



# AGENDA

## Council Meeting

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Tuesday, 18 May 2021 at 6.30pm

### **Disclaimer**

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

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

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

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## Procedure for Deputations, Presentations and Public Question Time at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

Deputations	Presentations
A formal process where members of the community request permission to address Council or Committee on an issue.	An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.

### Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Mayor or an appropriate Councillor.

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### **Procedure for Public Question Time**

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to three (3) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Town of East Fremantle Local Government (Council Meetings) Local Law 2016*:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by **5pm on the day before the meeting and be signed by the author**. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

**During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**

**Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**

**Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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**NOTICE OF MEETING**

Elected Members

An Ordinary Meeting of the Council will be held at 6.30pm on Tuesday, 18 May 2021 in the Council Chamber, 135 Canning Highway, East Fremantle and your attendance is requested.



GARY TUFFIN  
Chief Executive Officer

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**AGENDA**

- 1. OFFICIAL OPENING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**  
*"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."*
- 3. ANNOUNCEMENT TO GALLERY**  
*"Members of the gallery are advised that 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**
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  - 4.3 Approved**
- 5. DISCLOSURES OF INTEREST**
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- 6. PUBLIC QUESTION TIME**
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  - 6.2 Public Question Time**
- 7. PRESENTATIONS/DEPUTATIONS**
  - 7.1 Presentations**  
Nil.

**7.2 Deputations**

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 Meeting of Council (20 April 2021)**

**9.1 OFFICER RECOMMENDATION**

That the minutes of the Ordinary meeting of Council held on Tuesday, 20 April 2021 be confirmed as a true and correct record of proceedings.

**10. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**11. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**  
Nil.

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**12. REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**12.1 Town Planning Committee Meeting (4 May 2021)**

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	20 April 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Town Planning Committee Minutes 4 May 2021

**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 4 May 2021, exercised its delegation in six statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

**Consultation**

Town Planning Committee.

**Statutory Environment**

Nil.

**Policy Implications**

Nil.

**Strategic Implications**

Nil.

**Site Inspection**

Not applicable.

**Comment**

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

**12.1 COMMITTEE RECOMMENDATION**

**That the unconfirmed Minutes of the Town Planning Committee Meeting, held on 4 May 2021 be received.**

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TOWN OF  
EAST FREMANTLE

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# MINUTES

## Town Planning Committee

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Tuesday, 4 May 2021 at 6.30pm

### 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 OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY, 4 MAY 2021.**

**1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS**

Presiding member opened the meeting at 6.30 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 Committee decision from tonight's meeting will be communicated or implemented until 12 noon on the first clear working day after this meeting".*

**4. RECORD OF ATTENDANCE**

**4.1 Attendance**

The following members were in attendance:

Cr C Collinson	Presiding Member
Mayor J O'Neill	
Cr J Harrington	
Cr A Natale	
Cr D Nardi	
Cr A Watkins	

The following staff were in attendance:

A Malone	Executive Manager Regulatory Services
J Bannerman	Planning Officer

There were no members of the public in attendance.

**4.2 Apologies**

Nil

**4.3 Leave of Absence**

Nil

**5. MEMORANDUM OF OUTSTANDING BUSINESS**

Nil

**6. DISCLOSURES OF INTEREST**

**6.1 Financial**

Nil

**6.2 Proximity**

Nil

**6.3 Impartiality**  
Nil

**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 (6 April 2021)**

**9.1 OFFICER RECOMMENDATION**

Moved Cr Harrington, seconded Cr Nardi

That the minutes of the Town Planning Committee meeting held on 6 April 2021 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

**10. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

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**11. REPORTS OF COMMITTEES**

**11.1 Community Design Advisory Committee (12 April 2021)**

<b>Prepared by:</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Supervised by:</b>	Gary Tuffin, Chief Executive Officer
<b>Authority/Discretion:</b>	Town Planning Committee
<b>Attachments:</b>	1. Minutes of the Community Design Advisory Committee meeting held on 12 April 2021

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**PURPOSE**

To submit the minutes of the Community Design Advisory Committee meeting held on the 12 April 2021 for receipt by the Town Planning Committee.

**EXECUTIVE SUMMARY**

The Committee, at its meeting held on 12 April 2021, provided comment on planning applications listed for consideration at the 4 May 2021 Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

There is no further action other than to receive the minutes.

**11.1 OFFICER RECOMMENDATION**

**Moved Cr Natale , seconded Cr Nardi**

**That the Minutes of the Community Design Advisory Committee meeting held on 12 April 2021 be received.**

(CARRIED UNANIMOUSLY)

## **12. REPORTS OF OFFICERS (COMMITTEE DELEGATION)**

### **12.1 Reserve 7800 Petra Street Proposed viewing tunnel and fenced pedestrian strip – East Fremantle Lawn Tennis Club**

<b>Owner</b>	Town of East Fremantle
<b>Applicant</b>	East Fremantle Lawn Tennis Club
<b>File ref</b>	P12/21, R/RSB3
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	4 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 24 February 2021</li><li>4. Community consultation checklist</li></ol>

#### **Purpose**

The purpose of this report is for Council to consider an application for a proposed viewing tunnel and fenced pedestrian safety strip at the East Fremantle Lawn Tennis Club located at Reserve 7800 (Lot 15722) Petra Street, East Fremantle, to be determined by the Department of Biodiversity, Conservation and Attractions.

#### **Executive Summary**

The applicant is seeking Council support for a viewing tunnel and fenced pedestrian safety strip at the East Fremantle Lawn Tennis Club for the southern length of the 5 hard court tennis courts located on the north western corner of the tennis club and through the club's carpark.

Under the Swan and Canning Rivers Management Act, the Department of Biodiversity, Conservation and Attractions (DBCA) is the determining authority for proposed developments in areas abutting the Swan River. However, since the subject site is on land reserved for 'Parks and Recreation' and the facility operates under a lease issued by Council to the tennis club, it is necessary for Council to consider its position in respect to the application.

It is considered that the proposal can be supported subject to conditions.

#### **Background**

Zoning: Reserved for parks and recreation

Site area: 2600m<sup>2</sup>

#### Previous Decisions of Council and/or History of an Issue or Site

P102/20 – support for installation of solar panels & referred to DBCA - 29 September 2020

Support for alterations and additions to clubhouse & referred to DBCA – 5 November 2019

#### **Consultation**

##### Advertising

The application was advertised to surrounding landowners from 9 March to 24 March 2021. A total of 4 submissions were received following advertising.

Submission	Applicant Response	Officer Response
<p><b>Submission 1</b></p> <p>I have some concerns I wish to address.</p> <p>Thank you for this opportunity to provide feedback. We have reviewed the development application. We have a concern that relates to the way the structures might look at the back of them and across the top of them from the Preston Point Road and Richmond Hill aspect. We do not wish the tunnel to look like intermittent black blocks that detract from the current wonderful open and unobstructed view across the club and parklands, the views that all of the public enjoy from Preston Point Road and surrounding footpaths on the hill. We request that the tunnel aesthetics are considered in this way. A possible solution would be to cover the tunnels in a suitable green coloured shade cloth to blend into the river bush land views - rather than a stark eye-catching black shade cloth. thank you.</p>	<p>The tunnel aesthetics, including its impact on the view from Preston Point Road have been a prime consideration for this design.</p> <p>The proposed shade cloth colour is green (same as current shade-cloth used in front of the Clubhouse), and overhead only (not on vertical surfaces). New fences are lower than existing fences and will be constructed with the same material as existing.</p>	<p>Noted. The shade cloth that will be utilised will be green in colour. The proposed structures will be lower than the existing fences that surround the tennis courts.</p>
<p><b>Submission 2</b></p> <p>I object to the proposal.</p> <p>We object to any permanent structure due to obstruction of visibility to river from our property for courts that rarely have any players or spectators.</p> <p>Concern that shade-cloth or other obstructing material will be also placed along walls of structure, as shown in plans on the first court next to car park.</p> <p>Recent use of gazebo's appears to be for a handful of people and only used on perhaps 3 occasions and appears more than adequate.</p> <p>Observation of court use indicates player use is rare during mid-week and minimal on weekends and does not require permanent roofing structures. Suggest a new design to have temporary shade cover rolled out as and when required on courts being used rather than across all courts.</p> <p>Note - we do not object to the proposed safety walkway for children's access.</p>	<p>There will be no obstructing material placed along walls. The reference to the obstruction "<i>...as shown in plans on the first court next to car park.</i>" is in fact an <u>existing</u> brick wall, and not part of this proposal.</p> <p>The overhead shade cloth will be removable and we anticipate removing it during winter months.</p>	<p>Noted. This application only refers to the proposed viewing tunnel and fenced pedestrian strip. A condition will be imposed that will not permit any solid surfaces including advertising to be attached to the proposed structure. The proposed viewing tunnel will only be for the tennis courts located adjacent to the hard courts located in the north western section of the tennis club.</p>
<p><b>Submission 3</b></p> <p>I have received notice of the application (P12/21) for the viewing tunnel and pedestrian safety strip at the EFLTC. My</p>	<p>The proposed shade cloth colour is green (same as current shade-cloth used in front of the Clubhouse).</p>	<p>Noted. The shade cloth is to be green in colour, not black.</p>

request is that the shade material is green rather than black, as this would better blend with the existing streetscape and not be such an eyesore.		
<p><b>Submission 4</b></p> <p>I wanted to mention that I am against the construction of the fenced pedestrian safety strip at the East Fremantle Tennis Club.</p> <p>I feel the fenced pedestrian safety strip is extremely unnecessary and impractical. Our family regularly plays tennis at this club and very rarely are there big tournaments with huge crowds to cater for a permanent covered structure.</p> <p>As a regular player at the club, temporary shade should be provided for players on courts for very hot days, this structure does not provide adequate cover which is practical for players. Aesthetically this permanent structure looks over the top and does not compliment the modern tennis club house extension.</p> <p>On days where a temporary shade structure has been erected, 4 times I believe this year, the shade has only been required for spectators of one court.</p>	<p>Our temporary shade structures (Gazebos) are erected for large events only due to the significant effort to raise and lower them. Their use is not a reflection of the demand.</p> <p>There is a video of this proposal available here:  <a href="https://www.youtube.com/watch?v=J2X0ImMj3wc">https://www.youtube.com/watch?v=J2X0ImMj3wc</a></p>	<p>Noted. Decisions about the need for pedestrian safety strips and shade structures are for the management of the tennis club to make.</p>

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC. The Town is not the formal decision making authority for this proposal, but rather a referral body.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

*Swan and Canning Rivers Management Act 2006*

**Policy Implications**

Nil

**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 Facilitate 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.*

#### Natural Environment

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

*4.1 Conserve, maintain and enhance the Town's open spaces.*

*4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

*4.1.2 Plan for improved streetscapes parks and reserves.*

*4.1.3 Improve and protect the urban forest and tree canopy.*

*4.2 Enhance environmental values and sustainable natural resource use.*

*4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.*

*4.3 Acknowledge the change in our climate and understand the impact of those changes.*

*4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

#### **Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

#### **Site Inspection**

A site inspection was undertaken.

#### **Comment**

##### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3, the Planning and Development Act (2005) and the Swan and Canning Rivers Management Act (2006).

It is proposed to install a viewing tunnel and fenced pedestrian safety strip at the East Fremantle Lawn Tennis Club on the southern length of the 5 hard court tennis courts located on the north western corner of the tennis club. Under the Swan and Canning Rivers Management Act, the DBCA is the determining authority for proposed developments in areas abutting the Swan River. However, since the subject site is on land reserved for 'Parks and Recreation' and the facility operates under a lease issued by Council to the tennis club, it is necessary for Council to consider its position in respect to the application and provide comments to the DBCA.



The proposed structure is approximately 78m long, 1.8m deep and a maximum of 2.5m high. It is covered in 70% shade cloth (coloured green) at 50% intervals for the length of the structure and has a 2.2m high fence that faces the tennis courts. It offers spectators and players protection from tennis balls and racquets as tennis games are played, as well as sun protection.

It is also proposed to install a 32m long fence between the car park that is situated between the subject tennis courts where the viewing tunnel is proposed to be located and the existing club house to separate pedestrians from cars. This will improve safety for players as they walk between the clubhouse and the tennis courts through the edge of the existing carpark.

The following issues are relevant to the determination of this application.

#### Proposed Building Bulk and Scale

There are no significant planning concerns with the proposed installation. The height of the structure is less than the total height of the existing fences that surround the tennis courts (3m for the fence versus 2.5m for the roof of the viewing tunnel and 1m for the fence associated with the pedestrian safety strip). The structure is relatively low compared to the existing fence around the tennis courts and is not a solid structure, but rather a visually permeable structure.

#### Visual Permeability

The structures are visually permeable, and a condition will be recommended that requires that no solid surfaces or walls be installed along the edges of either the viewing tunnel or the pedestrian safety strip. Signage will not be allowed to be installed along the fences of the structures.

It is noted that the proposed structures are at the same level as the tennis courts and lower than Preston Point Road which means that there are negligible impacts on the river views of residents located along Preston Point Road. The proposal can be supported as they will not have a significant impact on neighbouring properties.

#### Submissions from Advertising

The proposed development was advertised to surrounding properties that face the grounds of the East Fremantle Lawn Tennis Club. A total of 4 submissions were received from a total of 30 properties that were advertised to. Comments were made in relation to the proposed colour, impact on views and the proposed structure being unnecessary.

The proposed colour of black for the vertical posts of the structure blends in with the surrounding court fencing. The shade cloth above the viewing tunnel is coloured green.

The proposed fence in the car park area that will separate pedestrians from vehicles is supported for safety reasons.

In terms of views across to the Swan River the proposed structure has minimal impacts as it is lower than the existing fences around the tennis courts and is significantly lower than Preston Point Road.

#### Conclusion

The proposed development is considered appropriate for the subject property as there are few amenity impacts from the proposed structures. Given the comments above and the explanation provided in this report the proposal is recommended for support to the DBCA subject to conditions.

**12.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION:TP010521**

**Moved Cr Watkins, seconded Cr Nardi**

That Council recommend support for the proposal for a viewing tunnel and fenced pedestrian safety strip to the Department of Biodiversity, Conservation and Attractions at the East Fremantle Lawn Tennis Club at Reserve 7800 (Lot 15722) Petra Street, East Fremantle, as described on the information and plans date stamped received 24 February 2021 subject to the following conditions:

1. Works are to be constructed in conformity with the drawings and written information in relation to use accompanying the application for development approval, other than where varied in compliance with the conditions of the development approval.
2. The structure is to be always kept clean and free of graffiti and vandalism and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
3. No additional signage is approved. A separate application for additional signage is required to be submitted for consideration by the Town's officers and the Department of Biodiversity, Conservation and Attractions. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.2.
4. With regards to plans submitted with respect to a 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.
5. 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.
6. The approval is to remain valid for a period of 24 months from date of the 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 the site.***
- (b) the application for a building permit is to conform with the DBCA approved plans unless otherwise approved by Council.***
- (c) 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).***

**(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 20 April 2021, this application is deemed determined, on behalf of Council, under delegated authority

**PROCEDURAL MOTION**

**Moved Mayor O' Neill, seconded Cr Natale**

**That the officer recommendations for items 12.2, 12.3 and 12.4 be adopted 'en bloc'.**

**(CARRIED UNANIMOUSLY)**

**12.2 Hamilton Street No 27 (Lot 17) Proposed alterations and additions**

<b>Owner</b>	Andrew Foley
<b>Applicant</b>	Gerard McCann
<b>File ref</b>	P16/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	4 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Place record form</li><li>4. Plans date stamped 4 March 2021</li><li>5. Community consultation checklist</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for proposed alterations and additions at No 27 (Lot 17) Hamilton Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions at 27 Hamilton Street, East Fremantle. A games room, office, and storage area, as well as alfresco and verandahs are being proposed to be constructed at the rear of the existing dwelling.

The applicant is seeking Council approval for the following variation to the Residential Design Guidelines;

- (i) Clause 3.7.8.3– Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees and more than 38 degrees provided

This application is required to be considered by Council as a submission was received during the submission period.

It is considered that the above variation can be supported subject to conditions of development approval being imposed.

**Background**

Zoning: Residential R20

Site area: 890m<sup>2</sup>

Heritage: Category B

Previous Decisions of Council and/or History of an Issue or Site

DA P13/04 – development approval granted for alterations and additions – March 2004

**Consultation**

Advertising

The application was advertised to surrounding landowners from 8 to 23 March 2021. One submission was received.

Submission	Applicant Response	Officer Response
<p>I have some concerns I wish to address 'Existing dense boundary screening' highlighted in the plans does not exist as shown. 27 Hamilton Street currently sits 0.4-0.5m higher than 26 Moss Street. With the veranda being raised another 0.4-0.5m above ground level this would put the veranda up to 1m higher than our yard. The fence along the boundary is relatively low ~1.5m from 27 Hamilton Street. Therefore, we are likely to experience loss of privacy as a result of the addition to 27 Hamilton Street. We would like to see the fence raised or permanent screening put in place as a condition of approval. Suggest a height of 2.3m for fence or screens.</p>	<p>The neighbours are correct- the existing dense boundary screening is on the west side of the boundary, on 26 Moss St. I attach a photo of the boundary as viewed from 27 Hamilton St.</p> <p>This was incorrectly shown on our drawing. My clients do intend, however, to plant greenery as shown on our drawing.</p> <p>The Alfresco Living Verandah as presented to Council has deliberately been designed to come in under the 500mm increase in levels so that privacy screening would not be required. This was cognisant of the existing dense, evergreen planting on 26 Moss St.</p> <p>That said, my clients do not want to impinge on their neighbour's privacy either, so this is why additional boundary screening is proposed.</p> <p>I trust this answers your query.</p>	<p>As the proposed level of the verandah is no more than 0.5m above natural ground level it is not necessary to provide privacy screening or increase the setback of the structure.</p> <p>However, the applicant's response regarding additional boundary treatments is noted and acknowledged. Administration has not conditioned this as it is considered that the alfresco area is compliant.</p>

Community Design Advisory Committee (CDAC)

The application was not referred to CDAC as the development is concentrated to the rear of the existing dwelling and is single storey.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

**Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

**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 Facilitate 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.*

#### *Natural Environment*

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

*4.1 Conserve, maintain and enhance the Town's open spaces.*

*4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

*4.1.2 Plan for improved streetscapes parks and reserves.*

*4.1.3 Improve and protect the urban forest and tree canopy.*

*4.2 Enhance environmental values and sustainable natural resource use.*

*4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.*

*4.3 Acknowledge the change in our climate and understand the impact of those changes.*

*4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

### **Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

### **Site Inspection**

A site inspection was undertaken.

