



MINUTES

Council Meeting

Tuesday, 16 July 2019 at 6.30pm

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 16 JULY 2019.**

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.34pm

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:

Mayor J O’Neill	Presiding Member
Cr J Harrington	
Cr D Nardi	
Cr A Natale	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr P Kocian	Executive Manager Corporate Services
Ms P Pietersen	Acting Operations Manager
Ms J May	Minute Secretary

There were two members of the public in attendance.

3.2 Apologies

A Malone (Executive Manager Regulatory Services)

3.3 Approved

Cr C Collinson
Cr A McPhail
Cr M McPhail
Cr A White

4. DISCLOSURES OF INTEREST

4.1 Financial

4.1.1 Cr Natale - Item 12.1.1 Southern Metropolitan Regional Council Withdrawal Arrangements for a Project Participant (City of Cockburn).

Cr Natale declared an indirect financial interest (Closely Associated Person s5.62(1)(b)) as the City of Cockburn was his employer.

4.2 Proximity

Nil.

4.3 Impartiality
Nil.

5. PUBLIC QUESTION TIME

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

5.2 Public Question Time

5.2.1 Marion Hood, 19 Alexandra Road

“The equipment at Wayman Park still hasn’t been repaired. Some of the parts of the equipment have been taken away. What is the time line for completion of the installation of repaired parts.”

The Acting Operations Manager advised that new parts for this exercise equipment had been ordered some time ago, with some elements being removed for safety reasons. It is anticipated the equipment will be operational during August.

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations
Nil.

6.2 Deputations
Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE
Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (18 June 2019)

8.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr Harrington, seconded Cr Watkins

That the minutes of the Ordinary meeting of Council held on Tuesday, 18 June 2019 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 UWA Social Impact Festival – 15 July

Mayor O’Neill advised that he had attended the opening of this Festival designed to address strategies for a just and sustainable society.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Town Planning Committee Meeting (2 July 2019)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 2 July 2019, exercised its delegation in six statutory matters where, either:

- four members voted in favour of the Reporting Officer's recommendations.
- or
- the Executive Manager Regulatory Services supported a motion to defer the application which four members then voted in favour of.

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

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

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

11.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 010719

Moved Cr Nardi, seconded Cr Harrington

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 2 July 2019 be received.

(CARRIED UNANIMOUSLY)

11.2 Audit Committee Meeting (3 July 2019)

File ref	C/MTAF1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Meeting Date:	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Audit Committee Minutes 2. Audit agenda item 11.3 Terms of Reference

Purpose

To submit the minutes of the Audit Committee for receipt and adoption by Council.

Executive Summary

The Committee, at its meeting on 3 July 2019, provided recommendations on five officer reports. As the Committee has no delegation, recommendations relating to Audit agenda items 11.3 and 11.5 are submitted to the July Council Meeting for consideration.

Consultation

Audit Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed minutes and recommendations of the Audit Committee meeting are now presented to Council to be received and adopted.



11.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 020719

Moved Cr Watkins, seconded Cr Nardi

That Council:

- 1. receive the unconfirmed Minutes of the Audit Committee Meeting held on 3 July 2019.**
- 2. adopt the Audit Committee Terms of Reference as presented as Attachment 2 to this report.**
- 3. receive the report contained within the Audit Committee minutes of 3 July 2019 on the investment of surplus funds with respect to fossil fuel investments;**
- 4. confirm that the investment rate of return must be at least equal to other investment quotations for divestment to a financial institution deemed not to invest or finance the fossil fuel industry.**

(CARRIED UNANIMOUSLY)

12. REPORTS

12.1 FINANCE

12.1.1 Accounts for Payment – June 2019

File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager, Corporate Service
Supervised by	Peter Kocian, Executive Manager, Corporate Services
Meeting Date	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – June 2019

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of June 2019.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 June to 30 June 2019, as per the summary table.

Background

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

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

Consultation

Nil.

Statutory Environment

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

Policy Implications

Policy 4.2.4 Purchasing Policy

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the list of payments	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

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

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

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

Strategic Implications

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

STRATEGIC PRIORITY 5: Leadership and Governance

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

Site Inspection

Not applicable.

Comment

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

12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030719

Moved Cr Natale, seconded Cr Nardi

That the list of accounts paid for the period 1 to 30 June 2019 be received, as per the following summary table:

JUNE 2019		
Voucher No	Account	Amount
5230 –5233	Municipal (Cheques)	8432.03
EFT27825– EFT 27983	Municipal (EFT)	\$607,400.53
Payroll	Municipal (EFT)	\$269,386.59
Credit Card/Superannuation	Municipal (Direct Debit)	\$46,328.62
	Total Payments	\$931,547.77

(CARRIED UNANIMOUSLY)

12.1.2 Adoption of 2019/20 Budget

File ref	F/ABT1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 July 2019
Voting requirements	Absolute Majority
Documents tabled	Nil.
Attachments	1. Statutory Budget for the Year Ended 30 June 2020

Purpose

To consider and adopt the Budget for the 2019/20 financial year together with supporting schedules, including the striking of general rates and minimum payments, adoption of fees and charges, and other consequential matters arising from the budget papers.

Executive Summary

Section 6.32 (1) of the *Local Government Act 1995 (Act)* states that when adopting the annual budget a Local Government, in order to make up the budget deficiency, is to impose a general rate and minimum payment on rateable land. In adopting its annual budget, the Council must also consider its Strategic Community Plan and Corporate Business Plan under section 5.56 of the Act.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget.

The draft 2019/20 Budget as presented is considered to meet statutory requirements and is commended to Council for adoption.

Background

The draft 2019/20 Budget is compiled on the principles contained within the Strategic Community Plan and Corporate Business Plan.

The Town of East Fremantle Corporate Business Plan 2019-2023 was adopted at the June Council Meeting. The Corporate Business Plan converts the Strategic Community Plan into action through the adoption of the Annual Budget. The Corporate Business Plan contains a total of 80 specific activities, 72 of which are anticipated to be undertaken in 2019/20 financial year, and resourced in the annual budget.

The draft Budget is prepared based on presentations made to elected members at the budget/long term planning discussions over the last four months. Its basis was the 15-year Strategic Resource Plan that was adopted by Council at the May Council Meeting.

