid for a within a financial year may be withdrawn by delegated authority, if the driver of the vehicle has been identified as being from interstate or overseas.~~

Management Reporting

The monthly financial report to council is to include the balance of Infringements receivable.

~~Infringements written off in the preceding financial year by the Chief Executive Officer under delegation –Fines outstanding greater than three years– will be referred to Council for information advising the amount written off and reasoning, by the Chief Executive Officer under delegation.~~

Financial Hardship

1. Financial hardship is not a ground for review.
2. Where a person is experiencing financial hardship and is unable to pay their outstanding infringement, the Town may assist the applicant, where applicable, to negotiate a payment plan.
3. To be eligible for a payment plan, the applicant infringement must not have been referred to the Fines Enforcement Registry ~~previously~~.
4. If the payment plan is requested after the fine has been registered with FER, the applicant will be able to enter into an arrangement with FER directly, ~~responsible for an additional payment of the registration fee for the withdrawal.~~
5. The payment plan must not include more than ~~4~~3 payments and be must result in the outstanding amount being paid in full within 90 days of the date of Final Notice.

Each payment arrangement requires the approval of the Revenue Officer under delegation of the Executive Manager Corporate and Community Services in accordance with Delegation DA14 – Rates and Services Charges Agreements.

Roles and Responsibilities

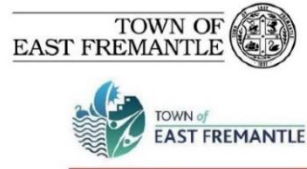
- Ranger Services shall be responsible for the issuance of Infringement Notices under Delegation Authority DA21.
- The ~~Revenue Rates~~ Officer shall be responsible for the recovery of the Infringements, ~~issuance of the Final Demand Letter.~~
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regards to this Policy, ~~and the collection of outstanding Infringements.~~
- The Manager Finance shall be responsible for the review and monitoring of the operations of this Policy.
- The Corporate Service Team shall be responsible for the day-to-day operations of this policy.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Administration and Finance

Attachment 1

Attachment 1

Decision making Authority:	Council
Policy Adopted:	18/9/18
Policy Amended/Reviewed:	20/8/19, 17/9/19
Former Policy No:	4.4.3



2.1.16 Rates Concession Policy

Type:	Corporate Services
Legislation:	Local Government Act 1995 Local Government Financial Management Regulations 1996
Delegation:	DA14 Rates and Service Charges Agreements
Other Related Document:	Strategic Community Plan 20 2017 -20 3027

Objective

The objective of this policy is to describe the criteria that determine which properties council may consider eligible for a rates concession and how an application of concession is processed and administered over time.

Policy Scope

The core matters addressed by the policy include which type of entities or landowners are eligible to be considered for a concession and the types of activities being conducted at the property that could be determined as qualifying of a concession.

Policy

The Rates Concession Policy shall be applied in accordance with the Council’s Budget and Rating Resolutions with the result that eligible property owners undertaking specified activities at the property receive a concession on their rates.

This policy does not consider the concessions applicable for pensioners as the *Rates and Charges (Rebates and Deferments) Act 1992* deals with such matters.

This policy does not consider whether land is eligible to be exempt from rating; such determinations are made by reference to the appropriate legislation and endorsed by policy 2.1.4 – Rates Exemption.

Eligible Property Owners

Property owners that are eligible to be considered for a concession:

- (1) Incorporated Associations and Not for Profit Organisations; or
- (2) Property Owners that are natural persons suffering hardship; or,
- (3) Property Owners of Significant heritage/cultural/significance to the Town.

For a property owner to be granted a concession by Council, they must not only be an eligible property owner but Council must be satisfied that activities being conducted on the property or services being delivered from the property are consistent with activities described as eligible for a concession.

Eligible Activities at the property

Eligible activities or services delivered at the property considered eligible to be considered for a concession.

Eligible Property Owner	Eligible Activities or Services Delivered at the property
Incorporated Associations, and Not for Profit Organisations, <u>and Property Owners of Significant heritage/cultural/significance to the Town</u>	<ul style="list-style-type: none"> • The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; or • The preservation, restoration or maintenance of structures or places of cultural, environmental, historic, heritage or scientific significance to the Town of East Fremantle local government area; or • The assistance or encouragement for the arts or cultural development, or • The provision of early childhood care and are affiliated with the Crèches and Kindergarten Association or is a community based early childhood provider; or • The provision of facilities for the conduct of amateur sport or recreational activities subject to any revenue from licensed premises, entrance fees or membership fees being deemed incidental to the main activity of conducting the sporting or recreational activities.
Property owners suffering hardship	<ul style="list-style-type: none"> • Property is owner occupied: and • Hardship status is confirmed by a financial assessment of the property owner’s circumstances, consistent with the Town’s Debt Collection Policy.

Concession available upon application approval ~~applicable if to allow concession~~

Eligible Property Owner	Eligible Activities or Services Delivered at the property
Incorporated Associations, and Not for Profit Organisations <u>and Property Owners of Significant heritage/cultural/significance to the Town</u>	<ul style="list-style-type: none"> • General Rates Concession of 25%
Property Owners suffering hardship	<ul style="list-style-type: none"> • Deferral of liability to pay rates for 6 months. All administrative charges and interest penalty will be waived for the deferral period of 6 months.

Roles and Responsibilities

The Executive Manager Corporate Services has overall responsibility for the delivery of the objectives of this policy, including compliance with all relevant legislation.

Guidelines

Corporate ~~and Community~~ Services is responsible for the management of enquiries and the processing of new applications. Approval of financial hardship applications will be approved by the Chief Executive Officer, or delegate, under Delegation DA14 Rates and Service Charges Agreements.

This Policy has been developed in response to the COVID-19 Health Pandemic. This policy will be reviewed and put for endorsement on a year to year basis, and it is envisaged that this may only be a short-term rates relief measure, which will cease at the end of the 2020/21 financial year.

All adjustments to the rates levied will be managed by the [Corporate Services](#) team.

Key Stakeholders

N/A

Monitoring and Evaluation

Applications received for consideration of a rates concession will be assessed against this policy criteria to ensure consistency across all requests.

Definitions

A Not for Profit Organisation or Incorporated Association is an organisation that incorporates in its objectives and constitution that it does not make a profit which is distributed to the directors or principals but is only distributed for the purpose of the continued operation of the organisation. An Association is incorporated under the Associations [Incorporation Act 2015-WA](#).

Property owner suffering hardship is a person in a situation of vulnerability, may have low income or, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of 'payment difficulties' or 'financial hardship'.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	16/06/20
Policy Amended/Reviewed:	



2.1.17 Pensioners and Seniors - Rebates Eligibility

Type:	Corporate Services
Legislation:	Local Government Act 1995 Rates and Charges (Rebates and Deferments) Act 1992
Delegation:	
Other Related Document:	Strategic Community Plan 2017-2030 ²⁷

Objective

This Policy will assist Corporate Services in its administrative processes relative to the provisions of the Pensioner and Senior Concessions Scheme. This Scheme provides Pensioners and Seniors with a rebate or deferment of their Local Government Rates and Emergency Service Levy charges.

Policy Scope

Rebates granted to Pensioners and Seniors under the *Rates and Charges (Rebates and Deferments) Act 1992* are funded by the Government of Western Australia. Eligible Pensioners and Seniors can either obtain a rebate on, or defer, their Local Government Rates and their Emergency Service Levy charge.

Rebates only apply to Local Government Rates and the Emergency Service Levy charge. All other service charges must be paid in full by the due date. The amount of the rebate depends on the type of concession ~~card~~ an applicant holds.

Policy

The rebate of Local Government Rates and Emergency Service Levy charge shall be applied in accordance with the Pensioners and Seniors Concessions Scheme, with a result that if an applicant is a Pensioner or Senior, they can apply to receive a rebate or concession on charges for Local Government Rates and ~~Emergency Service~~^{other service} charges.

Eligible Property Owners

The Eligibility Criteria for rebates are as follows:

- a) The applicant(s) must ~~be the owner~~ and reside in the property on 1 July of the rating year.
- b) There must be no rates in arrears from a previous financial year unless a payment arrangement has been entered into.
- c) If the applicant is a Pensioner, they must ~~be in receipt of a current pension and~~ hold a current Pensioner Concession card.
- d) An applicant in receipt of both a Seniors card issued by the Department ~~of~~^{of} Communities and a Commonwealth Seniors Health Card has the same entitlements as a Pensioner.
- e) A Senior, must hold a current Seniors card issued by the Department of Communities.

To own means an applicant must:

- be the registered owner or co-owner of the property on the Certificate of Title (where the property is co-owned a partial concession may apply), or

- have a right to reside or life tenancy at the property under the terms of a Will (probate) and be responsible for the payment of rates and charges raised against the property, or
- hold a long-term lease (greater than 5 years) in a retirement village, park home, lifestyle village or caravan park.

Entitlement to the Concession

Eligible Pensioners and Seniors can either obtain a rebate on, or defer, their Local Government Rates and Emergency Services Levy charge. The amount of the concession depends on the type of concession card an applicant holds:

Pensioner Concession Card or State Concession Card

- Receive up to 50% rebate on Rates limited to a maximum (capped) amount legislated each year of \$750.
- The option to defer Rates and Emergency Service Levy may be available if the required criteria is met.
- Receive a rebate on the Emergency other-Service charges, limited to a maximum (capped) amount legislated each year.

WA Seniors Card and Commonwealth Seniors Health Card

- Entitlements as provided for above for the Pensioner Concession Card or State Concession Card.
- Receive up to 50% rebate limited to a maximum (capped) amount of \$750.
- The option to defer rates may be available if the required criteria is met.

WA Seniors Card

- Receive up to 25% rebate limited to a maximum (capped) amount legislated each year of \$100.
- There is no option to defer rates.

Rebate or Deferment Option

~~Pensioners who meet the eligibility criteria below are entitled to claim a rebate of up to 50% against the current year's rates. The rebate amount is limited by the maximum amount set by the State Government. A Pensioner may also choose to defer paying their rates but will forgo their rebate entitlement in doing so.~~

Rebate Option

To claim a rebate, eligible concession ~~applicant~~card holders will be required to pay the amount due on the rate notice by 30 June of the current financial year.

If payments are received after the due date and the applicant only holds a Seniors card, an applicant will lose the rebate for that financial year and must pay the full amount due. Applicants holding the equivalent of a full Pensioner Concession will automatically defer their Rate and Emergency Service charge where payment is not received~~Local Government Rates charges will be automatically deferred if the amount required to be paid on the rates notice is not paid~~ by 30 June of the current financial year.

Deferment Option

Local Government Rates and Emergency Service charges will be automatically deferred if the amount required to be paid on the rates notice is not paid by 30 June of the current financial year. Charges will not be deferred if the property is:

- occupied under a right to reside or life tenancy under the terms of a Will of a deceased estate,

- subject to co-ownership, other than spouse/de facto, where not all owners are eligible Pensioners,
- subject to a long-term lease in a retirement village, or
- occupied by eligible applicants that hold a WA Seniors Card only.

Deferment charges will remain as a debt on the property rates account until the amount is paid in full. Deferred rates and service charges are not required to be paid until the entitlement to defer ceases (i.e. applicant moves out, sells the property, dies and leaves no surviving spouse/de facto). Deferred rates and service charges may be paid at any time, but a rebate cannot be claimed when they are paid. Penalty interest is not applicable on deferred rates accounts.

Pro-rata Provisions

When applicants become eligible Pensioners or Seniors during a financial year, it is important that they advise the Town as soon as possible. The pro-rata provisions allow for a rebate based on the date of registration during that financial year (i.e. calculated on how many days of that year an applicant was registered), provided they owned and occupied the property as at 1 July of the current financial year.

Change in Circumstances

Eligible Pensioners and Seniors Concession card holders will be responsible for informing the Town of **East Fremantle** of any change in circumstance that jeopardises their rebate entitlements. Concession card holders must immediately advise the Town if they:

- are issued with a new card or their card is cancelled/expired,
- have changed any of their details that were provided on the original registration,
- sell or transfer an interest in all, or part, of the property or move to another address,
- have a spouse who ceases occupation of the property, or
- as a WA Seniors Card holder, become an eligible Pensioner or the holder of a Commonwealth Seniors Health Card.

Multi-residential Properties not Strata Titled

If an applicant has land with multiple homes which have not been strata-titled (e.g. duplex properties, group housing complexes), rebates may be apportioned according to the ownership interests and the extent the owner uses the property for residential purposes (i.e. what part of the land is occupied by the Pensioner and/or Senior for their use).

Commercial Properties Occupied by Pensioners and Seniors

Concessional arrangements are targeted at residential property owned and occupied by Pensioners and Seniors. If the property is owner-occupied by the applicant and is also partly used for commercial purposes, the rebate may be apportioned according to the ownership interests and the extent that the property is used as a residence. In such cases, the Town will make a determination on the extent of the entitlement to a rebate.

Application Process

An applicant should register their entitlement as soon as they receive their concession card.

Applications are made via the Water Corporation. The Water Corporation will notify the Town once the application has been processed.

Registration of the concession card will take effect from the date that it is received by the Water Corporation.

An applicant can only claim a concession on Local Government Rates charges and Emergency Services Levy charge on one property in any one financial year.

If a concession card holder has Local Government Rates and ~~S~~service charges in arrears, a rebate or deferment may be obtained if a satisfactory arrangement to pay the rates arrears has been entered into and approved by the Executive Manager of Corporate Services.

Roles and Responsibilities

The ~~Rates-Revenue~~ Officer has the overall responsibility for the management of all enquires and all administrative processes associated with this policy.

Review Process

1. Deferred Rates

A schedule of Deferred Rates will be provided to the Office of the Auditor General at the end of each financial year.

2. Information obtained from the Data Ineligibility reports received from Revenue WA (Office of State Revenue) in June/July of each year are to be applied against the applicants. Sourcing of verifiable information can be from the Water Corporation or Australian Government – Services Australia (Centrelink Business Online).

2. Concession Card Eligibility

~~Pursuant to Section 36 of the Rates and Charges (Rebates and Deferments) Act 1992, a review of all registered Concession Card holders will be undertaken no less than once every 3 consecutive years. An Authorised Officer will access the Australian Government Services, Centrelink eServices portal and will validate all current registrations on a periodic basis. Review dates are as follows:~~

~~2021~~

~~2024~~

~~2027~~

~~2030~~

~~(reasoning for deletion is as follows from Dept of Finance, Grants and Subsidies – IEM108990~~

~~The reason this claim this claim would have gone through last year is because there were no land validation checks, however this year the land validation was turned on.~~

~~Under section 36 the Act, Local Government Authorities (LGA) and the Water Corporation must review each registration every three years to re-affirm entitlement to the rebate or deferment. This involves confirming ownership and occupancy of property, and validity of the relevant concession card. Historically, this was done by the LGA who sends a letter requesting the ratepayer to confirm ownership and occupation of the property.~~

~~The PRS Claim Management Application (PRS) has been developed to enable this process, referred to as land validation, to be carried out on each claim as it is processed.~~

Key Stakeholders

Revenue WA (Department of Finance - Office of State Revenue)

Water Corporation

Office of the Auditor General

Monitoring and Evaluation

Applications received for a Pensioners and Seniors rebate be assessed against this policy criteria to ensure consistency across all requests.

Responsible Directorate:	Executive Manager Corporate Services
Reviewing Officer:	Manager Administration and Finance
Decision making Authority:	Council
Policy Adopted:	16/06/20
Policy Amended/Reviewed:	



2.1.4 Rates Exemption

Type:	Corporate Services – Financial Management
Legislation:	<i>Local Government Act 1995</i> <i>Charities Act 2013</i>
Delegation:	DA79 Determine Applications for Rate Exemption
Other Related Document:	

Objective

Establish a consistent approach to determine whether land is not ratable under Section 6.26 of the *Local Government Act 1995*.

Policy Scope

This policy is applicable to local organisations and ratepayers within the Town of East Fremantle who are eligible for a charitable rate exemption.

Definitions

Charity has the meaning given to it by the *Charities Act 2013 (Commonwealth)*;

Charitable purpose has the meaning given to it by the *Charities Act 2013 (Commonwealth)*.

Policy

Council is committed to adhering to the *Local Government Act 1995* and providing guidance to applicants who apply for an exemption of local government land rates charges for charitable purposes. This policy relates to the charitable rates exemption to charitable organisations based within the Town that provide assistance to the Town and/or broader community.

Land Use – Exclusively for Charitable Purposes

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)9(g) of the *Local Government Act 1995* must be for the exclusive use for charitable purposes as defined in the *Charities Act 2013* and these include:

- (a) the purpose of advancing health;
- (b) the purpose of advancing education;
- (c) the purpose of advancing social or public welfare;
- (d) the purpose of advancing religion;
- (e) the purpose of advancing culture;
- (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- (g) the purpose of promoting or protecting human rights;
- (h) the purpose of advancing the security or safety of Australia or the Australian public;
- (i) the purpose of preventing or relieving the suffering of animals;

- (j) the purpose of advancing the natural environment; or
- (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j); and

and must not be a disqualifying purpose under the meaning given by the *Charities Act 2013* (Commonwealth).

Land Used Exclusively for Charitable Purposes

~~Property must be used exclusively by the charitable organisation for charitable purposes defined by the *Charitable Uses Act 1601* as generally for the following purposes:~~

- ~~(a) the relief of poverty;~~
- ~~(b) the advancement of education;~~
- ~~(c) the advancement of religion; and~~
- ~~(d) other purposes beneficial to the community~~

Application for Rate Exemption

To be considered by the Town for approval, each application for a charitable rate exemption under section 6.26(2)(g) of the *Local Government Act 1995* must be made in writing by completing an Application for Rate Exemption form.

Review of Rates Exemption.Delegation

In accordance with this policy, it is a requirement for organisations who have been approved for rates exemption, to reapply for a rate exemption every two years.

Applications should be submitted in May of the year the approval ends to ensure continuation can occur upon approval. -each financial year. Correct forms must be used and these can be acquired by contacting the Town of East Fremantle Rates Section.

~~Where the land use supporting the exemption is altered to no longer support a charitable exemption, you applicants are are to inform the Town within 14 days so as to update the rate record.~~

~~This policy allows the Council of the Town of East Fremantle to delegate to the Chief Executive Officer and any of its powers under the Act to approve applications for Rates Exemptions.~~

Delegation Review of Policy

This policy allows the Council of the Town of East Fremantle to delegate to the Chief Executive Officer and any of its powers under the Act to approve applications for Rates Exemptions.

~~All exemptions will be reviewed every two years and confirmation from the charitable organisation that the above purposes still apply will be required to continue receiving the exemption.~~

~~Correct forms must be used and these can be acquired by contacting the Town of East Fremantle Rates Section.~~

Attachment 1

Attachment -4

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21/08/18
Policy Amended/Reviewed:	16/07/19, 17/9/19
Former Policy No:	4.2.9



2.1.7 Rates / Sundry Debtor Recovery (Debt Collection)

Type:	Corporate Services – Financial Management
Legislation:	Refer to References
Delegation:	DA76 Write Off Debt
Other Related Document:	

Objective

The purpose of this policy is to outline the Town of East Fremantle process for efficient and effective management of outstanding Rates and Sundry Debtor Accounts, ~~and Rates and Service Charges~~.

Policy Scope

The Town of East Fremantle will exercise its debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995*, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- ensuring that debt collection procedures are carried out in a fair and equitable manner;
- making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;
- flexibility by responding where necessary to changes in the local economy;
- ensuring the Town of East Fremantle is compliant with all regulatory obligations;
- promoting effective governance and definition of roles and responsibilities;
- upholding recognition from the public and industry for the Town of East Fremantle practices that withstand probity.

Definitions

Debtor an individual, organisation or other party that transacts with the Town where goods or services are provided, use of facilities are made available, fines and license fees are levied and any other transactions that results in an expected future payment to the Town.

General Procedure Claim (GPC) means the claim lodged with the Magistrates Court where the value of the claim or the relief claimed does not exceed \$75,000.

Property Seizure and Sale Order (PSSO) is a court order that authorises a bailiff to seize and sell as much of the judgment debtor’s real or personal property as necessary to satisfy the judgment debt wholly or partially.

Financial Hardship A person in a situation of vulnerability may have low income or, as a result of their

circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of 'payment difficulties' or 'financial hardship'.

Policy

1. Recovery of Sundry Debtor Accounts

The recovery of outstanding sundry debtors will be collected in a fair and timely manner. Sundry debts are due for payments ~~2130~~ days from date of issue. The process for sundry debt collection is as follows:

- a) Sundry debtors will be issued an invoice as soon as possible after the amount is known, providing ~~2130~~ day payment terms.
- b) A statement ~~(or form of reminder)~~ will be issued ~~as soon as practicable after the invoice becomes due and payable, t the end of the subsequent month following the initial 30 day payment term,~~ requesting payment, ~~with a reminder sticker/stamp to be affixed to the Statement requesting payment~~ within 14 days.
- c) At the end of 14 days, ~~communication a Final Notice letter~~ will be issued advising that legal action may be taken without further warning should the debt remain outstanding beyond 7 days.

Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended or services limited and legal action may be commenced.

Legal action – debts will be assessed to ascertain the ability to recover. If the cost of legal action exceeds the amount of the debt, the amount may be considered for write off, subject to Council delegation, once all non-legal recovery actions have been exhausted.

2. Recovery of Rate and Service Charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

Amounts that remain outstanding past the prescribed due date may have interest applied, up to a maximum interest rate ~~as legislated and endorsed~~ **imposed of 11% per annum as set** annually by Council as part of the Annual Budget. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Town of East Fremantle. This includes overdue amounts where the rate payer has elected to pay by an instalment option.

Accounts unpaid by the due date shown on the Rate Notice

Where accounts remain outstanding after the prescribed due date, a ~~Reminder Final~~ Notice shall be issued requesting full payment within fourteen (14) days ~~(this to be commenced within two weeks of accounts falling due).~~

~~Accounts that remain outstanding after the due date of the Reminder Notice are to be issued with a Final Notice requesting full payment within nine (9) days (to be commenced within a week of accounts falling due).~~

~~Accounts that remain outstanding after the due date of the Final Notice are to be issued with a Final Demand requesting full payment within seven (7) days (to be commenced within a week of accounts falling due).~~

~~Accounts with Final Notices are not to be issued to~~ eligible persons registered to receive a pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992 will not be subjected to the above recovery process, however those accounts with service charges or rates that are unable to be deferred (Seniors) from the previous year will be subject to a communique requesting payment of overdue charges, as such persons have until 30 June of the current financial year to make payment without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferment eg rubbish collection charges.

Accounts unpaid after the expiry date shown on the Final Demand Notice

Where amounts remain outstanding after the expiry date shown on the Final Demand and no communication has been entered into, Notice, recovery action will commence.

Accounts will be sent to the Town's debt collection agency for issuance of a Final Demand (Agency Letterhead) with a due date of fourteen (14) days. The demand is to be issued by mail and email (if an email exists).

Those accounts with existing action carried over from the previous year will receive a demand from the Town's solicitors.

~~based upon a risk management approach as determined by the value and type of debt and may include such action as referral to the Town's debt collection agency. As a minimum, a letter of demand on Solicitor letterhead will be sent to all overdue rate accounts where a final notice has not been paid, and the amount of rates outstanding is more than \$500.~~

Seizure of Rent for Non Payment of Rates

Where the property owner of a leased or rented property on which Rates and Service Charges are outstanding cannot be located or refuses to settle Rates and Service Charges owed, a Notice may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act 1995 requiring the lessee or tenant to pay to the Town the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

Options to recover rates debt where rates remain unpaid, are in arrears for in excess of (3) years

Under the guidance of the Town's debt collection service provider, legal action may be undertaken to recover outstanding rates and charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods). Any costs incurred in undertaking legal action in a Court of competent jurisdiction are recoverable from ratepayers under section 6.56 of the Local Government Act 1995.

Options to recover rates debt where rates are in arrears for in excess of three (3) years.

- (i) Lodging a Caveat on the Title for Land
If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the Local Government Act 1995. The approval of Council is required before this course of action is undertaken.
- (ii) Sale of Property
If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years, Council may take possession of the land under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is required to be obtained before this course of action is undertaken.

3. Write off Debts

The Chief Executive Officer and the Executive Manager Corporate Services have the authority to write-off individual debts up to \$500.00 in accordance with Delegation DA76 – Write off Debt,

excluding late payment interest and Service Charges applicable to the Emergency Services Levy.

4. Financial Hardship

While evidence of hardship will be required, the Town recognises that not all circumstances are alike. The Town will consider a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment.
- Sickness or recovery from sickness.
- Low income or loss of income.
- Unanticipated circumstances such as caring for and supporting extended family.

Ratepayers will be required to provide information about their individual circumstances that may be relevant. This includes demonstrating a capacity to make some payment where possible and entering into a formal payment arrangement. The Town will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with all statutory responsibilities.

Where a ratepayer meets the Financial Hardship Criteria, payment arrangements will incur a \$0 administration fee and the Town reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.

5. Payment Arrangements

Payment arrangements are facilitated in accordance with *Section 6.49 of The Local Government Act 1995* and will be offered to rate payers in circumstances evident of financial hardship. A ~~special~~ payment arrangement must be negotiated to reflect a ratepayer's capacity to repay outstanding rates and contain the details of the agreed repayment schedule.

These ~~special~~ payment arrangements will include the following:

1. It is the responsibility of the ratepayer to ensure that the agreed payment amounts are paid on or before the agreed due date.
2. The Town of East Fremantle requires full payment of the outstanding rates by the end of the financial year.
3. If a ratepayer requires an extension on this timeframe an end date must be negotiated and approved by the Executive Manager Corporate Services.
4. The ratepayer will be responsible for informing the Town of any change in circumstance that jeopardises the agreed repayment schedule.

~~Where a ratepayer meets the Financial Hardship Criteria and on the provision that all rates arrears are paid in full payment arrangements will incur a \$0 administration fee and the Town reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.~~

For the purpose of recovering rates and service charges, where a rate-payer ~~defaults on more than two repayments, the payment arrangement will become void and will now has not made payment arrangements for overdue rates and service charges or maintained an agreed repayment schedule~~ they may be subject to the Town's debt recovery procedures outlined in this policy.

6. Management Reporting

Rates Debtors:

The Town has adopted a benchmark target of 5% for its outstanding rates ratio. The monthly financial report to Council is to include a receivables note detailing the total amount of rates outstanding, and a breakdown of rates outstanding between one and two years, two and three years, and more than three years. Management are required to maintain a status report of recovery action against all rates in arrears of more than one year.

Sundry Debtors:

The Town has adopted a benchmark of less than 10% of sundry debtors exceeding 90 days outstanding. The monthly financial report to Council is to include an aged receivables note detailing the total amount outstanding against current, 30 days, 60 days and 90+ days. Management are required to maintain a status report of recovery action against all sundry debts in arrears of more than 90 days.

Roles and Responsibilities

- The Chief Executive Officer shall be responsible for the application of delegations of authority in regards to the Policy.
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regards to this Policy and the collection of outstanding debts.
- The Manager Administration and Finance shall be responsible for the review and monitoring of the operations of the Policy (or delegate to the Revenue Officer functions of operation of the policy).
- The Corporate Service Team shall be responsible for the day to day operations of the Policy.

7. Legislation

- Local Government Act 1995: Part 6, Division 4, Clause 6.13 - Interest on money owing to local governments
- Local Government Act 1995: Part 6, Division 6, ~~Subdivision 4~~, Clause 6.45 – Options for payment of rates and service charges
- Local Government Act 1995: Part 6, Division 6, ~~Subdivision 4~~, Clause 6.51 - Accrual of interest on overdue rates or service charges
- Local Government Act 1995: Part 6, Division 6, ~~Subdivision 5~~, Clause 6.56 - Rates or service charges recoverable in court
- Local Government Act 1995: Part 6, Division 6, ~~Subdivision 5~~, Clause 6.60 - Local government may require lessee to pay rent
- Local Government Act 1995: Part 6, Division 6, ~~Subdivision 6~~, Clause 6.64 - Actions to be taken
- Local Government (Financial Management) Regulations 1996
- Rates and Charges (Rebates and Deferments) Act 1992

Responsible Directorate	Corporate Services
Reviewing Officer	Executive Manager Corporate Services
Decision Making Authority	Council
Policy Adopted	18/9/18
Policy Amended/Review:	19/2/19, 17/9/19, 21/04/20
Former Policy No:	4.4.2

10.5 EXTERNAL AUDIT SCHEDULE

Report Reference Number	ACR-255
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple
Documents tabled	Nil

Attachments

1. **Information Systems Audit – Entrance Meeting Notes (Confidential)**
2. **Audit Planning Summary (Confidential)**

PURPOSE

The purpose of this report is to inform the Audit Committee of the External Audit Schedule for 2022.