### **Comment**

#### **Statutory Assessment**

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

<b>Legend</b> <i>(refer to tables below)</i>	
<b>A</b>	Acceptable
<b>D</b>	<b>Discretionary</b>
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Southern boundary	0m	0m	A
Western boundary	1.5m	2m	A
Open Space	50%	53%	A
Wall height	6m	4m	A
Setback of Carport	9m	6.7m	A
Car Parking			N/A
Site Works			N/A
Visual Privacy			N/A
Overshadowing	25%	10.3%	A
Drainage	To be conditioned		

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	N/A
3.7.15.3.3 Garages and Carports	Area 3

This development application proposes single storey alterations and additions at 27 Hamilton Street, East Fremantle. A games room, office, and storage area, as well as alfresco and verandahs are being proposed to be constructed at the rear of the existing dwelling. There are existing corrugated sheds which are proposed to be demolished and a new storage area is proposed to be built to similar dimensions and style as the 2004-2005 timber framed additions. This dwelling is heritage listed Category B, however, the proposed development has minimal impact on the existing dwelling. The proposed development is to be in a similar style to the additions that were approved in 2004 (development approval P13/04).

One variation is requested to the requirements of the Residential Design Guidelines in relation to roof pitch. There was one submission received and it is for this reason that the development application has been referred to Town Planning Committee.

Roof Pitch

In accordance with the Residential Design Guidelines acceptable development provision 3.7.8.3 A4.1 the roof pitch is required to be between 28 and 36 degrees. In this case the roof pitch is 38 degrees for

the main roof of the addition, 20 degrees for the storage area and 15 and 20 degrees respectively for the verandahs on the northern and southern sides of the proposed extension. In accordance with clause 3.7.8.3 P4 the different roof pitch can be supported because the roof complements the traditional form of surrounding development in the immediate locality. Where possible the designer has followed the roof pitches of the existing roof structures on site.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to development conditions.

#### **12.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020521**

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

- (i) Clause 3.7.8.3– Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, less than 28 degrees and more than 38 degrees provided**

**for alterations and additions at No. 27 (Lot 17) Hamilton Street, East Fremantle, in accordance with the plans date stamped received 4 March 2021, subject to the following conditions:**

- (1) 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.**
- (2) Prior to the submission of a building permit application written approval from the Water Corporation for the proposed works is to be submitted to the Town of East Fremantle.**
- (3) 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.**
- (4) With regards 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.**
- (5) 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.**
- (6) 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.**
- (7) 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.**
- (8) 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.

- (9) 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:*

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) 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.*
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's 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.*
- (iv) 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).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(ADOPTED BY EN BLOC RESOLUTION)

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 20 April 2021, this application is deemed determined, on behalf of Council, under delegated authority.



**12.3 Oakover Street No 10 (Lot 346) Proposed alterations and additions**

<b>Owner</b>	Leigh and Rebecca Petherick
<b>Applicant</b>	MDC Architects
<b>File ref</b>	P13/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	4 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 24 March 2021</li><li>4. Community consultation checklist</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for proposed alterations and additions at No 10 (Lot 346) Oakover Street, East Fremantle.

**Executive Summary**

This development application proposes alterations and additions to an existing dwelling at 10 Oakover Street, East Fremantle. The property is a Category B heritage property, but the proposed alterations do not impact on the front heritage dwelling. The rear section of the building which has some later additions is to be demolished. A new kitchen, dining, living area, bathrooms, bedroom, lounge, and outdoor living area are to be added to the rear of the dwelling. A new carport is to be added to the side of the dwelling utilising the existing driveway, as well as a pool and shed, separate and to the rear of the dwelling.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - Carport – 1m required, 0m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Bed 2, Kitchen & Mudroom – 2.2m required, 1.618m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - Carport – 1m required, 0m provided
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided

It is considered that the above variations can be supported subject to conditions of development approval being imposed.

**Background**

Zoning: Residential R12.5

Site area: 981m<sup>2</sup>

Heritage: Category B

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Previous Decisions of Council and/or History of an Issue or Site

Nil

**Consultation**

Advertising

The application was advertised to surrounding landowners from 8 to 23 March 2021. No submissions were received.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC.

External Consultation

Nil

**Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

**Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

**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 Facilitate 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.*

*Natural Environment*

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

*4.1 Conserve, maintain and enhance the Town's open spaces.*

*4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

- 4.1.2 Plan for improved streetscapes parks and reserves.
- 4.1.3 Improve and protect the urban forest and tree canopy.
- 4.2 Enhance environmental values and sustainable natural resource use.
  - 4.2.1 Reduce waste through sustainable waste management practices, including effective community and business education.
- 4.3 Acknowledge the change in our climate and understand the impact of those changes.
  - 4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

### Risk Implications

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

### Site Inspection

A site inspection was undertaken.

### Comment

#### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

#### Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
<b>Carport – southern boundary</b>	<b>1.5m</b>	<b>0m</b>	<b>D</b>
<b>Bedroom 2, kitchen, mudroom – southern boundary</b>	<b>2.4m</b>	<b>1.618m</b>	<b>D</b>
Pergola	6m	>6m	A
Kitchen, dining, living – northern boundary	5m	6.1m	A
<b>Shed - southern boundary</b>	<b>1m</b>	<b>0m</b>	<b>D</b>
Open Space	55%	>55%	A
Wall height	6m	<6m	A
Roof height	9m	<9m	A
Car Parking	2 car bays	2 car bays	A
Site Works			N/A
Visual Privacy			N/A
Overshadowing	25%	15%	A
Drainage	To be conditioned		

Local Planning Policies Assessment

<b>LPP Residential Design Guidelines Provision</b>	<b>Status</b>
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	N/A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.15.4.3.1 Fremantle Port Buffer Area	Area 3
3.7.15.3.3 Garages and Carports	A

This development application proposes alterations and additions to an existing dwelling at 10 Oakover Street, East Fremantle. The property is a Category B heritage property, but the proposed alterations do not impact on the front heritage dwelling. The rear section of the building which has some later additions is to be demolished. A new kitchen, dining, living area, bathrooms, bedroom, lounge, and outdoor living area are to be added to the rear of the dwelling. A new 2 car carport is to be added to the side of the dwelling utilising the existing driveway as well as a pool and shed, separate and to the rear of the dwelling.

Three variations are requested to the requirements of the Residential Design Codes and one variation is requested to the Residential Design Guidelines relating to lot boundary setbacks (3) and roof pitch.

Lot Boundary Setback – Southern Wall

*Carport*

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall that is 7.165m long and 3.172m high and without major openings is required to be set back 1m from the boundary. In this case the wall is built up to the boundary.

*Bedroom 2, Kitchen and Mudroom*

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall that is 10.318m long and 3.88m high and with major openings is required to be set back 2.2m from the boundary. In this case the wall is 1.618m from the boundary.

*Shed*

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i a wall that is 4m long and 2.4m high and without major openings is required to be set back 1m from the boundary. In this case the wall is built up to the boundary

The southern boundary variations can be justified and supported based on the design principles 5.1.3 P3.2 for the following reasons;

- The proposal makes more effective use of space for the enhanced privacy of the occupants and outdoor living areas;
- Minimal impact of building bulk on adjoining properties;

- Adequate sunlight and ventilation are provided to the site and adjoining properties;
- Minimal overlooking or loss of privacy on adjoining properties;
- The proposal does not have an adverse impact on the amenity of the adjoining property;
- Direct sun can reach major openings of habitable room and outdoor living areas for adjoining properties; and
- The proposal positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

The variations are considered minor variation and therefore the reduced lot boundary setback can be supported.

#### Roof Pitch

The Residential Design Guidelines acceptable development provision 3.7.8.3 A 4.1 requires that the roof pitch of dwelling be between 28 and 36 degrees. In this case the roof proposed for the alterations and additions is proposed to be 5 degrees. This can be supported based on performance criteria 3.7.8.3 P4 which states that roof forms of new buildings that complement the traditional form of surrounding development in the immediate locality. The shallow roof pitch complements the existing dwelling that is the subject of this report as well as neighbouring properties and reduces the bulk and scale of the proposal.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to development conditions.

#### **12.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030521:**

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - Carport – 1m required, 0m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall – Bed 2, Kitchen & Mudroom – 2.2m required, 1.618m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Southern Wall - Carport – 1.m required, 0m provided**
- (iv) Clause 3.7.8.3 – Residential Design Guidelines – Roof Pitch – 28 to 36 degrees required, 5 degrees provided**

**for alterations and additions at No. 10 (Lot 346) Oakover Street, East Fremantle, in accordance with the plans date stamped received 24 March 2021, subject to the following conditions:**

- (1) 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.**
- (2) 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.**

- (3) With regards 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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:*

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *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.*
- (iii) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's 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.*
- (iv) *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).*
- (v) *matters relating to dividing fences are subject to the Dividing Fences Act 1961*

(ADOPTED BY EN BLOC RESOLUTION)

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 20 April 2021, this application is deemed determined, on behalf of Council, under delegated authority.

**12.4 Angwin Street No 18 (Lot 2) Proposed new two storey dwelling**

<b>Owner</b>	Elizabeth Harris & Terry Murphy
<b>Applicant</b>	Ox Studio
<b>File ref</b>	P22/21
<b>Prepared by</b>	James Bannerman, Planning Officer
<b>Supervised by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting date</b>	1 June 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location plan and advertising</li><li>2. Site photos</li><li>3. Plans date stamped 16 March 2021</li><li>4. Community consultation checklist</li><li>5. Streetscape Images</li></ol>

**Purpose**

The purpose of this report is for Council to consider a development application for a proposed new two storey dwelling at No 18 (Lot 2) Angwin Street, East Fremantle.

**Executive Summary**

This development application proposes a new double storey dwelling with an undercroft garage, 2 bedrooms, 2 bathrooms, and a study with a concealed roof. The dwelling is built into the side of the lot to minimise the height of the proposed dwelling and mitigate the impact of development on the views of surrounding properties. There is significant excavation being proposed to facilitate the development.

The applicant is seeking Council approval for the following variations to the Residential Design Codes and the Residential Design Guidelines;

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Ground Floor – 6m required, 4.067m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Eastern Wall – Upper Floor – 6m required, 5.667m provided
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Southern Wall – Upper Floor – 2.2m required, 1.5m provided
- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Northern Wall – Upper Floor – 4.9m required, 1m provided
- (v) Clause 5.1.4 – Residential Design Codes – Open Space – 55% required, 32% provided
- (vi) Clause 5.3.7 – Residential Design Codes – Excavation – Maximum of 0.5m required, greater than 0.5m provided
- (vii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m required, greater than 0.5m provided
- (viii) Clause 5.4.1 – Residential Design Codes – Visual Privacy – 6m privacy setback required, less than 6m privacy setback provided
- (ix) Clause 3.7.8.3 – Residential Design Guidelines – Garage Width – 30% of front lot boundary required, 69% provided

- (x) Clause 3.7.18.3.3 – Residential Design Guidelines – Roof Pitch – information demonstrating impact required, roof does not adversely affect immediate locality

It is considered that the above variations can be supported subject to conditions of development approval being imposed.

**Background**

Zoning: Residential R12.5

Site area: 293.51m<sup>2</sup>

Heritage: N/A

Previous Decisions of Council and/or History of an Issue or Site

Lot subdivided

**Consultation**

Advertising

The application was advertised to surrounding landowners from 19 March to 6 April 2021. Signed support was received from the northern neighbouring property owner.

Community Design Advisory Committee (CDAC)

The application was referred to CDAC for the 12 April 2021 meeting. The following comments were made.

*(a) The overall built form merits;*

- The Committee noted that the built form has significant merit. It is a modest design solution to the constraints of the site and were supportive of the retrained design concept.

*(b) The quality of architectural design including its impact upon the heritage significance of the place and its relationship to adjoining development.*

- The Committee felt the proposal was of a height or dimension which addressed the constraint of the site in a retained manner which addressed the sensitivities of the area, including view corridors.
- The Committee was supportive of excavation of the site for the garage as it kept the building lower than adjacent buildings and resulted in a compatible design to the surrounding contours of the area.
- The Committee considered the garage was in keeping with the rest of the design and with the overall design character of the area.

*(c) The relationship with and impact on the broader public realm and streetscape;*

- The Committee was supportive of the proposed development which is in keeping with the character of the area.

*(d) The impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks;*

- No comment.

*(e) The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability;*



- The Committee suggested that more windows be included on the southern side to promote cross ventilation through the building.
- The Committee suggested that the study should have northern highlight windows to allow more light into room.

(f) *The demonstration of other qualities of best practice urban design including “Crime Prevention” Through Environmental Design performance, protection of important view corridors and lively civic places;*

- The Committee commented that there is very good passive surveillance from the upper storey living areas.
- The Committee would have liked to have seen a palette of materials – it was suggested that VM zinc or copper would be appropriate materials to use on parts of the exterior of the building. It was noted in this location materials need to be carefully chosen to ensure a quality outcome is achieved.

#### Internal Consultation

Referred to Operations for comment on 19 March 2021

The following response was received;

- Crossover to be no more than 3.0m wide as per the policy, considering the narrow lot less than 12m wide. Also, as per the Town’s crossover specification, with materials to be asphalt or concrete;
- Verge landscaping is as per the Towns landscaping conditions, with approval sought separate to DA, however from the images, it seems like low ground covering which when established, should not have runoff into the road carriageway; and
- All stormwater from the property to be collected on site, with all grates, pits, and soak wells to be within the lot.

These matters will be included as conditions in the final recommendation.

#### External Consultation

Nil

#### **Statutory Environment**

*Planning and Development Act 2005*

*Residential Design Codes of WA*

*Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)*

#### **Policy Implications**

*Town of East Fremantle Residential Design Guidelines 2016 (as amended)*

#### **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 Facilitate 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.

#### Natural Environment

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

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

#### **Risk Implications**

A risk assessment was undertaken and the risk to the Town was deemed to be negligible.

#### **Site Inspection**

A site inspection was undertaken.

#### **Comment**

##### Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies including the Residential Design Guidelines, as well as the Residential Design Codes. A summary of the assessment is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

##### Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback			N/A
Secondary Street Setback			N/A
Lot Boundary Setbacks			
Eastern wall – ground floor	6m	4.067m	D
Eastern wall – upper floor	6m	5.667m	D

Southern wall – ground floor	1.5m	1.5m	A
<b>Southern wall – upper floor</b>	<b>2.2m</b>	<b>1.5m</b>	<b>D</b>
Northern wall – ground floor - study	1m	1m	A
Northern wall – ground floor – alfresco, lounge, bed 2	1.5m	3.44m	A
<b>Northern wall – upper floor</b>	<b>4.9m</b>	<b>1m</b>	<b>D</b>
Garage – northern wall	1m	1.5m	A
Garage – southern wall	0m	0m	A
<b>Open Space</b>	<b>55%</b>	<b>32%</b>	<b>D</b>
Car Parking	2 car bays	2 car bays	A
<b>Site Works</b>	<b>Maximum of 0.5m excavation</b>	<b>&gt;0.5m excavation</b>	<b>D</b>
<b>Visual Privacy – living area and dining</b>	<b>6m</b>	<b>&lt;6m</b>	<b>D</b>
Overshadowing	25%	15%	A
Drainage	To be conditioned		

#### Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	N/A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	A
<b>3.7.8 Roof Form and Pitch</b>	<b>D</b>
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.18.4.3 Fremantle Port Buffer	Area 2 – conditions applied
3.7.18.3 Garages, Carports and Outbuildings	A

This development application proposes a new double storey dwelling with an undercroft garage, 2 bedrooms, 2 bathrooms, and a study with a concealed roof. The dwelling is built into the side of the lot to minimise the height of the proposed dwelling and mitigate the impact of development on the views of surrounding properties. There is significant excavation being proposed to facilitate the development.

The proposed dwelling has many variations which are the direct result of having to deal with a legacy lot that is very small by R12.5 lot criteria. This lot is 293.51m<sup>2</sup> in area compared to an average R12.5 lot of 800m<sup>2</sup>, 10.38m wide, and between 29.05m and 33.42m deep). Given its density coding and the fact that it is an approved lot, development is permitted given these constraints.

Multiple variations are requested to the requirements of the Residential Design Codes and the Residential Design Guidelines with respect to lot boundary setbacks, open space, garage width, excavation more than 0.5m, retaining walls, roof pitch, and visual privacy. Whilst there are a number

of variations, it is noted the site is constrained and the support of the CDAC has been expressed. The following discussion will examine each of these variations.