Council also endorsed the differential general rates and minimum payments at the Ordinary Meeting of 21 May 2019.

Consultation

Elected member workshops.

Ratepayer submissions were invited on the proposed differential general rates and minimum payments. No submissions were received.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires, that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by ABSOLUTE MAJORITY, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2019/20 Budget as presented is considered to meet statutory requirements.

Section 5.63 (1) of the *Local Government Act 1995* specifically excludes the need to declare a financial interest where matters; have an interest in common to a significant number of ratepayers/electors; relate to the imposition of any rate, charge or fee; relate to a fee, reimbursement of an expense or an allowance payable to elected members.

Policy Implications

There are no Council Policies relevant to this matter.

Financial Implications

The draft 2019/20 Budget is a balanced budget. The annual budget is effectively the 1st year of the Strategic Resource Plan, which was developed and informed by all existing strategic planning documents such as the Long Term Financial Plan, Asset Management Plans, Workforce Plan, Business Improvement Plan, ICT Plan, and various land use planning documents.

Strategic Implications

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.3 Strive for excellence in leadership and governance

Site Inspection

Not applicable

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Budget not be adopted within the statutory timeframe	Unlikely (2)	Major (4)	Moderate (5-9)	SERVICE INTERRUPTION Medium term temporary interruption - backlog cleared by additional resources < 1 week	Accept Officer Recommendation

Risk Matrix

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

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

Risk Rating	8
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Comment

Estimated Surplus Brought Forward 1 July 2019

The draft 2019/20 Budget is framed on an estimated surplus brought forward from the 2018/19 financial year of circa \$758k. The surplus can be largely explained by an under-spend against the materials and contracts budget in the 2018/19 financial year.

Underlying Budget Principles

The following budget measures/principles have been considered when framing the draft 2019/20 Budget:

- Rate revenue is a substantial source of discretionary revenue for the Town paying for approximately 2/3 of all expenditure requirements;
- The overall objective of a rating model is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town;
- The proposed 2.4% increase in rate yield will derive an amount of \$8.015m (plus estimated interim rates of \$30k), which is estimated to meet the requirements of the current budget shortfall;
- The Local Government Cost Index will rise by 1.8% in 2019/20 on account of higher costs associated with energy and street lighting, wages and construction;
- Indexation of 2% has been applied to salaries and wages. This compares to the WA Wage Price Index which rose by 1.5% in annual average terms to March 2019;
- The draft budget is a rolling budget linked to the Strategic Community Plan, Corporate Business Plan and Strategic Resource Plan;
- The draft budget provides for the same or improved level of service;
- There is a commitment to deliver on budgeted programs and asset management requirements;
- Increases in fees and charges have been capped at 3%;

- Commitment to cost restraint wherever possible being tied to the Local Government Cost Index;
- Commitment to achieving operational efficiencies such as attainment of value for money for service contracts.

Councils are being required to demonstrate operational efficiencies when setting the level of rates. A fundamental objective for the Town should be to improve its operating surplus ratio (by increasing revenue relative to expenditure) to release more funds for investment in asset renewals and new capital. This is generally achieved by a combination of operational efficiencies, cost restraint and revenue diversification.

Draft 2019/20 Budget Details

The draft 2019/20 Budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The key features of the draft 2019/20 Budget include:

- Total rate revenue of \$8,045,480. This is comprised of \$8,015,480 in rates raised plus an estimated \$30k to be raised in interim rates. Interim rates are generated by an increase in gross property valuations, because of either property improvements, or additional rateable properties being developed.
- Fees and charges have generally been increased by 3% and are itemised in the Schedule of Fees and Charges included in the supplementary information of the draft Budget. The draft Budget provides for total fees and charges revenue of \$1.124m. The majority of fees and charges revenue is derived from commercial waste services, lease income, parking fees and building fees.
- Commercial refuse and recycling charges to remain at \$500 per annum with additional services charges at \$250 per MGB. The budgeted cost of providing waste services in 19/20 is circa \$1.6m. The cost of the waste service is made up of a combination of directly attributable costs such as waste collection costs (\$400k) and waste disposal costs (\$900k), plus indirect costs such as corporate overheads. There is an increased level of service in 19/20 with the implementation of FOGO.
- A capital works program totalling circa \$3.8m for investment in infrastructure, land and buildings, plant and equipment, and furniture and equipment is planned. Projects are itemised in the Capital Expenditure Program included in the Supplementary Information to the draft budget.
- Total operating and non-operating grant funding of circa \$2.05m. The majority of grant revenue is funding received for the Commonwealth Home Support Program (\$722k) and Regional Road Group Funding (\$821k) for the Riverside Road Project. The Town did receive an advance payment of its 2019/20 Financial Assistance Grants, which was recognised as revenue in the 2018/19 financial year.
- Council has established various reserve accounts to which monies are set aside at the discretion of the Council to fund future service delivery requirements. These reserve accounts are itemised in note 7 of the draft 2019/20 Budget.
- Whilst not explicitly included in the draft Budget, as it is a balance sheet item only, the Town does administer the collection of the Emergency Services Levy on behalf of the Government of Western Australia. The Town has been advised of the new rates as follows:

ESL Category	ESL Rate (Per \$GRV)	Minimum and Maximum ESL Charges By Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
1	0.014839	\$84	\$441	\$84	\$251,000
2	0.011129	\$84	\$330	\$84	\$188,000
3	0.007419	\$84	\$219	\$84	\$125,000
4	0.005194	\$84	\$154	\$84	\$87,000
5	Fixed Charge \$84	\$84	\$84	\$84	\$84
Mining Tenements	Fixed Charge \$84	\$84	\$84	\$84	\$84

12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040719

Moved Cr Nardi, seconded Cr Natale

PART A – MUNICIPAL FUND BUDGET FOR 2019/20

That Council:

1. pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Council **ADOPTS** the Municipal Fund Budget as contained as attachment 1 of this agenda and the minutes, for the Town of East Fremantle for the 2019/20 financial year including the following:
 - a) Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for 2019/20 of (\$627,312)
 - b) Statement of Comprehensive Income by Program on page 4 showing a net result for 2019/20 of (\$627,312)
 - c) Statement of Cash Flows on page 6 showing cash and cash equivalents at the end of the year of \$2,309,775
 - d) Rate Setting Statement on page 7 showing an amount to be raised from rates of \$8,045,480
 - e) Notes to and Forming Part of the Budget
 - f) Transfers to/from Reserve Accounts as detailed in Note 7
 - g) Budget program schedules and other Supplementary Information

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS AND CONCESSIONS

That Council:

1. for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted as Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* **IMPOSES** the following differential general rates and minimum payments on Gross Rental Values:

1.1 General Rates

GRV Residential	6.9949 cents in the dollar
GRV Commercial	10.6227 cents in the dollar

1.2 Minimum Payments

GRV Residential	\$1,106
GRV Commercial	\$1,654

2. pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*, Council OFFERS the following due dates for the payment of rates in full by two and four instalments:

Two Instalments:

Full Payment and instalment due date	6 September 2019
2 nd quarterly instalment date	10 January 2020

Four Instalments:

Full Payment and instalment due date	6 September 2019
2 nd quarterly instalment date	8 November 2019
3 rd quarterly instalment date	10 January 2020
4 th quarterly instalment date	11 March 2020

3. pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$16.50 for each instalment after the initial instalment is paid (excluding eligible pensioners).
4. pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners).
5. pursuant to section 6.51 (1) and subject to section 6.51 (4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an interest rate of 11% for rates and service charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable (excluding eligible pensioners).
6. in accordance with the provisions of section 6.49 of the *Local Government Act 1995*, AUTHORISES the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, emergency services levy, refuse charges and private swimming pool inspection fees during the 2019/20 financial year.
7. Pursuant to section 6.45 and 6.49 of the *Local Government Act 1995*, where a person is able to demonstrate financial hardship as defined under Council Policy, a special payment arrangement will be provided, and Council resolves to WAIVE the administration charge and all penalty interest.



PART C – EMERGENCY SERVICES LEVY

That Council:

1. in accordance with the provisions of sections 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the 2019/20 Emergency Services Levy Rates and Minimum and Maximum Payments on land as follows:

ESL Category	ESL Rate (per \$GRV)	Minimum and Maximum ESL Charges By Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
1	0.014839	\$84	\$441	\$84	\$251,000
2	0.011129	\$84	\$330	\$84	\$188,000
3	0.007419	\$84	\$219	\$84	\$125,000
4	0.005194	\$84	\$154	\$84	\$87,000
5	Fixed Charge \$84	\$84	\$84	\$84	\$84
Mining Tenements	Fixed Charge \$84	\$84	\$84	\$84	\$84

2. in accordance with the provisions of section 36S of the *Fire and Emergency Services Authority of Western Australia 1998*, IMPOSES interest on all current and arrears amounts of emergency services levy at the rate of 11% per annum which remain unpaid after the due date (excluding eligible pensioners).

PART D – RESERVE FUNDS

That Council:

1. pursuant to section 6.11 of the *Local Government Act 1995*, that Council establish the Reserves as detailed in note 7 of the draft 2019/20 Budget, with \$60,000 budgeted to be transferred to Reserves and \$1,242,814 budgeted to be transferred from Reserves.
2. resolve to transfer 100% of interest earnings from the investment of Reserves into the Strategic Asset Management Reserve.

PART E – GENERAL FEES AND CHARGES FOR 2019/20

That Council:

1. pursuant to section 6.16 of the *Local Government Act 1995*, Council ADOPTS the Schedule of Fees and Charges as included in the Supplementary Information of the draft 2019/20 Budget as contained as attachment 1 of this agenda and the minutes.

PART F – OTHER STATUTORY FEES AND CHARGES FOR 2019/20

That Council:

1. pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* and regulation 53 of the Building Regulations 2012, Council IMPOSES a private swimming pool four yearly inspection fee of \$57.60 inclusive of GST for each property where a private swimming pool is located, charged at \$14.40 per annum.

2. pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council IMPOSES the following charges for the removal and deposit of commercial waste and additional receptacle services:

Description	Fee
Refuse and Recycling Service – 2 MGBs	\$500.00 per annum
120L/240L General Waste Bin (Red Bin/Green Bin Lid)	\$250.00 per annum
240L/360L Recycling Bin (Yellow Lid)	\$250.00 per annum
Bulk Bin Services	Cost + 15%

PART G – MATERIAL VARIANCE REPORTING FOR 2019/20

That Council:

1. in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be:
 - a) 10% of the amended budget; or
 - b) \$10,000 of the amended budget.

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

PART H – FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

That Council:

1. acknowledges the importance of Federal funding through the Financial Assistance Grants Program for the continued delivery of services and infrastructure;
2. acknowledges the receipt of \$117,914 in Financial Assistance Grants in 2019/20, excluding the advance payment;
3. will ensure that the federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

PART I – BUSINESS IMPROVEMENT PROGRAM

That Council:

1. note the 2019/20 Budget includes an allocation of \$266,611 for the implementation of the Town's draft Business Improvement Plan;
2. request that no expenditure be incurred against this project until the Business Improvement Plan has been formally considered by Council.

PART J – WORKFORCE PLAN

That Council:

1. note the 2019/20 Budget includes funding for additional staff requirements as discussed in the draft Workforce Plan ;

2. request that no additional permanent full-time staff be appointed until such time as Council as formally considered the Workforce Plan.

(CARRIED BY AN ABSOLUTE MAJORITY)

12.1.3 Community Assistance Grants and Sponsorship Program – 2019-2020

File ref	A/CFG1
Prepared by	Karen Dore, Economic & Community Development Officer
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. CAG Advisory Group Minutes dated 26/06/19 2. Tingira Request

Purpose

Council is requested to consider endorsing the recommendation from the Community Grants Advisory Group meeting, held on 26 June 2019, to approve the nine (9) proposed Community Assistance Grants 2019-2020 requests. Note: the application from “Tingira” was not included within the considerations, refer to Officers Comment.

Executive Summary

The Community Grants Advisory Group met on 26 June 2019 to assess nine (9) submissions received under the Community Assistance Grants (CAG) Program, 2019-2020.