EXECUTIVE SUMMARY

The Audit Committee is required to consider reports/findings arising from the external audit. This report informs the Audit Committee of the External Audit Schedule, with audit findings from the Information System Audit and Interim Audit to be presented to the Audit Committee at its meeting of 2nd November 2022.

BACKGROUND

On 24 August 2017, amendments to the *Local Government Act 1995* were passed by State Parliament that enabled the Auditor General to audit council finances and performance. The Town of East Fremantle fell under the audit remit of the Office of Auditor General from the 2018/19 financial year. Thus, this is the 4th year of audit under the Office of Auditor General.

The Office of Auditor General also undertakes performance audits of local government. This includes an Information Systems Audit, which is now conducted as part of the financial audit program. It is envisaged that the Information Systems Audit will be carried out every 3 years, with the inaugural audit completed in 2019.

The scope of the Information Systems Audit is included in Attachment 1, and involved the following methodology:

Scope: the audit focused on:

- Policies and procedures – The entity should ensure that they have appropriate policies and procedures in place for key areas such as IT risk management, information security, business continuity and change control.
- Management of IT risks - The entity need to ensure that IT risks are identified, assessed and treated within appropriate timeframes and that these practices become a core part of business activities.
- Information security - The entity should ensure good security practices are implemented, up-to-date and regularly tested and enforced for key computer systems. Agencies must conduct ongoing reviews for user access to systems to ensure they are appropriate at all times.
- Business continuity - The entity should have a business continuity plan, a disaster recovery plan and an incident response plan. These plans should be tested on a periodic basis.

MINUTES OF AUDIT COMMITTEE MEETING WEDNESDAY, 6 JULY 2022



- Change control - change control processes should be well developed and consistently followed for changes to computer systems. All changes should be subject to thorough planning and impact assessment to minimise the likelihood of problems. Change control documentation should be current, and approved changes formally tracked.
- Physical security – The entity should develop and implement physical and environmental control mechanisms to prevent unauthorised access or accidental damage to computing infrastructure and systems.

Approach: as follows:

- Determine whether appropriate controls are in place;
- Prepare and execute test plans to obtain assurance of the operation of controls,
- Review appropriate documentation,
- Evaluate the effectiveness of the controls.
- Internal vulnerability scans of Finance, HR systems and key operational systems identified.

Focused Audit: in addition to the above, a focus audit was performed against the ISO 27002:2015 standard.

The testing focused on the International Security Standard 27002 (A/NZS ISO/IEC 27002: 2015). The standard sets out controls to ensure computer systems are designed, configured and managed to preserve the confidentiality, integrity and availability of information. A gap analysis of the entity’s controls against the standard was performed.

Results from these audits form part of the Office of Auditor General’s Annual Information Systems Audit Report to Parliament.

CONSULTATION

Executive Leadership Team
Finance Team

STATUTORY ENVIRONMENT

Part 7 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* addresses the situation of audit. In relation to the duties of the local government with respect to audits –

- a. the local government is to do everything in its power to –*
 - i. assist the auditor to conduct an audit and carry out his or her other duties under the Act; and*
 - ii. ensure that audits are conducted successfully and expeditiously;*
- b. a local government is to meet with its auditor at least once in every year;*
- c. a local government is to examine the report of the auditor and is to –*
 - i. determine if any matters raised require action to be taken by the local government; and*
 - ii. ensure that appropriate action is taken in respect of those matters;*
- d. local government is to –*
 - i. prepare a report on any actions taken in respect of any matters raised in the report of the auditor; and*
 - ii. forward a copy of that report to the Minister by the end of the next financial year, or six months after the last report prepared by the auditor is received by the local government, whichever is the latest in time.*



POLICY IMPLICATIONS

There are no Council Policies relevant to this matter.

FINANCIAL IMPLICATIONS

The cost of the Information Systems Audit is incorporated into the Town’s Annual Audit Fee. The indicative audit fee for the 21/22 year is anticipated to be circa \$45k, similar to last year.

There are costs associated with actioning findings from the Information Systems Audit. The following are examples of costs for remedial work arising from the 2019 Audit:

- Focus Quote QU-5782G (previously presented to the Audit Committee) \$16,337
- ICT Policy Document Library \$7,381
- Nessus Vulnerability Scan and Remedial Actions \$2,871
- Review of Strategic ICT Plan, DR Plan and IT Security Policy \$5,000 (est)
- Implementation of DUO Multi Factor Authentication \$3,000 (est)
- Installation of FOB access to Computer Room and Records Room \$5,000 (est)
- Cyber Awareness Training Set-Up \$907

It is envisaged that additional expenses will be associated with the implementation of findings from the 2022 Information Systems Audit.

STRATEGIC IMPLICATIONS

- Strategic Priority 5 – Leadership and Governance
- 5.1 Strengthen organisational accountability and transparency
 - 5.3 Strive for excellence in leadership and governance

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That key findings from the external audit are not actioned	Possible (3)	Moderate (3)	Moderate (5-9)	SERVICE INTERRUPTION Prolonged interruption of services - additional resources; performance affected <1 month	Accept Officer Recommendation

Risk Matrix

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

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

RISK RATING

Risk Rating	9
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 the planned external audit schedule for 2022:

- Information Systems Audit: June/July 2022 (Entrance Meeting 7 June 2022)
- Interim Audit: Monday 27 June – Friday 1 July (1 week onsite)
- Final Audit: Monday 3 October – Friday 28 October (4 weeks onsite)

The time allocated by the Office of Auditor General for the interim and annual audit is reducing, as you would expect now that we are in our 4th year of audit.

The timing for the final audit has also been brought forward by a full month, which is a terrific result. This illustrates that the Town has been well prepared for audit in the last couple of years, and audit work papers have been completed in a timely manner. All things going well, this should ensure audit clearance and the issuance of the Auditors Opinion prior to 31 December.



10.5 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 050607

OFFICER RECOMMENDATION

Moved Cr Donovan, seconded Mayor O’Neill

That the Audit Committee note the planned external audit schedule for 2022 outlined below, with findings from the Interim Audit and Information Systems Audit to be presented to the Audit Committee Meeting of 2 November 2022:

Information Systems Audit: June/July 2022 (Entrance Meeting 7 June 2022)

Interim Audit: Monday 27 June – Friday 1 July (1 week onsite)

Final Audit: Monday 3 October – Friday 28 October (4 weeks onsite)

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Attachment 1

Attachment -1

Confidential Attachment

Attachment 1

Attachment -2

Confidential Attachment

10.6 STATUS REPORT

Report Reference Number	ACR-261
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple
Documents tabled	Nil
Attachments	

1. Consolidated Status Report

PURPOSE

It is recommended that the Audit Committee receive a status report on all outstanding matters raised in external audit reports, financial management reviews, performance audits, internal audit reports and any other review relevant to the Audit Committee's Terms of Reference.

EXECUTIVE SUMMARY

A status report has been prepared reporting against identified issues with respect to audit, risk management, internal controls, procurement matters and legislative compliance. The status report is not an exhaustive listing and will become a living document and updated as issues are identified. It is presented to the Audit Committee to assist in their role to report to Council and provide advice and recommendations on matters relevant to its terms of reference.

BACKGROUND

The Department of Local Government has published an Operational Guideline on Audit in Local Government. Appendix 3 of this Guideline lists a number of matters that should be presented to an Audit Committee for review and monitoring:

Risk Management:

- Reviewing whether the local government has an effective risk management system;
- Reviewing whether the local government has a current and effective business continuity plan;
- Reviewing areas of potential non-compliance with legislation, regulations and standards and local governments policies;
- Reviewing the following; litigation and claims, misconduct, and significant business risks;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local governments internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;

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- Assessing the local government’s procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied.

Internal Control Systems:

- Separation of roles and functions, processing and authorisation;
- Control of approval of documents, letters and financial records;
- Limit of direct physical access to assets and records;
- Control of computer applications and information system standards;
- Regular maintenance and review of financial control accounts and trial balances;
- Comparison and analysis of financial results with budgeted amounts;
- Report, review and approval of financial payments and reconciliations;
- Comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance:

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review managements plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Considering the internal auditors role in assessing compliance and ethics risks in their plan;
- Monitoring the local government’s compliance frameworks dealing with relevant external legislation and regulatory requirements.

CONSULTATION

Executive Leadership Team
Manager Finance
Coordinator Corporate Services

STATUTORY ENVIRONMENT

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal control and legislative compliance separately or all at the one time, on the provision that each matter is reviewed at least once every three years. The CEO is also required to report the results of that review to Council.

POLICY IMPLICATIONS

There are no Council Policies relevant to this matter.

FINANCIAL IMPLICATIONS

There are no direct financial implications stemming from the Officer’s Recommendation. However, should the Audit Committee request independent assurance that controls have been implemented, then 3rd party costs will be incurred.

STRATEGIC IMPLICATIONS



Strategic Priority 5 – Leadership and Governance
 5.1 Strengthen organisational accountability and transparency
 5.3 Strive for excellence in leadership and governance

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That key audit findings are not actioned within a timely manner	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliance	Control through oversight by the Audit Committee and ensuring adequate budget allocation for resourcing.

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

Risk Rating	9
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 consolidated status report has been updated with management comment. All items that were marked as complete from the prior status report have been hidden within the document, leaving only those findings as incomplete or ongoing, with updated comment.

The following summary of completion is provided. There was a total of 69 audit findings that predominantly arose from the external audit, general computer control audit, financial management review and audit reg 17 review in 2019. Of these 69 audit findings, 58 have been completed, equating to a completion rate of 83%.

Risk Category	No. Issues	Completed	Underway	Not Commenced
High	21	17	4	0
Medium	37	31	6	0
Low	11	10	1	0
	69	58	11	0

10.6 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 060607

OFFICER RECOMMENDATION

Moved Mayor O'Neill, seconded Cr Donovan

That the Audit Committee receives the Consolidated Status Report on items relevant to its Terms of Reference.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Town of East Fremantle - Risk Assessment

Audit Finding	Risk Assessment Category	Risk Identified	Date of initial risk identification	Source of Audit Finding (FMR/Audit Reg 17/GCC Audit/Audit Management Letter/Internal)	Likelihood	Strategic Consequences	Operational Consequences	Combined Consequence	Maximum Rating	Likelihood Rating	Risk Category	Action Required	Mitigation and Management Strategy (Possible Future Controls)	Responsible Officer	Progress Update
59	Workflow diagrams have not been compiled for undocumented procedures.	Breakdown of internal controls. Controls reliant on the capability and honesty of staff.	1/12/2019	FMR/Audit Reg 17 Review - December 2019	Possible	Major	Major				Medium	Planned action required	In conjunction with, or as an alternative to, the development of documented procedures and checklists, update and development of workflow process diagrams may assist in clearly identifying controls and processes to be followed where procedures or checklists do not exist.	Whole Entity	72 processes have been mapped. 13 processes under review.
60	Creditors invoices are processed and entered only at the time where a routine creditors payment run is scheduled resulting in month end creditor balances being nil in certain months.	Lack of probity, Fraud risk. Internal control or compliance breach. Financial loss.	1/12/2019	2019 Audit Management Letter	Possible	Major	Major				High	Prioritised action required	Supplier invoices should be processed in a timely fashion and entered through the Town's ERP system as soon as practicable after receipt to provide a more accurate representation of the Town's liabilities at any given time.	Corporate Services	Invoices are filed according to their payment date being 7 days, 14 days, 28 days or greater. This process is currently under review. The AP process has been mapped and will be covered into a Value Flowchart. (Control Weakness still exists - process change needs to occur - will be improved on implementation of Share Point - late payment or omitted payment risk is low as follow-up would be instigated by the creditor).
61	Contractors' insurances are not always assessed prior to award of contracts in all cases. Reliance is placed on contract managers to ensure copies of insurances are provided.	Lack of probity. Financial loss. Breakdown in internal control.	1/12/2019	FMR/Audit Reg 17 Review - December 2019	Likely	Major	Major	Major	4	4	High	Prioritised action required	To help ensure all contractors have the relevant licences and have adequate insurance cover for the works they undertake for the Town, procedures should be developed, and records maintained to ensure copies of contractor's insurances are held on file.	Operations	A Register of Contractor Insurance has been developed.
62	Develop Contract Register and Contract Management System		1/12/2019	FMR/Audit Reg 17 Review - December 2019	Unlikely	Major	Moderate			Underway	High	Prioritised action required	A review of vital records has commenced.	Corporate Services	A contract register has been developed in line with the Treasury's instructions. This register is currently up to date. Smart Office Systems have been engaged to develop a new register via a Microsoft 365 application.
63	Privileged Access Rights	Increased risk of unauthorised access to, or modification of the Town's IT systems and information	1/12/2019	2019 GCC Audit	Possible	Moderate	Moderate	Moderate	3	3	Medium	Planned action required		Corporate Services	The IT Service Provider will no longer utilise a single generic Domain Administrator account and implement individual named accounts. A scheduled call will be created to change the Domain Administrator accounts. Similar options will be explored with IT Vision and the maintenance and administration of SynergySoft.
64	Unauthorised Network Devices	Without appropriate controls in place to restrict the use of unauthorised devices on the network, there is an increased risk that they could be used to attack internal systems.	1/12/2019	2019 GCC Audit	Possible	Moderate	Moderate	Moderate	3	3	Medium	Planned action required	The recently implement 802.1X / RADIUS authentication for wireless networks at all sites, will be extended to wired / network switches at all sites. Non-Windows devices that do not support this function will be locked down to MAC addresses.	Corporate Services	Partially resolved. The following still require attention: 1. Shared generic account is used to manage the firewall. 2. The Town has commenced regular reviews of firewall rules however this can be further enhanced by including inbound and outbound rules.
65	Planned staff training needs for employees are currently identified and recorded in a training matrix. Further value from this initiative can be added through refining the current matrix toward a more formal required staff training structure, applied throughout the organisation.	Internal control or compliance breach.	1/12/2019	FMR/Audit Reg 17 Review - December 2019	Possible	Moderate	Moderate				Medium	Planned action required	Refine the current staff training matrix to identify staff training needs relevant to their role, ensuring it is co-ordinated across the organisation and monitors currency of required licences and qualifications.	Office of CEO	Each department has developed a training and development plan which is linked to the staff performance development framework. Corporate Services have finalised a template which will be shared with the Organisation.
66	Through our limited testing, we noted several instances where evidence of correspondence on employee files to support the current rate of pay applied through the payroll varied from the information recorded on employee files.	Failure to identify risks or adequately treat identified risks.	1/12/2019	FMR/Audit Reg 17 Review - December 2019	Possible	Moderate	Moderate				Medium	Planned action required	Undertake a review of all personnel to reconcile documentation relating to conditions of employment, remuneration, roles and responsibilities.	Office of CEO	The HR Coordinate personnel records reviewed to ensure completeness. It appears to be a historical issue which predates Definitive payroll. All new employee information is verified by the HR Co-ordinator.

Town of East Fremantle - Risk Assessment

Audit Finding	Risk Assessment Category	Risk Identified	Date of initial risk identification	Source of Audit Finding (FMR/Audit Reg 17/GCC Audit/Audit Management Letter/Internal)	Likelihood	Strategic Consequences	Operational Consequences	Combined Consequence	Maximum Rating	Likelihood rating	Risk Category	Action Required	Mitigation and Management Strategy (Possible Future Controls)	Responsible Officer	Progress Update
67	Information Risk	Register to track and record information risk does not exist	1/12/2019	2019 GCC Audit	Possible	Moderate	Moderate				Medium	Planned action required	The Town will create an Information Risk Management Register, which will be presented to the Audit Committee as a standing item. The 12 key findings in the GCC Management Letter will form the basis of this Register, which will be continually updated based on management assessment as well as the key findings from future internal/external audit work.	Corporate Services	The Operational Risk Register now has a risk profile titled Information Risks. Findings from the GCC Audit have been incorporated into this Register.
68	Process for amending or changing procedures are not formalised. This creates opportunities for unilateral undocumented changes to procedures and a breakdown in key controls.	Failure to identify risks or adequately treat identified risks.	1/12/2019	2019 GCC Audit	Possible	Major	Major				High	Prioritised action required	Establish a process for the development, review, amendment and authorisation of procedures, checklists and other internal control documentation, throughout the organisation to assist with managing changes to procedures.	Corporate Services	A Change Management service board, Process Map, Change Management form and Change Management training has been implemented by the IT Service Provider through Feb-May 2020. Approximately 30 Change Management forms have been completed between June and September. A draft Change Management Framework template has been obtained and is currently under review.
69	Review the Municipal Heritage Inventory		1/12/2019	FMR/Audit Reg 17 Review - December 2019	Rare	Moderate	Minor	Moderate	3	1	Low	Planned action required	Scheduled in the Corporate Business Plan for 2021/22	Regulatory Services	Heritage Consultancy: Heritage Local Heritage Survey, Review of Proposed Heritage Areas, and Update and Creation of Place Record Forms. The Town received grant (half funding) funding from the Department of Planning, Land and Heritage. The Town has accepted a quotation by Hocking Heritage + Architects consultants and have been appointed to undertake/ complete above works. Draft provided to the Town. Significant errors and inaccuracies were identified with the presented work. Consultants currently undertaking works to update the draft. Due for completion July/ August 2022.

10.7 AUDIT OF REQUISITIONS

Report Reference Number	ACR-238
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Wednesday, 6 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments**1. Procurement Review (Confidential)****PURPOSE**

The Audit Committee is requested to receive the assessment of all supplier purchases greater than \$5k for the 2021/22 financial year (as at the time of preparing the report), for compliance against Council's Purchasing Policy.

EXECUTIVE SUMMARY

During the period of review, the Town released 93 purchase orders over \$5k (with one purchase order subsequently cancelled). Full information is provided as confidential attachment 1, with the level of compliance against the Purchasing Policy assessed as follows:

Amount	Purchasing Requirement	No. Purchase Orders	No. Compliant with Purchasing Policy or Exempt i.e. Sole Supplier	% Compliant
Over \$5,001 and up to \$20,000	Attempt to obtain 2 written quotes	58	53	91%
Over \$20,001 and up to \$50,000	Attempt to obtain 3 written quotes	15	15	100%
Over \$50,001 and up to \$250,000	Attempt obtain 3 written quotes under a Request for Quotation	16	16	100%
Over \$250,000	Request for Tender unless exempt	3	3	100%
Total		92	87	94%

BACKGROUND

The Independent Auditors Report dated 13 December 2019 included the following significant audit finding:

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For 75% of purchases we sampled below the tender threshold, there was inadequate or no evidence that a sufficient number of quotations was obtained to test the market, and no documentation to explain why other quotes were not sought. This practice increases the likelihood of not receiving value for money in procurement. This could also result in favouring certain suppliers, although our audit did not identify any instances.

In response to the above finding, management provided the following comment, extracted from the minutes of the Special Council Meeting dated 4 February 2020:

The Town's purchasing policy states that where the value of a purchase is between \$5,001 and \$20,000 (ex. GST), efforts should be made to obtain at least two written quotes.

During the Auditor's procurement testing, 6 purchases were identified in this range, out of a sample of 8, where there was insufficient documentation to indicate that the requisite number of quotations had been obtained.

Extended security permissions, including a purchasing requisition system, were implemented in June 2019. Staff are now required to upload evidence of quotations for purchases in excess of \$5,000 against a requisition request, which is converted into a purchase order only after it has been reviewed and approved by a Manager.

The annual Internal Audit Work Plan also proposes that an internal audit of all requisitions over \$5,000 be completed and presented to the Audit Committee. This will ensure a complete sample and identify all instances of non-compliance. Findings will then inform areas for improvement, education, and if deemed appropriate, removal of financial delegation.

CONSULTATION

All Officers with Purchasing Delegation

STATUTORY ENVIRONMENT

Section 5.41 of the *Local Government Act 1995* details the functions of the CEO.

Regulation of the *Local Government (Financial Management) Regulations 1996* details the CEOs duties as to the financial management of the local government.

Regulation 11A of the *Local Government (Functions and General) Regulations 1996* requires local governments to prepare and adopt a Purchasing Policy.

POLICY IMPLICATIONS

Council's Purchasing Policy applies.

The following requirements apply for purchases over \$5,001:

Amount (ex GST)	Purchasing Requirement
Over \$5,001 and up to \$20,000	Attempt to obtain 2 written quotes
Over \$20,001 and up to \$50,000	Attempt to obtain 3 written quotes
Over \$50,001 and up to \$250,000 (previously \$150,000)	Attempt to obtain 3 written quotes under a Request for Quotation
Over \$250,000	Request for Tender unless exempt

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FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Non-compliance with Purchasing Policy: <ul style="list-style-type: none"> - Statutory breach - Not receiving value for money - Risk of favouring certain suppliers 	Possible (3)	Major (4)	High (10-16)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	Treat through regular review/audit.

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Likelihood	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
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

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rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

RISK RATING

Risk Rating	12
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

An internal audit of all purchases greater than \$5k has been completed.

- All purchases over \$250k were assessed to be compliant as a public tender process was followed.
- All purchases between \$50k and \$250k were assessed to be compliant as they were either subject to a public tender, formal request for quotation, a council resolution or purchasing of services from a regional local government.
- There were 73 purchase orders released between \$5k and \$50k. There were significant impacts on supply chains arising from the COVID pandemic, and in a number of instances, only a single supplier was available to deliver goods and services within the required time period. The CEO or the EMCS provided an exemption from quote in most instances.
- Overall, 94% of purchases greater than \$5k demonstrated compliance with Council's Purchasing Policy by having a copy of the requisite number of quotes uploaded into the financial system or an exemption provided under the Purchasing Policy. Each of the instances of non-compliance were for purchases below \$10k ex GST, indicating a relatively low material risk that the Town did not receive value for money.

In order to address the non-compliance, staff education and constructive reinforcement of purchasing requirements will be implemented. In particular, purchasing officers would benefit from an increased understanding as to what constitutes a sole supplier arrangement or meets the criteria for a quotation exemption. A lunch and learn will be delivered by the CEO and EMCS to all purchasing officers on the 21st of July 2022.

There is one matter of non-compliance that is drawn to the Committee's attention. Council's Purchasing Policy and Procedures requires the following:

- An official purchase order must be placed for all goods and services
- Authority limitations apply to any purchase including signing of contracts in accordance with Delegation DA8 and DA9
- Purchases over \$50,000 ex GST require a written contract, with a copy of the executed contract to be provided to Corporate Services to enable the Purchase Order to be released

A letter of award was RFQ07-2021/22 was provided for a total contract value of \$129,875 (ex GST) on the 21 January 2022. The contract was not executed by the Town until the 25 May 2022, and a purchase order was not raised until the 17 June 2022, following the receipt of supplier invoices for services.

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The above process did not comply with the requirements under Policy, and an internal debrief has been undertaken to ensure that breaches do not reoccur. Should there be continued breaches of Council's Purchasing Policy, purchasing delegation may be temporarily suspended, the amount decreased or removed from Officers.

10.7 OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Committee Resolution 070607

OFFICER RECOMMENDATION

Moved Mayor O'Neill, seconded Cr Donovan

That the Audit Committee receive the procurement review of all purchases over \$5k, as detailed in the confidential attachment, for assessment of compliance against Council's Purchasing Policy.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

Attachment -1

Attachment -1

Confidential Attachment

MINUTES OF AUDIT COMMITTEE MEETING WEDNESDAY, 6 JULY 2022



11 MATTERS BEHIND CLOSED DOORS

Nil

12 CLOSURE OF MEETING

Meeting closed at 8.10pm.

13 REPORTS - PLANNING

Reports start on the next page

13.1 NO 15 (LOT 2) RIVERSIDE ROAD – LEFT BANK – ALFRESCO AREA IN ROAD RESERVE (VERGE)

Report Reference Number	OCR-1181
Prepared by	Shelley Cocks
Supervised by	Andrew Malone
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil

Attachments

1. Department of Biodiversity, Conservation and Attractions Permit approval
2. Plan of proposed alfresco area

PURPOSE

The purpose of this report is for Council to endorse a temporary outdoor dining permit and associated temporary use agreement for Crown land for the proposed verge alfresco area located at the Left Bank hotel on Riverside Road.

EXECUTIVE SUMMARY

Town staff have worked with the Left Bank management to develop their proposal for an alfresco area, located on the verge to the front of the Left Bank Hotel on Riverside Road (under the Norfolk Pines).

The Town advertised the proposal in 2021 and received 56 submissions, the majority of these were in support of the proposal. An application was made to the Department of Biodiversity, Conservation and Attractions (DBCA) and approval granted with conditions. The Department of Local Government and Regional Development (DLGRD) Liquor Licensing requested the Town to provide a formal letter of approval to use the land for outdoor dining. The Town consulted with LGIS to ensure the Town is not exposed to any risk as a result of an approval. A temporary Outdoor Dining Permit issued pursuant to the *Public Places and Local Government Property Local Law 2016* with conditions can specifically address relevant issues (see below recommendation for conditions).

BACKGROUND

The Left Bank approached Council requesting it consider facilitating an alfresco area to the front of the Left Bank Hotel on Riverside Road, which will permit dogs in the alfresco area.

Since then, Left Bank management presented to a Council Forum, have had ongoing operational discussions with the Town and continued to demonstrate an interest in progressing the alfresco area. The global Coronavirus pandemic, declared state of emergency and works on Riverside Road delayed progress on the proposal.

The scope and scale of the proposed area is described below:

1. The alfresco area comprises a total area of 124 sqm.
2. It extends from the limestone walls at the front of the Left Bank all the way through to the existing bollards which are 600mm from the roadside.

3. It is proposed to install a visually permeable and decorative metal fence with a height of up to 900mm (the specifics of which will be determined in discussions with the Town) along the roadside and safety barriers.
4. The existing footpath can be left in place and still be used as a thoroughfare by the general public, as is typical with other alfresco areas in the Cities of Perth and Fremantle.
5. Exit and entry points will be clearly marked at either end of the alfresco area where the footpath is located. All exit points would be clearly displayed with signs saying 'no alcohol beyond this point'.
6. The alfresco area will generally remain grassed, although it is proposed to pave under the location of each set of table and chairs – a combination of a lack of light and foot traffic will likely impede the growth of grass in this location and a paved area will ensure a stable base for the table and chairs.
8. Tables and chairs will seat up to 74 patrons. The Left Bank has applied for a liquor licence in this area for 74 patrons;
9. The Left Bank will not be seeking an increase in overall licensed numbers permitted in the venue – the patrons in the alfresco area will be accommodated under the existing liquor licence limit of 805 patrons.
10. Being seated will not be mandatory as introducing an area with different rules will likely cause conflict between customers and staff.
11. The alfresco area will have the same operating hours as the venue.
12. The alfresco area will be exclusively non-smoking.
13. Although the alfresco area will not be exclusively for dog owners, there will be ample signage to ensure that patrons are aware that the alfresco area is a 'dog-friendly' space. Trying to enforce exclusivity would merely cause conflict with customers.

In-principle support for the alfresco area was granted by Council. Approval was granted for a permit (temporary approval) by the Department of Biodiversity, Conservation and Attractions (DBCA).

CONSULTATION

Consultation was undertaken internally and with elected members on several occasions. External advertising resulted in the Town receiving 56 submissions during the two-month advertising period, concluding in April 2021. Following in-principle support from the Town, formal approval was granted by the Department of Biodiversity, Conservation and Attractions.

The Town has consulted with LGIS and the Department of Local Government, Sport and Cultural Industries (DLGRD) with regard to the use of the area and Liquor Licensing.

STATUTORY ENVIRONMENT

A Form 7 application has been approved by DBCA on 3 March 2022. (Refer to Attachment 1)

POLICY IMPLICATIONS

Public Places and Local Government Property Local Law 2016.