Lot Boundary Setback - Eastern Wall - Ground Floor

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the rear (eastern) wall of the proposed dwelling on the ground floor should be setback 6m from the rear boundary. In this case the dwelling is setback 4.067m. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of building bulk on adjoining properties, particular because of the extensive excavation proposed;
- Views are not significantly impacted from the proposal;
- Adequate direct sun and ventilation reaches the building, open spaces, and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

Given the size of the lot this is not an unreasonable variation and can be supported. It is noted that the bulk of the building is minimised because of the significant excavation that is undertaken to the rear of the site with up to 1.5m of earth being excavated out from the lot.

Lot Boundary Setback - Eastern Wall - Upper Floor

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the rear (eastern) wall of the proposed dwelling on the upper storey should be setback 6m from the rear boundary. In this case the dwelling is setback 5.667m. The proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces, and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

Given the size of the lot and extent of the variation requested being 0.3 metres, this is not an unreasonable variation and can be supported. It is noted that the bulk of the building is minimised because of the significant excavation that is undertaken to the rear of the site with up to 1.5m of earth being excavated out from the lot.

Lot Boundary Setback - Southern Wall – Upper Floor

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the southern wall of the proposed dwelling which is 19.2m long and 5.1m high (on the upper floor) should be setback 2.2m from the side boundary. In this case the dwelling is setback 1.5m. However, the proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Minimal impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces, and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

For these reasons, the reduced lot boundary setback can be supported.

Lot Boundary Setback - Northern wall – Upper Floor

In accordance with the Residential Design Codes deemed to comply clause 5.1.3 C3.1 i the northern wall of the proposed dwelling which is 19.2m long and 5.65m high (on the upper floor) should be setback 4.9m from the side boundary. In this case the dwelling is setback 1m. However, the proposed wall achieves design principles 5.1.3 P3.1 for the following reasons:

- Neighbour support has been provided;
- There is minimal impacts of building bulk on adjoining properties;
- Adequate direct sun and ventilation reaches the building, open spaces, and adjoining properties; and
- Minimal overlooking and loss of privacy on adjoining properties.

For these reasons, the reduced lot boundary setback can be supported.

#### Open Space

The Residential Design Codes requires that site coverage for a lot that has a density code of R12.5 is at least 55% of the site area in accordance with deemed to comply clause 5.1.4 C4. In this case the site coverage is 68% and the open space is 32%. The proposed design achieves design principles 5.1.4 P4 for the following reasons;

- Reflects the existing streetscape character as outlined in the local planning framework;
- Access is provided to natural sunlight for the proposal and surrounding properties;
- There is minimal building bulk consistent with the expectations of the density code and as outlined in the local planning framework because of the extensive excavation being undertaken;
- Open space provides an attractive setting for the buildings, landscape, vegetation, and streetscape;
- There are opportunities for residents to use space external to the dwelling for outdoor pursuits and access within and around the site; and
- There is space for external fixtures and essential facilities.

As a result, the reduced open space can be supported.

#### Excavation

A significant amount of excavation is proposed to be undertaken on site to allow the building to be partially hidden into the side and rear of the lot. Excavation is to be undertaken more than 0.5m in height. Although it does not achieve deemed to comply clause 5.3.7 it does achieve design principles 5.3.7 P7.2 such that the excavation proposed to be undertaken respects the natural ground levels at the lot boundary of the site and as viewed from the street. The extent of excavation is supported as it results in a dwelling that has minimal impacts to surrounding neighbours and is consistent with the character of the area.

#### Retaining Walls

Retaining walls are proposed to be constructed along the northern, southern, western, and eastern boundaries of the property. In accordance with the Residential Design Codes deemed to comply clause 5.3.8 C8 retaining walls can be constructed up to 0.5m in height. In this case the walls are more than 0.5m above natural ground level. These walls are up to 1.5m in height and within 1m of the site boundary. The retaining walls achieve design principles 5.3.8 P8 as it creates land that can be used for the benefit of residents and does not detrimentally affect adjoining properties, the streetscape, nor does it result in a loss of privacy to neighbouring properties.

#### Visual Privacy

Deemed to comply clause 5.4.1 C1.1 of the Residential Design Codes requires the lounge and dining rooms to have a visual privacy setback of 6m from major openings to the boundary. In this case there is a large window that faces north 5.4m long, less than 1.6m from the finished floor level of the upper storey and overlooking the northern property. The northern neighbouring property owners have provided signed support for the proposed development. At the same time the window overlooks the front yard adjacent to Angwin Street and the southern side of the northern dwelling. It does not overlook any outdoor living areas. These are located on the north western corner of the northern property. The window therefore achieves design principle 5.4.1 P1.1 and as such its location and size can be supported. It is considered that it is acceptable for the window to overlook the neighbouring property given written support from the neighbour.

#### Garage Width

The Residential Design Guidelines requires that the garage width is a maximum of 30% of the width of the lot. In this case the proposed garage is 7.17m wide which is the equivalent of 69% of the lot width. This may seem excessive, but the lot is narrow and to minimise the impact of the development on surrounding properties views, considerable excavation is proposed to be undertaken to lower the building to reduce its bulk and scale. The garage does not dominate the streetscape in accordance with performance criteria clause 3.7.18.3.3 P2 i and as such can be supported.

#### Roof Pitch

It is proposed to have a concealed roof with a pitch of 2 degrees. The Residential Design Guidelines acceptable development clause 3.7.8.3 A5 requires that information should be provided demonstrating the impact of the roof on the immediate locality. Performance criteria 3.7.8.3 P5 is achieved as roof forms do not have to be restricted to traditional roof forms and the proposed roof does not adversely affect the immediate locality and for this reason the roof pitch can be supported.

#### Fremantle Port Buffer Requirements

As the property is in Area 2 of the Fremantle Port Buffer it will be necessary to impose conditions in the final recommendation that meet the requirements of the Fremantle Port for new dwellings including quiet house design, central cut-off point for air conditioning and thickened safety glass on all windows.

#### Conclusion

Based on the assessment that has been completed for this development and the explanation provided in this report, the variations that have been proposed to the Residential Design Codes and the Residential Development Guidelines are considered acceptable. As such it is recommended that the proposed development be supported subject to development conditions.

#### **12.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040521:**

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

- (i) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback - Eastern Wall – Ground Floor– 6m required, 4.067m provided**
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks – Eastern Wall – Upper Floor -6m required, 5.667m provided**
- (iii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Southern Wall – Upper Floor – 2.2m required, 1.5m provided**

- (iv) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setback – Northern Wall – Upper Floor – 4.9m required, 1m provided
- (v) Clause 5.1.4 – Residential Design Codes – Open Space – 55% required, 32% provided
- (vi) Clause 5.3.7 – Residential Design Codes – Excavation – Maximum of 0.5m required, greater than 0.5m provided
- (vii) Clause 5.3.8 – Residential Design Codes – Retaining Walls – Maximum of 0.5m required, greater than 0.5m provided
- (viii) Clause 5.4.1 – Residential Design Codes – Visual Privacy – 6m privacy setback required, less than 6m privacy setback provided
- (ix) Clause 3.7.8.3 – Residential Design Guidelines – Garage Width – 30% of front lot boundary required, 69% provided
- (x) Clause 3.7.18.3.3 – Residential Design Guidelines – Roof Pitch – information demonstrating impact required, roof does not adversely affect immediate locality

for a new double storey dwelling at No. 18 (Lot 2) Angwin Street, East Fremantle, in accordance with the plans date stamped received 16 March 2021, subject to the following conditions:

- (1) The crossover widths are not to exceed 3m and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines (2016) and the Crossover Specifications (July 2017).
- (2) Any glass used for windows or openings shall be laminated safety glass of minimum thickness of 6mm or double-glazed utilising laminated or toughened safety glass of a minimum thickness of 3mm and to be manufactured and installed in accordance with Australian Standards.
- (3) Multiple air conditioning systems are to have internally centrally located shut down point and associated procedures for emergency use and there is a preference for a split refrigerated system.
- (4) Quiet house design principles are to be adopted.
- (5) Roof insulation is to be incorporated into the development.
- (6) 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.
- (7) 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.
- (8) With regards 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.
- (9) 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. All grates, pits and soak wells are to be within the lot.
- (10) 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.
- (11) 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.

- (12) 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.

- (13) 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:*

- (i) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) a copy of the approved plans as stamped by Council are attached and the application for Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's 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.*
- (iv) 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).*
- (v) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) application for the crossover work is to be made on the Application to Conduct Crossover Works available on the Town's website.*
- (vii) verge landscaping is to be in accordance with the Town's landscaping conditions, with approval sought separate to DA.*

(ADOPTED BY EN BLOC RESOLUTION)

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 20 April 2021, this application is deemed determined, on behalf of Council, under delegated authority

**13. MATTERS BEHIND CLOSED DOORS**

Nil

**14. CLOSURE OF MEETING**

There being no further business the Presiding Member declared the meeting closed at 6.45pm.



*I hereby certify that the Minutes of the ordinary meeting of the Town Planning Committee of the Town of East Fremantle, held on 6 April 2021, Minute Book reference 1 to 14 were confirmed at the meeting of the Committee on:*

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*Presiding Member*

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## 13. REPORTS

### 13.1.1 FINANCE

#### 13.1.1 Statement of Financial Activity for Period Ended 30 April 2021

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Sam Dolzadelli, Finance Project & Business Improvement Officer
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date:</b>	18 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Statement of Financial Activity 30 April 2021 2. Capital Works Report 3. Financial Health Check 30 April 2021

#### **Purpose**

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 30 April 2021. A Capital Works Report and Financial Health Check summary is also appended.

#### **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 2021.

A Capital Works Report is presented detailing committed expenditure against budgets. This report is used to assess the clearance rate of capital projects.

A Monthly Financial Health Check has also been prepared which provides key financial information against benchmarks. This document is intended to provide a concise summary of the Town's financial performance.

#### **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

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- Grants and Contributions

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

**Consultation**

Management team

**Statutory Environment**

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

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

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

**Policy Implications**

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

**Financial Implications**

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 2020/21 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 2020/21 for reporting material variances shall be:*

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

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

**Strategic Implications**

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

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

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior Treatment Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate oversight of the financial position of the Town may result in adverse financial trends	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by monthly review of financial statements and key financial information

### Risk Matrix

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

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

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

### Site Inspection

Not applicable.

### Comment

This report presents the Statement of Financial Activity for the period 30 April 2021. The following is a summary of headline numbers from the attached financial reports:

	Original Budget	YTD Budget	April Actuals
Opening Surplus	160,328	226,870	226,870

Operating Revenue	10,517,403	10,379,010	10,271,709
Operating Expenditure	(10,969,062)	(10,077,241)	(9,174,355)
Capital Expenditure	(1,026,681)	(882,101)	(774,585)
Capital Income	210,000	199,360	199,360
Financing Activities	(470,888)	(108,005)	(117,008)
Non-Cash Items	1,578,900	2,082,690	2,105,975
<b>Closing Surplus</b>	<b>0</b>	<b>1,820,583</b>	<b>2,737,966</b>
Unrestricted Cash			3,644,497
Restricted Cash			994,854

- A Capital Works Report is being auto generated within the Town's financial system and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2 and includes actual expenditure as at **30 April 2021**. The full year capital works budget (amended) has been 56.8% expended with \$775k in actual expenditure (Note: The attached capital works report includes \$5k that has been moved to operating expenditure at 30 April.)
- Rates were levied in the month of July with rate notices issued in the first week of August. At the end of April 96.88% of rates levied (including arrears) have been receipted. The due date for payment of rates including the election of instalments was the 7<sup>th</sup> of September.
- The asset revaluation as at 30 June 2020 resulted in an increase in asset values (buildings) of \$5.79m. Subsequently, depreciation expense has increased significantly. This will have an adverse impact on the Operating Surplus Ratio and Asset Sustainability Ratio at the end of the financial year.
- The monthly financial report now includes a Statement of Financial Position on page 6. Infrastructure and Property, Plant and Equipment has a carrying value of circa \$81.4m.

#### **Budget Variations**

1. The Town has spent \$138,874 (ex. GST) YTD of the total \$154,961 (ex. GST) lump sum contract with Phase3 Landscape Construction. This amount pertains to landscaping work for the Riverside Road rehabilitation project. The landscaping work includes the planting of new trees, plants, and other revegetation work. The contract price wholly relates to the acquisition and implementation of "living assets", as defined by The Institute of Public Works Engineering Australasia (IPWEA). As there is a level of subjectivity around living assets meeting the accounting criteria of an asset (future economic benefits), the expenditure should be classified as operating and not capital.

2. At the February OCM, Council approved the mid-year budget review. In the amended budget that was approved, account E12815 (Program 12 - Transport - Plant & Equipment – Capex) had a revised budget allocation of \$38k, which included \$11k for an ice machine at the depot. The ice machine should be recognised under furniture and equipment, and be allocated against program 14 (Other Property and Services) and not program 12 (Transport), since it is not directly attributable solely to work undertaken on roads, streets or bridges. The budget allocation of \$11k for the ice machine should be re-allocated to E14613 (Program 14 - Other Property & Services – Furniture & Equipment – Capex).
3. The Town has a budget of \$270k allocated for the East Fremantle Oval Masterplan project for consulting services. A further \$30k is required for the 20/21 financial year to fund the appointment of the client lead for the remainder of the financial year. This will increase the budget to \$300k, of which \$238k is funded by developer cash in lieu transfers from trust as per Ministerial approval.
4. The 2020/21 adopted budget included an allocation of \$60,000 for asphalt resurfacing of the footpath on Fortescue Street, between Fraser Street and Canning Highway. This budget was reallocated to other projects in the mid-year budget review; however, following discussions with Council, it has been determined that this project is a priority for completion this financial year. As this project is currently unfunded, it is recommended that funding be sourced from the Strategic Asset Management Reserve. A quote of \$75,000 has been obtained for this project.

#### End of Year Reserve Transfers

The table below is an extract from the monthly financial report detailing budgeted transfers to/from cash backed reserves. Council is requested to endorse the following reserve transfers for the 20/21 financial year in order to complete end of year accounting processes and to inform opening balances for the 2021/22 Budget:

Name	Opening Balance	Amended Budget Transfers In (+)	Actual Transfers In (+)	Proposed Transfers In	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Proposed Transfers Out	Amended Budget Closing Balance	Actual YTD Closing Balance	Forecast Reserve Closing Balance	Comment
Non Current Leave Entitlements Reserve	\$ 10,000	\$ 0	\$ 0	0	0	0	0	10,000	10,000	10,000	No change
Unspent Grants and Restricted Cash Reserve	0	0	0	22,186	0	0	0	0	0	22,186	Better Bins grant received in advance, to be spent 21/22
Vehicle, Plant and Equipment Reserve	91,627	0	0	0	(7,500)	(7,500)	(7,500)	84,127	91,627	84,127	Purchase of water tank trailer
Aged Services Reserve	176,803	0	0	0	(165,000)	(165,000)	(165,000)	11,803	176,803	11,803	Purchase of replacement CHSP bus
Strategic Asset Management Reserve	491,049	40,000	3,603	3,645	(412,152)	(487,152)	(487,152)	118,897	494,652	7,542	To fund Riverside road resurfacing and landscaping + \$75k Fortescue Street Footpath
Arts and Sculpture Reserve	171,772	0	0	0	(95,000)	(15,000)	(15,000)	76,772	171,772	156,772	Match actual expenditure for the year
Waste Reserve	0	0	0	0	0	0	0	0	0	0	No change
Committed Works Reserve	0	0	0	0	0	0	0	0	0	0	No change
Streetscape Reserve	50,000	25,000	0	25,000	0	0	0	75,000	50,000	75,000	No change
Drainage Reserve	0	150,000	0	150,000	0	0	0	150,000	0	150,000	No change
East Fremantle Oval Redevelopment Reserve	0	298,228	0	298,228	0	0	0	298,228	0	298,228	No change
Preston Point Facilities Reserve	0	100,000	0	100,000	(64,179)	(64,179)	(64,179)	35,821	0	35,821	No change
Foreshore Master Plan Reserve	0	50,000	0	0	(50,000)	0	0	0	0	0	No change
Sustainability and Environmental Reserve	0	80,000	0	90,000	(20,000)	0	0	60,000	0	90,000	Additional \$10k to be transferred to reserve from unspent Climate Action Plan budget
Town Planning Reserve	0	100,000	0	50,000	(50,000)	0	0	50,000	0	50,000	No change
Business Improvement Reserve	0	75,000	0	0	(75,000)	0	0	0	0	0	No change
Old Police Station Reserve	0	24,000	0	24,000	(24,000)	(7,500)	(7,500)	0	0	16,500	Match actual expenditure for the year
	991,251	942,228	3,603	763,059	(962,831)	0	(746,331)	970,648	994,854	1,007,979	

### 13.1.1 OFFICER RECOMMENDATION

That Council:

1. receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended 30 April 2021, as presented as attachment 1 to this report.
2. notes the unrestricted municipal surplus of \$2,737,966 as at 30 April 2021.
3. receives the Capital Works Report dated 30 April 2021, as presented as attachment 2 to this report.
4. receives the Monthly Financial Health Check, as presented as attachment 3 to this report.
5. pursuant to section 6.8 of the *Local Government Act 1995*, approve the following schedule of budget variations below resulting in a \$30,000 decrease in net current assets as at 30 June 2021.