East Fremantle Bowling Club	\$450.00	equipment
East Fremantle Cricket Club	\$2,880.00	infrastructure
East Fremantle Junior Cricket Club	\$2,085.00	equipment
East Fremantle Lacrosse Club	\$1,250.00	safety
equipment		
East Fremantle Lawn Tennis Club	\$1,500.00	infrastructure
East Fremantle Probus Club	\$944.00	equipment
Fremantle Swan Dragon Boat Club	\$900.00	equipment
Hurricane Dragon Boat & Outrigger Canoe Club	\$1,350.00	equipment
Lions of East Fremantle	\$998.00	equipment
	<u>\$12,357.00</u>	

The Advisory Group members in attendance, being elected member Mayor Jim O’Neill and Town Staff, Chief Executive Officer Gary Tuffin and Executive Manager Corporate Services Peter Kocian, discussed all nine (9) submissions and recommended that them all for funding (as above).

Community member, John Chisholm, was unwell but submitted his feedback via email.

Background

The Community Grants and Sponsorship Policy and the Community Assistance Grants Program were adopted by Council in June 2016 to provide an orderly and consistent way of dealing with small funding requests on an annual basis. The program was introduced for the first time in 2016-2017 financial year and the following allocations have been made to date:

- 2016-2017 \$ 9,305.00 (one round)
- 2017-2018 \$ 9,699.00 (two rounds)
- 2018-2019 \$20,000.00 (three rounds)

Consultation

Local community groups were informed of the opportunity through the following mediums;

- Town's email newsletter
- Direct email (initial and follow-up, plus 'closing' reminder)
- Town Facebook page
- Town Website
- One-on-One meetings

Statutory Environment

Not applicable.

Policy Implications

1.2.2 Community Grants and Sponsorship

Financial Implications

An allocation of \$15,000 is included in the draft 2019-2020 budget, this amount is sufficient to cover funding the recommended applications.

Strategic Implications

Community Strategic Plan 2017-2027:

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 belonging through inclusive community interaction and participation*

1.2 Inviting open spaces, meeting places and recreational facilities

- 1.2.1 *Provision of adequate recreational, sporting and social facilities*
- 1.2.2 *Activate inviting open spaces that encourage social connection*

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 for people to people to develop community connections and foster local pride*
- 1.3.3 *Enrich identity, culture and heritage through programs, events and celebrations*
- 1.3.4 *Facilitate community group capacity building*

Site Inspection

Not applicable.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not agree to endorse the recommendation of the Community Assistance Grants Advisory Group.	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

Risk Matrix

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

Comment

The Community Assistance Grants Advisory Group were fully agreeable to the recommendation of all nine (9) submissions, being;

- East Fremantle Bowling Club \$450.00
- East Fremantle Cricket Club \$2,880.00
- East Fremantle Junior Cricket Club \$2,085.00
- East Fremantle Lacrosse Club \$1,250.00
- East Fremantle Lawn Tennis Club \$1,500.00
- East Fremantle Probus Club \$944.00
- Fremantle Swan Dragon Boat Club \$900.00

• Hurricane Dragon Boat & Outrigger Canoe Club	\$1,350.00
• Lions of East Fremantle	\$998.00
	<u>\$12,357.00</u>

It is noted in the Minutes that there should be consideration of an amendment to the guidelines to clarify that ongoing support will not be available for annually consumable items as it was felt that, in effect, this was subsidising members and players rather than building the capacity of the Club.

With regards to the request from Tingira. 2020 is the sixtieth anniversary of the first intake of HMAS Leeuwin Junior Recruits. The Tingira Australia Association are currently planning a large-scale event, "2020 JR Reunion", as the opportunity for a final reunion for the 13,000 junior recruits (aged 15) who were temporary residents in East Fremantle between 1960 and 1984. The event, to be held from 9 to 13 July 2020, is supported and backed by the current Chief of Navy and the Department of Veteran Affairs. The last reunion attracted over 2,000 members.

There is currently a proposal that the welcome event be held at Leeuwin Barracks on Thursday 9 July 2020. The request for support was one of 'sponsorship' to assist with overall costs rather than to finance a specific item or element of the event. As such, an amount of \$2,000 would be a generous show of support, and this contribution is fully endorsed by the administration.

Sponsoring and being involved with this initiative will afford the Town of East Fremantle the opportunity to connect with past residents, albeit temporary, and gather additional information for the "Streets of East Freo" website, to further expand this important heritage reference.

12.1.3 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 050719

Moved Cr Nardi, seconded Cr Watkins

The Community Grants Advisory Group recommends that Council:

1. fund the following grant applications:

- \$ 450.00 East Fremantle Bowling Club
- \$ 2,880.00 East Fremantle Cricket Club
- \$ 2,085.00 East Fremantle Junior Cricket Club
- \$ 1,250.00 East Fremantle Lacrosse Club
- \$ 1,500.00 East Fremantle Lawn Tennis Club
- \$ 944.00 East Fremantle Probus Club
- \$ 900.00 Fremantle Swan Dragon Boat Club
- \$ 1,350.00 Hurricane Dragon Boat and Outrigger Canoe Club
- \$ 998.00 Lions of East Fremantle
- \$ 2,000.00 Tingira Australia Association
- \$14,357.00 Total

2. advise all applicants of the outcomes.

(CARRIED UNANIMOUSLY)

12.1.4 Application for Rates Exemption

File ref:	F/RAT1
Prepared by:	Jessica Melia, Rates Officer
Supervised by:	Peter Kocian, Executive Manager Corporate Service
Meeting Date:	16 July 2019
Voting requirements:	Simple Majority
Documents tabled:	Nil
Attachments:	<ol style="list-style-type: none">1. Application for Rates Exemption, Foundation Housing Ltd, Assessment Number A14940 (Confidential Attachment)2. Policy 4.2.9 Rates Exemption – Amended3. Delegation DA78

Purpose

This report is to seek Council's decision on an application for Rates Exemption from Foundation Housing Pty Ltd under the provisions of the *Local Government Act 1995 - Section 6.26 (2) (g) - land used exclusively for "Charitable purposes"*

In addition it is also requested that Council amend Policy 4.2.9, Rates Exemption to delegate various powers under the Local Government Act 1995 to the Chief Executive Officer (CEO) to determine rate exemption applications in accordance with the Policy.