FINANCIAL IMPLICATIONS

All works regarding the alfresco area are to be borne by the owners of the Left Bank (ie fencing, removal of existing footpath, shade structures, seating, concrete pads etc). All remediation works are to be borne by the owners of Left Bank.

There is an annual fee in Council's Fees and Charges for Outdoor Dining Areas. 2022/23 budget is \$33 per square metre (GST inc). The Town will charge a full annual fee for the use of the land (\$4,092). A bond of \$3,000 will also be required to be paid and held by the Town for the period of the permit. The owners are to

indemnify the Town of any reasonable liability for use of the area by the Left Bank (discussed below). Conditions of approval will be included.

Approval from DBCA is only for a period of six months.

STRATEGIC IMPLICATIONS

“Town of East Fremantle Strategic Community Plan 2020-2030”

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

- 1.1 *Facilitate appropriate local services for the health and wellbeing of the community*
 - 1.1.1 *Facilitate or partner to ensure a range of quality services are provided at a local level*
 - 1.1.2 *Strengthen the sense of place and identity through inclusive community interaction and participation*
- 1.2 *Inviting open spaces, meeting places and recreational facilities*
 - 1.2.1 *Provision of adequate facilities to support healthy and active lifestyles.*
 - 1.2.2 *Activate inviting open spaces that encourage social connection across all age groups.*
- 1.3 *Strong community connection within a safe and vibrant lifestyle*
 - 1.3.1 *Partner and educate to build a strong sense of community safety*
 - 1.3.2 *Facilitate opportunities to develop community connections through events and celebrations*
 - 1.3.3 *Facilitate community group capacity building.*

“Town of East Fremantle Public Health Plan 2018-2022”

Public Health Action Plan

1 – *Healthy People and Community*

Support the prevention of avoidable injuries: Reduce the number of dog attacks and promote responsible dog ownership.

2 – *Healthy Places and Spaces*

Conserve, maintain and enhance the Town’s open spaces: Implement the recommendations within the Town of East Fremantle Recreation and Community Facilities Strategy.

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse to endorse the alfresco area permit	Unlikely (2)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	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

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

SITE INSPECTION

Inspections and site meetings have occurred with officers over an extended period of time. A recent meeting was held with the Left Bank management in May 2022.

COMMENT

It is noted that there is a demonstrated increase in dog ownership since 2020 and many public premises welcome dogs into their outdoor dining areas such as Jetty and Gage Roads. The Left Bank do not permit dogs within the premises. There are breweries and animal welfare groups actively encouraging premises to provide dog friendly areas in their local government areas. The Left Bank have requested an outdoor dining permit for use of Council controlled land to be utilised as a licensed alfresco area that will be dog friendly.

A dog-friendly area is permissible within an outdoor dining area pursuant to the health regulations, however the business would still need to manage the associated health and safety risks of having dogs in an area. This includes dog owners complying with the Dog Act, including having control of the dogs with them being kept on a lead at all times. Dogs must not be permitted to make contact with food service equipment and must remain on the ground at all times. Other matters such as aggressive dogs, dog excrement and patrons' anxiety around dogs must also be managed by the business.

LGIS and DLGRD both raised liability concerns particularly:

- Liability/safety issues relating to the footpath between the venue and the alfresco area with customers crossing the footpath to the alfresco area.
- Liability/safety issues in relation to the location of the alfresco area relative to Riverside Road. To some extent, the design of the alfresco area including clearly marked delineation and the installation of heavy planters to act as a barrier will improve safety in the event of a car accident.
- Liabilities relating to alcohol consumption and animal control will be the responsibility of the Left Bank.
- Indemnification of Council against all liability with respect to the use of the land.

The Outdoor Dining Permit contains the following clause:

In accepting this permit, the permit holder agrees:

1. To indemnify and hold indemnified the Town of East Fremantle and Council against any claim for loss, damage or injury, however arising, from the operation of the outdoor dining area, and
2. Not to claim from the Town of East Fremantle or the Council or any person acting on their behalf for any loss, damage or injury however arising, from any public work in or around the public place.

Additional Permit conditions will also apply:

- The applicant to comply with the permit 2021/2579 Permit SAU 10282 conditions of the Department of Biodiversity, Conservation and Attractions.
- The public must have clear and unobstructed access onto and through the public thoroughfare between where the outdoor dining area (alfresco area) is proposed and the boundary of the property.
- The fencing is to be designed to be temporary and to comply with the relevant Australian Standards to the satisfaction of the Chief Executive Officer in consultation with relevant officers at the Town of East Fremantle.
- The payment of a \$3,000 security bond to be held by the Town for possible footpath and verge remediation.
- The approved outdoor dining area to be constructed as per the plan submitted to the Town of East Fremantle and as approved by the Department of Biodiversity, Conservation and Attractions. Any future alterations to the plan must be approved in writing by the Town prior to construction/ installation.
- Light furniture, fixtures and fittings where not appropriately fixed are to be stored when not in use.
- The outdoor dining area to be kept clean and well maintained.
- The outdoor dining area is to be a no smoking area, including the use of all vapes or similar.
- Electrical requirements to be provided and maintained to the relevant standards.
- Access to the area for new or existing services shall be given to the Town or any utility service provider.
- As a minimum, the applicant to thoroughly clean the area every month.

In conclusion, the Town will proceed to issue an Outdoor Dining Permit pursuant to the *Public Places and Local Government Property Local Law 2016* once agreement with the requirements as outlined in the recommendation are agreed to by the applicant. The area will be licensed by DLGRD as are other Outdoor Dining Permits in the Town such as Young George, Ethos and Salsa Rossa. Should the owners of the Left Bank wish to continue to utilise the verge for the purposes of alfresco dining after the lapse of the six (6) months approval period, a further approval is required from DBCA. The Town may also enter into a formal lease arrangement over the verge area should an extended approval be requested from DBCA/the Town. A further report will be presented to Council should these circumstances arise.

The approval will be issued on the basis that this will be a 6-month temporary approval commencing on approval of the outdoor eating permit.

CONCLUSION

It is recommended that Council endorse the use of the verge area (as indicated in Attachment 2) for the purposes of an alfresco area (dog friendly) for a period not exceeding six (6) months, subject to the conditions included in this report recommendation.

13.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION**Council Resolution 061907****Moved Cr Wilson, seconded Cr Natale**

That Council endorse a temporary outdoor dining permit (for 6 months only) and associated temporary use agreement for Crown Land for the proposed verge alfresco area located at the Left Bank at No 15 (Lot 2) Riverside Road subject to:

- 1. the payment of the appropriate fee and security bond to Council.**
- 2. the outdoor eating permit is approved for a maximum of 6 months from the date of issue.**
- 3. the permit holder agreeing:**
 - a. to indemnify and hold indemnified the Town of East Fremantle and Council against any claim for loss, damage or injury, however arising, from the operation of the outdoor dining area, and**
 - b. not to claim from the Town of East Fremantle or the Council or any person acting on their behalf for any loss, damage or injury however arising, from any public work in or around the public place.**
- 4. the owner entering into a temporary use agreement in relation to the Crown Land with the Town of East Fremantle.**
- 5. the following conditions:**
 - a. The applicant to comply with the permit 2021/2579 Permit SAU 10282 conditions of the Department of Biodiversity, Conservation and Attractions.**
 - b. The public must have clear and unobstructed access onto and through the public thoroughfare between where the outdoor dining area (alfresco area) is proposed and the boundary of the property.**
 - c. The fencing is to be designed to be temporary and to comply with the relevant Australian Standards to the satisfaction of the Chief Executive Officer in consultation with relevant officers at the Town of East Fremantle.**
 - d. The payment of a \$3,000 security bond to be held by the Town for possible footpath and verge remediation.**
 - e. The approved outdoor dining area to be constructed as per the plan submitted to the Town of East Fremantle and as approved by the Department of Biodiversity, Conservation and Attractions (refer to Attachment 2). Any future alterations to the plan must be approved in writing by the Town prior to construction/installation.**
 - f. Light furniture, fixtures and fittings where not appropriately fixed are to be stored when not in use.**
 - g. The outdoor dining area to be kept clean and well maintained.**
 - h. The outdoor dining area is to be a no smoking area, including the use of all vapes or similar.**
 - i. Electrical requirements to be provided and maintained to the relevant standards.**
 - j. Access to the area for new or existing services shall be given to the Town or any utility service provider.**
 - k. As a minimum, the applicant to thoroughly clean the area every month.**
 - l. Shade umbrellas being secured to the satisfaction of the Chief Executive Officer in consultation with relevant officers of the Town.**

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page



Department of Biodiversity,
Conservation and Attractions



SWAN CANNING
RIVERPARK

Rivers and Estuaries Branch
Ph: 9219 9000
Email: rivers.planning@dbca.wa.gov.au

2021/2579
PERMIT SAU10282

ADVICE TO APPLICANT

1. Plans / documentation can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 4**, the applicant is advised that lighting should be designed to minimise light spill to the River. Lighting design is to be temporary in nature and new lighting poles area discouraged. Lighting plan is to be installed by an appropriately qualified electrician.
3. Regarding **Conditions 5 and 6**, prior to commencement of works, the applicant is to obtain approval from the Department of Biodiversity, Conservation and Attractions for the alfresco fencing along the front of the verge. (**Advice Note 4**)
4. Regarding **Conditions 5 and 6**, the proposed fencing is to be designed such that:
 - a. it is no higher than 900mm from existing ground level; and
 - b. the area remains publicly accessible and does not prevent pedestrians passing through the site, shall not prevent views to or from the River and fencing can be removed when the site is not being used for alfresco seating.
5. Consistent with the Western Australian State Government's development of single use plastic legislation, businesses operating on and around the Swan and Canning rivers should avoid using single use plastic straws, cups, bottles, plates, cutlery, and thick plastic bags in their operations. Businesses are encouraged to seek reusable, recyclable, and compostable product alternatives. Businesses can receive further information, support, and incentives from DBCA's Plastic Free Riverpark program by phoning Zoe Beeson on 9278 0985 or emailing plasticfreeriverpark@dbca.wa.gov.au
6. It is the responsibility of the Operator to obtain all relevant approvals from other government authorities (e.g. relevant local government authorities, and Department of Planning Lands and Heritage or Department of Local Government, Sport and Cultural Industries).

PERMIT APPROVED	
Signed: 	Date: 3 March 2022
Greg Comiskey Manager, Statutory Assessments As delegate of CEO Under Section 38 of the SCRM Act 2006	



Department of Biodiversity,
Conservation and Attractions



SWAN CANNING
RIVERPARK

Rivers and Estuaries Branch
Ph: 9219 9000
Email: rivers.planning@dbca.wa.gov.au

**2021/2579
PERMIT SAU10282**

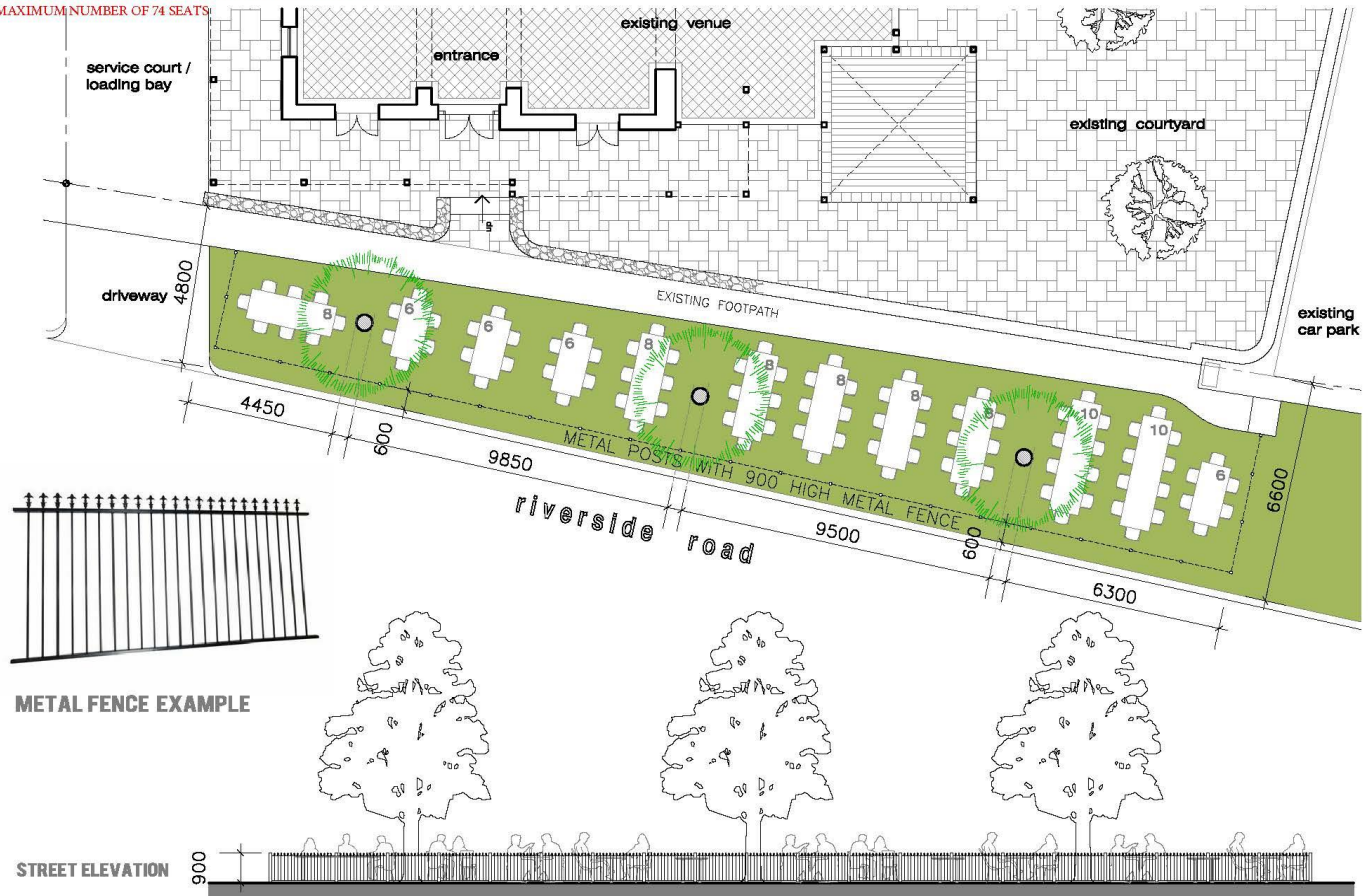
Pursuant to Part 4 (Regulation 29) of the Swan and Canning Rivers Management Regulations 2007, this is to certify that a permit is issued to the person(s) or organisation described hereunder as permit holder and that person(s) or organisation is permitted to carry out the authorised works, acts or activities for the duration specified, subject to the conditions listed below.

Permit holder:	Left Bank Holdings Pty Ltd		
Authorised works, acts or activities:	Temporary alfresco seating area		
Location of works, acts or activities:	Road reserve in front of lot 2 (15) Riverside Road, East Fremantle		
Approval date:	3 March 2022	Expiry date:	As per Condition 1

CONDITIONS

1. This permit is for a period of 6 months from the issue of a liquor licence. The alfresco area shall not be used until the granting of a liquor licence.
2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions of the intended date to commence operation of the alfresco area. This notification shall be provided in writing not less than seven (7) days prior to the commencement of operation. **(Advice Note 1)**
3. The permit is for a maximum number of 74 seats.
4. Prior to the commencement of works or any development being undertaken on site, the applicant shall prepare a Lighting Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions. **(Advice Note 2)**
5. The authorised works shall not prevent public access along the public footpath that runs along the front of the Left Bank. The area is to remain open at all times regardless of any licencing restrictions. **(Advice Notes 3 and 4)**
6. All fencing is to comply with the fencing plans as approved by the Department of Biodiversity, Conservation and Attractions. **(Advice Notes 3 and 4)**
7. The Operator shall pack away all seating, tables and shade umbrellas at the close of trading each day.
8. The proposed fencing along the front of the verge is to be no higher than 900mm from existing ground level.
9. The Operator shall at all times maintain a policy of public liability insurance, that covers the areas and Operations allowed under the Permit.
10. Following the expiry date of this permit the operator is to reinstate the verge including removing all tables, fencing, lighting and paving and make good the grass on the verge to the satisfaction of the Town of East Fremantle.

NOTE: SEATING AREA AMENDED TO REDUCE PATRONS TO A MAXIMUM NUMBER OF 74 SEATS



PROPOSED DOG ALFRESCO | THE LEFT BANK BAR & CAFE - 15 RIVERSIDE DRIVE, EAST FREMANTLE

14 REPORTS – FINANCE

Reports start on the next page

14.1 MONTHLY FINANCIAL REPORT - JUNE 2022

Report Reference Number	OCR-1170
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple
Documents tabled	Nil

Attachments

1. Monthly Financial Report – June 2022
2. West Australian Football Commission – Letter of Agreement

PURPOSE

The purpose of this report is to present to Council the Monthly Financial Report (containing the Interim Statement of Financial Activity) for the month ended 30 June 2022. This is an interim Financial Report, as end of year accounting processes are underway.

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 2022.

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
- Statement of Financial Position
- Notes to the Statement of Financial Activity including:
 - Explanation of Material Variances
 - Net Current Funding Position
 - Cash and Investments
 - Receivables
 - Cashed Back Reserves
 - Capital Disposals
 - Rating Information
 - 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.

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 2021/22 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 2021/22 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
Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate oversight of the financial position of	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT	Manage by monthly review of financial

the Town may result in adverse financial trends				\$50,000 - \$250,000	statements and key financial information
Grant funding received for specific purpose is not spent in current financial year and funds cannot be acquitted in a timely matter	Possible (3)	Moderate (3)	Moderate (5-9)	FINANCIAL IMPACT \$250,000 - \$1,000,000	Manage by reviewing unspent grant funding each month and responsible department to ensure timely delivery of projects against funding.

Risk Matrix

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

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

Risk Rating

Risk Rating	9
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

This report presents the Interim Statement of Financial Activity for the period 30 June 2020. The figures presented in this report and the attachments will change pending adjustments made as a result of end of year finalisation of accounts and completion of the Town's annual financial report for audit by the Office of Auditor General.

	Current Budget	June 30 Actual	% Variance	Comment
Opening Surplus				
Operating Revenue	\$11,266,130	\$11,093,653	(1.5%)	The small variance is mainly attributable to \$100k in operating grants sitting on the balance as a contract liability

Operating Expenditure	\$11,483,134	\$10,797,470	(5.9%)	Depreciation has not been processed for the month of June as the fixed asset register has not been finalised. There are no material variances by nature and type that are required to be reported to Council.
Capital Expenditure	\$4,512,480	\$1,460,727	(67%)	The variance is mainly attributable to \$1.9m in unspent grant on the East Fremantle Oval Project and a \$700k carryover for the Fremantle Women's Football Club project. Supplier invoices are still to be received for professional services at June 30 for the EF Oval project.
Capital Income	\$3,581,312	\$769,391	(78%)	As above - \$1.9m in grant revenue not yet recognized as revenue (sitting on balance sheet as contract liability)
Financing Activities	\$1,682,937	\$1,646,186	(2.2%)	Reserve balances fully reconciled. Minor adjustments to be processed for lease liabilities and borrowings.
Closing Surplus/(Deficit)	\$112,055	\$764,179		The 22/23 Budget is framed on a brought forward surplus of \$517k compared to an unadjusted surplus of \$764k. The budget estimation of opening funds appears to be sound given further accounting adjustments at 30 June (i.e further payables and accrued expenses).

The Rates Ledger was fully reconciled as at 30 June, with rates successfully levied for the 22/23 financial year (Rate Notices to be issued 19 July 2022). Councils' attention is drawn to the exceptional rates collection performance detailed on page 11 of the financial report. The net rates collectable of \$44,860 is offset by prepaid rates. Excluding deferred rates and ESL debtors, rates debtors amount to \$63,163 as at 30 June.

Funding East Fremantle Oval Project

The West Australian Football Commission has provided the Town with formal notification that it has been successful with a grant of \$250,000 (ex GST) under the WA Football Facilities Fund (see attachment 2). This is great news, as the grant amount is \$50k more than anticipated.

Confirmed funding of \$32.54m for this project now sits as follows (ex GST):

1. State Government Grant - \$25m
2. WA Football Commission - \$250k
3. Loan Borrowings (Agreement Executed) - \$4.8m
4. Reserve Funds (22/23 budget closing balance) - \$2.49m (includes expected proceeds of \$1m from sale of George St property)

CONCLUSION

It is requested that Council receive this report and the attached financial report.

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 071907

Moved Cr Natale, seconded Cr White

That Council:

- 1. receives the Interim Statement of Financial Activity for the year ended 30 June 2022, as presented as attachment 1 to this report.**
- 2. note that the stated unrestricted municipal surplus of \$764,179 as at 30 June 2022 is subject to final accounting adjustments including further trade payables, accrued expenses, adjustments to employee provisions, adjustments to contract liabilities (unspent grants) etc.**
- 3. endorse the execution of the funding agreement with the West Australian Football Commission as presented, and include the grant income in the Town's 2023/24 Budget.**

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

TOWN OF EAST FREMANTLE
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 June 2022

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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MONTHLY FINANCIAL REPORT
For the Period Ended 30 June 2022

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$0.69 M	\$0.89 M	\$0.89 M	\$0.00 M
Closing	\$0.00 M	\$0.11 M	\$0.76 M	\$0.65 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$7.07 M	% of total
Unrestricted Cash	\$4.58 M	64.9%
Restricted Cash	\$2.48 M	35.1%

Refer to Note 3 - Cash and Investments

Payables		
	\$409.0 K	% Outstanding
Trade Payables		
0 to 30 Days	\$409.0 K	100.0%
30 to 60 Days	\$0.0 K	0.0%
Over 60 Days	\$0.0 K	0.0%

Refer to Note 4 - Receivables

Receivables		
	\$0.10 M	% Collected
Rates Receivable	\$0.04 M	99.56%
Trade Receivable	\$0.1 K	% Outstanding
Current	\$0.1 K	100.00%
30 to 90 Days	\$0.0 K	0.00%
Over 90 Days	\$0.0 K	0.00%
Infringements	\$52.2 K	

Refer to Note 4 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.77 M	\$1.77 M	\$2.14 M	\$0.38 M

Refer to Statement of Financial Activity

Rates Revenue		
YTD Actual	\$8.30 M	% Variance
YTD Budget	\$8.30 M	0.0%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
YTD Actual	\$1,100.3 K	% Variance
YTD Budget	\$1,280.6 K	(14.1%)

Refer to Statement of Financial Activity

Fees and Charges		
YTD Actual	\$1,382.1 K	% Variance
YTD Budget	\$1,304.1 K	6.0%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.79 M)	(\$0.86 M)	(\$0.62 M)	\$0.24 M

Refer to Statement of Financial Activity

Proceeds on sale		
YTD Actual	\$66.8 K	%
Amended Budget	\$136.8 K	48.8%

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
YTD Actual	(\$1.46 M)	% Spent
Amended Budget	(\$4.51 M)	32.4%

Refer to Statement of Financial Activity

Capital Grants		
YTD Actual	\$0.77 M	% Received
Amended Budget	\$3.58 M	21.5%

Refer to Note 8 - Grants and Contributions

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.68 M)	(\$1.68 M)	(\$1.65 M)	\$0.04 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$103.1 K
Interest expense	\$7.1 K
Principal outstanding	\$73.1 K

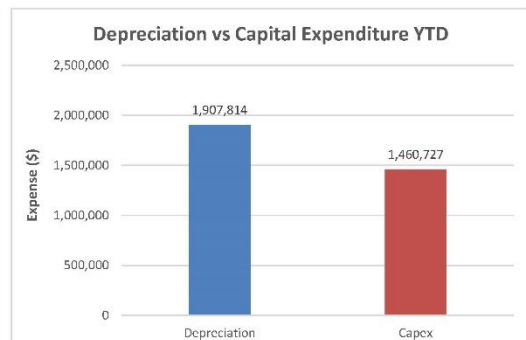
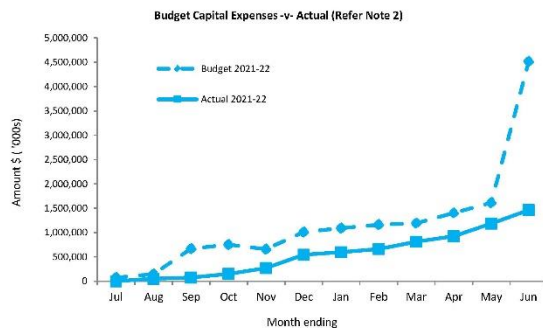
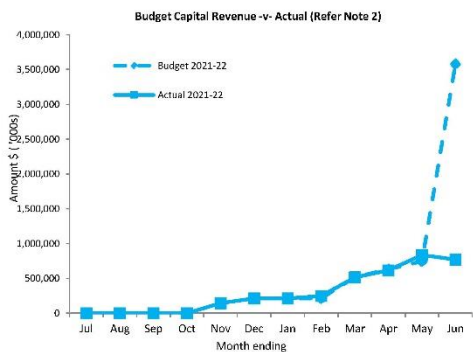
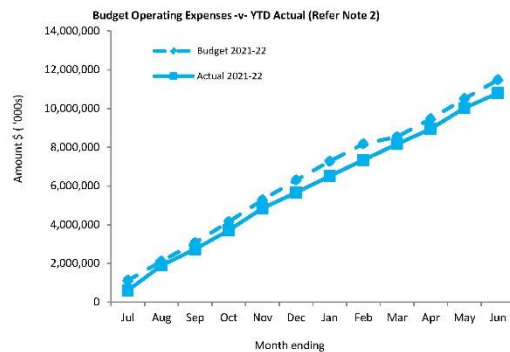
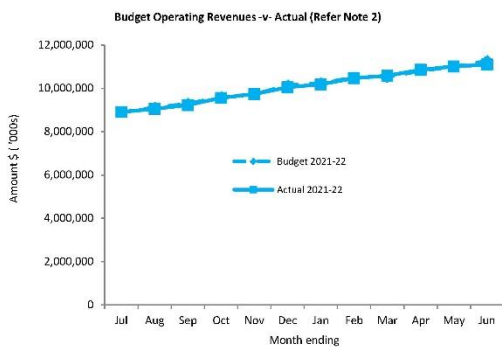
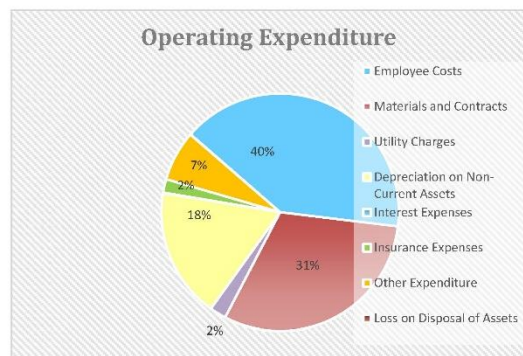
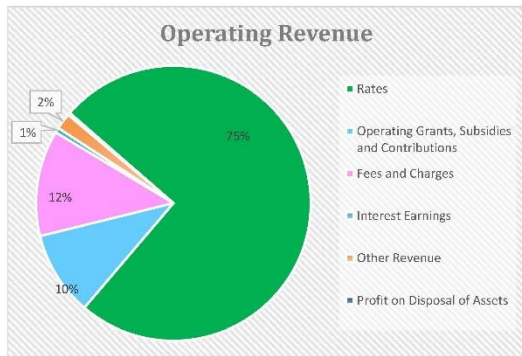
Reserves	
Reserves balance	\$2.48 M
Interest earned	\$777.9 K

Refer to Note 5 - Cash Backed Reserves

Preparation
Prepared by: Sam Dolzadelli
Reviewed by: Peter Kocian
Date Prepared: 10/05/2022

This information is to be read in conjunction with the accompanying Financial Statements and notes.