Account No.	Description	Current Budget	Amended Budget	Variance	Comment
E12259	Riverside Road – Landscaping (Opex)	\$0	\$154,961	\$154,961	Allocate landscaping costs to opex
E12784	Road Resurfacing – Riverside Road (Capex)	\$375,000	\$220,039	(\$154,961)	Remove landscaping costs from capex
E12688	Footpath – Fortescue Street	\$0	(\$75,000)	(\$75,000)	Project reinstated as per original Capex Schedule
341	Transfer from Strategic Asset Management Reserve	\$412,152	\$487,152	\$75,000	Funding for Fortescue Footpath project
E12815	Transport – Plant & Equipment (Capex)	\$38,000	\$27,000	(\$11,000)	Remove ice machine budget from program 12 – plant & Equipment
E14613	Other Property & Services – Furniture & Equipment (Capex)	\$0	\$11,000	\$11,000	Allocate ice machine budget to program 14 – furniture & Equipment
E11246	EF Oval Masterplan	\$270,143	\$300,143	(\$30,000)	Allocation for client lead for the remainder of 20/21
Change in Net Current Assets				(\$30,000)	

6. endorse the following end of year transfers (to)/from cash-backed reserves, with \$763,059 to be transferred to Reserves and \$746,331 to be transferred from Reserves, resulting in a forecast cash-backed Reserves closing balance of \$1,007,979.

Name of Reserve	Amended Budget Transfer (to)	Proposed Budget Transfer (to)	Amended Budget Transfer (from)	Proposed Budget Transfer (from)
Vehicle, Plant and Equipment	\$0	\$0	\$7,500	\$7,500
Unspent Grants	\$0	(\$22,186)	\$0	\$0
Aged Services	\$0	\$0	\$165,000	\$165,000
Strategic Asset Management	(\$40,000)	(\$3,645)	\$412,152	\$494,652
Arts and Sculpture	\$0	\$0	\$95,000	\$15,000
Streetscape	(\$25,000)	(\$25,000)	\$0	\$0
Drainage	(\$150,000)	(\$150,000)	\$0	\$0
EF Oval Redevelopment	(\$298,228)	(\$298,228)	\$0	\$0

Preston Point Facilities	(\$100,000)	(\$100,000)	\$64,179	\$64,179
Foreshore Master Plan	(\$50,000)	\$0	\$50,000	\$0
Sustainability and Environmental	(\$80,000)	(\$90,000)	\$20,000	\$0
Town Planning	(\$100,000)	(\$50,000)	\$50,000	\$0
Business Improvements	(\$75,000)	\$0	\$75,000	\$0
Old Police Station	(\$24,000)	(\$24,000)	\$24,000	\$7,500
Total	(\$942,228)	(\$763,059)	\$962,831	\$746,331



**TOWN OF EAST FREMANTLE**  
**MONTHLY FINANCIAL REPORT**  
**(Containing the Statement of Financial Activity)**  
**For the Period Ended 30 April 2021**

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

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**Town of East Fremantle  
Information Summary  
For the Period Ended 30 April 2021**

## Key Information

### Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

### Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

### Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 April 2021 of \$2,737,966.

### Items of Significance

The material variance adopted by the Town of East Fremantle for the 2020/21 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

	% Collected / Completed	Amended Annual Budget	YTD Budget	YTD Actual
<b>Significant Projects</b>				
Purchase Property, Plant and Equipment	30%	\$ 440,559	\$ 173,821	\$ 131,670
Purchase and Construction of Infrastructure	70%	\$ 924,091	\$ 708,280	\$ 642,915
<b>Grants, Subsidies and Contributions</b>				
Commonwealth Home Support Programme	100%	\$ 601,566	\$ 601,566	\$ 601,750
Regional Road Group Grant	100%	\$ 180,000	\$ 180,505	\$ 180,505
		\$ 601,566	\$ 601,566	\$ 601,750
Rates Levied	100%	\$ 7,997,275	\$ 8,003,438	\$ 7,982,741

% Compares current ytd actuals to annual budget

### Financial Position

	Current Year
Adjusted Net Current Assets	\$ 2,737,966
Cash and Equivalent - Unrestricted	\$ 3,644,497
Cash and Equivalent - Restricted	\$ 994,854
Receivables - Rates	\$ 375,605
Receivables - Other	\$ 95,845
Payables	\$ 748,305

% Compares current ytd actuals to prior year actuals at the same time

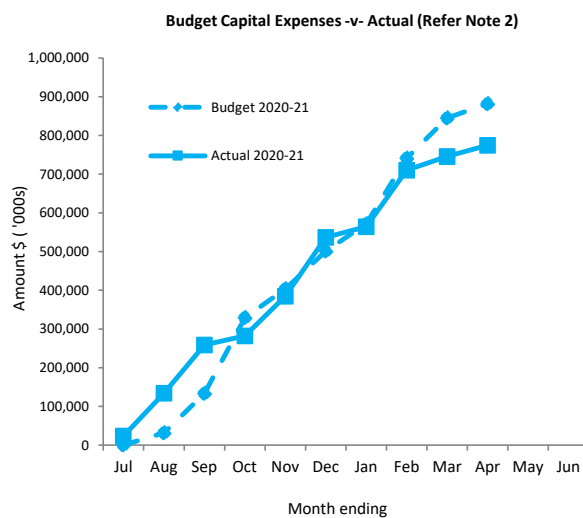
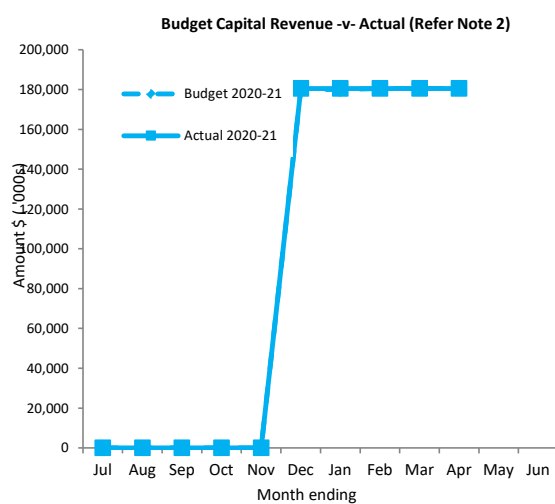
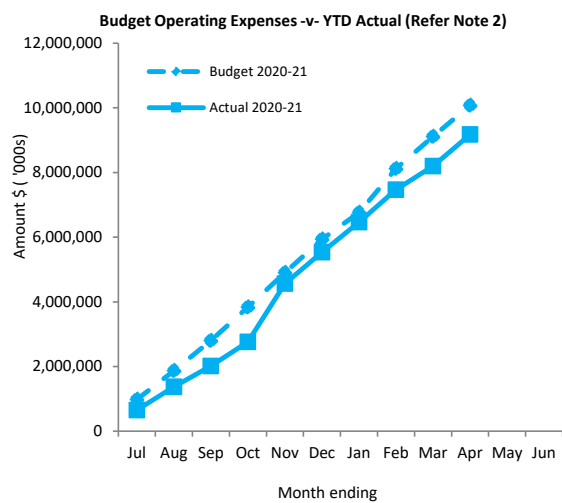
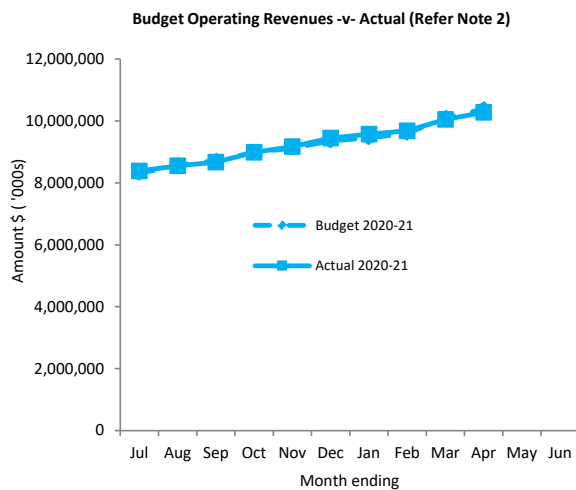
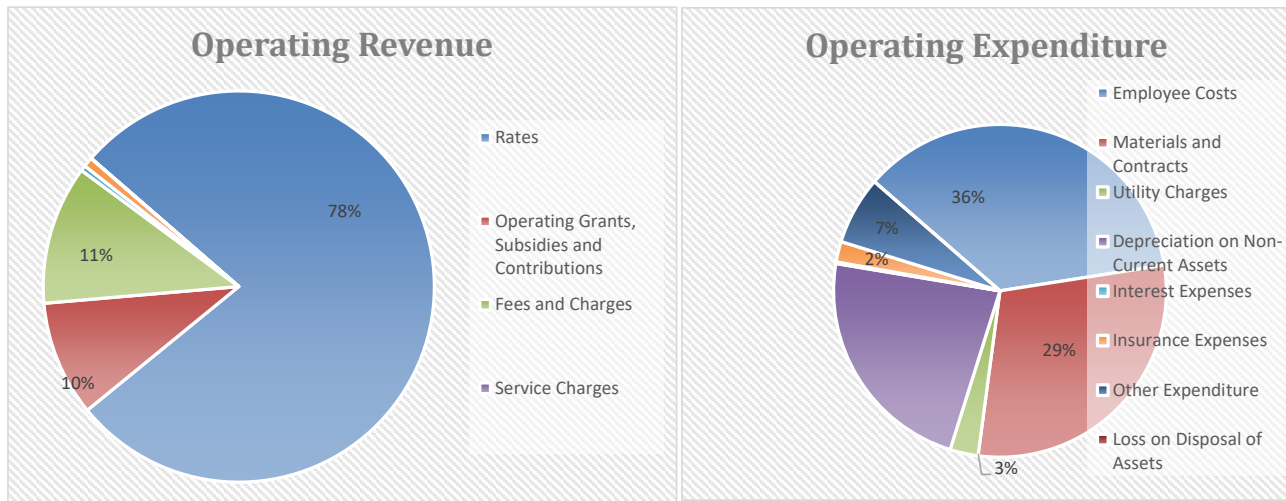
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

## Preparation

Prepared by:

Reviewed by: Peter Kocian

Date prepared:



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 April 2021**

		Annual Budget -	Annual Budget -	Current	Amended YTD	YTD	Var. \$	Var. %	
	Note	Hardcoded	Synergy	Budget	Budget (a)	Actual (b)	(b)-(a)	(b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
<b>Opening Funding Surplus(Deficit)</b>	3	<b>160,328</b>	<b>160,328</b>	<b>226,870</b>	<b>226,870</b>	<b>226,870</b>	(0)	(0%)	
<b>Revenue from operating activities</b>									
Governance		10,000	10,000	10,000	8,330	11,415	3,085	37%	
General Purpose Funding - Rates	9	7,997,275	7,997,275	8,010,558	8,003,438	7,982,741	(20,698)	(0%)	
General Purpose Funding - Other		328,653	328,653	289,783	241,470	215,017	(26,453)	(11%)	▼
Law, Order and Public Safety		33,200	33,200	25,923	21,580	29,799	8,219	38%	
Health		13,409	13,409	14,700	12,250	17,436	5,186	42%	
Education and Welfare		713,766	713,766	776,096	747,216	735,016	(12,200)	(2%)	
Housing		84,000	84,000	82,500	68,750	70,252	1,502	2%	
Community Amenities		205,000	205,000	238,600	212,390	214,772	2,382	1%	
Recreation and Culture		648,800	648,800	549,500	526,000	474,813	(51,187)	(10%)	
Transport		353,800	353,800	423,110	319,570	334,387	14,817	5%	
Economic Services		80,500	80,500	179,170	149,270	109,197	(40,073)	(27%)	▼
Other Property and Services		49,000	49,000	75,596	68,746	76,866	8,120	12%	
		<b>10,517,403</b>	<b>10,517,403</b>	<b>10,675,536</b>	<b>10,379,010</b>	<b>10,271,709</b>			
<b>Expenditure from operating activities</b>									
Governance		(1,198,448)	(1,198,448)	(1,211,340)	(992,254)	(937,756)	54,498	5%	
General Purpose Funding		(155,287)	(155,287)	(121,200)	(100,970)	(98,113)	2,857	3%	
Law, Order and Public Safety		(175,539)	(175,539)	(184,700)	(153,840)	(163,325)	(9,485)	(6%)	
Health		(215,419)	(215,419)	(243,240)	(195,192)	(164,665)	30,527	16%	▲
Education and Welfare		(1,116,999)	(1,116,999)	(1,196,549)	(1,012,361)	(869,485)	142,876	14%	▲
Housing		(45,320)	(45,320)	(45,820)	(38,390)	(31,306)	7,084	18%	▲
Community Amenities		(2,750,998)	(2,750,998)	(2,785,941)	(2,273,755)	(2,031,633)	242,122	11%	▲
Recreation and Culture		(2,334,470)	(2,334,470)	(3,138,506)	(2,647,555)	(2,410,490)	237,065	9%	
Transport		(2,703,195)	(2,703,195)	(2,811,821)	(2,342,910)	(2,007,818)	335,092	14%	▲
Economic Services		(115,287)	(115,287)	(154,300)	(128,560)	(116,816)	11,744	9%	
Other Property and Services		(158,100)	(158,100)	(231,075)	(191,454)	(342,948)	(151,494)	(79%)	▼
		<b>(10,969,062)</b>	<b>(10,969,062)</b>	<b>(12,124,493)</b>	<b>(10,077,241)</b>	<b>(9,174,355)</b>			
<b>Operating activities excluded from budget</b>									
Add back Depreciation		1,578,900	1,578,900	2,501,025	2,084,120	2,090,377	6,257	0%	
Adjust (Profit)/Loss on Asset Disposal	8	0	0	(1,430)	(1,430)	(1,430)	0	(0%)	
Movement in Deferred Rates				0	0	17,029	17,029		▲
<b>Amount attributable to operating activities</b>		<b>1,578,900</b>	<b>1,578,900</b>	<b>2,499,595</b>	<b>2,082,690</b>	<b>2,105,975</b>			
<b>Investing Activities</b>									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,505	180,505	180,505	0	0%	
Proceeds from Disposal of Assets	8	30,000	30,000	18,855	18,855	18,855	0	0%	
Purchase Property, Plant and Equipment		(292,500)	(387,500)	(440,559)	(173,821)	(131,670)	42,151	24%	▲
Purchase and Construction of Infrastructure		(734,181)	(639,181)	(924,091)	(708,280)	(642,915)	65,365	9%	
<b>Amount attributable to investing activities</b>		<b>(816,681)</b>	<b>(816,681)</b>	<b>(1,165,290)</b>	<b>(682,741)</b>	<b>(575,225)</b>			
<b>Financing Activities</b>									
Transfer from Reserves	7	591,500	591,500	962,831	0	0	0		
Payments for principal portion of lease liabilities				(36,635)	(36,635)	(40,416)	(3,781)	(10%)	
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	(71,370)	(72,989)	(1,619)	(2%)	
(Transfer to Reserves)	7	(967,228)	(967,228)	(942,228)	0	(3,603)	(3,603)		
<b>Amount attributable to financing activities</b>		<b>(470,888)</b>	<b>(470,888)</b>	<b>(111,192)</b>	<b>(108,005)</b>	<b>(117,008)</b>	<b>(9,003)</b>	<b>(8%)</b>	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>(0)</b>	<b>1,026</b>	<b>1,820,583</b>	<b>2,737,966</b>	<b>917,383</b>		

**TOWN OF EAST FREMANTLE**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 30 April 2021**

	Note	Annual Budget - Hardcoded	Annual Budget - Synergy	Current Budget	Amended YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$			\$	\$	\$	%	
<b>Opening Funding Surplus (Deficit)</b>	3	<b>160,328</b>	<b>160,328</b>	<b>226,870</b>	<b>226,870</b>	<b>226,870</b>	(0)	(0%)	
<b>Revenue from operating activities</b>									
Rates	9	7,997,275	7,997,275	8,010,558	8,003,438	7,982,741	(20,698)	(0%)	
Operating Grants, Subsidies and Contributions	11	1,175,019	1,175,019	1,110,239	1,032,126	978,783	(53,343)	(5%)	
Fees and Charges		1,187,609	1,187,609	1,375,713	1,188,280	1,180,808	(7,472)	(1%)	
Interest Earnings		120,000	120,000	80,800	67,330	45,817	(21,513)	(32%)	▼
Other Revenue		37,500	37,500	96,796	86,406	82,129	(4,276)	(5%)	
Profit on Disposal of Assets	8	0	0	1,430	1,430	1,430	0	0%	
		<b>10,517,403</b>	<b>10,517,403</b>	<b>10,675,536</b>	<b>10,379,010</b>	<b>10,271,709</b>			
<b>Expenditure from operating activities</b>									
Employee Costs		(4,173,445)	(4,205,445)	(4,270,592)	(3,503,310)	(3,315,223)	188,087	5%	
Materials and Contracts		(4,279,617)	(4,000,617)	(4,143,131)	(3,407,887)	(2,713,549)	694,338	20%	▲
Utility Charges		(299,300)	(299,300)	(296,700)	(247,120)	(251,407)	(4,287)	(2%)	
Depreciation on Non-Current Assets		(1,578,900)	(1,578,900)	(2,501,025)	(2,084,120)	(2,090,377)	(6,257)	(0%)	
Interest Expenses		(14,960)	(14,960)	(22,960)	(15,220)	(14,724)	496	3%	
Insurance Expenses		(180,320)	(180,320)	(183,756)	(183,756)	(183,255)	502	0%	
Other Expenditure		(442,520)	(689,520)	(706,328)	(635,828)	(605,822)	30,006	5%	
Loss on Disposal of Assets	8	0	0	0	0	0	0		
		<b>(10,969,062)</b>	<b>(10,969,062)</b>	<b>(12,124,493)</b>	<b>(10,077,241)</b>	<b>(9,174,355)</b>			
<b>Operating activities excluded from budget</b>									
Add back Depreciation		1,578,900	1,578,900	2,501,025	2,084,120	2,090,377	6,257	0%	
Adjust (Profit)/Loss on Asset Disposal	8	0	0	(1,430)	(1,430)	(1,430)	0	(0%)	
Movement in Deferred Rates		0	0	0	0	17,029	17,029		
<b>Amount attributable to operating activities</b>		<b>1,578,900</b>	<b>1,578,900</b>	<b>2,499,595</b>	<b>2,082,690</b>	<b>2,105,975</b>			
<b>Investing activities</b>									
Non-operating Grants, Subsidies and Contributions	11	180,000	180,000	180,505	180,505	180,505	0	0%	
Proceeds from Disposal of Assets	8	30,000	30,000	18,855	18,855	18,855	0	0%	
Purchase Property, Plant and Equipment		(292,500)	(387,500)	(440,559)	(173,821)	(131,670)	42,151	24%	▲
Purchase and Construction of Infrastructure		(734,181)	(639,181)	(924,091)	(708,280)	(642,915)	65,365	9%	
<b>Amount attributable to investing activities</b>		<b>(816,681)</b>	<b>(816,681)</b>	<b>(1,165,290)</b>	<b>(682,741)</b>	<b>(575,225)</b>			
<b>Financing Activities</b>									
Transfer from Reserves	7	591,500	591,500	962,831	0	0	0		
Payments for principal portion of lease liabilities		0	0	(36,635)	(36,635)	(40,416)	(3,781)	(10%)	
Repayment of Debentures	10	(95,160)	(95,160)	(95,160)	(71,370)	(72,989)	(1,619)	(2%)	
(Transfer to Reserves)	7	(967,228)	(967,228)	(942,228)	0	(3,603)	(3,603)		
<b>Amount attributable to financing activities</b>		<b>(470,888)</b>	<b>(470,888)</b>	<b>(111,192)</b>	<b>(108,005)</b>	<b>(117,008)</b>			
<b>Closing Funding Surplus (Deficit)</b>	3	<b>0</b>	<b>(0)</b>	<b>1,026</b>	<b>1,820,583</b>	<b>2,737,966</b>	<b>917,383</b>	<b>50%</b>	<b>▲</b>