Background

Foundation Housing Ltd has a Community Housing Agreement with the Housing Authority for the management of A14940, 54 King Street, East Fremantle. The use of the land aims to alleviate poverty by providing affordable housing to people classified as being in poverty, who may be homeless, socially marginalised or otherwise disadvantaged.

Section 6.26 (2) (g) of the *Local Government Act* provides Rates Exemption to land used "exclusively for charitable purposes". Whilst the Act stipulates that where an organisation or individual uses land for charitable purposes, the owners of the land can be exempted from paying local government rates, the Act does not provide a clear definition of what constitutes a charitable purpose.

The definition of charitable purposes was introduced by the Statute of Elizabeth enacted by the English Parliament in 1601 and the Judgement Lord Macnaghten in *Commissioners for the Special Purpose of Income Tax v Pemsel*. The preamble to the Act contained a list of purposes or activities that was, in effect, a list of purposes or activities that the State believed were of general benefit to society, and to which the State wanted to encourage private contributions. The list has formed the foundation of the modern definition of charitable purposes, which has developed through case law.

The definition of charitable purposes is summarised as follows:

- Trusts for the relief of poverty
- Trusts for the advancement of education
- Trusts for the advancement of religion; and
- Trusts for other purposes beneficial to the community:

Each local government has the responsibility to assess and decide on applications from organisations seeking an exemption from paying rates. The types of land uses generally considered to be of a charitable nature include community housing, accommodation for the aged, people with disabilities, disadvantaged persons etc.

An applicant is required to provide evidence of their right to an exemption of rates under *Section 6.26 of the Local Government Act 1995* by providing information upon which the local government can make an objective assessment as to their eligibility. In the case of a charitable land use, *Section 6.26(2)(g)* of the Act does not establish an 'as of right' entitlement to a rate exemption on the basis of a claimant organisation's structure, purpose, objectives or the apparent land use.

Comment

Application process

An applicant applying to the Town for rates exemption must apply in writing, complete the Town's application for exemption and provide any supportive documentation according to the checklist on the form. The following documents are required to be submitted for consideration:

- Application for Rates Exemption
- Copy of Lease, if property is leased
- Building plans, detailing leased areas
- Certificate of Incorporation
- Certificate of Tax Exemption
- Copies of two years' worth of financial statements
- A statement detailing the nature of the organisation, income received by the organisation, details of any commercial activities and how profit is utilised and distributed by the company.
- Copy of the organisations constitution

Making a Determination

Once the application is returned, consideration is then given to determining whether non-rateable status applies, or is to be declined. Local governments may do this in two ways. The local government may delegate authority for a rate exemption application to be determined by the CEO or the Executive Manager Corporate Service. Council currently has not delegated the responsibility. In the absence of a delegation, applications are to be referred to Council together with an Officer recommendation to either approve or decline the request.

If the application is refused, the applicant will need to be notified in writing of the decision. Where the application is refused, the applicant may object under *s. 6.76 of the Local Government Act 1995* to the rate record of the local government in question, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under *s. 6.76* to the State Administrative Tribunal (SAT).

Properties exempt from local government rates are not exempt from ESL (Emergency Services Levy). Regulation 5 of the *Fire and Emergency Services Regulations 1998* specifies land that is exempt for the ESL.

Statutory Environment

Local Government Act 1995 - Sect 6.26

(1) *Except as provided in this section all land within a district is rateable land.*

- (2) *The following land is not rateable land —*
- (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999 ; and*
 - (g) *land used exclusively for charitable purposes; and***
 - (h) *land vested in trustees for agricultural or horticultural show purposes; and*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*

Policy Implications

Council has a current Policy that deals with rate exemptions. The policy has been specifically developed for charitable rate exemptions, which outlines the application process and the eligibility criteria. The Policy outlines that applicants who have been approved for rates exemption are required to reapply for a rates exemption each year, in accordance with the Charitable Rate Exemption Policy.

It is recommended that Council approve the Officer's recommendation, to amend the current policy to delegate the following powers to the Chief Executive Officer to allow for efficient implementation of rate exemption applications. The proposed new delegation is attached (Attachment 3).

Council can seek a review of the Town's rates exemptions on a three year basis to ensure those properties being approved for rates exemption are being provided charitable purposes.

Financial Implications

The calculated general rates for Assessment Number A14940 for the 2019/20 year is tabled below.

Property	Annual rates levied
A14940	\$2146

Should the application for rates exemption be refused the applicant may appeal the decision. The appeal would be heard by the State Administrative Tribunal (SAT) and would require the attendance of relevant staff members and could incur potential legal costs. Previous findings of decisions resulting in rates exemption applications taken to SAT indicate that if the rateable land in question is proved to be of public benefit the cases were found in favour of the defendant.

The Town currently charges general rates on 43 properties owned by the Housing Authority. Should Council resolve to proceed with the officer's recommendation there may be a future impact on revenue associated with rates from properties owned by the Housing Authority, should the Housing Authority continue with lease arrangements with non for profit Community Housing Organisations.

As noted above Foundation Housing Ltd and Access Housing Ltd have applied for rates exemption under *Section 6.26 (g) of the Local Government Act*. The use of the property is for the provision of low rent affordable housing to those most in need with support provided to those classified as disability or crisis tenants.