Town of East Fremantle
Information Summary
For the Period Ended 30 June 2022



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

**TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 June 2022**

		Annual Budget - Annual Budget -		Current	Amended YTD	YTD	Var. \$	Var. %
	Note	Hardcoded	Synergy	Budget	Budget	Actual	(b)-(a)	(b)-(a)/(a) var.
		\$			(a)	(b)	\$	%
Opening Funding Surplus(Deficit)	3	689,520	689,520	893,093	893,093	893,093	0	0%
Revenue from operating activities								
Governance		25,194	25,194	19,000	19,000	19,694	694	4%
General Purpose Funding - Rates	9	8,289,211	8,289,211	8,299,919	8,299,919	8,302,387	2,468	0%
General Purpose Funding - Other		308,828	308,828	465,011	465,011	444,623	(20,388)	(4%)
Law, Order and Public Safety		27,000	27,000	23,157	23,157	29,325	6,168	27%
Health		36,420	36,420	18,483	18,483	19,321	838	5%
Education and Welfare		799,290	799,290	725,536	725,536	752,396	26,860	4%
Housing		78,500	78,500	88,500	88,500	88,042	(458)	(1%)
Community Amenities		247,835	247,835	229,632	229,632	222,579	(7,053)	(3%)
Recreation and Culture		527,552	527,552	616,937	616,937	433,850	(183,087)	(30%)
Transport		493,060	493,060	494,055	494,055	525,223	31,168	6%
Economic Services		130,000	130,000	130,900	130,900	143,378	12,478	10%
Other Property and Services		59,339	59,339	155,000	155,000	112,835	(42,165)	(27%)
		11,022,229	11,022,229	11,266,130	11,266,130	11,093,653		
Expenditure from operating activities								
Governance		(1,308,739)	(1,308,739)	(1,299,556)	(1,299,556)	(1,341,468)	(41,912)	(3%)
General Purpose Funding		(134,050)	(134,050)	(116,072)	(116,072)	(89,434)	26,638	23%
Law, Order and Public Safety		(192,744)	(192,744)	(176,301)	(176,301)	(162,749)	13,552	8%
Health		(210,931)	(210,931)	(229,653)	(229,653)	(206,829)	22,824	10%
Education and Welfare		(1,160,391)	(1,160,391)	(1,138,058)	(1,138,058)	(1,067,370)	70,688	6%
Housing		(40,650)	(40,650)	(38,650)	(38,650)	(40,240)	(1,590)	(4%)
Community Amenities		(3,010,434)	(3,010,434)	(2,744,069)	(2,744,069)	(2,535,770)	208,299	8%
Recreation and Culture		(2,954,981)	(2,954,981)	(2,891,327)	(2,891,326)	(2,529,482)	361,844	13%
Transport		(2,847,092)	(2,847,092)	(2,536,125)	(2,536,125)	(2,333,558)	202,567	8%
Economic Services		(156,050)	(156,050)	(148,072)	(148,072)	(125,260)	22,812	15%
Other Property and Services		(178,511)	(178,511)	(165,252)	(165,252)	(365,310)	(200,058)	(121%)
		(12,194,573)	(12,194,573)	(11,483,135)	(11,483,134)	(10,797,470)		
Operating activities excluded from budget								
Add back Depreciation		2,571,177	2,571,177	2,075,935	2,075,935	1,907,814	(168,121)	(8%)
Adjust (Profit)/Loss on Asset Disposal	8	(148,940)	(148,940)	(87,914)	(92,652)	(27,916)	64,736	(70%)
Movement in Deferred Rates		0	0	0	0	(20,339)	(20,339)	
Movement in accrued income (non-current)		0	0	0	0	(13,922)		
		2,422,237	2,422,237	1,988,021	1,983,283	1,845,637	(123,724)	(7%)
Amount attributable to operating activities		1,249,893	1,249,893	1,771,016	1,766,279	2,141,820		
Investing Activities								
Non-operating Grants, Subsidies and Contributions	11	10,317,662	10,317,662	3,581,312	3,581,312	769,391	(2,811,921)	(79%)
Proceeds from Disposal of Assets	8	240,660	240,660	136,788	66,788	66,788	0	0%
Purchase of Property, Plant and Equipment		(15,730,400)	(15,730,400)	(3,653,891)	(3,653,891)	(828,877)	2,825,014	77%
Purchase and Construction of Infrastructure		(765,064)	(765,064)	(858,589)	(858,589)	(631,850)	226,739	26%
Amount attributable to investing activities		(5,937,142)	(5,937,142)	(794,380)	(864,380)	(624,548)		
Financing Activities								
Transfers from Reserves	7	1,264,366	1,264,366	1,385,937	1,385,937	43,720	(1,342,217)	97%
Payments for principal portion of lease liabilities		(45,000)	(45,000)	(45,000)	(45,000)	(44,666)	334	1%
Repayment of borrowings	10	(95,160)	(95,160)	(101,996)	(101,996)	(103,104)	(1,108)	(1%)
Proceeds from new borrowings		5,000,000	5,000,000	0	0	0		
Transfers to Reserves	7	(2,126,477)	(2,126,477)	(2,921,878)	(2,921,878)	(1,542,136)	1,379,742	47%
Amount attributable to financing activities		3,997,729	3,997,729	(1,682,937)	(1,682,937)	(1,646,186)	36,751	2%
Closing Funding Surplus(Deficit)	3	0	0	186,792	112,055	764,179	652,124	

**TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 June 2022**

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	3	689,520	689,520	893,093	893,093	893,093	0	0%	
Revenue from operating activities									
Rates	9	8,289,211	8,289,211	8,299,919	8,299,919	8,302,387	2,468	0%	
Operating grants, subsidies and contributions		984,759	984,759	1,280,644	1,280,644	1,100,329	(180,315)	(14%)	▼
Fees and Charges		1,328,630	1,328,630	1,304,055	1,304,055	1,382,095	78,040	6%	
Interest Earnings		105,000	105,000	70,000	70,000	65,980	(4,020)	(6%)	
Other Revenue		165,689	165,689	218,860	218,860	210,208	(8,652)	(4%)	
Profit on asset disposals	8	148,940	148,940	92,652	92,652	32,654	(59,998)	(65%)	▼
		11,022,229	11,022,229	11,266,130	11,266,130	11,093,653			
Expenditure from operating activities									
Employee Costs		(4,429,855)	(4,429,855)	(4,432,265)	(4,432,265)	(4,375,804)	56,461	1%	
Materials and Contracts		(3,893,041)	(3,893,041)	(3,686,365)	(3,686,365)	(3,320,062)	366,303	10%	
Utility Charges		(287,750)	(287,750)	(269,350)	(269,350)	(243,091)	26,259	10%	
Depreciation on Non-Current Assets		(2,571,177)	(2,571,177)	(2,075,935)	(2,075,935)	(1,907,814)	168,121	8%	
Interest Expenses		(22,500)	(22,500)	(16,500)	(16,500)	(7,146)	9,354	57%	
Insurance Expenses		(215,216)	(215,216)	(201,225)	(201,225)	(197,780)	3,445	2%	
Other Expenditure		(775,034)	(775,034)	(796,757)	(796,756)	(741,035)	55,721	7%	
Loss on asset disposals	8	0	0	(4,738)	(4,738)	0	0	0%	
		(12,194,573)	(12,194,573)	(11,483,135)	(11,483,134)	(10,797,470)			
Operating activities excluded from budget									
Add back Depreciation		2,571,177	2,571,177	2,075,935	2,075,935	1,907,814	(168,121)	(8%)	
Adjust (Profit)/Loss on Asset Disposal	8	(148,940)	(148,940)	(87,914)	(92,652)	(27,916)	64,736	(70%)	
Movement in Deferred Rates		0	0	0	0	(20,339)	(20,339)		
Movement in accrued income (non-current)		0	0	0	0	(13,922)			
		2,422,237	2,422,237	1,988,021	1,983,283	1,845,637			
Amount attributable to operating activities		1,249,893	1,249,893	1,771,016	1,766,279	2,141,820			
Investing activities									
Non-operating Grants, Subsidies and Contributions	11	10,317,662	10,317,662	3,581,312	3,581,312	769,391	(2,811,921)	(79%)	▼
Proceeds from Disposal of Assets	8	240,660	240,660	136,788	136,788	66,788	0	0%	
Purchase of Property, Plant and Equipment		(15,730,400)	(15,730,400)	(3,653,891)	(3,653,891)	(828,877)	2,825,014	77%	▲
Purchase and Construction of Infrastructure		(765,064)	(765,064)	(858,589)	(858,589)	(631,850)	226,739	26%	▲
Amount attributable to investing activities		(5,937,142)	(5,937,142)	(794,380)	(864,380)	(624,548)			
Financing Activities									
Transfers from Reserves	7	1,264,366	1,264,366	1,385,937	1,385,937	43,720	(1,342,217)	(97%)	▼
Payments for principal portion of lease liabilities		(45,000)	(45,000)	(45,000)	(45,000)	(44,666)	334	1%	
Repayment of borrowings	10	(95,160)	(95,160)	(101,996)	(101,996)	(103,104)	(1,108)	(1%)	
Proceeds from new borrowings		5,000,000	5,000,000	0	0	0			
Transfers to Reserves	7	(2,126,477)	(2,126,477)	(2,921,878)	(2,921,878)	(1,542,136)	1,379,742	47%	▲
Amount attributable to financing activities		3,997,729	3,997,729	(1,682,937)	(1,682,937)	(1,646,186)			
Closing Funding Surplus (Deficit)	3	0	0	186,792	112,055	764,179	652,124	582%	▲

TOWN OF EAST FREMANTLE
STATEMENT OF FINANCIAL POSITION
For the Period Ended 30 June 2022

	Jun-22
	\$
CURRENT ASSETS	
Cash and cash equivalents	7,067,665
Trade and other receivables	186,659
Other assets	43,039
TOTAL CURRENT ASSETS	<u>7,297,363</u>
NON-CURRENT ASSETS	
Trade and other receivables	98,847
Other financial assets	73,807
Investment in associate	1,429,853
Property, plant and equipment	31,823,582
Infrastructure	38,995,772
Right of use assets	240,476
TOTAL NON-CURRENT ASSETS	<u>72,662,337</u>
TOTAL ASSETS	<u>79,959,700</u>
CURRENT LIABILITIES	
Trade and other payables	1,191,652
Contract liabilities	2,170,498
Lease liabilities	-
Borrowings	1,239
Employee related provisions	686,852
TOTAL CURRENT LIABILITIES	<u>4,043,074</u>
NON-CURRENT LIABILITIES	
Lease liabilities	253,765
Borrowings	174,953
Employee related provisions	95,032
TOTAL NON-CURRENT LIABILITIES	<u>523,750</u>
TOTAL LIABILITIES	<u>4,566,824</u>
NET ASSETS	<u>75,392,876</u>
EQUITY	
Retained surplus	33,365,675
Reserves - cash backed	2,484,208
Revaluation surplus	39,543,022
TOTAL EQUITY	<u>75,392,905</u>

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 1: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2021/22 year is \$10,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Recreation and Culture	(183,087)	(30%)		Permanent	Grant funds originally for HMAS Leeuwin fencing removal, to be repurposed for nature play, amount received moved to contract liabilities as grant is unspent (reduction in income for 21/22)
Other Property and Services	(42,165)	(27%)		Permanent	
Operating Expense					
General Purpose Funding	26,638	23%		Timing	Favourable - Rate debt recovery costs to be accounted for in future period. Contra with legal fees recovered.
Recreation and Culture	361,844	13%		Timing	
Economic Services	22,812	15%		Timing	
Other Property and Services	(200,058)	(121%)		Timing	Public Works Overheads not fully allocated
Capital Expenses					
Purchase Property, Plant and Equipment	2,825,014	77%		Timing	See Capital Works Report
Purchase and Construction of Infrastructure	226,739	26%		Timing	See Capital Works Report
Nature and Type Classifications:					
Operating Grants, Subsidies and Contributions	(180,315)	(14%)		Timing	Contract liabilities (unspent grants) - revenue to be recognised in 22/23
Profit on asset disposals	(59,998)	(65%)		Timing	Reduced plant replacement - See note 6 (Disposals) and attachment 2.

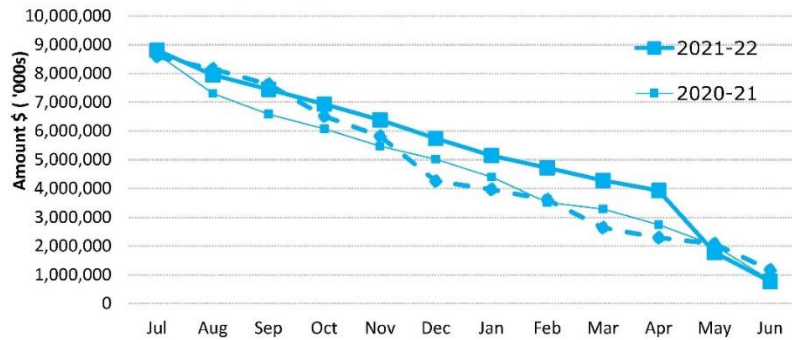
TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing	Current
		30 June 2021	30 Jun 2022
		\$	\$
Current Assets			
Cash Unrestricted	4	2,409,250	4,583,457
Cash Restricted - Reserves	4	985,793	2,484,208
Cash Restricted - Unspent Grants		316,844	0
Receivables - Rates	6	162,222	76,390
Receivables - Other	6	119,829	79,669
Interest/ATO Receivable/Trust		73,736	73,640
Inventories		0	0
		4,067,674	7,297,364
Less: Current Liabilities			
Payables		(1,192,840)	(1,191,652)
Contract Liabilities - Unspent grants		(316,844)	(2,170,498)
Contract Liabilities - Income in advance		(11,309)	0
Provisions		(667,795)	(686,852)
		(2,188,788)	(4,049,002)
Less: Restricted Cash - Reserves	7	(985,793)	(2,484,208)
Less: Restricted Cash - Unspent Grants		(316,844)	0
Less: Trust Interfund Transfer Account		0	0
Add: Contract Liabilities held in restricted cash		316,844	0
		(985,793)	(2,484,208)
Net Current Funding Position		893,093	764,154

Note 3 - Liquidity Over the Year



TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 3: Cash and Investments

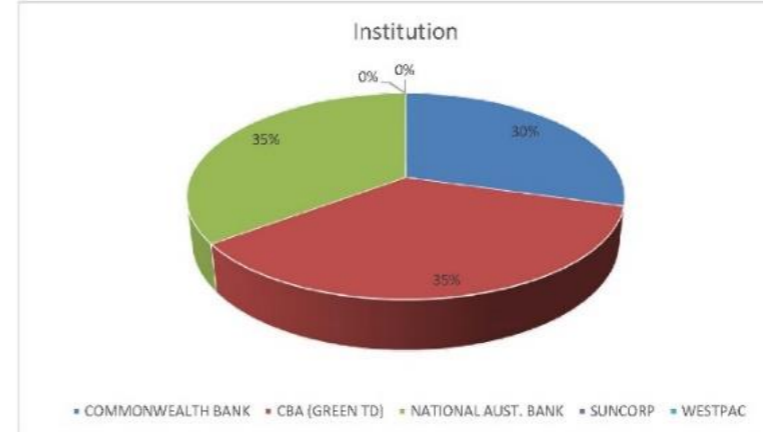
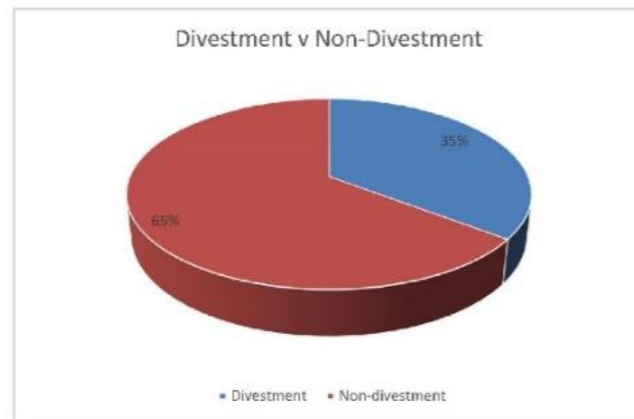
	Unrestricted	Restricted	Trust	Total Amount	Institution	Risk Rating (LT)	Interest Rate	Maturity Date	Interest \$
	\$	\$	\$	\$					
(a) Cash Deposits									
Municipal Bank Account - On-Call	0			0	CBA	AA-	0.01%	At Call	
Municipal Bank Account	1,498,918			1,498,918	CBA	AA-		At Call	
Municipal Bonds & Deposits Account	578,693			578,693	CBA	AA-		At Call	
Reserve Bank Account (Reserves)		0		0	CBA	AA-		At Call	
Reserve Bank Account (Unspent Grants)		0		0	CBA	AA-		At Call	
Cash On Hand	1,100			1,100	Petty Cash/Till Float		Nil	On Hand	
(b) Term Deposits									
Municipal				1,000,000	CBA (ESGTD)	AA-	0.69%	04-Jul-22	1,153
Unspent Grants				500,000	CBA (ESGTD)	AA-	1.28%	18-Jul-22	544
Unspent Grants				500,000	CBA (ESGTD)	AA-	1.78%	16-Aug-22	1,463
Unspent Grants				500,000	CBA (ESGTD)	AA-	2.22%	15-Sep-22	2,737
Reserves		1,125,294		1,125,294	NAB	AA-	1.30%	10-Aug-22	3,607
Reserves		1,358,914		1,358,914	NAB	AA-	1.49%	10-Aug-22	2,996
Total	2,078,712	2,484,208	0	7,062,920			1.36%		12,499
Less: Cash on hand				(1,100)					
Total Investments and Cash Deposits				7,061,820					

Comments/Notes - Investments and Cash Deposits

(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%	\$0	0.00%
AA	MAX 100%	\$4,561,820	64.60%
AA (GREEN TERM DEPOSITS)	MAX 100%	\$2,500,000	35.40%
AA (DIVESTMENT)	MAX 100%	\$0	0.00%
BBB+ (DIVESTMENT)	MAX 80%	\$0	0.00%
		\$7,061,820	100.00%

INSTITUTION	\$	%	(LT) RISK
COMMONWEALTH BANK	\$2,077,612	29.42%	AA-
CBA (GREEN TD)	\$2,500,000	35.40%	AA-
NATIONAL AUST. BANK	\$2,484,208	35.18%	AA-
SUNCORP	\$0	0.00%	AA-
WESTPAC	\$0	0.00%	AA-
	\$7,061,820	100.00%	

The Town obtains quotes from three (3) financial Institutions prior to placing Investments. This ensures the Town is receiving the best return on investment possible. The amount the Town invests is dependent on cash flow requirements for business operations and capital works for upcoming months. As the financial year progresses, the Town's cash holdings decreases which means less investment of Municipal funds. The current monetary policy imposed by the Reserve Bank of Australia (RBA) is driving the low-interest rate environment. Indicative pricing from financial institutions show that terms of 90 days are equivalent to 180 days and only slightly lower than terms between 180 and 365 days. The Town's investment policy precludes investing in term deposits for more than 12 months.



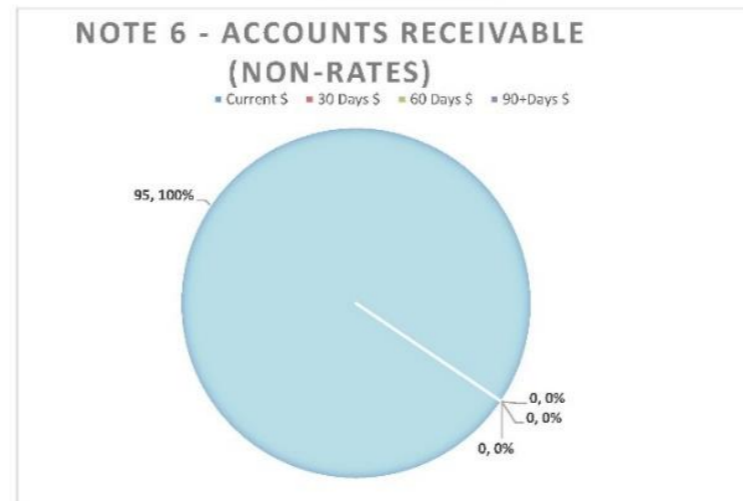
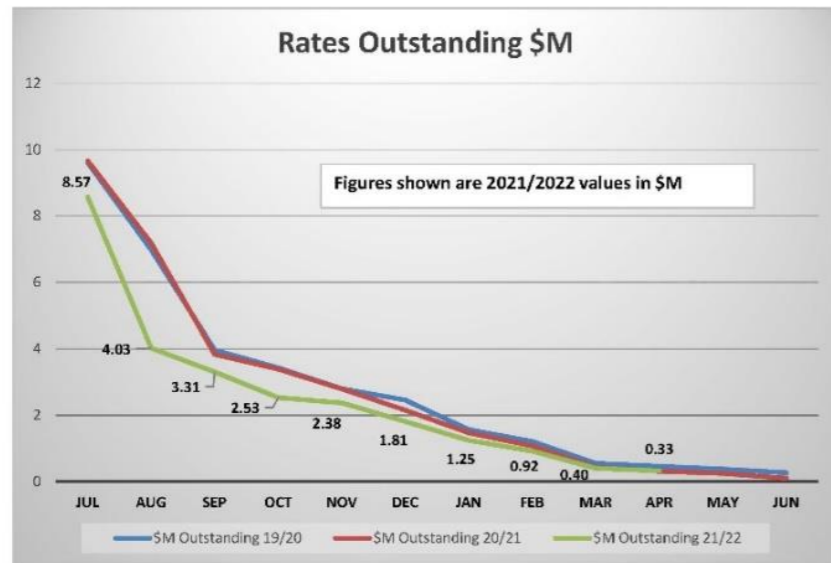
TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 4: Receivables

Receivables - Rates Receivable	30 June 2022	30 June 2021	Receivables - General	Current	30 Days	60 Days	90+Days	Total
Opening Arrears Previous Years	\$ 102,603	\$ 270,487	Receivables - General	95				95
Rates, ESL and Service Charges Levied this year	10,021,874	9,650,970	Receivables - Infringements					52,197
<u>Less</u> Collections to date	-10,079,617	-9,818,854	East Fremantle Lawn & Tennis Club					18,000
Net Rates Collectable	44,860	102,603	Total Receivables General Outstanding					70,292
% Outstanding	0.44%							

Amounts shown above include GST (where applicable)

Control Account	GL	Balance
Sundry Debtors	104	95
SSL - Current EFTC	114	
SSL - Non-Current EFTC	1684	18,000
Infringement Debtors	180	52,197
		70,292

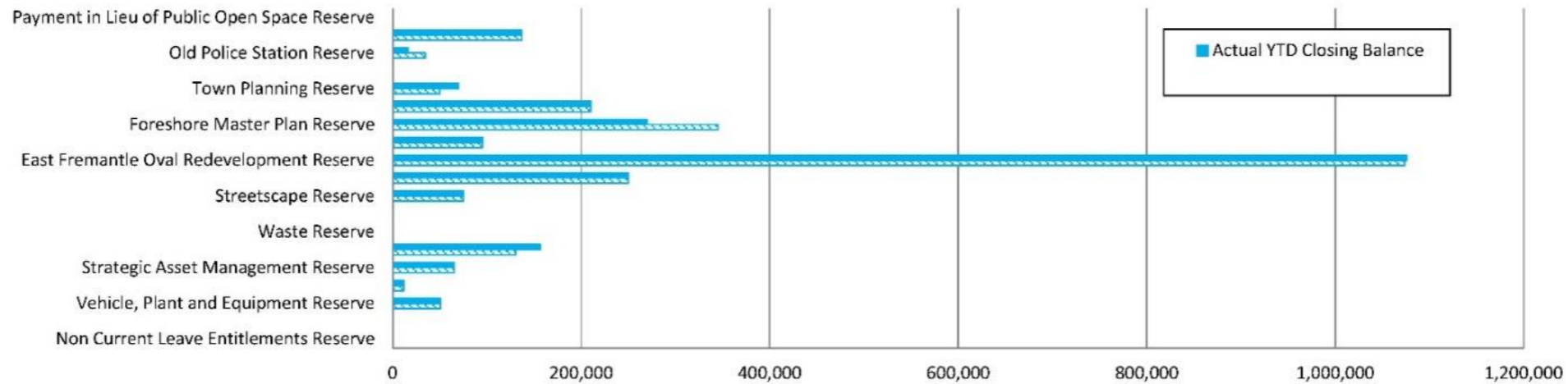


TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 5: Cash Backed Reserve

Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non Current Leave Entitlements Reserve	10,000	0	0	0	0	(10,000)	(10,000)	0	0
Unspent Grants and Restricted Cash Reserve	0	0	0	0	0	0	0	0	0
Vehicle, Plant and Equipment Reserve	84,127	0	0	0	0	(33,720)	(33,720)	50,407	50,407
Aged Services Reserve	11,803	0	0	0	0	0	0	11,803	11,803
Strategic Asset Management Reserve	7,542	0	0	57,378	57,378	0	0	64,920	64,920
Arts and Sculpture Reserve	156,772	0	0	45,000	0	(71,250)	0	130,522	156,772
Waste Reserve	0	0	0	1,220,436	0	(1,220,436)	0	0	0
Committed Works Reserve	0	0	0	0	0	0	0	0	0
Streetscape Reserve	75,000	0	0	0	0	0	0	75,000	75,000
Drainage Reserve	150,000	0	0	100,000	100,000	0	0	250,000	250,000
East Fremantle Oval Redevelopment Reserve	298,228	7,000	4,638	768,717	777,942	0	0	1,073,945	1,076,170
Preston Point Facilities Reserve	35,821	0	0	100,000	59,469	(40,531)	0	95,290	95,290
Foreshore Master Plan Reserve	0	0	0	345,000	270,000	0	0	345,000	270,000
Sustainability and Environmental Reserve	90,000	0	0	120,337	120,337	0	0	210,337	210,337
Town Planning Reserve	50,000	0	0	0	20,000	0	0	50,000	70,000
Business Improvement Reserve	0	0	0	0	0	0	0	0	0
Old Police Station Reserve	16,500	0	0	28,000	0	(10,000)	0	34,500	16,500
Payment in Lieu of Parking Reserve	0	0	0	137,010	137,010	0	0	137,010	137,010
Payment in Lieu of Public Open Space Reserve	0	0	0	0	0	0	0	0	0
	985,793	7,000	4,638	2,921,878	1,542,136	(1,385,937)	(43,720)	2,528,734	2,484,209

Note 5 - Year To Date Reserve Balance to End of Year Estimate



TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 6: Disposal of Assets

Asset Number	Plant Number	Asset Description	2021/22 Original Budget				2021/22 Current Budget			2021/22 Actuals			
			Net Book Value	Proceeds	Profit	(Loss)	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			\$	\$	\$	\$			\$	\$	\$	\$	
Plant and Equipment													
PEMV273	P5013	CEO Vehicle	22,938	32,340	9,402		-	-					
PEMV272	P5012	EMRS Vehicle	14,641	20,400	5,759		-	-					
PEMV268	P5003	EMCS Vehicle	9,608	20,400	10,792		-	-					
PEMV269	P5006	EMTS Vehicle	9,608	20,400	10,792		25,000	18,000					
PEMV264	P4093	PEHO Vehicle	0	14,520	14,520		-	-					
PEMV266	P4098	Works Supervisor Vehicle	7,473	14,520	7,047		30,000	27,000					
PEMV262	P4091	Ford Ranger Single Cab Ute (Ovals & Verges)	0	17,160	17,160		15,000	15,000					
PEMV257	P4088	CHSP Coordinator Vehicle	0	26,400	26,400		-	-					
PEMV255	P4085	CHSP Officer Vehicle	0	14,520	14,520		-	-					
PEMV245	P4072	Mitsubishi Fuso Tip Truck (Parks)	27,452	60,000	32,548		56,364	32,652		23,712	56,364	32,652	
PE279	P5011	John Deere Green Gator	0	0	0		10,424			15,162	10,424	(4,738)	
			91,720	240,660	148,940	0	136,788	92,652	(4,738)	38,874	66,788	32,652	(4,738)

TOWN OF EAST FREMANTLE
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 June 2022