**TOWN OF EAST FREMANTLE**  
**STATEMENT OF FINANCIAL POSITION**  
**For the Period Ended 30 April 2021**

	<b>2021</b>
	<b>\$</b>
<b>CURRENT ASSETS</b>	
Cash and cash equivalents	4,639,350
Trade and other receivables	514,026
Other assets	-
<b>TOTAL CURRENT ASSETS</b>	<u>5,153,376</u>
<b>NON-CURRENT ASSETS</b>	
Trade and other receivables	56,873
Other financial assets	71,221
Investment in associate	1,094,618
Property, plant and equipment	32,438,932
Infrastructure	48,788,267
Right of use assets	285,797
<b>TOTAL NON-CURRENT ASSETS</b>	<u>82,735,708</u>
<b>TOTAL ASSETS</b>	<u>87,889,084</u>
<b>CURRENT LIABILITIES</b>	
Trade and other payables	748,305
Lease liabilities	- 3,781
Borrowings	104,808
Employee related provisions	672,252
<b>TOTAL CURRENT LIABILITIES</b>	<u>1,521,584</u>
<b>NON-CURRENT LIABILITIES</b>	
Lease liabilities	286,288
Borrowings	204,842
Employee related provisions	99,022
<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>590,152</u>
<b>TOTAL LIABILITIES</b>	<u>2,111,735</u>
<b>NET ASSETS</b>	<u>85,777,349</u>
<b>EQUITY</b>	
Retained surplus	35,547,540
Reserves - cash backed	994,854
Revaluation surplus	49,234,956
<b>TOTAL EQUITY</b>	<u>85,777,349</u>

**TOWN OF EAST FREMANTLE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 April 2021**

**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 2020/21 year is \$10,000 or 10% whichever is the greater.

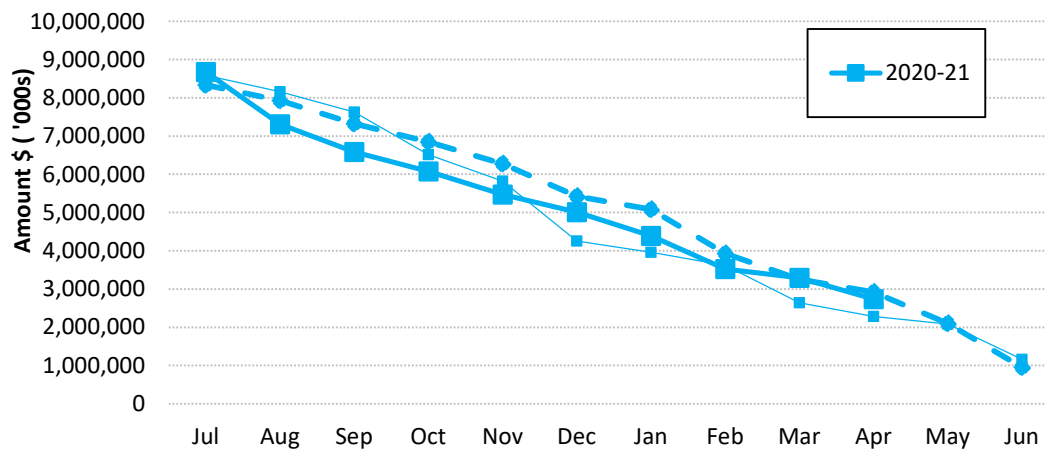
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
General Purpose Funding	(26,453)	(11%)		Timing	Unfavourable - Low interest rates
Economic Services	(40,073)	(27%)		Timing	Unfavourable - Permits/DA's to be accounted for
<b>Operating Expense</b>					
Health	30,527	16%		Timing	Favourable - Timing difference for contract payment for Swimming Pool inspections.
Education and Welfare	142,876	14%		Permanent	Favourable - CHSP Salary & Wages savings due to reduced activity as a result of COVID 19.
Community Amenities	242,122	11%		Timing	Favourable - Less spent in Contractors/Consultants year to date.
Transport	335,092	14%		Timing	Favourable - Less spent in Contractors/Consultants year to date. Under allocation of Overheads, jnl to be done
Other Property and Services	(151,494)	(79%)		Timing	Under-recovery of public works overheads. \$150k at 30 April to be allocated out. Overhead rate has been adjusted in the payroll system.
<b>Capital Expenses</b>					
Purchase Property, Plant and Equipment	42,151	24%		Timing	Favourable - due to unspent CAPEX program year to date
<b>Nature and Type Classifications:</b>					
Interest Earnings	(21,513)	(32%)		Permanent	Unfavourable - Low interest rate environment
Materials and Contracts	694,338	20%		Timing	Favourable - Underspent year to date.

**TOWN OF EAST FREMANTLE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 April 2021**

**Note 2: Net Current Funding Position**

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2020	30 Apr 2021
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	4	1,966,551	3,644,497
Cash Restricted - Reserves	4	1,350,387	994,854
Receivables - Rates	6	320,318	375,605
Receivables - Other	6	109,834	95,845
Interest / ATO Receivable/Trust		250,242	42,575
Inventories		0	0
		<b>3,997,332</b>	<b>5,153,376</b>
<b>Less: Current Liabilities</b>			
Payables		(2,080,405)	(748,305)
Provisions		(698,807)	(672,252)
		<b>(2,779,212)</b>	<b>(1,420,557)</b>
Less: Restricted Cash - Reserves	7	(991,251)	(994,854)
Less: Trust Interfund Transfer Account		0	0
<b>Net Current Funding Position</b>		<b>226,870</b>	<b>2,737,966</b>

**Note 3 - Liquidity Over the Year****Comments - Net Current Funding Position**



TOWN OF EAST FREMANTLE  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 April 2021

Note 3: Cash and Investments

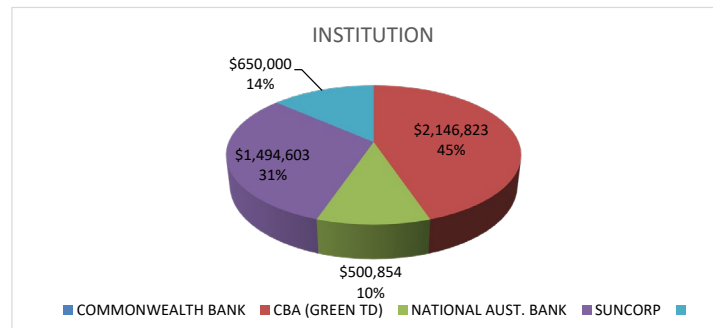
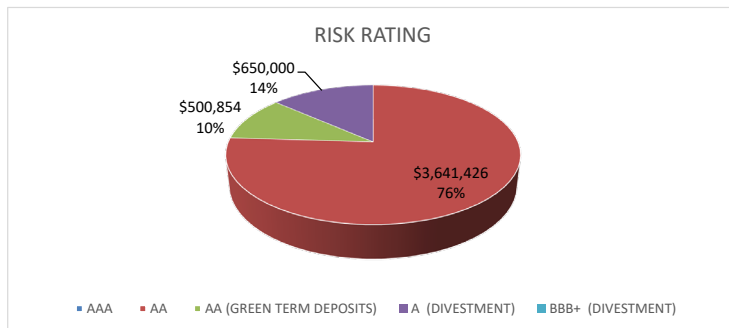
	Unrestricted	Restricted	Trust	Total Amount	Institution	Risk Rating (LT)	Interest Rate	Maturity Date
	\$	\$	\$	\$				
(a) <b>Cash Deposits</b>								
Municipal Bank Account - On-Call	635,925			635,925	CBA	AA-	0.01%	At Call
Municipal Bank Account	428,014			428,014	CBA	AA-		At Call
Municipal Bonds & Deposits Account	428,604			428,604	CBA	AA-		At Call
Reserve Bank Account		251		251	CBA	AA-		At Call
Trust Bank Account			154,029	154,029	CBA	AA-		At Call
Cash On Hand	1,100			1,100	Petty Cash/Till Float		Nil	On Hand
(b) <b>Term Deposits</b>								
Municipal	500,000			500,000	CBA	AA-	0.11%	28-May-21 550
Municipal	500,000			500,000	NAB	AA-	0.06%	31-May-21 300
Municipal	500,854			500,854	CBA (GREEN TD)	AA-	0.17%	19-May-21 851
Municipal	650,000			650,000	SUNCORP	A+	0.35%	13-May-21 2,275
Municipal Bonds & Deposits	0			0				
Trust			0	0				
Reserves		994,603		994,603	NAB	AA-	0.05%	31-May-21 497
<b>Total</b>	<b>3,644,497</b>	<b>994,854</b>	<b>154,029</b>	<b>4,793,380</b>			<b>0.14%</b>	<b>4,474</b>
<b>Less Cash on Hand</b>	<b>(1,100)</b>			<b>(1,100)</b>				
	<b>3,643,397</b>	<b>994,854</b>	<b>154,029</b>	<b>4,792,280</b>				
Less: Trust Cash at Bank				(154,029)				
Add: Cash on Hand				1,100				
<b>Cash and Cash Equivalents as per SOFP</b>				<b>4,639,350</b>				

Please note: Suncorp is currently not accepting term deposits less than 90 days and CBA Green Term Deposits were not being accepted in the last week of April.

Comments/Notes - Investments and Cash Deposits

(LT) RISK RATING	PORTFOLIO	\$	%
AAA	MAX 100%		
AA	MAX 100%	\$3,641,426	75.99%
AA (GREEN TERM DEPOSITS)	MAX 100%	\$500,854	10.45%
A (DIVESTMENT)	MAX 80%	\$650,000	13.56%
BBB+ (DIVESTMENT)	MAX 80%		0.00%
		<b>\$4,792,280</b>	<b>100.00%</b>

INSTITUTION	\$	%	(LT) RISK
COMMONWEALTH BANK	\$2,146,823	44.80%	AA-
CBA (GREEN TD)	\$500,854	10.45%	AA-
NATIONAL AUST. BANK	\$1,494,603	31.19%	AA-
SUNCORP	\$650,000	13.56%	A+
	<b>\$4,792,280</b>	<b>100.00%</b>	



**TOWN OF EAST FREMANTLE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 April 2021**

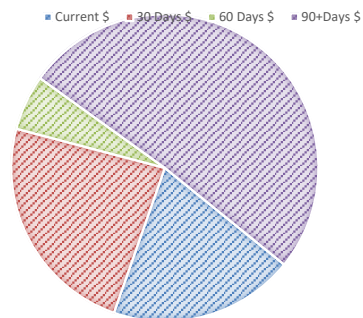
**Note 4: Receivables**

Receivables - Rates Receivable	30 April 2021	30 June 2020	Receivables - General	Current	30 Days	60 Days	90+Days	Credit Balances	Total
Opening Arrears Previous Years	\$ 270,487	220,065	Receivables - General	\$ 3,055	\$ 3,708	\$ 909	\$ 7,957		15,628
Rates, ESL and Service Charges Levied this year	9,912,519	8,049,151	Receivables - Parking						76,493
Less Collections to date	-9,594,621	-7,778,664	East Fremantle Lawn & Tennis Club						24,000
Equals Current Outstanding (as per TB)		270,487							
<b>Net Rates Collectable</b>	<b>317,898</b>	<b>270,487</b>	<b>Total Receivables General Outstanding</b>						<b>116,122</b>
% Outstanding	3.12%								

Amounts shown above include GST (where applicable)

Control Account	GL	Balance
Sundry Debtors	104	15,628
SSL - Current EFTC	114	3,000
SSL - Non-Current EFTC	1684	21,000
Infringement Debtors	180	76,493
		<b>116,122</b>

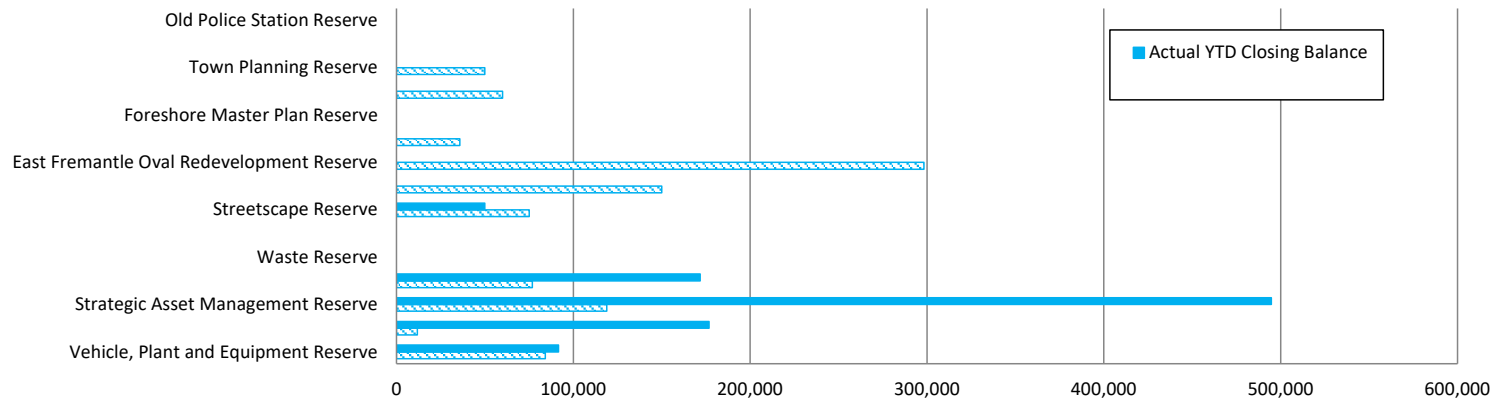
**NOTE 6 - ACCOUNTS RECEIVABLE (NON-RATES)**



**TOWN OF EAST FREMANTLE**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 April 2021**

**Note 5: Cash Backed Reserve**

Name	Opening Balance	Amended Budget 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		10,000	10,000
Unspent Grants and Restricted Cash Reserve	0		0		0		0	0
Vehicle, Plant and Equipment Reserve	91,627		0		(7,500)		84,127	91,627
Aged Services Reserve	176,803		0		(165,000)		11,803	176,803
Strategic Asset Management Reserve	491,049		40,000	3,603	(412,152)		118,897	494,652
Arts and Sculpture Reserve	171,772		0		(95,000)		76,772	171,772
Waste Reserve	0		0		0		0	0
Committed Works Reserve	0		0		0		0	0
Streetscape Reserve	50,000		25,000		0		75,000	50,000
Drainage Reserve	0		150,000		0		150,000	0
East Fremantle Oval Redevelopment Reserve	0		298,228		0		298,228	0
Preston Point Facilities Reserve	0		100,000		(64,179)		35,821	0
Foreshore Master Plan Reserve	0		50,000		(50,000)		0	0
Sustainability and Environmental Reserve	0		80,000		(20,000)		60,000	0
Town Planning Reserve	0		100,000		(50,000)		50,000	0
Business Improvement Reserve	0		75,000		(75,000)		0	0
Old Police Station Reserve	0		24,000		(24,000)		0	0
	991,251	0	942,228	3,603	(962,831)	0	970,648	994,854

**Note 7 - 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 April 2021

## Note 6: Disposal of Assets

Asset Number	Plant Number	Asset Description	2020/21 Budget				2020/21 Actuals			
			Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			\$	\$	\$	\$	\$	\$	\$	\$
		<b>Plant and Equipment</b>								
PEMV242	P4069	Mitsubishi Rosa 1DXU938	30,000	30,000	0	0	17,425	18,855	1,430	0
PE263	P4055	Water Trailer 1TMB281	0	0	0	0	0	0	0	0
			<b>30,000</b>	<b>30,000</b>	<b>0</b>	<b>0</b>	<b>17,425</b>	<b>18,855</b>	<b>1,430</b>	<b>0</b>

TOWN OF EAST FREMANTLE  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 April 2021