In considering applications for rates exemptions it should be noted that all applicants applying for rates exemptions will be required to pay for a service of waste collection and will not be exempt from paying the Emergency Services Levy.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not approve the rates exemption which may result in an appeal to the State Administrative Tribunal	Rare (1)	Moderate (3)	Low (1-4)	REPUTATIONAL Substantiated, low impact, low news item	Accept Officer Recommendation

Risk Matrix

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

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

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

Strategic Implications

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

Strategic Priority 3: Built Environment

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

3.1 Facilitate sustainable growth with housing options to meet future community needs

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060719

Moved Cr Natale, seconded Cr Harrington

That Council:

1. pursuant to section 6.26 (g) of the *Local Government Act 1995*, approve:
 - (i) the Application for Rates Exemption submitted by Foundation Housing Ltd, relating to property A14940, with the exemption to be valid for the 2019/20 financial year.
 - (ii) the amendment of Policy 'Charitable Rate Exemptions' as presented to include a delegation to the Chief Executive Officer to determine rate exemption applications in accordance with the Policy
2. impose the following fees, pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007* for the removal and disposal of waste

Description	Fee
FOGO Waste Service	\$500

(CARRIED UNANIMOUSLY)

12.2 GOVERNANCE

The Mayor advised that Cr Natale had lodged a disclosure of indirect financial interest in the following item (Closely Associated Person s5.62(1)(b)) as the City of Cockburn was his employer. Given there would be no quorum if Cr Natale vacates the meeting, it is recommended that this item be held over to the August Council Meeting.

PROCEDURAL MOTION

Moved Cr Nardi, seconded Cr Watkins

That this matter (Report 12.2.1) be deferred to the August Council Meeting.

(CARRIED UNANIMOUSLY)

12.2.1 Southern Metropolitan Regional Council Withdrawal Arrangements for a Project Participant (City of Cockburn)

File ref	H/HRW3
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Office Accommodation Project Amended Business Plan 2. Draft letter to WATC & SMRC

Purpose

In accordance with the Establishment Agreement and Project Agreements of the Southern Metropolitan Regional Council (SMRC), an Amended Business Plan for the Office Accommodation Project has been prepared following the withdrawal of the City of Cockburn effective from 30 June 2019.

Executive Summary

To consent to the City of Cockburn being retired from its obligations under the \$2 million secured lending facility (known as the Office Project Loan) from 30 June 2019.

The impact of the City of Cockburn's withdrawal is to change the proportion of annual participant contributions and spreads the City's contribution across the remaining Project Participants proportionately.

This will result in the Town's;

- annual project contribution increasing from \$1,565 (30/06/19) to \$2,485 (30/06/20).
- loan liability increasing from 2.68% (48,164) to 4.25% (\$76,458).

Background

The Town of East Fremantle is a participant in the SMRC which is a statutory local government authority for providing environmentally sustainable waste management solutions for the communities of East Fremantle, Fremantle, Kwinana and Melville.

In May 2003, the Regional Council adopted the Office Project Business Plan for the purposes of purchasing office accommodation. All its Member Councils entered into a Project Participants Agreement as a joint investment venture.

In 2004, the SMRC purchased freehold land and building situated at 9 Aldous Place, Booragoon, Western Australia for its administration office. The property was purchased with an Interest only loan facility of \$2,000,000, of which only \$1,800,000 was drawn down.

The City of Cockburn gave notice of its intention to withdraw from the SMRC on 10 May 2018, resulting in an effective withdrawal date of 30 June 2019.

As a result of the notice of withdrawal of a Project Participant, in accordance with clause 2.6 of the Office Project Participants' Agreement, the SMRC prepared an Amended Business Plan for that project.

In addition to the above, in accordance with Clause 2.7, the SMRC has determined the amount equal to the value of all assets of the Office Project less the amount of all borrowings and other liabilities with respect to the Office Project. The proportional entitlement of the withdrawing project participant is then to be applied to this amount. Following quantification of the proportional entitlement, SMRC is to distribute to or collect from the withdrawing project participant the relevant amount.

Consultation

Southern Metropolitan Regional Council (SMRC)
Executive staff of Cities of Fremantle and Melville and Town of Kwinana.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Annual Contribution

The impact of the City of Cockburn's withdrawal is to change the proportion of annual participant contributions and spread the City's contribution across the remaining Project Participants proportionately.

The following table indicates the change in annual member contribution proportions to 31 December 2020 assuming the building is sold and the loans fully repaid on 31 December 2020:

Project Expenses	01 Jul 18 30 June 19	1 July 19 29 June 20	30 June 20 29 June 21
Loan Interest Payment	58,500	58,500	29,250
Participants' Contribution			
Cockburn	22,037		
East Fremantle	1,565	2,485	1,216

Fremantle	6,156	9,767	4,902
Kwinana	8,389	13,591	7,019
Melville	20,353	32,656	16,114
Total Income	58,500	58,500	29,250

If the loans are re-financed on 31 Dec 2020 the participants' contribution will be based on the prevailing interest rates applicable for the term of the loan.

Loan Capital Contribution

The change in contingent liability in FY20 for the remaining Project Participants (percentage and dollar changes) is provided in the following table:

Impact of Cockburn's withdrawal on loan liability proportionments				
	FY 19		FY20	
	%	\$	%	\$
Cockburn	37.67	678,052	0.00	-
East Fremantle	2.68	48,164	4.25	76,458
Fremantle	10.52	189,402	16.70	300,529
Kwinana	14.34	258,132	23.23	418,199
Melville	34.79	626,250	55.82	1,004,814
Total	100.00	1,800,000	100.00	1,800,000

A recent (09/04/19) market valuation of the property was undertaken which valued the property at \$1,600,000.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not agree.	Rare (1)	Minor (2)	Low (1-4)	REPUTATIONAL Unsubstantiated, low impact, low profile or 'no news' item	Accept Officer Recommendation

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	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

Strategic Priority 4 – Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity

4.2 Enhance environmental values and sustainable natural resource use

4.2.1 Reduce waste through sustainable waste management practices

STRATEGIC PRIORITY 5: Leadership and Governance

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

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services.

5.2 Proactively collaborate with the community and other stakeholders

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

Site Inspection

Not applicable.

Comment

The SMRC has now completed the final calculations and has reported that the City of Cockburn's liability based on proportional entitlement or liability for the Office Project is as follows:

2019 Market Valuation		1,600,000
Office Reserve		250,000
Less winding up costs		-110,000
Less Loan		-1,800,000
Balance		-60,000
Participants' Share based on past contributions		
Cockburn	35.42%	-21,252
East Fremantle	2.84%	-1,704
Fremantle	10.98%	-6,588
Kwinana	11.81%	-7,086
Melville	38.95%	-23,370
Total Income	100.00%	-60,000

The details are contained in the Amended Business Plan attached.