Note 7: Rating Information

RATE TYPE	Rate in	Number of Properties	Opening Rateable Value	YTD Actual			Adopted Budget				
				Current Rateable Value	Rate Revenue	Interim Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
Differential General Rate	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Residential GRV	0.076377	2,961	86,072,665	86,422,453	6,573,972	21,847	6,595,819	6,570,498	20,000	0	6,590,498
Commercial GRV	0.113749	114	11,541,395	11,541,395	1,312,822	621	1,313,443	1,304,450	0	0	1,304,450
Sub-Totals		3,075	97,614,060	97,963,848	7,886,794	22,468	7,909,262	7,874,948	20,000	0	7,894,948
Minimum Payment	\$										
Residential GRV	1,138.00	329	4,219,274	4,219,274	374,402		374,402	375,540	0	0	375,540
Commercial GRV	1,702.00	11	117,220	117,220	18,722		18,722	18,722	0	0	18,722
Sub-Totals		340	4,336,494	4,336,494	393,124	-	393,124	394,262	0	0	394,262
		3,415	101,950,554	102,300,342	8,279,918	22,468	8,302,386	8,269,210	20,000	0	8,289,210
Amount from General Rates							8,302,386				8,289,210
Less Concessions							0				
Totals					8,279,918		8,302,386	8,269,210	20,000	0	8,289,210

TOWN OF EAST FREMANTLE
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2022

Note 8: Grants and Contributions

	Grant Provider	Purpose of Grant	Acquittal Date	Acquittal Requirement	Type	Current Budget		YTD Budget	YTD Actual Revenue
						Operating	Capital		
						\$	\$	\$	\$
General Purpose Funding									
Grants Commission - General	WALGGC	Untied - General Purpose	NA	NA	Operating	213,983		213,983	213,983
Grants Commission - Roads	WALGGC	Untied - Road	NA	NA	Operating	104,028		104,028	104,028
Education and Welfare									
Commonwealth Home Support Programme	Commonwealth Dep. Health	Commonwealth Home Support Programme	31-Oct	Financial Declaration Acquittal	Operating - Tied	606,371		606,371	606,371
Home and Community Care	State Government	Commonwealth Home Support Programme	NA	NA	Operating - Tied	9,188		9,188	9,188
Community Amenities									
Recycling Grant	Dept. Regional Development	Better Bins Program	31 July annually	Audited financial statement	Operating - Tied	31,976		31,976	18,042
Bus Shelter - Maintenance Assistance Scheme	Public Transport Authority	Bus Shelter Maintenance	NA	NA	Operating	4,100		4,100	4,070
Recreation and Culture									
East Fremantle Festival	Port Authority	East Fremantle Festival Funding	NA	NA	Operating - Tied	27,273		27,273	37,273
East Fremantle Oval Redevelopment	State Government	Election Commitment - EF Oval Redevelopment	NA	NA	Non-operating	0	2,500,000	0	510,136
Foreshore Erosion	DBCA	Various seawall works	NA	NA	Operating - Tied	75,000		75,000	0
Henry Jeffery Resurfacing	CSRFF	Lacrosse lighting	NA	NA	Non-operating	0	15,000	0	0
				Financial statement/budget reconciliation	Operating - Tied	70,805		70,805	21,315
Urban Canopy Grant Program	WALGA/Water Corp	Implementation of urban canopy program	30/9/21 and 25/7/22	NA	Operating - Tied	52,000		52,000	0
State Government Election Commitment	DLGSC	Removing of fencing around HMAS Leeuwin Playing Fields	NA	NA	Operating - Tied	53,875		53,875	53,875
CHRMAP Funding	WAPC - Dept. Planning	Coastal Hazard Risk Management Plan	22/23	Financial statement	Operating - Tied	0		0	0
Transport									
Direct Grant	Main Roads	Direct Grant	July	Certificate of completion	Operating	19,245		19,245	19,245
Federal Government Stimulus Payment	Department of Infrastructure	Local Roads and Community Infrastructure Program	31/10/21 and 31/12/21	Audited financial statement	Non-operating	0	346,312	346,312	259,255
Street Lighting Subsidy	Main Roads	Street Lighting Subsidy	NA	NA	Operating	4,800		4,800	5,334
Stirling Bridge Verge Maintenance Agreement	Main Roads	Stirling Highway Verge Maint. Agreement	NA	NA	Operating	8,000		8,000	7,607
TOTALS						1,280,644	2,861,312	1,626,956	1,869,720
SUMMARY									
Operating	Operating Grants, Subsidies and Contributions					354,156	0	354,156	354,266
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions					926,488	0	926,488	746,063
Non-operating	Non-operating Grants, Subsidies and Contributions					0	2,861,312	346,312	769,391
TOTALS						1,280,644	2,861,312	1,626,956	1,869,720

TOWN OF EAST FREMANTLE - CAPITAL WORKS REPORT - 30 June 2022										
Description	Budget		YTD Actual	Order Value	Total Actual	Variance (\$)	Variance (%)	Indicator	Completion %	
	Original Budget	Amendments								Current Budget
Plant & Equipment - CEO and EM Corporate Services Vehicle Replacement	\$80,200	-\$80,200	\$0	\$0	\$0					
Plant & Equipment - Electric Bikes	\$0	\$6,000	\$6,000	\$4,800	\$0	\$4,800		80%		
Plant & Equipment - Charging station - Town hall carpark	\$0	\$10,000	\$10,000	\$0	\$13,483	\$13,483	-100.00%	0%		
Plant & Equipment - Principal Environmental Health Officer Vehicle Replacement	\$24,200	-\$24,200	\$0	\$0	\$0	\$0				
Plant & Equipment - CHSP Coordinator and CHSP Support Officer Vehicle Replacement	\$68,200	-\$68,200	\$0	\$0	\$0	\$0				
Plant & Equipment - EM Regulatory Services Vehicle Replacement	\$34,000	-\$34,000	\$0	\$0	\$0	\$0				
Plant & Equipment - Parks Ute replacement	\$28,600	\$0	\$28,600	\$0	\$0	\$0		0%		
Plant & Equipment - Parks Truck replacement	\$100,000	-\$9,916	\$90,084	\$90,084.05	\$0	\$90,084		100%		
Plant & Equipment - EM Technical Services vehicle replacement and works supervisor ute replacement	\$58,200	\$0	\$58,200	\$0	\$33,993	\$33,993		0%		
Plant & Equipment - Public Art	\$45,000	\$0	\$45,000	\$18,410	\$13,390	\$31,800		41%		
Plant & Equipment - Public Art - Capex - New - Other Culture - EF Oval Commemoration Artwork	\$0	\$26,250	\$26,250	\$13,000	\$39,500	\$52,500		50%		
Plant & Equipment - Works Ute replacement	\$30,000	-\$3,443	\$26,557	\$26,557.30	\$0	\$26,557		100%		
Plant & Equipment	\$468,400	-\$177,709	\$290,691	\$152,851	\$100,366	\$253,218	-\$137,840	-47.42%	53%	
Furniture & Equipment - IT Equipment - Capex - New - Administration	\$0	\$13,200	\$13,200	\$13,325	\$0	\$13,325		101%		
Furniture & Equipment	\$0	\$13,200	\$13,200	\$13,325	\$0	\$13,325	\$125	0.94%	101%	
Buildings - Upgrades - Various Locations	\$80,000	-\$80,000	\$0	\$0	\$0	\$0				
Buildings - Upgrades - Various Locations	\$0	\$80,000	\$80,000	\$500	\$0	\$500	-\$79,500	-99.38%	1%	
Buildings - Camp Waller Upgrades	\$50,000	\$0	\$50,000	\$46,161	\$0	\$46,161		92%		
Buildings - East Fremantle Oval Precinct Redevelopment	\$15,132,000	-\$12,632,000	\$2,500,000	\$609,955	\$1,604,931	\$2,214,886		34%		
Buildings - Specialised - Capex - Fremantle Women's Football Club	\$0	\$720,000	\$720,000	\$6,085	\$7,080	\$13,165		1%		
Buildings	\$15,262,000	-\$12,632,000	\$3,350,000	\$662,701	\$1,604,931	\$2,261,547	-\$2,687,299	-80.22%	20%	
Infrastructure - Parks & Ovals - Lee Park - Bore Renewal	\$0	\$24,980	\$24,980	\$24,980.00	\$0	\$24,980		100%		
Infrastructure - Miscellaneous Sports and Recreation - Youth Facilities Upgrades	\$70,000	\$50,000	\$120,000	\$0	\$0	\$0		0%		
Infrastructure - Parks & Ovals - Preson Point Oval Lighting Upgrade	\$30,000	\$0	\$30,000	\$15,000	\$0	\$15,000		50%		
Infrastructure - Parks & Ovals - Henry Jeffery Oval Resurfacing & reticulation upgrades	\$121,594	\$11,406	\$133,000	\$120,540	\$0	\$120,540		91%		
Infrastructure - Parks & Ovals - Stratford Park Fencing Replacement	\$10,000	\$0	\$10,000	\$15,492	\$0	\$15,492		155%		
Infrastructure - Parks & Ovals - Softfall - Exercise equipment near Dome	\$12,000	\$3,000	\$15,000	\$0	\$0	\$0		0%		
Infrastructure - Parks & Ovals - Tricolore BBQ replacement	\$10,000	-\$10,000	\$0	\$0	\$0	\$0				
Infrastructure - Parks & Ovals - Bench seats - various locations	\$12,500	\$0	\$12,500	\$7,302	\$4,065	\$11,366		58%		
Infrastructure - Drainage - Silas Street	\$196,000	-\$119,850	\$76,150	\$76,149	\$0	\$76,149		100%		
Infrastructure - Drainage - Foreshore Rationalisation	\$50,370	-\$370	\$50,000	\$46,040	\$0	\$46,040		92%		
Infrastructure - Drainage - Locke Crescent	\$80,000	\$15,000	\$95,000	\$101,619	\$0	\$101,619		107%		
Infrastructure - Footpaths - Gill Street	\$64,200	\$4,660	\$68,860	\$68,860	\$0	\$68,860		100%		
Infrastructure - Footpaths - Irwin Street Kerbing	\$10,000	\$0	\$10,000	\$11,668	\$227	\$11,895		117%		
Infrastructure - Footpaths - Angwin Street	\$8,400	-\$8,400	\$0	\$0	\$0	\$0				
Infrastructure - Footpaths - Canning Highway	\$90,000	\$0	\$90,000	\$61,228	\$0	\$61,228		68%		
Infrastructure - Footpaths - Riverside Rd and Pier St Intersection	\$0	\$15,000	\$15,000	\$0	\$0	\$0		0%		
Infrastructure - Footpaths - Fortescue St	\$0	\$27,000	\$27,000	\$26,344	\$0	\$26,344		98%		
Infrastructure - Leeuwin Carpark Upgrades - Paid Parking Management Solution	\$0	\$45,099	\$45,099	\$29,500	\$2,306	\$31,806		65%		
Infrastructure - Parks & Ovals - Locke Park Pump	\$0	\$36,000	\$36,000	\$27,127.80	\$0	\$27,128		75%		
Infrastructure	\$765,064	\$93,525	\$858,589	\$631,850	\$6,598	\$638,448	-\$226,739	-26.41%	72%	
	\$16,495,464	-\$11,969,784	\$4,512,480	\$1,460,727	\$1,718,975	\$3,193,027	-\$3,131,253	-67.63%	32%	

Total Actual < Current Budget
 No Current Budget
 No YTD Actual
 Total Actual > Current Budget





12 July 2022

Mr Gary Tuffin
Chief Executive Officer
Town of East Fremantle
135 Canning Highway
East Fremantle WA 6158
gtuffin@eastfremantle.wa.gov.au

Dear Gary,

Letter of Agreement – Town of East Fremantle

I am writing to confirm that, the East Fremantle Oval Precinct - Redevelopment Project, has been approved by the West Australian Football Commission (WAFC) to receive a grant through the WA Football Facilities Fund (WAFFF) for \$250,000 (excl GST). The fund has been established as part of the 2021 AFL Grand Final Legacy through a collaboration between the WAFC and the AFL to improve the experience of participants who play Football across Western Australia.

The WAFC's need to deliver fit-for-purpose facilities is driven by ongoing participation growth and the changing profile of participants in Western Australia. This massive participation growth (more females play AFL than ever before), strong future population growth, and the broader growth of the game (success / growth of community competitions / elite teams) continue to drive this demand. As such, providing safe, accessible, and welcoming facilities keeps players and officials engaged in the game and supports future growth for participants and the community.

The partnership between the West Australian Football Commission and Town of East Fremantle is a key reason to support this application. Funding is therefore provided based on the Agreement Conditions outlined in the Schedule - Offer Terms and Conditions. To accept this offer, please sign the attached agreement and return to Steven Rose, Manager Facilities and Government Relations, at your earliest convenience.

Research conducted by ACIL Allen in 2016/17 shows that for every \$1 invested in a community football club, there is at least \$2.16 return in economic and social benefits. The experience of being associated with a football club drives greater social connectedness, wellbeing and improved physical and mental health all of which aligns with Government priorities.

On behalf of the WAFC, I thank Town of East Fremantle for their ongoing support of Football in Western Australia and look forward to the successful delivery of this project which will benefit players and the local community for years to come.

Should you have any further queries, please feel free to contact Steven Rose, Manager Facilities and Government Relations via srose@wafc.com.au.

Yours sincerely,

Michael Roberts
Chief Executive Officer
West Australian Football Commission



Schedule – Offer Terms and Conditions

These Offer Terms and Conditions, including the below Agreement Details, and the attached Funding Letter Agreement together form the agreement between the WAFC and the Grantee in relation to the Funding (**Agreement**).

Grantee Details

1.	Grantee:	Town of East Fremantle
2.	ABN	80 052 365 032
3.	Application Number:	WAFC_AFFF01
4.	WAFFF amount:	\$250,000 (excl. GST)
5.	Total Project Cost	\$32,500,000
6.	Project Description:	Redevelopment of the East Fremantle Oval Precinct into an integrated Community Sport and Leisure Precinct inclusive of a State Level AFL facility for the East Fremantle FC (WAFL Club), realignment of the oval and upgrade of oval lighting to LED 250 lux to meet training requirements. Incorporation of complementary commercial facilities to ensure sustainability of the project.

Funding is available for distribution upon successful completion of the following project milestones:

Milestone	Payment	Documentation required
Signed Agreement received	Nil	Lodgment of signed Letter of Agreement to WAFC Manager Facilities and Government Relations.
Completion of project	\$250,000 (excl. GST)	Completion of an online acquittal form via SmartyGrants that includes: <ul style="list-style-type: none"> An invoice made out to the WAFC. Application Number WAFC_AFFF01 to be included on the invoice. Verification that the project has been completed as per your submission (including photos of the completed project). Confirmation of total project cost.
Special Conditions	Nil	<ul style="list-style-type: none"> Funding of \$250,000 from WAFFF for East Fremantle Oval Precinct - Redevelopment Project, conditional upon the State Government application being approved. Agreement in place between the Council and Club to include priority access to ground and facility as primary tenant and length of the tenure.

Agreement Conditions

The above WAFC funds are available for distribution upon the following procedures:

- Invoice for the above amount directed to the WAFC from the organisation responsible for the project task and confirmation that all project funding is in place and that the project has reached practical completion.
- Suitable tenancy arrangements are in place to ensure the ongoing and priority access for the AFL Clubs involved.
- The AFL and WAFC are appropriately acknowledged in any formal publicity or events regarding the project both during construction and upon completion.
- That the WAFC is involved in the development of the detailed design and sign off on the final plans (including involvement in a Project Control Group).
- Council and Club receiving benefits of grants will participate in WAFC/AFL assessment of the success of the project over future years.
- Payment of the Grant:** The WAFC agrees to pay the Grant to the Grantee in accordance with this Agreement.
- The parties agree that the amount of the Grant is exclusive of GST. The Grantee must provide the WAFC with a tax invoice before the WAFC is obliged to pay any amount under this Agreement.
- Spending the Grant:** The Grantee agrees to spend the Grant for the sole purpose of undertaking the Grant Activity, and to provide a statement, in the form required by the WAFC and signed by the Grantee, verifying that the Grant Activity has been undertaken and the Grant was spent in accordance with this Agreement.
- Repayment:** If any of the Grant amount has been spent other than in accordance with this Agreement or on expiration or termination of this Agreement is additional to the requirements of the Grant Activity, the Grantee agrees to repay that amount to the WAFC, unless the WAFC agrees in writing otherwise.
- Record Keeping:** The Grantee agrees to maintain records of the performance of the Grant Activity and the expenditure of the Grant for the period specified in the Agreement and to make them available to the WAFC on request.
- Notices:** The Grantee agrees to promptly notify the WAFC of anything reasonably likely to affect the

Attachment 2

performance of the Grant Activity, including any actual, perceived, or potential conflict of interest which could affect the Grantee's performance of this Agreement and to take action to resolve the conflict.

- 12. **Variations:** Variations to the scope of the project must be agreed to by the WAFC before commencing works.
- 13. **Insurance:** The Grantee agrees to maintain adequate insurance for the duration of this Agreement and provide the WAFC with proof when requested.
- 14. **Licenses and approvals:** The Grantee must ensure that all persons engaged to work on the Grant Activity obtain and maintain all relevant licenses, registrations or other approvals required by applicable laws or as directed by the WAFC, including but not limited to police checks, Working with Children Checks and Working with Vulnerable People checks.
- 15. **Grantee's risk:** The Grantee accepts all risks in respect of this Agreement, the Project and the carrying out of the Project, including:
 - a. the actual cost of the Project being greater than anticipated; or
 - b. all liabilities associated with carrying out the Project; or
 - c. compliance with all laws relating to the Project and the Grantee's obligations under this Agreement.
- 16. **Termination for default:** The WAFC may terminate this Agreement by notice where it reasonably believes the Grantee:
 - a. has breached this Agreement; or
 - b. has provided false or misleading statements in their application for the Grant; or
 - c. has become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.
 - d. The WAFC will not be required to make any further payments of the Grant after the termination of the Agreement

Signatures

Executed as an agreement:

Signed for and on behalf of the Town of East Fremantle agrees to use the Grant to undertake the Grant Activity in accordance with this letter and the Agreement Details and the enclosed WAFC Agreement Conditions, which together form the Agreement between the Grantee and the WAFC in relation to the Grant.

Grantee:

Signed for and on behalf of the Town of East Fremantle.

Name: Signature:

Position: Date:

Witness Name: Signature:

Position: Date:

WAFC:

Signed for and on behalf of the West Australian Football Commission.

Name: Signature:

Position: Date:

Witness Name: Signature:

Position: Date:

14.2 ACCOUNTS FOR PAYMENT

Report Reference Number	OCR-1183
Prepared by	Natalie McGill, Senior Finance Officer
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	

1. Monthly List of Payments – June 2022

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 ending 30 June 2022.

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 List of Accounts paid for the period 1 June to 30 June 2022, 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 are itemised lists 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

All expenditure is incurred by authorised officers and made in accordance with the adopted Annual Budget.

All amounts quoted in this report are inclusive of GST.

STRATEGIC IMPLICATIONS

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

5.1 Strengthen organisational accountability and transparency

5.2 Strive for excellence in leadership and governance

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not 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

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

SITE INSPECTION

N/A

COMMENT

Payments for the period include the following significant items:

Payee	Particulars	Amount (GST Inc)
Aust Taxation Office	ATO Liabilities	\$34,513.00
Resource Recovery Group (SMRC)	Waste Services May 2022	\$32,340.96
Dept of Fire and Emergency Services	ESL – 4 th Quarter Contribution	\$140,812.56
Protech Asphalt	Kerbing	\$19,228.00
Jackson McDonald Barristers and Solicitors	RFQ11-2021/22 Professional Fees – Legal Services EF Oval Redevelopment	\$16,500.00
Forth Consulting Pty Ltd	RFQ16-2021/22 East Fremantle Oval Redevelopment Civil Engineering – May 22	\$15,400.00
Holcim Australia Pty Ltd	Pollution Control Drainage Equipment	\$19,800.00
SMRC Loan Repayment Account	Loan Repayment	\$27,807.75
State Wide Turf Services	Oversow Rye Grass and Lay Jumbo Rolls	\$30,442.58
Suez Recycling & Recovery Pty Ltd	Waste Collection May 2022	\$38,925.09

June 30 Invoices are still being processed (including credit card statements for June), with the creditor's ledger closing on Friday 15 July 2022 for prior year invoices. These accounts for payment will be included in the listing for July.

CONCLUSION

Nil.

14.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 081907

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 June 2022.

JUNE 2022		
Voucher No	Account	Amount
5353-5356	Municipal (Cheques)	\$1,227.45
EFT33365-EFT33492	Municipal (EFT)	\$671,464.22
Payroll	Municipal (EFT)	\$219,267.02
	Total Payments	\$891,958.69

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for June 2022 & submitted for the information of the Council Meeting to be held on Tuesday, 19 July 2022					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
5353	23/06/2022	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	OFFICE & OPERATIONS EXPENSES MAY & JUNE 2022	303.05	303.05
5354	23/06/2022	TOWN OF EAST FREMANTLE -PAY CASH	HACC PETTY CASH RECOUP	424.40	424.40
5355		CANCELLED	CANCELLED	0.00	0.00
5356	28/06/2022	S DART	DONATION - AUSTRALIAN YOUTH MEN TEAM AT THE 2022 FINA WORLD CHAMPIONSHIP	500.00	500.00
			CHEQUE TOTAL	1227.45	1227.45
EFTS		Supplier	Description	Inv Amount	EFT
EFT33365	10/06/2022	AUSTRALIA POST	POSTAGE AND FREIGHT FOR MAY - 2022	543.55	543.55
EFT33366	10/06/2022	AUSTRALIAN TAXATION OFFICE	ATO LIABILITIES	34,513.00	34,513.00
EFT33367	10/06/2022	APACE AID (INC)	CARRY OUT WEED CONTROL ON NIERGARUP TRACK	825.00	825.00
EFT33368	10/06/2022	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS JUNE 22	659.98	659.98
EFT33369	10/06/2022	CONSTRUCTION TRAINING FUND	BCITF MAY 2022	1,408.50	1,408.50
EFT33370	10/06/2022	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE	222.80	222.80
EFT33371	10/06/2022	BOC LIMITED	CONTAINER SERVICE - MAY 2022	23.94	23.94
EFT33372	10/06/2022	CITY OF COCKBURN	TIP FEES - MAY 2022	715.00	715.00
EFT33373	10/06/2022	FREMANTLE HERALD	ADVERTISING - MEETING SCHEDULE 2022/22	369.66	
			ADVERTISING - NOTIFICATION OF FEES AND CHARGES 2022/23	258.88	628.54
EFT33374	10/06/2022	LO-GO APPOINTMENTS	CONTRACT CASUAL HIRE RANGER WEEK ENDING 21/05/22	2,120.68	
			LO-GO APPOINTMENTS	3,625.62	5,746.30
EFT33375	10/06/2022	OPTUS ADMINISTRATION PTY LTD	MOBILE PHONE USE 22/04/2022 - 21/05/2022	199.98	199.98
EFT33376	10/06/2022	SWAN YACHT CLUB	CATERING -CARG EVENT (PLATTERS) - SWAN YACHT CLUB	100.00	100.00
EFT33377	10/06/2022	SOUTH WEST GROUP	CORRECTION TO MEMBERSHIP CONTRIBUTION FOR 21-22	3,925.50	3,925.50
EFT33378	10/06/2022	WATER CORPORATION	WATER USAGE AND SEWERAGE CHARGES VARIOUS LOCATIONS	2,372.76	2,372.76
EFT33379	10/06/2022	SYNERGY	POWER SUPPLY 02-05-2022 TO 01-06-2022 FOR STREET LIGHTS	10,348.54	10,348.54
EFT33380	10/06/2022	RESOURCE RECOVERY GROUP (SMRC)	MRF GATE FEES - WASTE DISPOSAL (RECYCLING) FOR MAY 2022.	5,592.46	
			FOGO GATE FEES FOR MAY 2022	15,155.70	
			RED BIN WASTE GATE FEES FOR MAY 2022.	11,562.80	
			GREENWASTE TRAILER PASS GATE FEES FOR MAY 2022.	30.00	32,340.96
EFT33381	10/06/2022	DEPT OF MINES, INDUSTRY REGULATION & SAFETY (FORMALLY BUILDING COMMISSION)	BSL MAY 2022	2,872.89	2,872.89
EFT33382	10/06/2022	WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION (WALGA)	WALGA TRAINING COURSE REGISTRATION - PLANNING PRACTICES ADVANCED - 1 X REGULATORY STAFF	578.00	578.00
EFT33383	10/06/2022	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	ESLB - 4TH QUARTER CONTRIBUTION	140,812.56	140,812.56
EFT33384	10/06/2022	THE SCOUT ASSOCIATION OF AUSTRALIA/ WESTERN AUSTRALIAN BRANCH	COMMUNITY ASSISTANCE GRANT 2021/2022	1,100.00	1,100.00
EFT33385	10/06/2022	PETRA CLEAN	SUMPTON GREEN, TOWN HALL, DEPOT, TRICOLERE, GLASSON PARK & DOVENBY HOUSE - CLEANING MAY 2022	8,564.56	8,564.56
EFT33386	10/06/2022	STRATA GREEN	7 X 20 KG ARBOR TERRACOTTE TCA20	4,004.00	
			5 X 100 TREE STAKES JTS50502400P, 4 X 500 ARBOR TAB ARB20, 4 X TREE TIE FT30030	5,739.03	9,743.03
EFT33387	10/06/2022	MONCRIEFF REALTY TRUST ACCOUNT	RATES REFUND	717.90	717.90
EFT33388	10/06/2022	NUMERO UNO CATERING	RECEPTIONS AND CATERING	756.00	756.00
EFT33389	10/06/2022	WOOLWORTHS GROUP LIMITED	HACC & ADMIN WOOLWORTHS PURCHASES -MAY 22	117.80	117.80
EFT33390	10/06/2022	EAST FREMANTLE LAWN TENNIS CLUB	HIRE OF TENNIS CLUB FOR CONSULTATION SESSION - URBAN CANOPY PLANTING TENNIS CLUB	210.00	210.00
EFT33391	10/06/2022	HYDRO JET	GRAFFITI REMOVAL - GEORGE STREET PEDESTRIAN UNDERPASS & ST PETERS UNDERPASS	649.00	
			GRAFFITI REMOVAL - EFFC MERV COWAN GRANDSTAND, CROQUET CLUB WALL, LOCKE PARK, CANNING HIGHWAY VARIOUS, MIDWIFE CENTRE, KITSON PARK	1,991.00	2,640.00
EFT33392	10/06/2022	LANDSCAPE YARD O'CONNOR	BRICKIES SAND	250.80	
			BRICKIES SAND	250.80	501.60
EFT33393	10/06/2022	KONICA MINOLTA BUSINESS SOLUTIONS	PHOTOCOPY SERVICES KONICA MINOLTA - REGULATORY SERVICES FOR MAY 2022	454.40	454.40
EFT33394	10/06/2022	SUNNY SIGN COMPANY PTY LTD	VARIOUS SIGNS AS REQUESTED TO REPLACE DAMAGED EXISTING SIGNS	569.80	569.80
EFT33395	10/06/2022	D.J. PALMER (WA) PTY LTD	FENCING - WIRE MESH & BRACKETS	212.52	212.52
EFT33396	10/06/2022	T-QUIP	2 X TYRES, 6 BLADES AND 2 X BLADE DRIVE BELTS FOR TORO GM7210, FULL SET OF BELTS, 9 X BLADES FOR TORO Z7000	1,489.15	1,489.15
EFT33397	10/06/2022	DEPARTMENT OF TRANSPORT	DISCLOSURE OF INFORMATION FEES - 2021/2022 - JUNE	274.70	274.70
EFT33398	10/06/2022	FOCUS NETWORKS	MANAGED PROACTIVE SERVICE 21-22	7,166.50	7,166.50
EFT33399	10/06/2022	THE TURBAN INDIAN RESTURANT	RECEPTIONS AND CATERING	345.10	345.10
EFT33400	10/06/2022	LANDGATE	LANDGATE IMAGERY AS AT FEB 2022 (MAY 2022)	576.40	576.40
EFT33401	10/06/2022	LEARNING HORIZONS	CEO PERFORMANCE REVIEW	4,950.00	4,950.00
EFT33402	10/06/2022	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	MONTHLY CHARGES FOR PARKING MACHINE INCLUDING LICENCE AND COMMUNICATION MAY - 2022	243.14	
			MONTHLY CHARGES FOR PARKING MACHINE INCLUDING LICENCE AND COMMUNICATION COSTS FOR MAY - 2022	165.00	408.14
EFT33403	10/06/2022	EMBROID ME MYAREE	1 X JACKET & 3 X POLO SHIRTS FOR CHSP STAFF	235.40	235.40
EFT33404	10/06/2022	SUEZ RECYCLING & RECOVERY PTY LTD	46 EAST STREET - EAST FREMANTLE PICK UP FOR MAY 2022.	811.67	811.67
EFT33405	10/06/2022	PETER NETHERWAY	PARKING REFUND - PVERPAYMENT OF PARKING FEES LEEUWIN LAUNCHING RAMP	54.00	54.00
EFT33406	10/06/2022	CONTRA-FLOW PTY LTD	TMP AND CREW RATES FOR CANNING HIGHWAY FOOTPATH WORKS (INC TMP, APPROVAL AND CREW)	1,870.00	1,870.00
EFT33407	10/06/2022	CENTURY AIR CONDITIONING	BOWLING CLUB - A/C WINTER 2022 SHUTDOWN	330.00	330.00
EFT33408	10/06/2022	THE FRUIT BOX GROUP	FRUIT BOX - TOWN HALL & DEPOT MAY 2022	218.40	218.40
EFT33409	10/06/2022	UDLA	URBAN HEAT PLANTING - REVIEW AND PLANNING STUDY - TREE PLANTING PLAN	1,474.00	1,474.00
EFT33410	10/06/2022	ELMO SOFTWARE LTD	ANNUAL LICENSE 01/07/2022 - 26/02/2023	9,240.00	9,240.00
EFT33411	10/06/2022	GRACE RECORDS MANAGEMENT (AUSTRALIA)	SCAN ON DEMAND FOR SERVICES FOR PLANNING AND BUILDING SERVICES 01/06/2022 - 30/06/2022.	339.79	
			SCAN ON DEMAND FOR SERVICES FOR PLANNING AND BUILDING SERVICES MAY- 2022	617.20	956.99
EFT33412	10/06/2022	PLANNING INSTITUTE OF AUSTRALIA PTY LTD	PIA CONFERENCE NORTHAM - 16-17 JUNE 2022. 2 X REGULATORY DEPT STAFF	850.00	850.00
EFT33413	10/06/2022	KYOCERA DOCUMENT SOLUTIONS	PRINTING COSTS TOWN HALL MAY 2022	91.71	91.71
EFT33414	10/06/2022	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - MAY 2022	2,400.00	2,400.00
EFT33415	10/06/2022	PAATSCH CONSULTING PTY LTD	RFT01-2020/21 EAST FREMANTLE OVAL REDEVELOPMENT CLIENT PROJECT LEAD - MAY 22	12,632.82	12,632.82
EFT33416	10/06/2022	M2M ONE PTY LTD	TOWN HALL LIFT EMERGENCY SIM CARD - JUNE 2022	18.70	18.70
EFT33417	10/06/2022	TPG NETWORK PTY LTD	FAST FIBRE AND IP LINK, TOWN HALL, DEPT, TRICOLERE MONTHLY CHARGES FOR MAY 2022.	1,920.60	1,920.60
EFT33418	10/06/2022	PROTEC ASPHALT	ADDITIONAL MATERIAL REQUIRED GILL ST KERBING TO CROSSOVERS 15 TONNES OF ASPHALT, ADDITIONAL MATERIAL REQUIRED GILL ST KERBING TO CROSSOVERS 15 TONNES OF ASPHALT	6,765.00	
			IRWIN ST KERBING TO CROSSOVERS, IRWIN ST - ASPHALT 190M2	12,463.00	19,228.00
EFT33419	10/06/2022	THINKPROJECT AUSTRALIA PTY LTD (PREVIOUSLY RAMM SOFTWARE PTY LTD)	RAMM SOFTWARE ANNUAL SUPPORT & MAINTENANCE 01/07/22 - 30/06/23.	8,103.52	8,103.52
EFT33420	10/06/2022	TASSIE DEVIL LINEMARKING	LINEMARKING FOR VARIOUS STREETS AS REQUESTED	1,427.80	1,427.80
EFT33421	10/06/2022	J V EARTHMOVING CONTRACTORS	ADDITIONS TO LIMESTONE WALL NEAR HENRY JEFFERY OVAL	5,500.00	5,500.00
EFT33422	10/06/2022	JACKSON MCDONALD BARRISTERS & SOLICITORS	RFQ11-2021/22 PROFESSIONAL FEES - LEGAL SERVICES EF OVAL REDEVELOPMENT	16,500.00	16,500.00