## Note 7: Rating Information

RATE TYPE	YTD Actual						Adopted Budget			
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
<b>Differential General Rate</b>	\$		\$	\$	\$	\$	\$	\$	\$	\$
Residential GRV	0.074225	2,954	85,530,640	6,348,512	13,966	6,362,478	6,345,613	30,000		6,375,613
Commercial GRV	0.110543	115	11,547,243	1,276,467	(1,403)	1,275,064	1,275,992			1,275,992
<b>Sub-Totals</b>		<b>3,069</b>	<b>97,077,883</b>	<b>7,624,979</b>	<b>12,563</b>	<b>7,637,542</b>	<b>7,621,605</b>	<b>30,000</b>	<b>0</b>	<b>7,651,605</b>
<b>Minimum Payment</b>	<b>Minimum \$</b>									
Residential GRV	1,106.00	331	4,263,529	366,086	2,825	368,911	368,298			368,298
Commercial GRV	1,654.00	12	140,695	19,848	(506)	19,342	19,848			19,848
<b>Sub-Totals</b>		<b>343</b>	<b>4,404,224</b>	<b>385,934</b>	<b>2,319</b>	<b>388,253</b>	<b>388,146</b>	<b>0</b>	<b>0</b>	<b>388,146</b>
		<b>3,412</b>	<b>101,482,107</b>	<b>8,010,913</b>	<b>14,882</b>	<b>8,025,795</b>	<b>8,009,751</b>		<b>0</b>	<b>8,039,751</b>
<b>Amount from General Rates</b>						<b>8,025,795</b>				<b>8,039,751</b>
<b>Less Concessions</b>				<b>(43,055)</b>		<b>(43,055)</b>	<b>(42,476)</b>			<b>(42,476)</b>
<b>Totals</b>				<b>7,967,858</b>		<b>7,982,740</b>	<b>7,967,275</b>			<b>7,997,275</b>

TOWN OF EAST FREMANTLE  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 April 2021

Note 8: Grants and Contributions

	Grant Provider	Purpose of Grant	Acquittal Date	Acquittal Requirement	Type	Amended Budget Operating	Capital	YTD Budget	YTD Actual Revenue
						\$	\$	\$	\$
<b>General Purpose Funding</b>									
Grants Commission - General	WALGGC	Untied - General Purpose	NA	NA	Operating	83,113		69,260	62,335
Grants Commission - Roads	WALGGC	Untied - Road	NA	NA	Operating	33,900		28,250	25,369
<b>Education and Welfare</b>									
Home and Community Care Program	State/Commonwealth Dep. Health	Commonwealth Home Support Programme	31-Oct	Financial Declaration Acquittal	Operating - Tied	601,566		601,566	601,750
<b>Community Amenities</b>									
Recycling Grant	Dept. Regional Development	Better Bins Program			Operating - Tied	32,350		26,950	24,800
<b>Recreation and Culture</b>									
East Fremantle Oval Redevelopment	Town of East Fremantle - Trust	Business Case			Operating - Tied	238,100		238,100	201,769
Foreshore Erosion	DBCA				Operating - Tied	0		0	0
Youth Event	Lisa O'Malley	Attendance of St John Ambulance at Youth Event	NA	NA	Operating	0	0	0	500
<b>Transport</b>									
Regional Road Group - Cap	Main Roads	Road Renewal	31-May	Certificate of Completion	Non-operating		180,505	180,505	180,505
Direct Grant	Main Roads	Direct Grant	July	GST Free Invoice	Operating	18,000		18,000	18,170
Federal Government Stimulus Payment	Department of Infrastructure	Local Roads and Community Infrastructure Program			Operating - Tied	84,000		42,000	42,091
Street Lighting Subsidy	Main Roads	Street Lighting Subsidy	September		Operating	4,800		0	0
Integrated Traffic Study	Town of East Fremantle - Trust	Traffic and Parking Management Plan - Whole of District			Operating - Tied	6,410		0	2,000
Stirling Bridge Verge Maintenance Agreement	Main Roads	Stirling Highway Verge Maint. Agreement	September	GST Inc. Invoice	Operating	8,000		8,000	0
<b>TOTALS</b>						<b>1,110,239</b>	<b>180,505</b>	<b>1,212,631</b>	<b>1,159,288</b>
<b>SUMMARY</b>									
Operating	Operating Grants, Subsidies and Contributions					147,813	0		106,374
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions					962,426	0		872,410
Non-operating	Non-operating Grants, Subsidies and Contributions					0	180,505		180,505
<b>TOTALS</b>						<b>1,110,239</b>	<b>180,505</b>	<b>0</b>	<b>1,159,288</b>

LEGEND	
Income	
<div></div>	Under Budget by 10% or more (YTD Actual against YTD Budget)
Expenditure	
<div></div>	Greater than 10% over budget (Total Committed against Current Budget)
<div></div>	Over Budget by 5% but less than 10%
<div></div>	Over Budget by less than 5%
<div></div>	No Budget
<div></div>	No budget exists against actual - immediate attention required
<div></div>	FYI - Less than 20% expenditure spent (Total Committed against Current Budget)

Budget Year: 20/21  
Data as at: Friday, 30 April 2021

Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
04 - GOVERNANCE									
042 - ADMINISTRATION									
Capital Expenditure									
E04606		Furniture and Equipment	67,442	67,442	64,395	0	64,395	-4.52%	95%
Capital Expenditure Total			67,442	67,442	64,395	0	64,395		
08 - WELFARE									
082 - CARE OF FAMILIES & CHILDREN									
Capital Expenditure									
E08607		Plant and Equip - Replace Mitsubishi Bus HACC	175,000	175,000	0	173,563	173,563	-0.82%	99%
E08612		HACC Furniture & Equipment	10,000	0	5,266	5,266	10,532	5.32%	105%
Capital Expenditure Total			185,000	175,000	5,266	178,829	184,095		
10 - COMMUNITY AMENITIES									
104 - OTHER COMMUNITY AMENITIES									
Capital Expenditure									
E10629		Public Toilet - Capital	3,300	2,750	3,238	0	3,238	-1.89%	98%
Capital Expenditure Total			3,300	2,750	3,238	0	3,238		
11 - RECREATION AND CULTURE									
112 - OTHER RECREATION & SPORT									
Capital Expenditure									
E11600		East Fremantle Football Club Building Renewal	33,000	27,500	28,404	0	28,404	-13.93%	86%
E11613		Inf - Dog Park Fencing and Equipment	1,940	1,610	1,940	0	1,940	0.00%	100%
E11622		Capex - Lee Park - Bore Renewal	53,000	44,160	0	0	0	-100.00%	0%
E11630		Capex - Electrical - Lighting/Bore - Wauhop Park	40,000	33,330	4,423	33,385	37,808	-5.48%	95%
E11633		Inf - Cliff Management - Niergarup Track	30,000	25,000	29,985	0	29,985	-0.05%	100%
E11653		East Fremantle Junior Cricket Club-Contribution	5,000	4,160	5,000	0	5,000	0.00%	100%
E11678		EF Junior Football Club - Install Floodlighting	29,200	24,330	0	0	0	-100.00%	0%
E11695		Inf Chapman / Preston Point Reserve - Returfing and Irrigation	150,000	125,000	126,449	4,877	131,326	-12.45%	88%
E11713		INF - Parks/ Reserve Sign Replacement	3,500	2,910	3,487	0	3,487	-0.39%	100%
Capital Expenditure Total			345,640	288,000	199,687	38,261	237,949		
114 - OTHER CULTURE									
Capital Expenditure									
E11685		P&E - Acquisition of Public Art (Outdoor Sculpture) - CapEx - Other Culture	95,000	52,500	13,591	45,000	58,591	-38.33%	62%
Capital Expenditure Total			95,000	52,500	13,591	45,000	58,591		
12 - TRANSPORT									
122 - MAINT STREETS ROADS & BRIDGES									

Budget Year: 20/21  
Data as at: Friday, 30 April 2021

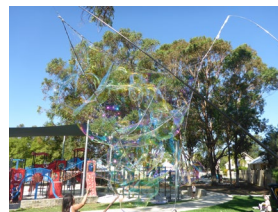
Account #	Job #	Description	Current Budget	YTD Budget	YTD Actual	Order Value	Total Committed	Variance (%)	% of Full Budget
<b>Capital Expenditure</b>									
E12656		Footpath - Stratford Street	74,100	61,750	0	74,017	74,017	-0.11%	100%
E12761		Inf - Drainage	104,181	86,810	9,883	32,481	42,364	-59.34%	41%
E12784		Inf - Roads - Road Resurfacing - Riverside Road	375,000	312,500	418,693	28,167	446,860	19.16%	119%
E12801		Capex - Footpath Repair - Hazards & Defects	40,000	33,330	24,886	0	24,886	-37.79%	62%
E12815		Plant & Equipment - Mobile Plant - Capex - New - Maintenance Streets Roads & Bridges	38,000	7,959	7,959	0	7,959	-79.06%	21%
E12831		Capex - Retaining Walls	23,170	19,300	23,170	0	23,170	0.00%	100%
<b>Capital Expenditure Total</b>			<b>654,451</b>	<b>521,649</b>	<b>484,591</b>	<b>134,665</b>	<b>619,256</b>		
<b>123 - ROAD PLANT</b>									
<b>Capital Expenditure</b>									
E12702		Plant and Equip - Water Tank Trailer (Tandem 8x5 with brakes)	8,817	7,340	8,817	0	8,817	0.00%	100%
<b>Capital Expenditure Total</b>			<b>8,817</b>	<b>7,340</b>	<b>8,817</b>	<b>0</b>	<b>8,817</b>		
<b>14 - OTHER PROPERTY AND SERVICES</b>									
<b>144 - UNCLASSIFIED PROPERTY</b>									
<b>Capital Expenditure</b>									
E14601		Buildings - Renewals and Electrical Services	10,000	8,330	0	0	0	-100.00%	0%
<b>Capital Expenditure Total</b>			<b>10,000</b>	<b>8,330</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>GRAND TOTAL</b>			<b>1,369,650</b>	<b>1,123,011</b>	<b>779,585</b>	<b>396,756</b>	<b>1,176,341</b>		



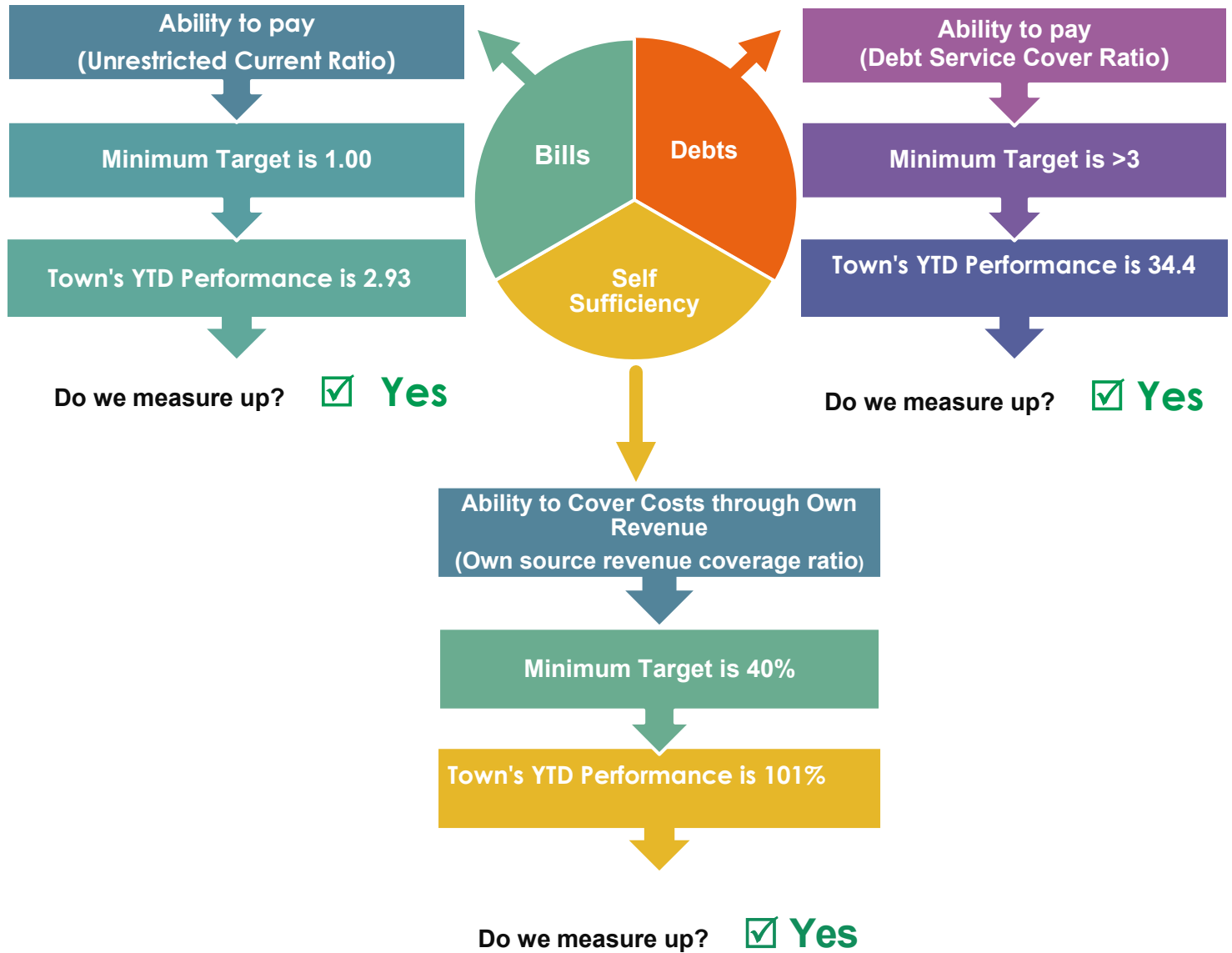
# MONTHLY FINANCIAL HEALTH CHECK

As at 30 April 2021

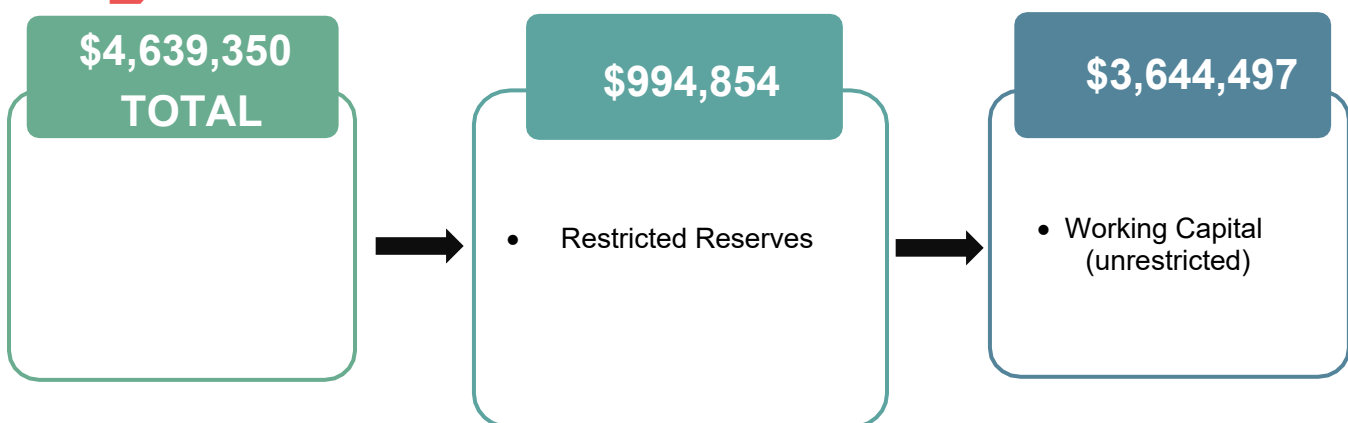
Highlighting how the Town of East Fremantle is  
tracking against financial ratios



Financial Snapshot (Year to Date)		Actual
Operating Revenue		\$10,271,709
Operating Expenditure (Including Non-Cash Items)		-\$9,174,355
Non-Cash Items		\$2,105,975
Capital Revenue		\$199,360
Capital Expenditure		-\$774,585
Loan Repayments		-\$72,989
Transfers to/from Reserves		-\$3,603
Surplus Brought Forward 1 July 2020		\$226,870
<b>Current Municipal Surplus</b>		<b>\$2,778,382</b>



## Cash in the bank



## How are we tracking against our budgeted targets?

### Adjusted Operating Surplus

A measure of the Town's ability to cover its operational costs including depreciation and have funds left over to cover capital expenditure (including principal loan repayments) without relying on debt or reserves.

Minimum Target is 1%

Town's YTD Performance is 11.8%

Do we measure up? ☒ **Yes**

- Adjusted operating surplus and self-sufficient ratios are high in the earlier part of the year due to rates being fully invoiced in July. However, as the year progresses, operating expenditure will continue to draw on this revenue source reducing to target by 30 June 2021.

### Asset Sustainability Ratio

Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.

Minimum Target is 90%

Town's YTD Performance is 37%

Do we measure up? ☒ **No**

- A reduced Capital Works Program (including renewals) and an increase in depreciation expense as a result of asset revaluations has had a two-fold effect on the asset sustainability ratio resulting in a deterioration.

### 13.1.2 Accounts for Payment – April 2021

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	John Mordini, Manager, Finance & Administration
<b>Supervised by</b>	Peter Kocian, Executive Manager, Corporate Services
<b>Meeting Date</b>	18 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly List of Payments – April 2021

#### Purpose

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 30 April 2021 and recorded in the minutes of the Council.

#### Executive Summary

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 April to 30 April 2021, as per the summary table.

#### Background

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

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

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

#### Consultation

Nil.