In accordance with Clause 2.7, the SMRC has determined the amount as a deficit of \$60,000. The proportional liability of the withdrawing project participant is \$21,252 and the SMRC is to collect from the withdrawing project participant the relevant amount.

The office project has a loan with the Western Australian Treasury Corporation (WATC). The loan agreement requires continuing participants to give consent to allow withdrawing participants to retire from their obligations to pay the debt.

As there is no longer an obligation for the City of Cockburn to pay any further loan repayments under the Project Agreement, it is recommended that the Town of East Fremantle resolve to consent and instruct the SMRC to issue a new share percentage to the WATC as part of the withdrawal process.

The SMRC is to notify the WATC of the percentages by furnishing a new Exhibit 'B' certificate with the following revised percentage shares.

Southern Metropolitan Regional Council hereby certifies that as at the date hereof, the Share of the Facility (expressed as a percent) owed by each Participant is as follows:

Name of Participant	Old Share	New Share
City of Cockburn	37.70%	
City of Fremantle	10.50%	16.70%
City of Melville	34.80%	55.82%
Town of East Fremantle	2.70%	4.25%
City of Kwinana	14.30%	23.23%
TOTAL	100.00%	100.00%

The proportional share in the asset investment will also increase by these new percentages.

Authority is now sought from Council for the Chief Executive Officer to sign the letter in Attachment 2, which has been prepared by the WATC as a requirement for the consent to retire the City of Cockburn from the lending facility for the SMRC Office project.

OFFICER RECOMMENDATION

That:

1. Council consents that the City of Cockburn be retired from its obligations under the \$2 million secured lending facility (known as the Office Project Loan) between the Western Australian Treasury Corporation, the Participants and the Southern Metropolitan Regional Council from 30 June 2019.
2. Council authorises the Chief Executive Officer to sign the Western Australian Treasury Corporation (WATC) & South Metropolitan Regional Council (SMRC) letter provided in Attachment 2.
3. the Southern Metropolitan Regional Council be requested to submit a revised Exhibit B Certificate to the Western Australian Treasury Corporation as required under the terms and conditions of the Loan Agreements specified in (1) above indicating the new percentages of the debt being apportioned to the remaining participants following the withdrawal of the City of Cockburn effective 30 June 2019.

12.2.2 Delegation DA35 Ordering Thresholds

File ref	C/DEL1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 July 2019
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Purpose

To approve the inclusion of a \$500 purchasing authority to the Assistant Coordinator of the Commonwealth Home Support Program (CHSP) (formerly HACC).

Executive Summary

That the Assistant Coordinator CHSP be granted purchasing authority to \$500 and Council's:

- Delegation DA35 Ordering Thresholds; and
- Procedures Attachment to Purchasing Policy (4.2.4)

be amended to reflect this inclusion.

Background

With a recent reshuffle of staffing within the CHSP based at the East Fremantle Tricolore Community Centre, it would improve efficiency for the Assistant Coordinator to be granted a small (\$500) purchasing authority. The Coordinator currently has a \$1,500 purchasing limit.

Consultation

Nil.

Statutory Environment

Sections 5.42 and 5.16 of the *Local Government Act*.

Policy Implications

The new purchasing authority would need to be included in the purchasing procedures attached to Purchasing Policy (4.2.4).

Financial Implications

Nil.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Purchasing Authority not be provided impacting day to day operations	Rare (1)	Minor (2)	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	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

Strategic Priority 5: Leadership and Governance

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

5.3.2 Improve organisational systems with a focus on innovation

Site Inspection

Not applicable.

Comment

This request is considered of a minor nature and will improve efficiencies at the Centre.

12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070719

Moved Cr Nardi, seconded Cr Harrington

That the Assistant Coordinator CHSP be granted purchasing authority to \$500 and Council's:

- **Delegation DA35 Ordering Thresholds; and**
- **Procedures Attachment to Purchasing Policy (4.2.4)**

be amended to reflect this inclusion.

(CARRIED BY AN ABSOLUTE MAJORITY)

12.2.3 2019 Community Scorecard

File ref	A/COM1
Prepared by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. MARKYT Community Scorecard 2019

Purpose

To receive and note the results of the 2019 Community (Perception) Scorecard Survey results.

Executive Summary

Since 2014 Council has every two years engaged CATALYSE to undertake a MARKYT Community (Perception) Scorecard Survey to evaluate community priorities, and measure Council's performance against key indicators in the Strategic Community Plan. The results of the survey are benchmark against the other 60 participating local governments across WA.

The Town has performed very well over the past two years, with an overall performance score of 78 out of 100, now placing it as the 2nd highest performing council in this index.

The Town has improved in 39 performance measures over the past two years.

Background

Since 2014 Council has, every two years, engaged CATALYSE to undertake a Community Scorecard Survey, to evaluate community priorities, and measure Council's performance against key indicators in the Strategic Community Plan.

The survey was undertaken in February 2019 via direct post out to each household and electronically via the Town's contact database. In total, 642 responses were received, this represents an approximate participation rate of 19% of households.

Consultation

Presentation to Elected Members 3rd April 2019.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
No identified risk – information item only	Rare (1)	Minor (2)	Low (1-4)	REPUTATIONAL Unsubstantiated, low impact, low profile or 'no news' item	Accept Officer Recommendation

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	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

The results of this survey will be used to measure the Town's success against the objectives (1.1, 1.2, 1.3, 2.1, 3.1, 4.1 & 5.1) set out in its Strategic Community Plan 2017 – 2027.

Site Inspection

Not applicable.

Comment

The Town has performed very well over the past two years

- Overall performance score is 78, making it the second highest performing council.
- As a place to live, the performance index score is 92 out of 100, 15 index points above the MARKYT® Industry Standard.
- As a governing organisation, the performance index score is 63; 7 index points above the MARKYT® Industry Standard.

- The Town received a high Net Promoter Score of +40. (Scored between (-100) to 100, Industry standard (-4).

The Town's highest performing areas are waste collection services and the area's character and identity.