EFT33423	10/06/2022	LEADING AGE SERVICES AUSTRALIA LTD	FINAL PAYMENT (75%) OF BOOTH HIRE AT CARE AND AGEING WELL EXPO PERTH 2022	1,534.50	1,534.50
EFT33424	10/06/2022	FORTH CONSULTING PTY LTD	RFQ16-2021/22 EAST FTLE OVAL REDEVELOPMENT CIVIL ENGINEERING -MAY 22	15,400.00	15,400.00
EFT33425	10/06/2022	INTERNATIONAL ART SPACE PTY LTD	KNOW THY NEIGHBOUR #3 PROGRAM ARTIST FEES	5,500.00	5,500.00
EFT33426	10/06/2022	PROMPT BUILDING INSPECTIONS WA	HURRICANES - STRUCTURAL ASSESSMENT	495.00	495.00
EFT33427	10/06/2022	HOLCIM AUSTRALIA PTY LTD	POLLUTION CONTROL DRAINAGE EQUIPMENT	19,800.00	19,800.00
EFT33428	10/06/2022	OUR KINDS PTY LTD	REUSABLE CUP INITIATIVE SPONSORSHIP - 3 MONTHS. EF CAFES: PLYMPTONS, EUGENES, ETHOS AND COOL BEANS	2,376.00	
			REUSABLE CUP INITIATIVE SPONSORSHIP- BALANCE OF COOL BEANS 12WEEKS OUR KINDS SUBSCRIPTION	556.00	2,932.00
EFT33429	10/06/2022	DOWN TO EARTH TRAINING AND ASSESSING	TRAFFIC MANAGEMENT (3 DAY) TRAINING FOR DEPOT STAFF MEMBERS	4,650.00	4,650.00
EFT33430	10/06/2022	TANIA THERESE CANZURLO	RATES REFUND	2,352.75	2,352.75
EFT33431	10/06/2022	CARLY FILBEY	REIMBURSEMENT FOR COSTS OF CATERING FOR RECONCILIATION WEEK BREAKFAST	455.00	455.00
EFT33432	10/06/2022	ALINTA ENERGY	GAS USAGE 04/03/2022 - 30/05/2022 - RESPITE CENTRE	341.55	341.55
EFT33433	10/06/2022	AMPOL AUSTRALIA PETROLEUM PTY LTD (CALTEX)	FUEL USE MAY 2022	5,599.99	5,599.99
EFT33434	23/06/2022	ENVIRONMENTAL HEALTH AUSTRALIA	ANNUAL SUBSCRIPTION FOODSAFE ONLINE FOR 1ST JUL 22 TO 30TH JUN 23.	550.00	
		ENVIRONMENTAL HEALTH AUSTRALIA	ANNUAL MEMBERSHIP ENVIRONMENTAL HEALTH AUSTRALIA 22/23	355.00	905.00
EFT33435	23/06/2022	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS JUNE 22	573.92	573.92
EFT33436	23/06/2022	BUNNINGS BLDG SUPPLIES LTD	MATERIALS FOR ROAD AND STREET MAINTENANCE	542.80	
			MATERIALS FOR ROAD AND STREET MAINTENANCE	172.39	
			MATERIAL FOR VARIOUS REPAIRS	305.09	1,020.28
EFT33437	23/06/2022	IT VISION	EFT ALTUS PAYROLL TEST DATABASE AUGUST 21	220.00	
			CREDIT FROM MAP DATA REFRESH INVOICE	-660.00	
			UPLOAD LANDGATE AERIAL IMAGERY AND MAP DATA REFRESH	550.00	110.00
EFT33438	23/06/2022	LO-GO APPOINTMENTS	LABOUR HIRE OPERATIONS W/E 03/06/22	1,865.35	
			CONTRACT CASUAL HIRE RANGER - WE 04/06/2022	2,189.09	
			LABOUR HIRE PAUL BYRNE W.E 10/06/22	1,893.19	
			CONTRACT CASUAL HIRE RANGER - WE 11/06/2022	2,462.68	8,410.31
EFT33439	23/06/2022	SUE LIMBERT	REIMBURSEMENT - NATIONAL POLICE CLEARANCE	57.60	
			REIMBURSEMENT - PASSENGER TRANSPORT DRIVER AUTHORISATION YEARLY APPLICATION	94.00	151.60
EFT33440	23/06/2022	MELVILLE TOYOTA	REGULAR SERVICE TOYOTA CAMRY 91,000 KM	320.52	320.52
EFT33441	23/06/2022	TELSTRA CORPORATION LIMITED	DEPOT BACK UP MOBILE 04/06/2022 -03/07/2022	19.00	
		TELSTRA CORPORATION LIMITED	SUMPTON GREEN TO 07/07/2022	100.24	119.24
EFT33442	23/06/2022	WATER CORPORATION	WATER USE AND SEWERAGE CHARGES VARIOUS LOCATIONS	1,809.00	1,809.00
EFT33443	23/06/2022	WORK CLOBBER	OPERATIONS UNIFORMS VARIOUS	987.36	987.36
EFT33444	23/06/2022	SMRC LOAN REPAYMENT ACCOUNT	RRRC LOAN PRINCIPLE PAYMENT FOR JUNE 2022	27,807.75	27,807.75
EFT33445	23/06/2022	TREE PLANTING & WATERING	STREET TREE WATERING 09/05/2022 - 03/06/2022	11,334.40	11,334.40
EFT33446	23/06/2022	RESOURCE RECOVERY GROUP (SMRC)	GATE FEES DISPOSAL - (FOGO) MAY 2022	3,609.20	
			RRRC OVERHEADS & WCF FIXED COSTS CONTRIBUTION FOR MAY 2022	9,856.66	13,465.86
EFT33447	23/06/2022	NUMERO UNO CATERING	RECEPTIONS AND CATERING	910.50	910.50
EFT33448	23/06/2022	WOOLWORTHS GROUP LIMITED	WOOLWORTHS PURCHASES - HACC , ADMIN & MEETING - JUNE 22	265.29	265.29
EFT33449	23/06/2022	DAVID GRAY & CO. PTY LTD	240L BIN AXLES, 240L BIN WHEELS, BIN PINS, 240L COMPLETE SETS GENERAL WASTE BINS - LIGHT GREEN BASE, RED LIDS	1,867.53	1,867.53
EFT33450	23/06/2022	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA PHOTOCOPIER CONTRACT HACC 01/05/2022 - 01/06/2022	29.51	
			KONICA MINOLTA PHOTOCOPIER CONTRACT - PLANNING 30/05/2022 - 12/06/2022	83.47	
			DEPOT PHOTOCOPIER - KONICA MINOLTA BIZHUB C224E - PRINTING COSTS - 13/05/2022 -13/06/2022	44.65	157.63
EFT33451	23/06/2022	CARINYA OF BICTON	RESPITE CENTRE MEALS MAY 2022	1,368.76	1,368.76
EFT33452	23/06/2022	FOODWORKS EAST FREMANTLE	ADMIN & OPERATIONS CONSUMABLES MAY & JUNE 2022	161.09	161.09
EFT33453	23/06/2022	FOCUS NETWORKS	EXCHANGE ONLINE MIGRATION - QU-S755G FINAL INVOICE	6,935.50	6,935.50
EFT33454	23/06/2022	ENVIRO SWEEP	STREET SWEEPING (ADDITIONAL WEEKLY SWEEPS FOR AUTUMN) - RFQ12-2020/21 - MAY 2022	4,719.00	4,719.00
EFT33455	23/06/2022	J MAY	REIMBURSEMENT OF COSTS OF CATERING - COUNCIL MEETING 21/06/2022	257.10	257.10
EFT33456	23/06/2022	C CATCHPOLE	RAIL TRAVEL COSTS FOR PIA STATE REGIONAL CONFERENCE IN NORTHAM X 2 STAFF	86.20	
			PIA CONFERENCE TWO NIGHTS ACCOMMODATION	234.65	320.85
EFT33457	23/06/2022	STOTTHOARE	6 MONTHS MAINTENANCE RENEWAL FOR SERVERS TEFFRMAESX3, ESX4 and TEFFRMANAN2 JULY TO DEC 2022	5,219.50	5,219.50
EFT33458	23/06/2022	STATE WIDE TURF SERVICES	ROLL SPORTS FIELDS	2,420.00	
			OVERSOW PRESTON POINT RESERVE WITH RYE GRASS	7,262.64	
			OVERSOW HENRY JEFFERY OVAL WITH RYE GRASS	9,570.00	
			SUPPLY AND LAY 335 SQM JUMBO ROLLS	11,189.94	30,442.58
EFT33459	23/06/2022	SUEZ RECYCLING & RECOVERY PTY LTD	FOGO - GREEN BINS - RESIDENTIAL, PRIORITY, GENERAL - WASTE RED BINS - RESIDENTIAL, PRIORITY, COMMERCIAL, PARKS & RESERVES, STREET LITTER BINS, RECYCLING - YELLOW BINS RESIDENTIAL PRIORITY, COMMERCIAL FORTNIGHTLY MAY 2022	38,925.09	38,925.09
EFT33460	23/06/2022	WINC	OFFICE STATIONERIES ORDERED ON 14.06.2022	85.51	85.51
EFT33461	23/06/2022	NEOPOST AUSTRALIA PTY LTD	REPAIR OF FASTBACK BOOK BINDER	325.60	325.60
EFT33462	23/06/2022	WA FENCEWORKS PTY LTD	FENCE REPLACEMENT AT STRATFORD PARK.	16,333.90	16,333.90
EFT33463	23/06/2022	WH LOCATION SERVICES T/AS ABAXA	SERVICE PICKUP FOR FENCE WORKS - GROUND PENETRATING RADAR	707.52	707.52
EFT33464	23/06/2022	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - 15th JUNE 2022	1,200.00	
		SOUTHERN BINS	BULK BINS - WAUHOP ROAD - 17th JUNE 2022	1,200.00	
		SOUTHERN BINS	BULK BINS - WAUHOP ROAD - 20TH JUNE 2022	600.00	3,000.00
EFT33465	23/06/2022	M2M ONE PTY LTD	TOWN HALL LIFT EMERGENCY SIM CARD - JUNE 2022	13.20	13.20
EFT33466	23/06/2022	PAPERSCOUT	DIGITAL ASSETS FOR 2022 GEORGE STREET FESTIVAL	481.25	
			DESIGN 4 VERSIONS OF 'COMMENCING SOON' SIGNS FOR THE OVAL PRECINCT PROJECT AND PRODUCE 10 CORFLUTE SIGNS WITH EYELETS.	990.00	1,471.25
EFT33467	23/06/2022	RK ROACH	RIVER WALL FEATURE SURVEY PICK-UP	9,724.00	9,724.00
EFT33468	23/06/2022	DONALD CANT WATTS CORKE (WA) PTY LTD	RFT01-2021/22 PROJECT MANAGER SERVICES EF OVAL PRECINCT REDEVELOPMENT - DESIGN STAGE	9,949.50	
			RFT05-2021/22 QUANTITY SURVEYING SERVICES EFOVAL PRECINCT REDEVELOPMENT PROJECT - CONTRACT DOCUMENTATION & TENDER & AWARD OF ECI	11,000.00	20,949.50
EFT33469	23/06/2022	SYSTEM MAINTENANCE	PRESTON POINT RESERVE - 6 MONTHLY - SEPTIC PUMP SERVICE - JUNE 2022	836.58	836.58
EFT33470	23/06/2022	L LE	HACC PARKING FEE REIMBURSEMENT	16.20	16.20
EFT33471	23/06/2022	LEMON LIGHT PRODUCTIONS	PHOTOGRAPHY OF THE TOWN'S PARKS AND RESERVES FOR IMAGE LIBRARY FOR WEBSITE, NEWSLETTERS AND SOCIAL MEDIA ETC.	250.00	
			DRONE FOOTAGE FOR THE CHRMAP ON THE 26/05/2022	450.00	
			GEORGE STREET FESTIVAL - 1/3 PAGE AD FOR MENU MAGAZINE, DESIGN AND DEVELOPMENT OF AD, INCLUDING TWO ROUNDS OF CLIENT AMENDMENTS AND PRINT PREPARATION. FINAL PRINT READY PDF SUPPLIED TO CLIENT.	200.00	900.00
EFT33472	23/06/2022	LITTERGRABBER (T/A SEAVIEW ORTHOTICS)	1 X HANDICART AND 30 X LITTERGRABBERS FOR COMMUNITY CLEANUP DAYS - BETTER BINS PLUS GRANT	1,853.50	1,853.50
EFT33473	23/06/2022	EXECUTIVE COMPASS PTY LTD	HOSPITALITY CONSULTANCY SERVICES - EAST FREMANTLE OVAL REDEVELOPMENT - TASK 2 HOSPITALITY DETAILED DESIGN & FIT OUT ADVICE 70% BALANCE OF PROJECT TASK 2	3,850.00	3,850.00
EFT33474	23/06/2022	L LIM	CLOTH NAPPY REBATE	100.00	100.00
EFT33475	23/06/2022	K SMITH	OSH TRAINING - UPGRADED LICENSE TO MR FOR WORKS	138.00	138.00
EFT33476	23/06/2022	S TOWNE	ACCOMMODATION 2X NIGHTS IN NORTHAM FOR PIA REGIONAL CONFERENCE ATTENDANCE (16/17 JUNE 2022)	273.04	273.04

15 REPORTS – GOVERNANCE

Reports start on the next page

15.1 WORKS COMMITTEE

Report Reference Number	OCR-1191
Prepared by	Janine May EA/GC
Supervised by	Gary Tuffin Chief Executive Officer
Meeting date	Tuesday, 19 July 2022
Voting requirements	Absolute Majority
Documents tabled	Nil

Attachments

1. Proposed Terms of Reference

PURPOSE

To resurrect the former “Works & Reserves Committee” as a Committee of Council and appoint Committee members.

EXECUTIVE SUMMARY

It is recommended that a Works Committee be formed and nominations for membership be called for this Committee.

BACKGROUND

In 1998 Council’s Works & Reserves Committee was renamed Town Planning/Public Domain, Works & Reserves Committee and then in 2013 reverted to the Works & Reserves Committee.

The adoption of Council’s Meeting Procedures Local Law 2016 which included the repeal of the Town of East Fremantle By-law Relating to Standing Orders 1965, saw the removal of the requirement for the four standing Committees: Town Planning & Building; Works & Reserves, Health & General Purposes and Finance.

Whilst elected members supported the continuation of the Town Planning & Building Committee (now Town Planning Committee), at a Special Council Meeting held on 24 October 2017 Council moved to formalise the disbanding of the remaining three Committees. Under s7.1 of the LGA, Council was required to appoint an Audit Committee and at that time it was proposed that this Committee would also consider any matters previously referred to the Finance Committee.

CONSULTATION

Concept Forum 12 July 2022.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.5.8 Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

s.5.9. Committees, types of

(1) In this section — other person means a person who is not a council member or an employee.

- (2) A committee is to comprise —
- (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

s.5.10. Committee members, appointment of

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

* absolute majority

Meeting Procedure Local Law 2016

Meetings to be conducted in accordance with this Local Law.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Catering costs associated with meetings.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020-2030

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
 - 4.1.2 Plan for improved parks and reserves
 - 4.1.3 Improve and protect the urban forest and tree canopy.

Strategic Priority 5: Leadership and Governance

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

- 5.1 Strengthen organisational accountability and transparency
 - 5.1.3 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

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council decide to not form this Committee	Unlikely (2)	Insignificant (1)	Low (1-4)	SERVICE INTERRUPTION No material service interruption	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

Risk Rating	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

SITE INSPECTION

N/A

COMMENT

It is considered that the revival of the Works Committee will provide a regular process of oversight for:

- the Capital Works program
- Asset management planning
- Town infrastructure projects
- Civil works
- Waste and cleaning
- Parks and open space
- Property management

and provide assistance with the annual works budget.

As contained within the attached Terms of Reference, following feedback from the July Concept Forum, the number of Committee members is proposed to be five. As with other Committees, membership term is biennial, appointments adopted after each Council election date. It is proposed that, at least initially, the Committee would meet monthly on the fourth Tuesday of each month.

In accordance with s5.10(4) of the *Local Government Act 1995* Mayor O'Neill has indicated his wish to be a member of this Committee.

15.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 091907

Moved Cr Wilson, seconded Cr Natale

That Council resolves to:

- 1. form a Works Committee in accordance with the attached Terms of Reference.**
 - 2. appoint:**
 - Mayor O'Neill**
 - Cr Wilson**
 - Cr Collinson**
 - Cr Donovan**
 - Cr Mascaro**
 - Cr White**
 - Cr Nardi**
- as members of the Works Committee until October 2023.**

(CARRIED BY AN ABSOLUTE MAJORITY/UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page



TOWN *of*
EAST FREMANTLE

Works Committee Terms of Reference

(July 2022)

DRAFT

Version history

Version	Release Date	Author	Reason for Change
1.0	15/7/2022	CEO	New document

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1 Purpose

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

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

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

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

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

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

- Capital Works Program
- Asset Management Planning
- Town Infrastructure Projects
- Parks & Open Space
- Civil Works
- Waste & Cleaning
- Property management
- Assistance with Annual Works Budget
 - Consideration of works budget for the forthcoming year including maintenance schedules, and the 5 year capital works plan
 - Receive annual asset condition assessments
 - Receive Asset Revaluation Reports, as applicable

2 Interpretation

For the purpose of this document:

Member means a member of the TOEF's Works Committee.

Committee means TOEF Works Committee.

Council means East Fremantle Council.

Chairperson means the chairperson of the Town's Works Committee appointed by Council.

Mayor means the elected Mayor.

3 Status of Committee

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

4 Delegations

TOEF Works Committee may make recommendations to Council on all matters before it. These recommendations are submitted via the minutes of each meeting to Council for consideration.

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

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

5 Membership

5.1 Overview

TOEF Works Committee comprises Elected Members only with the attendance of the respective Executive Manager, Chief Executive Officer and any other nominated Council officer.

5.2 Elected Members

Council appoints the number of Elected Members to be members of the Works Committee. As per Council resolution this Committee is to consist of five Elected Members.

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

All Works Committee members are expected to attend each meeting in person.

5.3 Chair and Deputy Chair

The **Chairperson** is the Mayor, otherwise, if the Mayor does not wish to be the chairperson of a committee, either

- (a) a member of the committee elected by the council, or
- (b) if the council does not elect such a member, a member of the committee elected by the committee.

The Deputy Chairperson – Council to elect a member of a committee as deputy chairperson of the committee or if the council does not make the election, the committee may elect a deputy chairperson.

5.4 Quorum

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

If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting is to be adjourned.

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

5.5 Term of office

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

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

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

6 Other attendance

6.1 Community representation

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

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

6.2 Council staff

TOEF Works Committee is supported by Council officers, who will provide technical support and secretariat services by the Operation Department.

Council officers are not entitled to vote.

TOEF Works Committee is serviced by the Executive Manager Technical Services.

6.3 General public

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

7 Support

7.1 Specialist support

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

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

7.2 Administrative support

Council provides administrative support as determined by the CEO to assist the Works Committee in their deliberations. Such support includes:

- Preparing and publishing notices of meeting, agendas and minutes.
- Liaising with Council officers of any reports and actions required.
- Arranging meetings and refreshments.

Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.

8 Meeting schedule

TOEF Works Committee will meet once a month on the **Fourth Tuesday of the month** commencing at 6:30pm at the Town Hall.

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

9 Meeting practices and procedures

The administrative provisions of Council's Meeting Procedure Local Law apply, in addition to any higher standard imposed by these Terms of Reference.

The proceedings of each meeting are recorded in minutes of the meeting, and the order of business will be;

- Official Opening
- Record attendance
- Apologies
- Disclosure of interests – Financial, Proximity or Impartiality.
- Public Question Time
- Presentations & Deputations
- Confirmation of Minutes
- Announcements by the Presiding Member
- Reports & Recommendations.
 - Capital Works Progress Report
 - Strategic Projects
 - Implementation of Works Review
 - Implementation of Integrated Traffic Management Plan
 - Implementation of Foreshore Management Plan
 - Implementation of Asset Management Plan
 - Building Maintenance & Improvement Program
 - Engineering Maintenance items
 - Park & Gardens.
 - Risk & Hazards.
 - OHS/WHS.
 - Others.

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

10 Document control

The Committee and this Terms of Reference will be reviewed as and when required.

Apart from any inconsequential editing, amendments to these Terms of Reference are approved by the Council.

15.2 CORPORATE BUSINESS PLAN REPORT

Report Reference Number	OCR-1200
Prepared by	Gary Tuffin
Supervised by	Gary Tuffin
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simply Majority
Documents tabled	Nil

Attachments

1. Final Quarterly Report 2021/22

PURPOSE

For Council to receive the Corporate Business Plan Progress Report.

EXECUTIVE SUMMARY

The Corporate Business Plan 2021-2025 contains a range of strategic and planning priorities which the Town proposes to deliver over the four-year period which and is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan 2021

BACKGROUND

Section 5.56 of the *Local Government Act 1995 (the Act)* “*Planning for the Future*” requires a local government to plan for the future of the district and to make plans in accordance with the regulations. Regulations came into effect 1 July 2013 requiring all local governments to have developed and adopted a Strategic Community Plan (SCP) and a Corporate Business Plan, supported and informed by resourcing and delivery strategies.

These plans drive the development of the annual budget and through a process of continuous improvement, we should be better able to plan for and meet the needs of our community.

The reporting element is the process by which we inform the community and statutory bodies on our progress in delivering services, projects and other operations to meet the community’s short term, medium term and long-term aspirations.

Section 5.53 of the Act requires the annual report to contain an overview of the plan for the future of the district, including major initiatives that are proposed to commence or to continue in the next financial year.

The Corporate Business Plan under review was adopted by Council at its meeting held on the 15 June 2021.

CONSULTATION

Executive Leadership Team

STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of its district in accordance with any regulations made.

Regulation 19DA of the *Local Government (Administration) Regulations 1996* sets out the requirements for preparing, adopting, reviewing and modifying the Corporate Business Plan.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

All 2021-22 projects and programs in the Corporate Business Plan were included in the 2021-22 Annual Budget.

Attachment 1 provides comparison between Budget and Actual year to date. Please note the list is not intended to be an exhaustive list, rather just to track those services or projects of possible interest to elected members.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Leadership and Governance

Objective 5.1 - Strengthen organisational accountability and transparency

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
No identified risk – information item only	Choose an item.	Choose an item.	Choose an item.	Choose an item.	Choose an item.

Risk Matrix

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

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

Risk Rating

Risk Rating	1
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 Corporate Business Plan Progress Report provides information on progress against the milestones for the 2021-22 projects and programs within the Corporate Business Plan. A commentary is provided against each action, and project status is reported via colour coding which indicates if the project has been completed (green), is on track (orange) or at risk (red). Information is also provided on the budget status for each item.

The review has identified the following programs/projects were not completed during 2021/22 FY;

1. Access to Leeuwin Oval (Fencing project) was denied by the Department of Defence, funding (\$50k) has been reallocated to Gourley Park Playground and will be expended during 2022/23 FY.
2. Youth facilities – budget allocation not spent, refer to item 1 above. The original funding allocation of \$70k has now been combined with the Leeuwin funding of \$50k – total allocation for Gourley Park Playground \$120k (2022/23).
3. Footpath Riverside Road and Pier St intersection \$15k – no action taken, Works C/forward to 2022/23
4. Foreshore CCTV options – due to high cost, and not identified as a priority, the project was abandoned.
5. Local Planning Policies review – no action taken, will be undertaken during 2022/23
6. Implement Bushfire Management Plan – no action taken, works to be undertaken in 2022/23
7. Building upgrades \$80k – building condition assessment undertaken in July 2022, c/fwd to 2022/23.
8. Softfall Exercise area \$15k – quotes being obtained, will be completed in 2022/23
9. Commercial Centre Development Strategy. Scoping work prepared, to be undertaken in 2022/23.
10. Seawall & Footpath works near Swan Yacht Club – now scheduled for September/October 2022 subject to tide movements.
11. Website review – minor amendments made; full review has been put on hold due to uncertainty around the future use of the current platform.