#### Statutory Environment

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

#### Policy Implications

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

#### Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

#### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment 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
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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

Risk Rating	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 2020 – 2030 states as follows:

##### **STRATEGIC PRIORITY 5: Leadership and Governance**

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

*5.1 Strengthen organisational accountability and transparency*

*5.3 Strive for excellence in leadership and governance*

#### Site Inspection

Not applicable.



### Comment

Payments for the period include the following significant items:

Payee	Particulars	Amount (GST Inc)
State Wide Turf Services	Turf/Mowing/Fertilising Preston Point Reserve	21,466.88
Office of Auditor General	Audit Fees 2019/20	44,528.00
Aust Taxation Office	GST Payable March 2021	68,434.00
City of Fremantle	6 Month contribution Recycling Centre	47,850.00
SMRC	Waste Fees March	50,496.94
Suez Recycling & Recovery	Waste Collection Fees Feb/March 2021	70,843.90

### 13.1.2 OFFICER RECOMMENDATION

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, **RECEIVES** the list of payments made under delegated authority for the month ended 30 April 2021 as recorded in the Minutes of the Council.

APRIL 2021		
Voucher No	Account	Amount
5325 - 5327	Municipal (Cheques)	\$6,566.89
EFT31144 – EFT31289	Municipal (EFT)	\$601,376.68
Payroll	Municipal (EFT)	\$287,599.21
Direct Debits	Municipal (Direct Debit)	\$50,044.62
	<b>Total Payments</b>	<b>\$ 945,587.40</b>

## TOWN OF EAST FREMANTLE

List of Accounts paid by the Chief Executive for April 2021 &amp; submitted for the information of the Council Meeting to be held on 18 May 2021

Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
<b>CHEQUE</b>					
5325	14/04/2021	TOWN OF EAST FREMANTLE- PLEASE PAY CASH	ADMIN PETTY CASH RECOUP 01/04/21	260.30	260.30
5326	14/04/2021	WATER CORPORATION	WATER USE AND SERVICE CHARGES VARIOUS LOCATIONS	6,282.59	6,282.59
5327	30/04/2021	DEPARTMENT OF TRANSPORT	12 MONTH LICENCE P4055	24.00	24.00
			<b>CHEQUE TOTAL</b>	<b>\$ 6,566.89</b>	<b>\$ 6,566.89</b>
<b>EFTs</b>		<b>Supplier</b>	<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
EFT31144	01/04/2021	MAYOR JIM O'NEILL	SITTING FEES, - ICT ALLOWANCE & MAYORAL ALLOWANCE - APRIL 21	4,416.68	4,416.68
EFT31145	01/04/2021	CR. JENNY HARRINGTON	SITTING FEES, ICT ALLOWANCE & DEPUTY MAYORAL ALLOWANCE APRIL 21	2,062.84	2,062.84
EFT31146	01/04/2021	CR. CLIFF COLLINSON	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31147	01/04/2021	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31148	01/04/2021	CR. MICHAEL MCPHAIL	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31149	01/04/2021	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31150	01/04/2021	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31151	01/04/2021	CR. TONY NATALE	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31152	01/04/2021	CR KERRY DONOVAN	SITTING FEES & ICT ALLOWANCE APRIL 21	1,542.00	1,542.00
EFT31153	14/04/2021	AUSTRALIA POST	POSTAGE COSTS MARCH 2021	1,659.78	1,659.78
EFT31154	14/04/2021	BUNNINGS BLDG SUPPLIES LTD	VARIOUS HARDWARE	688.02	688.02
EFT31155	14/04/2021	CITY OF COCKBURN	TIP FEES - MARCH 2021	1,040.00	1,040.00
EFT31156	14/04/2021	LANDGATE	REGULATORY SERVICES ANNUAL SLIP SUBSCRIPTION - LANDGATE	4,869.90	4,869.90
EFT31157	14/04/2021	EAST FREMANTLE FOOTBALL CLUB	FINAL BALANCE OF FUNDING AGREEMENT	5,137.00	5,137.00
EFT31158	14/04/2021	MCLEODS	PROFESSIONAL FEES - LEASE	1,341.05	
			PROFESSIONAL FEES - WITHDRAWAL OF CAVEAT	238.42	
			PROFESSIONAL FEES - CAVEAT	459.71	
			LEGAL FEES - BUSH FIRES ACT	1,883.72	3,922.90
EFT31159	14/04/2021	OPTUS ADMINISTRATION PTY LTD	MOBILE PHONE COSTS 22/10/20 - 21/11/20	532.52	532.52
EFT31160	14/04/2021	SOUTH WEST GROUP	20/21 CONTRIBUTION TO NRM FACILITATOR POSITION	11,000.00	11,000.00
EFT31161	14/04/2021	CANNON HYGIENE AUSTRALIA PTY LTD	SANITARY UNIT SERVICE - VARIOUS LOCATIONS	231.53	231.53
EFT31162	14/04/2021	TELSTRA CORPORATION LIMITED	CEO MOBILE PHONE 16/02/ - 15/03	86.00	86.00
EFT31163	14/04/2021	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	9,525.84	9,525.84
EFT31164	14/04/2021	YOUNGS PLUMBING SERVICE P/L	GLASSON PARK - UNBLOCK SINK & INSTALL FITTINGS AS REQUIRED	307.65	307.65
EFT31165	14/04/2021	FASTA COURIERS	COURIER SERVICES FOR MARCH 21	81.17	81.17
EFT31166	14/04/2021	TREE PLANTING & WATERING	STREET TREE WATERING FOR DECEMBER - BALANCE OF INVOICE	562.50	
			STREET TREE WATERING FOR JANUARY - BALANCE OF INVOICE	562.50	1,125.00
EFT31167	14/04/2021	TOTAL PACKAGING (WA) PTY LTD	15 CARTONS (60 BOXES) BIODEGRADABLE DOG BAGS	3,775.20	3,775.20
EFT31168	14/04/2021	SOUTHERN METROPOLITAN REGIONAL COUNCIL	FOGO GATE FEES - FEBRUARY 2021	19,605.89	19,605.89
EFT31169	14/04/2021	DEPT OF MINES, INDUSTRY REGULATION & SAFETY	BUILDING SERVICES LEVY COLLECTED MARCH 21	1,018.29	1,018.29
EFT31170	14/04/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	STAFF REGISTRATION - BETTER PRACTICE ECONOMIC HEALTH	100.00	
			STAFF REGISTRATION - PROJECT MANAGEMENT MASTERCLASS	280.00	380.00
			WEBINAR SERIES		
EFT31171	14/04/2021	WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION	2 X STAFF TRAINING COURSE - PREPARING AGENDAS AND MINUTES	1,156.00	1,156.00
EFT31172	14/04/2021	PETRA CLEAN	CLEANING - SUMPTON GREEN, DEPOT, TOWN HALL, HACC, GLASSON PARK TOILETS - MARCH 2021	7,668.34	7,668.34
EFT31173	14/04/2021	STRATA GREEN	1 X BOX CAUTION TAPE, 1 X BOX MARKER PAINT, 1 X BOX OF GLOVES, 3 X SECATEURS, SAFETY GLASSES	1,352.26	1,352.26
EFT31174	14/04/2021	WOOLWORTHS SUPERMARKETS	RESPIRE CENTRE GROCERIES 30/03/21	198.92	
			RESPIRE CENTRE GROCERIES 12/04/21	164.32	363.24
EFT31175	14/04/2021	FOLEY BURGE CONVEYANCING	RATES REFUND	917.83	917.83
EFT31176	14/04/2021	LANDSCAPE YARD O'CONNOR	YELLOW SAND	342.00	
		LANDSCAPE YARD O'CONNOR	4 X CUBIC METRES OF LAWN SAND	228.00	570.00
EFT31177	14/04/2021	KONICA MINOLTA BUSINESS SOLUTIONS	KONICA MINOLTA PHOTOCOPIER CONTRACT JANUARY - JUNE 2021	26.00	26.00
EFT31178	14/04/2021	MP ROGERS & ASSOCIATES P/L	SEAWALL INSPECTION & ASSESSMENT - BETWEEN BOAT RAMP & SWAN YACHT CLUB	1,922.31	1,922.31
EFT31179	14/04/2021	FOODWORKS EAST FREMANTLE	MEETING, WORKS, ADMIN, HEALTH CONSUMABLES MARCH 21	660.77	660.77
EFT31180	14/04/2021	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES - 2020/2021 - MARCH 21 - 3 SUCCESSFUL	10.20	10.20
EFT31181	14/04/2021	FOCUS NETWORKS	MANAGED PROACTIVE SERVICE - MONTHLY COMPUTER SERVICES - ADDITIONAL TIME CHARGED	1,958.55	
			MONTHLY CHARGES FOR MICROSOFT OFFICE 365, VISIO, EMAIL PROTECTION, ANTI VIRUS, MANAGED RECOVERY SERVICE AND DUO MULTI-FACTOR AUTHENTICATION LICENCE - APRIL 20	4,932.60	
			MANAGED PROACTIVE SERVICE - MONTHLY COMPUTER SERVICES	4,160.20	11,051.35
EFT31182	14/04/2021	ENVIRO SWEEP	STREET SWEEPING - MARCH 2021	4,158.00	4,158.00
EFT31183	14/04/2021	THE TURBAN INDIAN RESTURANT	CATERING - 24/02/21	335.10	
			CATERING - 31/3/21	335.60	670.70
EFT31184	14/04/2021	EAST FREMANTLE JUNIOR CRICKET CLUB INC	TOWN OF EAST FREMANTLE FUNDING AGREEMENT - CRICKET NET REPAIRS	5,000.00	5,000.00
EFT31185	14/04/2021	CARING PHARMACY EAST FREMANTLE	HEALTH AND WELL BEING PROGRAM 20 STAFF FLU VACCINATIONS 2021	299.00	299.00
EFT31186	14/04/2021	GARAGE SALE TRAIL FOUNDATION LTD	GARAGE SALE TRAIL 2021 PARTICIPATION YEAR 4 OF 4 YEAR MEMBERSHIP	2,670.80	2,670.80
EFT31187	14/04/2021	VOCUS COMMUNICATIONS	INTERNET - TOWN HALL - 01/05/21-31/05/21	1,171.50	
			ADLS INTERNET TRICOLORE CENTRE 100G JULY 2020 - JUNE 2021 - 01/05/21 - 01/06/21	50.00	
			SESSION INITIATION PROTOCOL (SIP) LINES / SERVICES CHARGES FOR VOICE OVER INTERNET PROTOCOL (VOIP), CALL CHARGES 01/03/21 - 31/03/21 & SERVICES 01/05/21 - 01/06/21	493.69	1,715.19
EFT31188	14/04/2021	MARKETFORCE	ADVERTISEMENT SUPERVISOR INFRASTRUCTURE AND ASSETS - SEEK - 12/03/21	215.73	
			ADVERTISING - REVENUE (RATES) OFFICER ADVERTISEMENT SEEK - 23/03/21	247.50	463.23
EFT31189	14/04/2021	SNAP PRINTING	BUSINESS CARDS X 500 - CR CLIFF COLLINSON	148.50	148.50

EFT31190	14/04/2021	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	STANDING ORDER - MONTHLY CHARGES FOR PARKING MACHINES AT LEEUWIN - MARCH 21	165.00	
			MONTHLY CHARGES FOR PARKING MACHINES INCLUDING LICENCE AND COMMUNICATION COSTS - MARCH 21	384.12	549.12
EFT31191	14/04/2021	KEYS THE MOVING SOLUTION	FURNITURE STORAGE - HISTORIC AND CHAMBER FURNITURE - 28/03/21 - 24/04/21	260.00	260.00
EFT31192	14/04/2021	STATE WIDE TURF SERVICES	SYNTHETIC CRICKET WICKET SURFACE PRESTON POINT RESERVE	6,436.38	
			RE TURF WORN AREAS AT PRESTON POINT RESERVE WITH JUMBO ROLLS	5,297.60	
			TURF OVER CRICKET WICKET AND WORN AREAS ON HENRY JEFFERY OVAL	6,560.40	
			3 X LOW MOW AT HENRY JEFFERY	1,495.00	
			APPLY FERTILISER SOCCER GROUNDS	1,677.50	21,466.88
EFT31193	14/04/2021	TREE'S A CROWD TREE CARE	TREE PRUNING AT VARIOUS SITES	3,245.00	3,245.00
EFT31194	14/04/2021	LIONS CLUB OF EAST FREMANTLE	EAST FREQ YOUTH MEET UP - SAUSAGE SIZZLE	300.00	300.00
EFT31195	14/04/2021	SUEZ RECYCLING & RECOVERY PTY LTD	MONTHLY WASTE COLLECTION - 48-50 ALEXANDRA - FEBRUARY 21	424.72	
			MONTHLY WASTE COLLECTION - 46 EAST STREET - MARCH 2021	847.00	
			LEEUWIN BOAT RAMP - BULK BIN COLLECTION - MARCH 2021	103.40	1,375.12
EFT31196	14/04/2021	FREMANTLE PICTURE FRAMERS	MAYOR AND CEO PHOTOS - REFRAMING. SCANNING + PRINTING PLUS LABOUR	5,908.10	
			HANGING OF MAYOR/CEO PHOTOS IN TOWN HALL	643.50	6,551.60
EFT31197	14/04/2021	LINXIO (READY TRACK PTY LTD)	GPS VEHICLE TRACKING - MARCH 2021	169.40	169.40
EFT31198	14/04/2021	CONTRAFLOW PTY LTD	TMP CREATION - MRWA APPROVAL REQUIRED, 2X1 TRAFFIC CONTROL CREW, ARROWBOARD, TRAFFIC CONTROL 26/02 - ADDITIONAL CHARGE, ADDITIONAL TRAFFIC CONTROLLER 26/02 - ADDITIONAL CHARGE, ARROWBOARD - ADDITIONAL CHARGE	2,056.84	2,056.84
EFT31199	14/04/2021	THE FRUIT BOX GROUP	STAFF FRUIT BOX DEPOT AND TOWN HALL - MARCH 21	255.00	255.00
EFT31200	14/04/2021	GRACE RECORDS MANAGEMENT (AUSTRALIA)	SCAN ON DEMAND SERVICES FOR PLANNING AND BUILDING SERVICES 2020/2021 - MARCH 21	210.77	
			SCAN ON DEMAND SERVICES FOR PLANNING AND BUILDING SERVICES 2020/2021 - MARCH	274.34	485.11
EFT31201	14/04/2021	RAW CREATIVE	EAST FREMANTLE'S GEORGE ST FESTIVAL 2020: ARTWORK EDITS, BUSINESS CARD BACK AND CALICO BAG	195.00	195.00
EFT31202	14/04/2021	RED HOT DESIGN (WA) PTY LTD	20 EVENT SHIRTS FOR VOLUNTEERS (LONG SLEEVES PRINTED BACK/FRONT)	440.00	440.00
EFT31203	14/04/2021	WH LOCATION SERVICES T/AS ABAXA	UNDERGROUND SERVICE LOCATION - COUNCIL PLACE, ST PETERS & SILAS STREET - DRAINAGE	2,882.00	2,882.00
EFT31204	14/04/2021	GFG CONSULTING	PROFESSIONAL FEES - FORESHORE DINGHY MANAGEMENT PLAN - ADDITIONAL HOURS	1,527.25	1,527.25
EFT31205	14/04/2021	OFFICE OF THE AUDITOR GENERAL FOR WESTERN AUSTRALIA	PROFESSIONAL FEES - AUDIT FOR YEAR ENDED 30/06/20 PLUS ADDITIONAL FEES AS AGREED	41,778.00	
			PROFESSIONAL FEES - BETTER BINS KERBSIDE COLLECTION PROGRAM FUNDING GRANT AQUITTAL	1,375.00	
			PROFESSIONAL FEES - CERTIFICATION OF ROADS TO RECOVERY FOR YEAR END 30/06/20	1,375.00	44,528.00
EFT31206	14/04/2021	KYOCERA DOCUMENT SOLUTIONS	YEARLY PRINTING COSTS - MARCH 21	118.20	118.20
EFT31207	14/04/2021	PHASE 3 LANDSCAPE CONSTRUCTION PTY LTD	RIVERSIDE ROAD - LANDSCAPING PROJECT - RFQ06-2019/20	8,307.68	8,307.68
EFT31208	14/04/2021	ZEDS MECHANICAL AND MAINTENANCE	MECHANICAL REPAIR TO REVERSE BUZZER ON BUS 1DXU938	157.03	157.03
EFT31209	14/04/2021	INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION AUSTRALASIA LIMITED	IAP2 TOEF CORPORATE MEMBERSHIP	2,200.00	2,200.00
EFT31210	14/04/2021	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - MARCH 2021	1,140.00	
			BULK BINS - WAUHOP ROAD - APRIL 2021	1,140.00	2,280.00
EFT31211	14/04/2021	M2M ONE PTY LTD	TOWN HALL LIFT EMERGENCY SIM CARD - APRIL 2021	13.20	13.20
EFT31212	14/04/2021	TRAVIS HAYTO PHOTOGRAPHY	RIVERSIDE ROAD REDEVELOPMENT VIDEO	695.75	695.75
EFT31213	14/04/2021	TPG NETWORK PTY LTD	FAST FIBRE AND IP LINE LINK, TOWN HALL, DEPOT, TRICOLORE MONTHLY CHARGE - 01/03/21 - 31/03/21	2,125.01	2,125.01
EFT31214	14/04/2021	OLD COAST STUDIO	CONCEPT DESIGN FOR SILAS STREET ROUNDABOUT PUBLIC ART INSTALLATION	500.00	500.00
EFT31215	14/04/2021	DOWSING GROUP PTY LTD	SUPPLY & INSTALL 100mm FOOTPATH WITH 32mpa GREY CONCRETE, REMOVE AND DISPOSE OF EXISTING ASPHALT & PATH+ EXTRA SECTION + 3 BIN PADS	6,640.66	6,640.66
EFT31216	14/04/2021	PROTEC ASPHALT	REMOVE EXISTING ASPHALT - CUT & PREP. OSBORNE ROAD FOOTPATH PATCHES & COOLGARDIE AVE PATCHES, SUPPLY & LAY RED ASPHALT FOOTPATH 7.50 TONNES	6,435.00	
			RED ASPHALT 4.5 TONNES (DEEPER THAN 30mm IN PARTS) RIVERSIDE ROAD - 2 TONNES OSBORNE FOOTPATH NO.27, REMOVAL OF EXISTING RED ASPHALT 35m2 RIVERSIDE ROAD BIKE LANE	4,735.50	11,170.50
EFT31217	14/04/2021	HORIZON SURVEYS PTY LTD	FEATURE SURVEY (LEVELS OVER LOT 26#24), LOCATE BUILDING, LOCATE DRAINAGE MANHOLES ON HAMILTON AND ALLEN STS, PREPARE INTEREST ONLY DEPOSITED PLAN, LANDGATE PLAN LODGEMENT FEE (1 LOT)	2,453.00	2,453.00
EFT31218	14/04/2021	DEPARTMENT OF THE PREMIER AND CABINET	ADVERTISING OF AMENDMENT 14 - GOVERNMENT GAZETTE	752.76	752.76
EFT31219	14/04/2021	NICHOLAS KING	REIMBURSEMENT OF COST OF FUEL - FUEL CARD LOST AND THEN CANCELLED 05/04/21 & 09/04/21	133.67	133.67
EFT31220	14/04/2021	K DAUNCEY	RATES REFUND	333.21	333.21
EFT31221	14/04/2021	C ELRICK-BARR	PART REFUND OF LIFETIME DOG REGISTRATION FEES - DOG NOW STERILISED	150.00	150.00
EFT31222	14/04/2021	AMPOL AUSTRALIA PETROLEUM PTY LTD (CALTEX)	FUEL USE 01/03/21 - 31/03/21	4,215.23	4,215.23
EFT31223	15/04/2021	AUSTRALIAN TAXATION OFFICE	GST PAYABLE MARCH 21	68,434.00	68,434.00
EFT31224	20/04/2021	N GIBBS T/AS POSITIVA BUILDING	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31225	20/04/2021	OUTDOOR WORLD WANGARA	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31226	20/04/2021	JON CHALLEN CONSTRUCTIONS	TOWN OF EAST FREMANTLE BOND REFUND	1,500.00	1,500.00
EFT31227	20/04/2021	MYLES CONSTRUCTION PTY LTD	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31228	20/04/2021	K LUCAS	TOWN OF EAST FREMANTLE BOND REFUND	1,500.00	1,500.00
EFT31229	20/04/2021	B GATER	TOWN OF EAST FREMANTLE BOND REFUND	3,000.00	3,000.00
EFT31230	20/04/2021	J LYON	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31231	20/04/2021	RUSSELL HALPERN NOMINEES PTY LTD	TOWN OF EAST FREMANTLE BOND REFUND	15,000.00	15,000.00
EFT31232	27/04/2021	N HILL	TOWN OF EAST FREMANTLE BOND REFUND	300.00	300.00
EFT31233	27/04/2021	D WHYTE	TOWN OF EAST FREMANTLE BOND REFUND	2,400.00	2,400.00
EFT31234	27/04/2021	S GLOVER	TOWN OF EAST FREMANTLE BOND REFUND	300.00	300.00
EFT31235	27/04/2021	INDIAN OCEAN HOMES	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31236	27/04/2021	R KELSALL	TOWN OF EAST FREMANTLE BOND REFUND	2,000.00	2,000.00
EFT31237	30/04/2021	APACE AID (INC)	100 TUBESTOCK FOR YOUTH FESTIVAL ACTIVITY	250.00	250.00
EFT31238	30/04/2021	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS APRIL 20	433.44	433.44