The Town has improved in **39 performance measures over the past two years**. The biggest improvers were:

- *Access to housing options in the local area that will meet your needs in 5-10 years*
- *Footpaths and cycleways*
- *Traffic management*
- *The Town's social media presence on Facebook*
- *Safety and security*

In summary, the report identified the community would like the Town to continue its focus on 2 key priorities:

1. *Streetscapes – with greater commitment to protecting, planting and maintaining street trees and ensuring local streets are kept tidy and inviting.*
2. *Footpaths and cycleways – with improved maintenance of footpaths and better bicycle infrastructure and connectivity.*

Many of the other suggested actions by the community contained within pages 83 – 91 of the report are currently being addressed with the development of the following strategic documents;

- Integrated Traffic Management and Movement Strategy – completion date August 2019
- Urban Streetscape and Public Realm Style Guide – completion date August 2019
- Preston Point Road North Recreation Facilities Master Plan – completion date August 2019
- Fremantle Oval Revitalisation Project – Value Logic Mapping – December 2019
- Housing Strategy 2019 – Completed
- New Local Planning Strategy 2019 – Completed in draft
- Local Commercial Centre Strategy 2019 – to be undertake during 2019/20.

The information contained within the survey report will be used to inform and assess the Town's performance against our Strategic Community Plan.

12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080719

Moved Cr Watkins, seconded Cr Harrington

That Council receives and notes the 2019 Community Scorecard Survey results.

(CARRIED UNANIMOUSLY)

12.2.4 PEXA Authorisations and Verification of Identity/Authority to Use the Common Seal

File ref	A/LOM1
Prepared by	Janine May, PA to Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	16 July 2019
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Letter from McLeods

Purpose

To provide:

1. authorisation to allow McLeods to sign Landgate documents on the behalf of the Town.
2. authority for the Mayor and Chief Executive Officer to sign and affix the Common Seal to the application form for the issue of a new Certificate of Title for Lot 1714 on Deposited Plan 160869 Vol 196 Folio 52 (Town Hall).

Executive Summary

1. Specific documents such as Withdrawal of Caveats, Caveats and Transfer of Lands are now required to be lodged through the electronic lodgement network operator (PEXA). In order for McLeods to transact electronically on the Town's behalf Council is required to complete a client authorisation form.

It is recommended that Council grant McLeods a Standing Authority to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf without the need to request additional authorisation.

2. Whilst preparing documentation for the grant of easement through the Council carpark (Town Hall) for Main Roads WA, the original Certificate of Title could not be located.

It is recommended that Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Application for new Certificate of Title for Lot 1714 on Deposited Plan 160869 Vol 196 Folio 52 (Town Hall).

Background

McLeods have provided the following information regarding the PEXA system:

PEXA is affiliated with Landgate and is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online. Landgate documents that are lodged electronically occur in real time. This means that a purchaser/caveator's interest will be registered against the title immediately at settlement rather than days or weeks after, as it takes currently, due to Landgate examination and processing.

As electronic conveyancing through PEXA is now mandatory for a number of Landgate documents, Council is required to complete a client authorisation form to allow McLeods to transact electronically on its behalf.

Previously, for the Town to buy or sell land/property McLeods required Council to sign a Transfer of Land document. Similarly, the Town signed all Withdrawal of Caveat documents. Upon receipt of the signed documents, a representative of McLeods would attend Landgate in Perth to lodge

the documents for registration. This authority will allow McLeods to sign these documents on the Town's behalf. These Landgate forms are no longer used as in most circumstances all information is submitted through PEXA making paper documents redundant.

McLeods have provided three options in granting this Authority. It is important to note that the Town has the right to revoke its authorisation at any time:

1. Standing Authority

By selecting Standing Authority with no revocation or expiry date the Town is permitting McLeods to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf without the need for further authorisation from the Town.

2. Standing Authority with expiry date

By selecting Standing Authority and entering a date in which the authority expires, the Town is permitting McLeods to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf without the need for further authorisation from the Town until the expiry date at which time McLeods will need to request additional authorisation.

3. Specific Authority

By selecting Specific Authority the Town is only providing its authorisation for a Withdrawal of Caveat, Caveat and/or Transfer of Land associated with a particular matter. The Town should choose this option if it wishes to complete a client authorisation for each individual matter as they arise.

Consultation

Nil.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

In addition to the standard Landgate document lodgement fees, PEXA charge a fee per document.

- Transfer of Land (one title) - \$112.64
- Withdrawal of Caveat (one title) - \$15.84
- Caveat (one title) - \$15.84

Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
It will not be possible to lodge documents (Caveats, Withdrawal & Transfers) with Landgate.	Unlikely (2)	Minor (2)	Low (1-4)	SERVICE INTERRUPTION Short term temporary interruption - backlog cleared < 1 day	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	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

Strategic Implications

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

Strategic Priority 5 – Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency and effectiveness of services.

Site Inspection

Not applicable.

Comment

As part of this process, PEXA requires the identity of the person who signs the authority to be verified. Due to fraud cases linked to identity theft, Landgate now requires lawyers and

conveyancers to verify the identity of their clients prior to registering any Withdrawal of Caveat and Caveat document. As the Mayor and CEO have the authority to sign Landgate documents and have signed the most recent documents on the Town's behalf, they are currently undertaking the required identity check.

It is recommended that Authority Option 1 be adopted given that this authority can be withdrawn at any time.

12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090719

Moved Cr Watkins, seconded Cr Harrington

That Council:

- 1. authorise the Mayor and Chief Executive Officer to sign and return the PEXA Authorisation Form to appoint McLeods (Barristers & Solicitors) to act on its behalf.**
- 2. grant McLeods (Barristers & Solicitors) a Standing Authority to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf.**
- 3. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Application for a new Certificate of Title for Lot 1714 on Deposited Plan 160869 Vol 196 Folio 52 (Town Hall).**

(CARRIED UNANIMOUSLY)

13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil.
14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
Nil.
15. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil.
16. **NEW BUSINESS OF AN URGENT NATURE**
Nil.
17. **MATTERS BEHIND CLOSED DOORS**
Nil.
18. **CLOSURE**
There being no further business, the Presiding Member declared the meeting closed at 7.09pm.

I hereby certify that the Minutes of the meeting of the Council of the Town of East Fremantle, held on 16 July 2019, Minute Book reference 1. to 18. were confirmed at the meeting of the Council on

20 AUGUST 2019



Presiding Member