CONCLUSION

That Council receives and notes the 2022 Corporate Business Plan Report.

15.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 101907

Moved Mayor O'Neill, seconded Cr Nardi

That Council receives and notes the 2022 Corporate Business Plan report.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page

CORPORATE BUSINESS PLAN REPORTING (2021/22) - Final 2022 Quarter

ACTIONS	Status	Account	Budget	Actual	Quarterly Comments	Responsible officer	Measure - based on Community Scorecard Survey results 2021 (Town score/Industry Standard score)
1.1.1.1 Implement the Public Health Plan (PHP)	✓	E07211 E07215 E07218 E07220 E07221	\$ 104,903	\$ 98,722	Operating costs for Environmental Health Program Inspection undertaken for the quarter - River samplings 39 - Public Building Inspections 26 - Food premises inspections 100 - Foodsafe Audits 7 - Microbiocidal food samples 0	PEHO	River samplings 12 Public Building inspections 23 Food premises inspections 96* Foodsafe Audits 8 Microbiocidal food samples 0 (2019/20) (2020/21) (2021/22) 35 20 26 76 100 7 10 0
- Swimming Pool inspection program	✓	E07228	\$ 25,000	\$ 20,878	Number of Swimming Pool inspections undertaken for year 493. 112 Non-compliant (41 could not access, 71 non compliant)	EMRS PEHO	Number of Swimming pool inspected 613 2021/22 Generally the community is satisfied with the Health Services provided it rated above the Industry Standard at 67/56
1.1.1.2 Continue support/provision for the ongoing shared public library services	✓	E11249	\$ 150,000	\$ 149,536	Council entered into a new 5 year Service (Funding) Agreement with the City of Fremantle for the provision of Public Library Services. (August OCM 2020)	CEO	Library services continues rate low as the Town does not have a Library 46/71 (2019/20) (2020/21) (2021/22) Library membership 2,862 3,028 3263 total active members 620 756 602 Toy Library membership (families) 19 23 21
1.1.1.3 Implementation of the Business Plan assessing the continued provision of home and community care services (Commonwealth Home Support Program - CHSP), and in particular transport and day care activities	✓	E08207 E08208 E08234 E08210	\$ 622,793	\$ 605,067	An independent review of CHSP service provision has been undertaken and a report provided to Council. A further report will be provided in Sep/Oct 2022.	EMCS	Meet required service hours in accordance with funding agreement
1.1.1.4 Continue service partnership with the Glyde In Community Learning Centre	✓	E08205	\$ 88,218	\$ 88,218	3yr funding agreement (2020-2023) The Glyde-In continues to provide a quality service through provision of an extensive range of adult learning courses	EMCS	Access to Education and training generally rated below the industry Average - possibly due to the limited education facilities in the Town Glyde-In provide financial statements & annual report on centre activities
1.1.2.1 Prepare and implement the Community Development Strategy	⚠		\$ 15,000	\$ -	RFQ was released, no responses received to be c/fwd to 2022/23.	EO	Industry High for Place to live 90/90 Reasonable level of awareness of community services 77% General theme for more youth services & improved access for disabled
1.1.2.2 Implement activities as per the Disability Access and Inclusion Plan	✓		\$ -	\$ -	Identified activities and improvements to be undertaken across the organisation	PEHO	Generally survey participants with a disability scored the Town lower across most performance measures. However, the overall score for DAI was above the industry standard 53/50
1.1.2.3 Develop a Reconciliation Action Plan and implement priority actions	✓	E11261	\$ 10,000	\$ 1,435	Draft Reconciliation Action Plan (Reflect) has received in principal endorsement (June 2022), subject to a few minor amendments	CEO	Interestingly this measure rated below the industry Standard (54/63), perhaps suggesting there is a dissatisfaction with level activity in this area, and a low level of understanding of the Town recent activities. 64% of respondents were familiar with this service area
ACTIONS							
Quarterly Comments							
Measures							
1.2.1.1 Implement the Preston Point Road North Recreation Facility Master Plan (PPMP)	✓	E11727	\$ 133,000	\$ 120,540	Henry Jeffrey Oval resurfaced & reticulation upgrade completed July 2022	EMTS	Sports & Recreation continues to be a community priority Performance measure - it fell below industry standard (63/66), yet 85% of respondents provided positive ratings Resurfacing Henry Jeffrey mentioned as a priority
1.2.1.2 Implement actions from the Recreation and Community Facilities Strategy	✓				Capital Works Program incorporated into Strategic Resource Plan	EMTS	Timely redevelopment of East Fremantle Oval Redevelopment
1.2.1.3 Provide community facilities and infrastructure in line with asset management planning	✓				Asset Management Plans incorporated into Strategic Resource Plan	EMCS	Excluding Youth, generally facilities rated just above the industry Standard
- Lee Park - Bore Renewal, delayed due to bore licence issues	✓	E11622	\$ 24,980	\$ 24,980	Lee Park bore completed August 2021	EMTS	Playgrounds, Parks & Reserve rated just below the industry Standard at 67/68
- New POS - Leeuwin Oval fencing (State funded)	✗	E11271	\$ -	\$ -	Defence refused access (email 1/12/21) - funds to be reallocated, subject to State's approval \$50k	CEO	
- Cliff Management - Niergarup Track	⚠	E11270	\$ 20,000	\$ 16,110	Planting works completed July 2022. More spraying and planting to occur in 22-23 budget.	EMTS	
- Footpath - Gill St, Canning Highway (south side) & Irwin St (Kerbing)	✓	E12844	\$ 68,680	\$ 68,680	Works completed	EMTS	
- Footpaths - Irwin Street Kerbing	✓	E12835	\$ 10,000	\$ 11,668	Works completed	EMTS	
- Footpaths - Riverside Rd and Pier St intersection	✗	E12839	\$ 15,000	\$ -	Works carried forward to 22-23, with river wall works in October 2022.	EMTS	
- Footpaths - Fortescue St	✓	E12698	\$ 27,000	\$ 26,344	Works completed	EMTS	
- Footpaths - Canning Highway	✓	E12837	\$ 90,000	\$ 61,288	Works completed	EMTS	
- Youth facilities	✗	E11637	\$ 120,000	\$ -	Additional funding provided \$40k from Leeuwin Fencing project Funds c/fwd to 2022/23 to be allocated to Gourley Park playground	EMTS	
- Parks & Ovals - Locke Park Pump	✓	E11726	\$ 36,000	\$ 27,127	Works completed	EMTS	
- Sea Scouts - Camp Waller	✓	E11737	\$ 50,000	\$ 46,161	DECA approval granted - works completed.	EMRS	
- Preston Point Oval Lighting upgrade	✓	E11724	\$ 30,000	\$ 15,000	Works completed	EMTS	
- Annual Playground Safety Audit	✓		\$ -	\$ -	Inspections undertaken Sept 2021, with minor repairs undertaken in December 21.	EMTS	
1.2.2.1 Implement a Business Case for the revitalisation of the East Fremantle Oval Precinct	✓	E11715 E11739	\$ 2,550,000	\$ 656,116	Total Project Budget of \$21.5 million secured Design Documentation complete RFI for Principal construction contractor closed 21/06/22 Expected commencement date Sept/Oct 2022	CEO	
- Soccer changeroom upgrade	⚠		\$ 720,000	\$ 6,085	Architectural services being undertaken, works to tender in October 2022.	EMTS	

ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures
1.3.1.1 Undertake an assessment of CCTV options for community hotspots	✘	\$ -	\$ -	A quote has been obtained for the installation of CCTV on the foreshore. This is a cost prohibitive project and is reliant on external funding. However, in light of the recent Community feedback, further consideration should be given to this area	CEO/EMCS Whilst the score was just above the Industry Standard 55/53 it has been identified as a community priority project
1.3.1.2 Partner with neighbouring local governments and state agencies to promote community health and safety	✔	E12233	\$ 115,000	\$ 105,691 Street Lighting	Identified in the most recent SC as a lacking... a perception more lighting is needed
1.3.1.3 Provide effective regulatory (ranger) services and associated community education	✔	E05203	\$ 16,824	\$ 18,451 Law Order & Safety	Not directly assessed - loosely falls within Crime & Safety
- Animal Control	✔	E05230	\$ 25,236	\$ 29,457 Statistics included in monthly reports to Council	Animal Management rated just above the industry Standard at 58/55 Monthly statistics provided to EMs
1.3.1.4 Continue the partnership with the City of Fremantle with respect to joint emergency management arrangements	✔	E07227	\$ 500	\$ 180 The Town has formed a joint LEMC & LEMA with the City of Fremantle	Natural Disaster Management scored below the Industry Standard 52/57 and general awareness in this area was very low 40%
1.3.2.1 Provide / facilitate grants for community assistance initiatives	✔			Refer to 1.3.4.1	Interestingly comments provided in this area are in direct conflict to recent meeting held with all sports clubs - who felt well supported
1.3.2.2 Encourage youth and general community engagement and participation	⚠	E11264	\$ 8,500	\$ 1,170 Youth Week did not proceed due to COVID	Slight decline in this measure, however, still above the industry standard 59/54
1.3.2.3 Investigate shared activity opportunities with neighbouring local governments	✔			Actively participant in SWG discussions regarding possible shared services - no service identified yet.	No specific CSS measure against this item
1.3.2.4 Deliver the East Fremantle George Street Festival	✔	E11263	\$ 135,222	\$ 147,769 East Fremantle George Street Festival successfully completed in Dec 2021	Positive feedback and high attendance numbers
1.3.2.5 Prepare and implement an Annual Calendar of Events	✔	E11228	\$ 17,000	\$ 10,000 125th Year Anniversary, Youth Week, Volunteer Week, NAIDOC Week, Business networking	
1.3.2.6 Undertake local heritage survey	⚠	E10215	\$ 115,000	\$ 74,618 536,550 Heritage Precincts and Heritage Survey project. Half funded by DPLH. Hocking Heritage and Architecture engaged. Update report, progressing as required. Due for completion July 2022	Completion of project on time and on budget
1.3.2.7 Continue to promote the Town's culture and heritage	✔	E10243	\$ 1,000	\$ - Online promotion of NAIDOC Week in July 2021. Staff participated in the Reconciliation Week Virtual Breakfast. Welcome to Country at all community events. Update email signature to include acknowledgement of traditional owners	Reconciliation Action Working Group meetings held level of participation in NAIDOC week
1.3.4.1 Fund annual Community Assistance Grants Program	✔	E04270	\$ 11,827	\$ 11,495 Total grants provided (OCM July 2021) • East Fremantle Croquet Club ☐ \$ 980 • East Fremantle Cricket Club ☐ \$ 1,100 • East Fremantle Junior Cricket Club ☐ \$ 2,310 • Fremantle Outrigger Canoe Club ☐ \$ 1,000 • Fremantle Sea Scouts ☐ \$ 1,000 • RMAAS Perth Memorial ☐ \$ 3,516 • Hurricane Dragon Boat and Canoe Club ☐ 990 • Lions of East Fremantle ☐ \$ 931 Total ☐ \$ 11,827	No specific CSS measure against this item

ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures
2.1.1.1 Continue to support and facilitate opportunities for business and community groups	✔	\$ 10,000	\$ 8,482	The new Community Engagement Officer has met with all the George Street Businesses, also met with community groups and clubs including: Richmond Primary School, Dads of Richmond Kids (DDRKS), East Fremantle Bahai Community, East Fremantle Croquet Club, East Fremantle Junior Cricket Club, East Fremantle Junior Football Club, East Fremantle Lacrosse Club, East Fremantle Cricket Club, East Fremantle Lawn Tennis Club, East Fremantle Lions Club, East Fremantle Probus Club, Fremantle City Football Club, Glide In Community Learning Centre, Hurricane Dragon Boat & Outrigger Canoe Club, Marine Education Boatshed, Navy League of Australia WA Division, Fremantle Outrigger Canoe Club, Leeuwin Barracks Defence Team, Country Women's Association (CWA)	37 local businesses completed the survey Place to operate a business rated just above the industry standard 72/70
2.1.3.1 Maintain strong relationships with business community	✔			Previously facilitated quarterly Business-to-Business Networking sessions, however, due to low participation these have been discontinued - moved to "Here to Help" model	No specific measure against this item

ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures
2.2.1.1 Maintain business friendly status via the Small Business Development Corporation Charter	✔			Bi-annual and annual reports submitted	Small Business Friendly status maintained
2.2.1.2 Undertake regular and frequent parking patrols to ensure parking availability and turnover in the Town centre	✔	E12303	\$ 157,513	\$ 158,195 Statistics included in monthly forum reports to Council	Score equal to the industry average 52/52 One take away item was the provision of more bicycle parking - which has been identified in the ITMMS
2.2.1.3 Prepare and implement a Commercial Centre Development Strategy	⚠	E10215	\$ 115,000	\$ 74,618 Draft presented to Council. Amendments being proposed to draft. To be provided to consultant. Due for completion August 2022.	Development & Activation of the Town Centre rated below the industry standard 47/48

ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures
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ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures		
3.1.1.1 Actively represent the local community in relation to any major planning development projects				Major planning developments include: Application lodged with SDAU. Council had provided submission to SDAU during advertising period. WAPC approved development. Building Permit to be submitted 2023 WAPC considered amendment. Amendment gazetted. JDAP lodged July 2022. Presentation to Elected Members June 2022. Administration to prepare RAR for Council consideration. Project on hold, subject to National Defence review	Managing responsible growth & development rated above the industry standard at 56/49 - Industry High 59		
Roofing 2000 (AMD 14)	ⓘ			EMRS	No specific measure against this item		
Royal George Hotel (AMD 15)	✔			EMRS	No specific measure against this item		
Canning Highway (AMD 17)	ⓘ			EMRS	No specific measure against this item		
Woodside- DA under development	ⓘ			EMRS	No specific measure against this item		
Leeuwin Barracks	ⓘ			CEO/EMRS			
3.1.2.1 Review and adopt the Local Planning Strategy (LPS)	ⓘ	\$ -	\$ -	Draft LPS has been approved by the Department of Planning, Lands & Heritage for advertising. Submissions close 8 November 2021. Further modifications made to Strategy required. Modifications made. To be endorsed by WAPC 19 July 2022.	EMRS	*Access to housing that meets your needs* rated above the industry Standard at 61/57	
ACTIONS							
3.2.1.1 Finalise and implement major review of the Local Planning Scheme (LPS)	ⓘ			Awaiting finalisation of LPS. LPS to be endorsed July 2022.	EMRS	Managing responsible growth & development rated above the industry standard at 56/49 - Industry High 59	
3.2.1.2 Review Local Planning Policies, including Residential Design Guidelines	✘			Preparation undertaken, actions to be initiated during 2022	EMRS	As above	
3.2.1.3 Implement the Bushfire Management Plan	✘	\$ -	\$ -	Mitigation works to be undertaken later in the financial year	EMTS	No specific measure against this item	
3.2.1.4 Develop and implement Heritage Precincts	ⓘ	\$ 115,000	\$ 74,618	E10215 Heritage Precinct status implemented for George Street. \$35,550 contract. 50% funding received from State Govt to create another three precincts Plympton, Riverside & Woodside. Hocking Heritage and Architecture has been engaged to undertake work. Draft provided to administration. Review of draft is currently being undertaken and final amendments to be provided to the consultant.	EMRS	Heritage preservation rated just above the industry standard at 61/59	
ACTIONS							
3.3.1.1 Maintain and implement current Asset Management Plans	✔	In-house		Review of all Asset Management plans currently underway, due for completion by December 2021, with updated condition of data to be by March 2022.	EMTS	Marine Facilities set industry high 71/71	
Buildings - Upgrades - Various Locations	✘	E11736	\$ 80,000	\$ -	Condition assessments being undertaken in July 2022, works plan to follow.	EMTS	Work to be completed on time & budget
Parks & Ovals - Softfall - Exercise equipment near Dome	✘	E11732	\$ 15,000	\$ -	Carried forward to 22-23, quotes being obtained.	EMTS	Work to be completed on time & budget
Infrastructure - Drainage - Silas Street	✔	E12832	\$ 76,150	\$ 76,149	Works completed	EMTS	Work to be completed on time & budget
Infrastructure - Drainage - Locke Crescent	✔	E12838	\$ 95,000	\$ 101,619	Works completed	EMTS	Work to be completed on time & budget
Infrastructure - Drainage - Foreshore Rationalisation	✔	E12833	\$ 50,000	\$ 46,040	Works completed	EMTS	Work to be completed on time & budget
Infrastructure - Leeuwin Carpark Upgrades	✔	E12739	\$ 45,099	\$ 29,500	Works completed, in stage one.	EMTS	Work to be completed on time & budget
3.3.1.2 Implement the 15 year capital works program in line with integrated strategic planning	ⓘ	Various accounts		Annual works program 90% completed for 21-22 budget.	EMTS	Road maintenance rated above the industry Standard at 59/52 Footpaths & Cycleways rated just above the industry Standard 55/52	
3.3.1.3 Review of suitability and utilisation of light and heavy fleet	ⓘ	Various accounts	\$ -	Fleet vehicles on hold until can get stock in Country.	EMTS	No specific measure against this item Amended policy to be presented to Council at the June OCM	
3.3.1.4 Develop and implement proactive asset maintenance schedules	✔			Asset maintenance schedules have been developed for street sweeping, parks maintenance, drainage cleaning, playground inspections and all annual building maintenance recurring events.	EMTS	Formal maintenance program to be provided by 30 June 2022	
3.3.3.1 Maintain community facilities in accordance with the Disability Access and Inclusion Plan	✔			Improvements to Council facilities as and when the opportunity arise	EMTS	Refer to 1.1.1.4 above	
3.3.3.2 Continued involvement and support with the South West Group	✔	E14444	\$ 50,000	\$ 49,255	Continue to attend SWG meetings Mayor is current chair & TOEF CEO is Chair of CEO Group	CEO	Attendance at SWG meetings Funding secured for the Fremantle Traffic Bridge replacement - IA submission
3.3.3.3 Prepare and implement the Integrated Traffic Management and Movement Strategy	✔	E12306	\$ -	\$ -	A schedule of priorities has been developed to provide a systematic approach over the next 10 years to deliver on the recommendation. Proposed works for 2021/22 include active transport initiatives for all larger scale developments	EMTS	Traffic Management rated below the industry Standard 54/56 and has been identified as a priority area
ACTIONS							
4.1.1.1 Ongoing implementation of the Foreshore Management Plan						Management of Foreshore & River rated above industry Standard at 65/60 Engineer design currently being undertaken, work to be completed 2021/22	
- maintenance work to be undertaken on seawall and creation of small creatures river pool	ⓘ	E10644	\$ 30,000	\$ 24,709	Riverwall designs being completed July 2022, works to commence October 2022.	EMTS	Work to be completed on time & budget
- Foreshore maintenance & bush restoration	✔	E11258	\$ 13,868	\$ 3,027	Minor bush restoration works undertaken along Riverside Road.	EMTS	On-going revegetation program in conjunction with DBCA
4.1.1.2 Continue to partner with stakeholders to actively protect, conserve and maintain the Swan River foreshore	ⓘ	\$ 25,000	\$ -	\$80k in funding secured from the State Govt. Consultant for CHRMAP Baird consultants appointed and works to commenced. Literature review provided.	EMRS	Friends of the Foreshore completed riverside clean-ups along Jerrard drive collection litter	
4.1.2.1 Prepare & implement the Urban Streetscape and Public Realm Style Guide	✔			Public realm style guide being implemented, reviews ongoing	EMRS/EMTS	Refer to 3.1.3.1	
4.1.2.2 Investigate opportunities for activating public open spaces	ⓘ			Refer to Action 1.3.2.1 and liaison with local organisations to encourage use of POS for events / activities	EMRS	No specific measure - some comments in CSC included Provide more public toilets within reasonable walking distance, more trees (Shade), More Dog friendly spaces	
4.1.3.1 Continue with annual street planting program - Urban Canopy Program (Grant)	ⓘ	E11295	\$ 70,805	\$ 30,172	Tree planting completed with 250 trees planted in August 2021. - Verge Policy created - Verge Greening Guidelines constructed - Online Verge Tree Request Form - Annual Plant Sale - 3,400 tubestock sold during May 2022 - Provision of FOGO compost to residents at Fremantle Recycling Centre and Apache Native Plant Sale	EMTS/SWO	250 Number of trees planted per year
ACTIONS							
				Quarterly Comments	Measures		

				Interestingly this measure (waste Management services) fell, however, still above the industry standard at 69/69 - yet rated as a low community priority			
4.2.1.1	Implement Food Organics and Green Organics (FOGO) waste collection and disposal services						Collection Stats up to September: 1574 tonnes 21/21 FY (Veolia) 780 tonnes 21/22 FY (Veolia) 966 tonnes 21/22 FY (Veolia) Included above Included above Included above 71 tonnes Green Waste (71 tonnes recovered) + 154 tonnes Bulk Waste collected in October 2021 (59 tonnes recovered) 57.3 tonnes of Green Waste March 2022
	- FOGO Collection & Disposal costs	✓	E10100	\$ 416,500	\$ 230,895		SWO
	- Recycling Collection & Disposal costs (Yellow bin)	✓	E10101	\$ 130,000	\$ 128,905		SWO
	- General Waste Collection & Disposal (red bin)	✓	E10102	\$ 224,000	\$ 213,599		SWO
	- Commercial bins - collection & disposal	✓	E10103	\$ 35,000	\$ 28,680		SWO
	- SMRC Overheads charge	✓	E10232	\$ 145,000	\$ 138,010		SWO
	- Street & Parks bins	✓	E10106	\$ 29,500	\$ 25,666		SWO
	- Alexandra Rd - Special service	✓	E10108	\$ 19,000	\$ 13,128		SWO
	- Cockburn tip pass	✓	E10203	\$ 20,000	\$ 14,005		SWO
	- Bulk Verge Collection services	✓	E10204	\$ 87,500	\$ 91,398		SWO

4.2.1.2	Partner with the City of Fremantle to provide free community access to the Fremantle Recycling Centre	✓	E10212	\$ 90,000	\$ 87,000		SWO
4.2.1.3	Ongoing implementation of the Regional Waste Strategy	✓	In-house				PEHO

ACTIONS Quarterly Comments Measures

4.3.1.1	Investigate further climate change and mitigation initiatives	✓					SWO
	- Established a Sustainability & Environmental Projects Reserve balance as at 30 September 2021	✓	002424	\$ 120,337	\$ 120,337		SWO

4.3.1.2	Undertake a tree audit to determine requirements for tree plantings and tree replacement	✓					EMRS
	- Annual Street Tree program (Maintenance)	✓	E12245	\$ 227,740	\$ 188,936		EMTS
	- Annual Tree planting (replacement) program	✓	E12255	\$ 62,360	\$ 57,221		EMTS
	- Annual Tree watering program	✓	E12256	\$ 67,224	\$ 100,116		EMTS

4.3.1.3	Implement actions under the Climate Emergency Strategy	✓		\$ 10,000	\$ 8,166		SWO
			E10253				

ACTIONS	Status	Budget	Actual	Quarterly Comments	Measures
5.1.1.1 Maintain high level of legislative compliance across the organisation	✓	E04235	\$ 55,000 \$ 1,960	Unqualified audit received for 2020/21.	EMCS Unqualified audit received & No significant issues recorded in the Annual Compliance Return
	✓	E04240	\$ 15,000 \$ -	The Audit Committee has resolved on a work plan for 2022, with the first meeting in late Feb.	EMCS Internal Audit Reports and presented to the Audit Committee on a periodic basis
	✓	In-House		Prepared Legislative Compliance Policy & Register adopted	CEO Rated above the industry standard for governs local area 60/55
5.1.1.2 Review the Policy Manual & Delegations	✓			Delegated Authority Register reviewed and endorsed June 2022 OCM	CEO Reviews undertaken
5.1.1.3 Review the ICT Plan and IT Disaster Recovery Plan	✓		\$ - \$ -	Tested completed April 2022.	EMCS Updated & Tested annually
	✓			Strategic ICT Plan has been renewed	EMCS
	✓	E04221	\$ 319,000 \$ 332,007	Computer support & licences	EMCS No business (ICT) interruption experienced - Nil recorded to date
		E04227		New ICT Contract awarded.	
5.1.1.4 Maintain the Strategic Risk Register	✓			Reviewed by the Audit Committee at each committee meeting	EMCS Identified Reg 17/ FMR risks actioned
	✓			Review undertaken 11/10/21	Exe Group
				New Risk Register (SharePoint) under development.	
5.1.1.5 Develop and Implement a risk-based internal Audit Plan	✓			Work Plan has been endorsed by the Audit Committee.	EMCS Requisitions audit for purchases over \$5k General Computer Controls
5.1.1.6 Implement Record Keeping Plan	✓			Reviewed and approved (State Records Office) 2018, 5 year improvement Plan (to 2023)	EMCS New Records Management Plan endorsed
	NC		TBD	Investigate and implement new records management system	EMCS
5.1.2.1 Undertake a Community Perception Survey	✓		\$ - \$ -	Community Perceptions Scorecard completed - May 2021	CEO Council's leadership rated above the Industry Standard 57/50
5.1.2.2 Develop and implement a Communications & Engagement Strategy subject to funding	✓		\$ 70,000 \$ 23,335	Optimised use of web banners on TEF website and social media activated with new live links. Destination marketing wins via content on Urban List Perth and PerthiOX plus suburb profiles for real estate industry. Marketing plan for EF George St Festival: secured outside live broadcast with RTFM, secured \$20,500 in grant funding from Freo Ports and LotteryWest. Effective liaison on external projects with Main Roads (Swan River Crossings), Defence (Leeuwin investment) and WaterCorp (PipesForPerth) including business outreach session (16 Oct) and another planned for community (23 Oct). Strong media coverage, especially of Junior Council with Richmond Primary, (13.9.21), FFO Funding Launch (25.7.21) and Riverbank Funding announcement (14.10.21). Agreement with City of Fremantle on joint promotion of Fremantle Festival weekend (with Fremantle Arts Centre Bazaar and Walyalup Koori open day), including promotion of new Library - our Festival featured in Fre-oh! magazine for first time, and access to this is Fremantle's new website from October onwards. Extensive messaging on quarantine outbreak.	MCO "Developed and communicated a clear vision" improved significantly to 46, with the industry standard at 34
	✓	E04266		Implementation of Communication & Engagement Strategy - monthly reports provided to Council forums	MCO "Community consultation" rated above the industry standard at 55/46, interestingly down 5 points from the last survey
	✓			Regular social media posts covering a wide variety of content posted to Facebook, LinkedIn and Instagram as well as regular press releases: 3,156 Facebook followers, up from 3,005 in January 2022	MCO "Social media presence" rated above the industry standard 57/55 3,156 Facebook followers, up from 3,005 in January 2022
	✓			1,284 Instagram followers up from 1,150 in January 2022 and 714 LinkedIn followers up from 577 in January 2022. Tik Tok and YouTube accounts created.	MCO 1,284 Instagram followers up from 1,150 714 LinkedIn followers, up from 577
	✓			TownTalk (e-News) produced and distributed (at least) monthly with the provision to create a stand-alone TownTalk if and when required. Quarterly Major Projects Around Our Town produced and distributed as e-News, plus our printed Talk of the Town newsletter distributed to residential and commercial properties on a quarterly basis. All newsletters (TownTalk, Major Projects Around Our Town and Talk of the Town) are also available online. There is a solid focus on promoting all residents and businesses to subscribe to TownTalk through numerous publications including Talk of the Town and the Budget Bulletin.	MCO Hold industry Standard for "community e-newsletter" (2021 CSC) However, printed newsletter was just below the Standard at 63/64 E-news subscribers 2,671, up from 2,396
	⚠		\$ 15,000 \$ -	Continuing work to upgrade the Town's website in order to make it more user friendly. There is ongoing work on the homepage, site menu and landing pages in order for it to become easier to navigate.	MCO The Town's Website rated above the industry standard at 64/57 Between 10,000-17,000+ website views per month
5.1.3.1 Develop Service Team Plans for all Business Units	⚠			Draft Department Service Plans have been prepared by each department	Exe Group Customer Service rated equal to the industry standard at 61/61. A drop of 4 out of 5 measures was recorded, the largest decreases in Courteous (80 to 73), Knowledgable 66 to 60, & Responsive 64 to 57.
5.1.3.2 Continue current service partnerships including library services and waste services	✓			Refer to 1.1.12 & 4.2.1.2	Exe Group New 5 year Service (Funding) Agreement with the City of Fremantle (August OCM 2020)
	✓			The Town has entered into a 2 year agreement with the City of South Perth for the use of their animal impound facility.	Rangers
5.1.3.3 Develop and implement Business Improvement Plan	NC		\$ - \$ -	Business Plan to be prepared assessing options for ERP replacement. Project has commenced with a draft report to be completed by 30 June 2022.	EMCS
	⚠			Implement Operations Department Review recommendations, ongoing with several of the recommendations completed	EMTS Numbers in relation to Operations review Status Total: 653 Ongoing: 403 61% Completed: 150 23% No Action: 110 17%
ACTIONS				Quarterly Comments	Measures

5.2.1.1	Effective regular communication with the community in accordance with Communication Plan	✓	\$	-	\$	-	Refer to 5.1.2.2	MCO	Refer above 5.1.2.2	
5.2.1.2	Retain membership of the South West Group (SWG) and Southern Metropolitan Regional Council (SMRC)	✓					Actively participated in both groups, including attendance at meetings	CEO	The Town was represented at all meetings	
		✓					SWG Regularly attend meetings - Facilitation of regional project collaboration, Economic Development Group, Natural Resource Management Group and CEO Group.	CEO/EMRS/EMCS	The Town was presented at all SMRC Council meetings	
		✓					SMRC Regularly attend Ordinary Council and Board meetings, Project Partnership Group, Regional Resource Recovery Centre Group and Regional Executive Group	CEO/EMCS/EMTS	No reduction in overheads, or significant reduction in gate fees SMRC to meet proposed 50% reduction in overhead charges	
5.2.1.3	Maintain working relationships with key stakeholders and actively advocate on behalf of the community	✓						CEO	Advocacy & Lobbying on behalf of the community rated above the Industry Standard at 56/30	
		✓					Maintained positive relationships with State and Federal Members	CEO	The Town Listens to & Respects Views was rated just above the Industry Standard 35/32	
		✓					Established an annual engagement calendar for all stakeholders	CEO	Town has a good understanding of Community needs also increased significantly to 43, Industry Standard 33	
ACTIONS										
Quarterly Comments										
Measures										
5.3.1.1	Maintain the Workforce Plan in accordance with other Strategic Plans	✓					Review and update completed June 2022	CEO/HR	Staff turnover for past 12 months - 15 people	
5.3.1.2	Provide opportunities for training and development for staff and elected members	✓					Learn File (in-house) online training provided to all staff	CEO	Elected member training provided ()	
	- Councillor Training Expenses	✓	EO4252	\$	36,000	\$	19,016	Training scheduled for new Councillors, to be throughout 2022	CEO	Staff training provided for the past 12 months - 42 individual and separate courses attended, Number of staff with no training available/not attending training - 0
	- Organisational Development	✓	EO4248	\$	25,000	\$	17,200	Mental Health Workshop undertaken	HR	6 new online courses developed, and 239 online course activities completed by staff
5.3.1.3	Foster a healthy and safe workplace	✓					Number of WHS meetings 1 to date, next meeting scheduled for November	CEO	Number of workplace incidents - 10 - (2021/22) compared to _____ (2020/21)	
		⚠					All OSH Audit recommendations in the process of being implemented.	HR	OSH Audit Results - April 2021 (overall 89% achievement) Management Commitment 88% Planning 83% Consultation & Planning 94% Hazard Management 81% Training & Supervision 100%	
		⚠					In person contractor inductions undertaken & Online induction introduced June 2021 & undertaken since July 2021	EMTS	Inductions provided to 12 Contractors (in person) and 6 online so total inductions 18	
5.3.1.4	Demonstrate sound financial planning and management	✓					Adopted June OCM. CBP to be professionally designed and published.	CEO/EMCS	*Value for Money from Council Rates* scored above the Industry Standard at 55/44	
5.3.2.1	Maximise online functionality for Council systems and services	✓							*How the Town embraces technology & innovation* rated equal to the Industry Standard 52/52	
	- Automate meeting agenda & minutes - via software solution	✓		\$	30,000	\$	15,000	Program complete and implemented	EAs	Coordinator Customer Service to provide a quarterly report on the number of people using E Services
	- Creation of SharePoint Landing Page and new applications	⚠		\$	-	\$	-	Controlled documents application, live date Sep 2022 Risk Register and Contract Register development underway - to be finalised August 2022.	EMCS	2 new SharePoint applications developed
	- Automation of Accounts Payable	⚠		\$	-	\$	-	A Project Plan has been prepared for the Accounts Payable automation project. A cost analysis has been undertaken of the current process. The average cost of processing an invoice end to end is \$17.57.	EMCS	
	- Names and Addresses database project	⚠		\$	-	\$	-	This project has been deferred although some maintenance of names and addresses is occurring weekly.	CSO	
	- Major review of town's website functionality & updates	⚠		\$	-	\$	-	Refer to 5.1.2.2 above	MCO	Placed on hold whilst further review of Sharepoint as possible alternative solution - 2021/22 project
5.3.2.2	Continuous review and improvement of policies, systems and procedures	✓					Many fact sheets, procedures and processes have been developed. These knowledge articles are being uploaded in the customer service request system to develop the organizations knowledge base.	CSO	*Customer Service* rated equal to the industry standard at 61/61 A drop of 4 out of 5 measures was recorded, the largest decreases in Courteous (80 to 71), Knowledgeable 66 to 60, & Responsive 66 to 57. 38 services were process mapped New resident Welcome packs introduced CSR modified to provide response with CSR reference number 10 additional fact sheets created and published	
5.3.3.1	Fully implement the Customer Service Charter and Customer Service Policy (and associated procedures, workflow, and management reporting)	✓					Implementation continues including deployment of mobility devices and applications to field staff to capture maintenance requests Monthly customer service reports provided to staff	CSO	monitor	
		⚠		\$	-	\$	-	Planning Policies to be reviewed over the next 12 months. Schedule to be developed to review Planning Policies which require extensive amendments.	EMRS	

At Risk
On track
Complete

15.3 EAST FREMANTLE OVAL REDEVELOPMENT - FINANCIAL ASSISTANCE AGREEMENT DEED OF VARIATION 1

Report Reference Number	OCR-1150
Prepared by	Janine May (EA/GC)
Supervised by	Gary Tuffin (CEO)
Meeting date	Tuesday, 19 July 2022
Voting requirements	Simple Majority
Documents tabled	Nil.

Attachments

1. Deed of Variation No 1 – State Government and Town of East Fremantle

PURPOSE

To authorise the Mayor and CEO to sign and affix the Town’s Common Seal to Deed of Variation No 1 which amends the original funding agreement (\$20 million) to reflect the recently agreed increased funding amount of \$25 million for the East Fremantle Oval Precinct Redevelopment project.

EXECUTIVE SUMMARY

This authorisation is recommended to lock in the additional \$5 million in State Government funding for the East Fremantle Oval Precinct Redevelopment.

BACKGROUND

The State Government and the Town entered into a Financial Assistance Agreement on 2 December 2021 for a \$20 million grant to support the East Fremantle Oval Precinct Redevelopment project.

Due to current market conditions, the project’s estimated construction costs were anticipated to rise from \$26.5m to approximately \$32.5m.

Following an approach to the State Government, the Sport and Recreation Minister has approved and endorsed an additional \$5m state funding towards this project to enable it to proceed in line with the intent of the election commitment and community expectations.

CONSULTATION

State Government.

STATUTORY ENVIRONMENT

9.49A Execution of Documents

- (1) *A document is duly executed by a local government if –*
 - (a) *in the common seal of the local government is affixed to it in accordance with subsections (2) and (3)*
- (2) *The common seal of a local government is not to be affixed to any documents except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of:*
 - (a) *the mayor or president, and*

(b) the CEO

each of whom is to sign the document to attest that the common seal was so affixed

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

The new Project Budget of \$32.5 million was approved at a Special Council meeting held on 22 March 2022

State Government Funding	\$25.0 million.
Town of East Fremantle	\$ 4.8 million (Loan).
Town of East Fremantle	\$ 2.2 million (Cash Reserve).
AFL Facility Fund	\$ 0.2 million
Other	\$ 0.3 million

Total Project Funding **\$32.5 million.**

STRATEGIC IMPLICATIONS

Strategic Community Plan 2020-2030

Strategic Priority 1: Social

A socially connected, inclusive and safe community.

1.2 Inviting open spaces, meeting places and recreational facilities

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

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

Measures of success

Community perception of value of recreational facilities and meeting spaces

Strategic Priority 5: Leadership and Governance

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

5.2 Proactively collaborate with the community and other stakeholders

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

RISK IMPLICATIONS

Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
If the Funding Deed is not executed, there will be a \$5 million project deficit, and a real risk that the project can not be delivered to the expected standards.	Rare (1)	Extreme (5)	Extreme (17-25)	FINANCIAL IMPACT More than \$1,000,000	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

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

SITE INSPECTION

N/A

COMMENT

The parties have agreed to amend the Agreement terms to reflect the additional funding amount and certain other variations as set out in this Deed of Variation (No 1).

15.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 111907**Moved Cr Natale, seconded Cr White**

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the East Fremantle Oval Redevelopment Funding Assistance Agreement Deed of Variation No 1 for the additional \$5 million in project funding.

(CARRIED UNANIMOUSLY)

REPORT ATTACHMENTS

Attachments start on the next page



Department of
Local Government, Sport
and Cultural Industries

THE STATE OF WESTERN AUSTRALIA
Department of Local Government, Sport and Cultural Industries

AND

TOWN OF EAST FREMANTLE
(ABN 80 052 365 032)

DEED OF VARIATION (No. 1)

File Ref. 21/2071

DEED OF VARIATION

PARTIES

STATE OF WESTERN AUSTRALIA (State) acting through the **Department of Local Government, Sport and Cultural Industries (ABN 14 445 022 107)** of 246 Vincent Street, Leederville, WA 6007 (**DLGSC**)

AND

Town of East Fremantle (ABN 80 052 365 032) of 135 Canning Highway, East Fremantle, WA 6158 (**Recipient**)

BACKGROUND

- A. The State and the Recipient entered into a Financial Assistance Agreement on 2 December 2021 (**Agreement**) for the State to provide \$20 million state funding to support the East Fremantle Oval redevelopment (**Project**).
- B. Due to the current market conditions, the Project's estimated construction costs are expected to rise from \$26.5 million to \$32.5 million. As such, the Recipient requested from the State an additional \$5 million state funding to cover additional expected construction costs.
- C. In response, the Sport and Recreation Minister has approved and endorsed an additional State contribution of \$5 million funding towards the Project, to enable it to proceed in line with the intent of the election commitment and community expectations.
- D. The Parties have agreed to amend the Agreement terms to reflect the additional funding amount and certain other variations as set out in this Deed of Variation (No. 1) (**Deed**).

AGREED TERMS

1. THIS DEED:

- (a) Unless the contrary intention appears, is interpreted and adopts the definitions as specified in the Agreement; and
- (b) Takes effect on the date this Deed is executed by the parties. If different dates, the date DLGSC signs, as the last party to sign this Deed (**Effective Date**).

2. VARIATIONS:

Pursuant to clause 18 of the Agreement, the Parties agree to vary the Agreement from the Effective Date as follows:

- (a) **In Schedule 4, Item 2 (Funding Amount)** under the heading '2. Funding Amount', delete the first sentence and replace with:

"\$25,000,000 will be provided for the Project noted in Clause 1 above."

(b) In Schedule 4, Item 3.1 (Manner of Payment) under paragraph 'c.', delete the table in its entirety and replace with the following table:

A	B	C
Serial	Milestone	Instalment Amount
1	Execution of this agreement	\$2,500,000
2	Awarding of a construction contract	\$8,000,000
3	Evidence of commencement of physical works	\$5,000,000
4	Evidence of 50% completion	\$9,000,000
5	Evidence of practical completion	\$500,000

(c) In Schedule 4, Item 4.4 (Project budget), delete the table in its entirety and replace with the following table:

Project items	Funds under this Agreement (\$)	Other Funding (\$)	Name of Sources of Other Funding	Total Funds (\$)
As detailed in 4.1 Project description	\$25,000,000			\$25,000,000
		\$7,000,000	Town of East Fremantle	\$7,000,000
		\$300,000	TBC	\$300,000
		\$200,000	AFL Facility Fund	\$200,000
TOTALS	\$ 25,000,000	\$7,500,000		\$ 32,500,000

(d) Attachment One – Masterplan, delete in its entirety and replace with 'Attachment One – Masterplan' as specified in Schedule 1 to this Deed.

3. In all other respects, the Agreement terms and conditions remain unaltered.

EXECUTED AS A DEED:

EXECUTED as a Deed for and on behalf of the **State of Western Australia** by the **Minister for Sport and Recreation** in the presence of:

Minister for Sport and Recreation

Signature of witness

Date

Name of witness (print)

Date

EXECUTED as a Deed for and on behalf of the **Town of East Fremantle** (ABN 80 052 365 032) by its duly authorised officer, **[NAME OF AUTHORISED OFFICER AND POSITION]**:

Signature of Witness

Signature of Authorised Officer

Name of witness (print)

Name of Authorised officer (print)

Date

Date

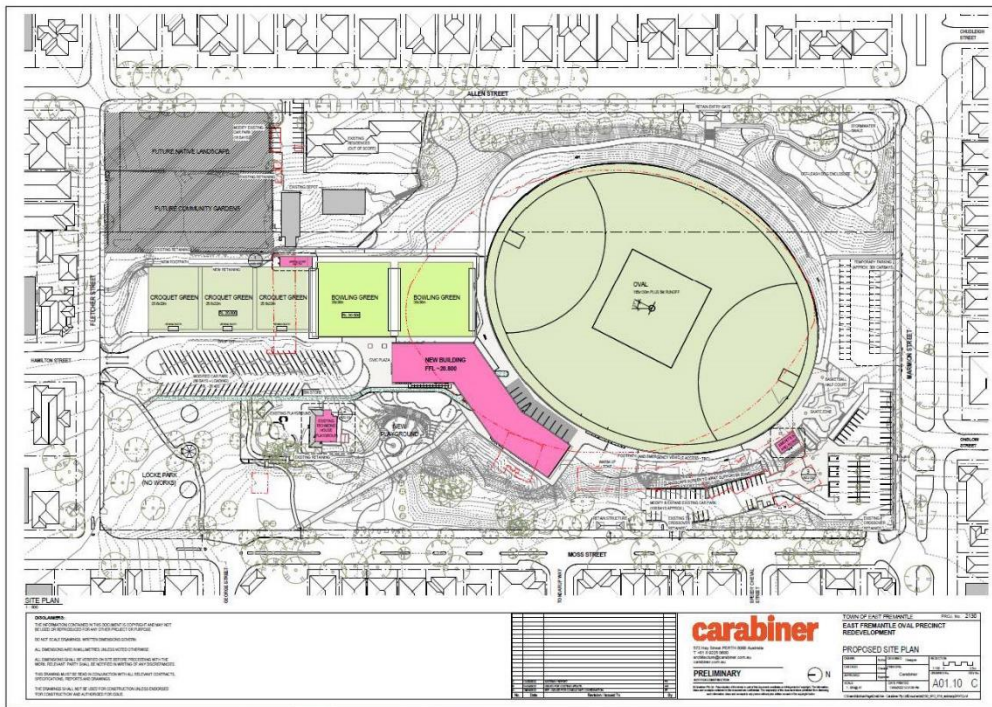
Affix Common Seal here (if applicable):

**SCHEDULE 1
ATTACHMENT ONE – MASTERPLAN**

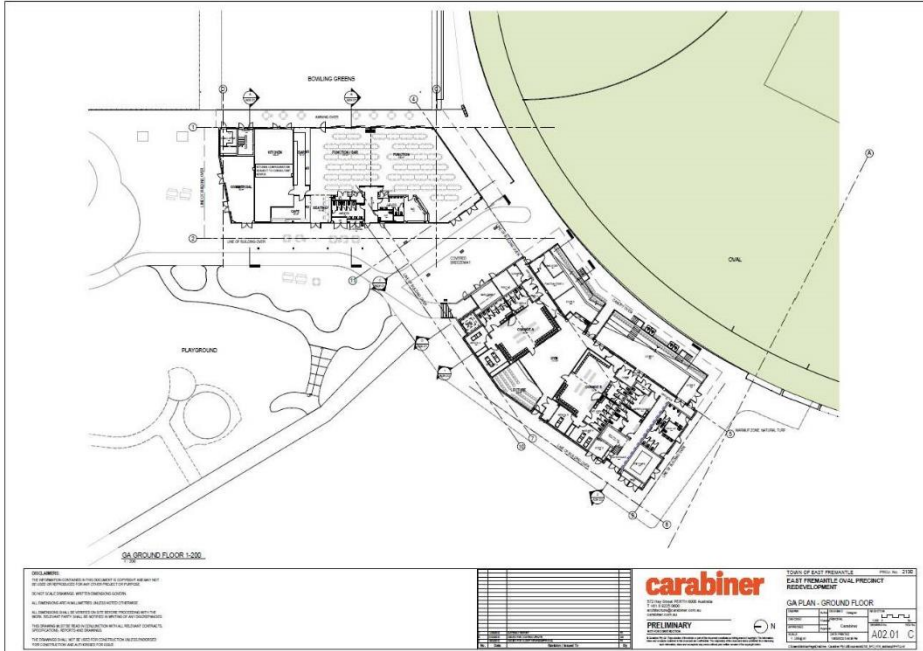
The East Fremantle Oval Precinct Concept Masterplan (Masterplan) incorporates the following design documentation:

Masterplan Design documentation:		
1	A01-10	PROPOSED SITE PLAN
2	A02-01	GA PLAN – GROUND FLOOR
3	A02-02	GA PLAN – FIRST FLOOR
4	A02-03	OUTBUILDINGS
5	A06-01	ROOF PLAN OVERALL
6	A08-01	SECTIONS
7	A08-02	SECTIONS

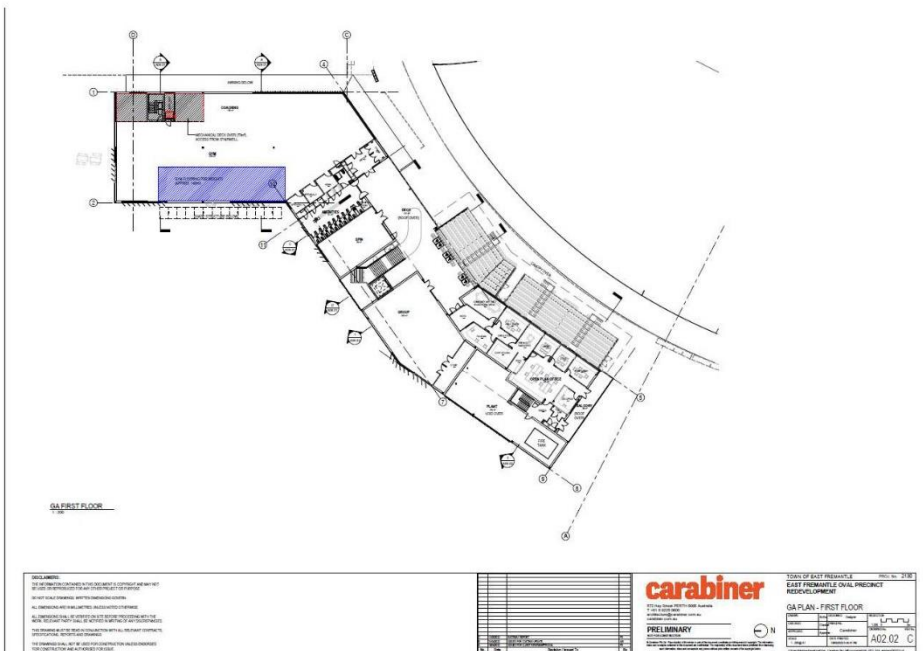
A01-10 PROPOSED SITE PLAN



A02-01 GA PLAN – GROUND FLOOR



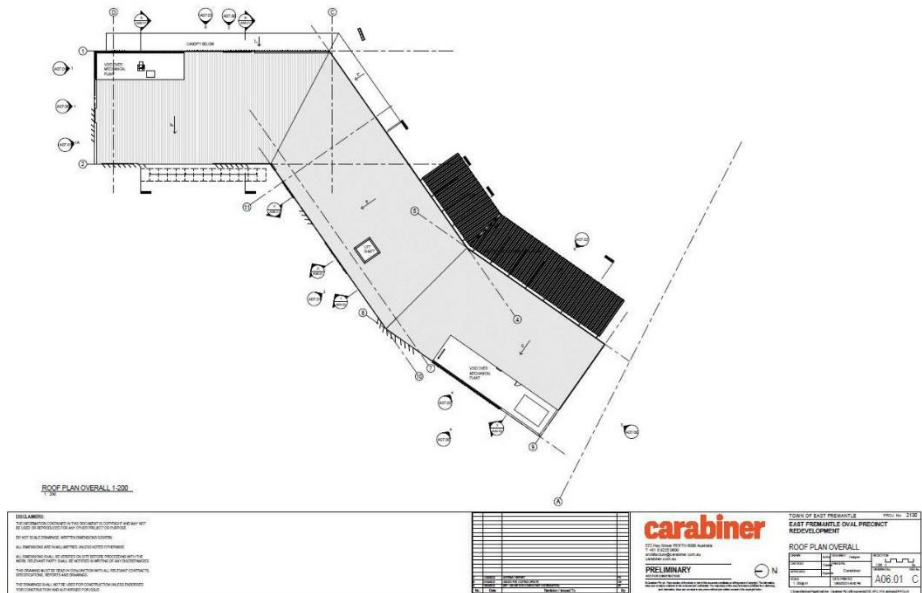
A02-02 GA PLAN – FIRST FLOOR



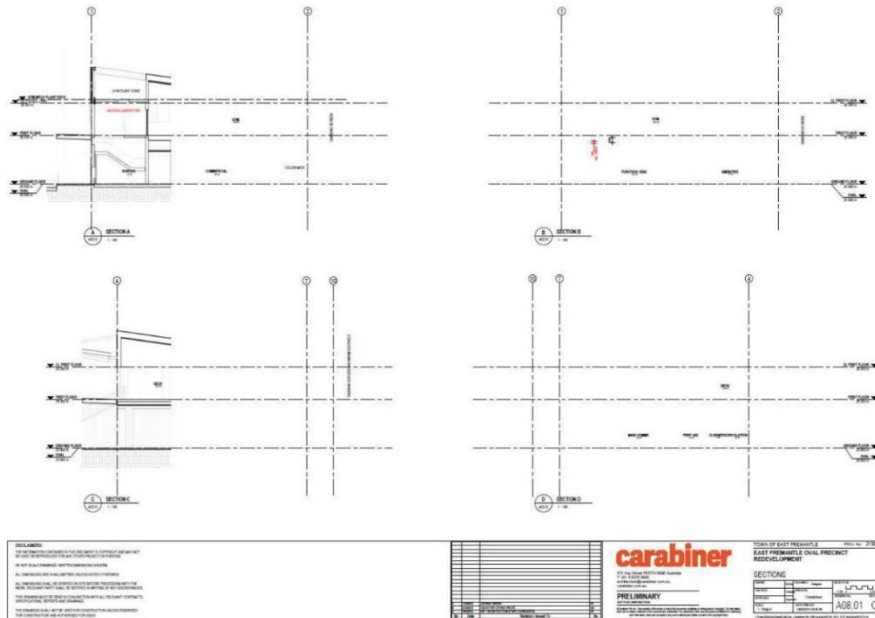
A02-03 OUTBUILDINGS



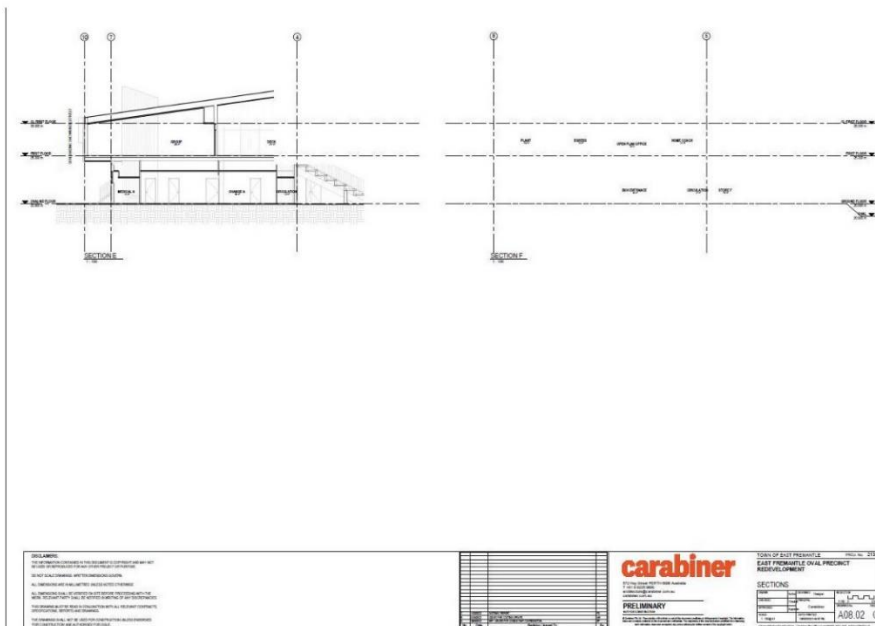
A06-01 ROOF PLAN OVERALL



A08-01 SECTIONS



A08-02 SECTIONS



16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17 NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

19 NEW BUSINESS OF AN URGENT NATURE

Nil.

20 MATTERS BEHIND CLOSED DOORS

PROCEDURAL MOTION

Moved Cr White, seconded Cr Natale

That the meeting be closed to the public to discuss confidential items “RFT08-2021/22 – Principal Contractor East Fremantle Oval” and “Disposal of 128 & 128A George Street” under the terms of the Local Government Act 1995, Section 5.23 (2)(c) and (e).

(CARRIED UNANIMOUSLY)

20.1 RFT08-2021/22 PRINCIPAL CONTRACTOR EAST FREMANTLE OVAL - CONFIDENTIAL

A Confidential Report prepared by the Chief Executive Officer was considered.

20.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 121907

Moved Cr Natale, seconded Cr White

That Council:

- 1. confirm Cooper & Oxley Group Pty Ltd as the preferred tenderer to provide construction services in accordance with the requirements as detailed in RFT08-2021/22 Principal Contractor, East Fremantle Oval Precinct Redevelopment Project.**
- 2. authorise the CEO to finalise a contract with Cooper & Oxley Group Pty Ltd within the defined parameters of the tender, or if required, to enter into negotiations with the second preferred Respondent.**
- 3. subject to 2 above, authorise the Mayor and Chief Executive Officer to sign and affix the Town’s Common Seal to the contract RFT08-2021/22 Principal Contractor and any other related documents for the East Fremantle Oval Precinct Redevelopment Project.**

(CARRIED UNANIMOUSLY)

20.2 DISPOSAL OF 128 & 128A GEORGE STREET - CONFIDENTIAL

A Confidential Report prepared by the Chief Executive Officer was considered.

20.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution 131907

Moved Cr Natale, seconded Cr Wilson

That Council:

- (a) endorse the proposed floor price as contained within the "Disposal of 128 & 128A George Street (Reserve Price)" report.
- (b) authorise the Chief Executive Officer to adjust the Reserve Price having regard to the advice of the selling agent during the course of the auction, subject to the following conditions;
 1. the Reserve Price shall not be set below the disposal floor price set by Council under item (a) above.
 2. the Reserve Price shall only be set/adjusted with agreement of the Mayor and Crs Wilson, White & McPhail.

(CARRIED BY AN ABSOLUTE MAJORITY/UNANIMOUSLY)

PROCEDURAL MOTION

Moved Cr White, seconded Cr Mascaro

That the meeting be reopened to the public.

(CARRIED UNANIMOUSLY)

21 CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.16pm.

I hereby certify that the Minutes of the ordinary meeting of the Council of the Town of East Fremantle, held on 19 July 2022, Minute Book reference 1. to 20. were confirmed at the meeting of the Council on

16 AUGUST 2022



Presiding Member