EFT31239	30/04/2021	CONSTRUCTION TRAINING FUND	BCITF PAYMENTS MARCH 2021	488.49	488.49
EFT31240	30/04/2021	BUNNINGS BLDG SUPPLIES LTD	FIRST AID SIGN, TOOLS AND HARDWARE FOR NEIGHBOURHOOD LINK	244.90	
			PAINT & VARIOUS HARDWARE	518.58	
			PAINT & VARIOUS HARDWARE	44.16	807.64
EFT31241	30/04/2021	BOC LIMITED	CONTAINER SERVICE - FEBRUARY 2021	35.92	35.92
EFT31242	30/04/2021	CITY OF FREMANTLE	6 MONTH CONTRIBUTION TO RESIDENTS USE OF RECYCLING CENTRE	47,850.00	47,850.00
EFT31243	30/04/2021	FREMANTLE HERALD	ADVERTISING- AMENDMENT 14	284.76	
			ADVERTISING - YOUTH EVENT	550.00	
			ADVERTISING - DIFFERENTIAL RATES 2021/22	379.69	1,214.45
EFT31244	30/04/2021	IT VISION	EFT ALTUS PAYROLL TEST DATABASE - MARCH 21	220.00	220.00
EFT31245	30/04/2021	ST JOHNS AMBULANCE ASSOCIATION	EAST FREQ YOUTH EVENT FIRST AID OFFICERS X 2 9AM - 3PM OWN MARQUEE	521.40	521.40
EFT31246	30/04/2021	TELSTRA CORPORATION LIMITED	DEPOT NEXT G TO 03/04/2021, MOBILE BACKUP TO 03/04/2021	20.60	
			MOBILE DEVICES - MARCH 2021	756.10	
			SUMPTON GREEN PHONE & DIRECTORY CHARGES APRIL 2021	528.55	
			CEO MOBILE 16/03/2021 - 15/04/2021	101.00	1,406.25
EFT31247	30/04/2021	WA FIRE PROTECTION	INSPECT & SERVICE FIRE EQUIPMENT	75.46	75.46
EFT31248	30/04/2021	WORK CLOBBER	VARIOUS UNIFORM	324.10	324.10
EFT31249	30/04/2021	SYNERGY	POWER SUPPLY VARIOUS LOCATIONS	11,754.77	11,754.77
EFT31250	30/04/2021	LGIS WORKCARE	STAFF ATTENDANCE AT WORKFORCE RISK FORUM 20 APRIL 2021	550.00	550.00
EFT31251	30/04/2021	YOUNGS PLUMBING SERVICE P/L	REPAIR LEAKING FLUSH PIPE - TRICOLORE	155.10	
			REPLACEMENT OF 4X GAS WALL HEATERS - TRICOLORE	4,840.00	
			LEEUVIN BUILDING MAINTENANCE - TOILET REPAIR	198.00	5,193.10
EFT31252	30/04/2021	FASTA COURIERS	COURIER SERVICES FOR 01/04/21- 13/04/2021	33.36	33.36
EFT31253	30/04/2021	SOUTHERN METROPOLITAN REGIONAL COUNCIL	MRF GATE FEES FOR MARCH 2021	5,108.75	
			GREEN WASTE GATE FEES FOR MARCH 2021	6,508.74	
			RED BIN WASTE GATE FEE FOR MARCH 2021	14,638.75	
			RRRC OVERHEADS & WCF FIXED COSTS CONTRIBUTION MARCH 2021	24,240.70	50,496.94
EFT31254	30/04/2021	WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION (WALGA)	COUNCIL CONNECT WEBSITE EXTRA SUPPORT HOURS	1,232.00	1,232.00
EFT31255	30/04/2021	LIME FLOWERS	ANZAC DAY WREATH	120.00	120.00
EFT31256	30/04/2021	RENOWN TYRE COMPANY	2 X TYRE REPLACEMENT INCLUDING FITTING TO BUS	748.00	748.00
EFT31257	30/04/2021	NUMERO UNO CATERING	CATERING 27/01/2021	364.00	
			CATERING 16/03/2021	364.00	
			CATERING 30/3/21 & 20/04/21	756.00	1,484.00
EFT31258	30/04/2021	WOOLWORTHS SUPERMARKETS	RESPIRE CENTRE GROCERIES	144.12	
			GROCERIES FOR CHSP CLIENT - CLIENT TO REIMBURSE BY DIRECT DEBIT	37.48	
			GROCERIES FOR CHSP CLIENT - CLIENT TO REIMBURSE BY DIRECT DEBIT	66.00	
			GROCERIES FOR CHSP CLIENT - CLIENT TO REIMBURSE BY DIRECT DEBIT	35.95	283.55
EFT31259	30/04/2021	EAST FREMANTLE LAWN TENNIS CLUB	HIRE OF PREMISES FOR CORPORATE SERVICES WORKFORCE PLANNING	280.00	280.00
EFT31260	30/04/2021	DAVID GRAY & CO. PTY LTD	360L RECYCLING BINS - COMPLETE SETS, SPARE 360L BIN WHEELS	2,072.84	2,072.84
EFT31261	30/04/2021	KONICA MINOLTA BUSINESS SOLUTIONS	DEPOT PHOTOCOPIER SERVICE AND REPAIR	65.86	
			KONICA MINOLTA BIZHUB C658 PHOTOCOPY CHARGES - PLANNING 13/03/2021 - 12/04/2021	491.26	557.12
EFT31262	30/04/2021	CARINYA OF BICTON	RESPIRE CENTRE MEALS FOR MARCH 2021	3,059.57	3,059.57
EFT31263	30/04/2021	SUNNY SIGN COMPANY PTY LTD	SIGNAGE - SHARK ACTIVITY, NO PARKING, DOG SIGNAGE & WAUHOP CARPARK SIGN	688.60	688.60
EFT31264	30/04/2021	MP ROGERS & ASSOCIATES P/L	CONDITION ASSESSMENT REPORT - RIVER WALLS	5,767.30	5,767.30
EFT31265	30/04/2021	FOCUS NETWORKS	FOUR HP 640 LAPTOPS, CARE WARRANTIES, DOCKING STATIONS, CARRYING CASES, LOGITECH KEYBOARD AND MOUSE, DESKTOP IMAGING FOR TRICOLORE 50% OF TOTAL	5,792.69	
			CREATE A SINGLE SHARE POINT SITE DESIGN FOR COLLABORATION AND FILE SHARING - ELECTED MEMBERS	2,853.51	
			STANDARD UCC SSL - QU 5535G 1 YEAR SUBSCRIPTION	396.00	9,042.20
EFT31266	30/04/2021	GGJ CONSULTANTS	GGJ HOME CARE POLICIES AND PROCEDURES SUPPORT RENEWAL FOR THE PERIOD: 20 APRIL 2021 TO 19 APRIL 2022 FOR ONE OUTLET	660.00	660.00
EFT31267	30/04/2021	EMMA LIMBERT	STAFF REIMBURSEMENT FOR CLIENT SHOP BY LIST	19.00	19.00
EFT31268	30/04/2021	PROMPT GLASS	CAMP WALLER SCOUT HALL - REPLACE EXTERNAL BROKEN WINDOWS	1,148.00	1,148.00
EFT31269	30/04/2021	INDUSTRIAL FOUNDATION FOR ACCIDENT PREVENTION (IFAP)	2 X STAFF ATTENDANCE AT SAFETY AND HEALTH REPRESENTATIVE TRAINING 19/04/2021 - 23/04/2021	1,980.00	1,980.00
EFT31270	30/04/2021	MOORE (MOORE STEPHENS)	STAFF REGISTRATION FOR FINANCIAL REPORTING 2021 WORKSHOP, MANAGEMENT REPORTING 2021 WORKSHOP	2,332.00	2,332.00
EFT31271	30/04/2021	APARC AUSTRALIAN PARKING & REVENUE CONTROL PTY LTD	HOST CMS INCLUDING LICENCE AND COMMUNICATION COSTS COMPREHENSIVE MAINTENANCE, PARTS APRIL 2021	165.00	165.00
EFT31272	30/04/2021	SUEZ RECYCLING & RECOVERY PTY LTD	FOGO - GREEN BINS - RESIDENTIAL & PRIORITY SERVICES, GENERAL WASTE - RED BINS & PARKS & RESERVES - WEEKLY (NON WASTE WEEK) , STREET LITTER BINS - FORTNIGHTLY, YELLOW BINS RECYCLING - RESIDENTIAL , GENERAL WASTE - RED BINS - COMMERCIAL FEBRUARY 2021	20,248.35	
			GENERAL - WASTE RED BINS - RESIDENTIAL & PRIORITY SERVICES, PARKS & RESERVES, RECYCLING RESIDENTIAL & PRIORITY SERVICES, GENERAL WASTE COMMERCIAL , RECYCLING FEBRUARY 2021	15,217.59	
			FOGO - GREEN BINS RESIDENTIAL & PRIORITY SERVICES MARCH 2021, GENERAL WASTE -PARKS & RESERVES & STREET LITTER BINS , GENERAL WASTE - RED BINS - COMMERCIAL - WEEKLY MARCH 21	20,582.84	
			GENERAL - WASTE RED BINS - RESIDENTIAL & PRIORITY SERVICES , PARKS & RESERVES, STREET LITTER BINS, RECYCLING - YELLOW BINS - RESIDENTIAL & PRIORITY SERVICES, GENERAL WASTE - RED BINS - COMMERCIAL, RECYCLING - YELLOW BIN - COMMERCIAL MARCH 21	14,292.86	70,843.90
			MONTHLY WASTE COLLECTION - 48-50 ALEXANDRA - MARCH 2021	502.26	
EFT31273	30/04/2021	WINC	DEPOT - OFFICE STATIONARY 22/04/21	409.72	
			OFFICE STATIONERY ORDERED ON 21/04/2021	200.22	609.94

EFT31274	30/04/2021	AMBIUS (RENTOKIL INITIAL PTY LTD)	OFFICE PLANT HIRE 27/05/2020 - 26/06/2020	273.11	
			OFFICE PLANT HIRE 27/01/2021 - 26/02/2021	273.11	
			OFFICE PLANT HIRE 27/05/2021 - 26/06/2021	278.58	824.80
EFT31275	30/04/2021	LINXIO (READY TRACK PTY LTD)	GPS VEHICLE TRACKING - APRIL 2021	169.40	169.40
EFT31276	30/04/2021	JESSEE LEE JOHNS	GLASSON PARK MURAL - ADDITIONS, INCLUDING REMOVAL AND REAPPLICATION OF ANTI-GRAFFITI COATING AS REQUIRED	1,100.00	1,100.00
EFT31277	30/04/2021	GRACE RECORDS MANAGEMENT (AUSTRALIA)	SCAN ON DEMAND FOR PLANNING BUILDING 01/02/21 - 28/02/21	345.95	345.95
EFT31278	30/04/2021	JAKO INDUSTRIES PTY LTD	TOWN HALL - AIRCONDITIONING MAINTENANCE AGREEMENT 2020/21	972.68	972.68
EFT31279	30/04/2021	C'EST BIEN THAI	CATERING 06/04/21	178.10	178.10
EFT31280	30/04/2021	SOUTHERN BINS	BULK BINS - WAUHOP ROAD - APRIL 2021	1,385.00	1,385.00
EFT31281	30/04/2021	PAATSCH CONSULTING PTY LTD	PROFESSIONAL FEES - PREPARATION OF GOVERNANCE CHARTER & ELECTED MEMBERS WORKSHOP EF OVAL REDEVELOPMENT	5,192.00	5,192.00
EFT31282	30/04/2021	ROBERT KENNETH ROACH	SURVEY PICK UP - MARMION ST FLOODING MITIGATION	396.00	396.00
EFT31283	30/04/2021	KM ELLIOTT CONSULTING	CONSULTANCY SERVICES - ASSISTANCE WITH LOCAL PLANNING STRATEGY 30%	1,500.00	1,500.00
EFT31284	30/04/2021	CONNECTIV	APPLE IPHONE 12 PRO RANGER SERVICES	1,748.00	1,748.00
EFT31285	30/04/2021	DALE CLEVES MUSIC PTY LTD T/AS KOSMIC SOUND	ONE COMPACT BATTERY POWERED PA, 1 MIC STAND PACK, 1 SPEAKER STAND STEEL	969.00	969.00
EFT31286	30/04/2021	ATF MAXIMUS TRUST T/AS ASSET INFRASTRUCTURE MANAGEMENT PTY LTD	MRRG FUNDING ASSESSMENT - MARMION STREET, BTW EAST & DUKE	1,588.40	1,588.40
EFT31287	30/04/2021	SERVICEFM PTY LTD	WORKPLACE ELECTRICAL TESTING AND TAGGING - TOWN HALL	660.22	660.22
EFT31288	30/04/2021	34 DUKE STREET PTY LTD	RATES REFUND	2,587.68	2,587.68
EFT31289	30/04/2021	D WHYTE	MOORING PEN FEE REFUND - LEASE RELINQUISHED	960.96	960.96
			<b>EFT TOTAL</b>	<b>\$ 601,376.68</b>	<b>\$ 601,376.68</b>
	<b>Direct Debit</b>	<b>Supplier</b>	<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
		EXETEL	EXETEL INTERNET TOWN HALL	\$ 99.00	\$ 99.00
		SUPERCHOICE PTY LTD	EMPLOYEE SUPERANNUATION - APRIL 2021	\$ 45,492.00	\$ 45,492.00
		CBA	CBA MERCHANT FEE	\$ 1,048.37	\$ 1,048.37
		CBA	ACCOUNT SERVICE TRANSACTION FEES	\$ 34.83	\$ 34.83
		CBA	BPAY TRANSACTION FEES	\$ 507.87	\$ 507.87
		CBA	COMMBIZ TRANSACTION FEES	\$ 120.85	\$ 120.85
		CBA	BPOINT TRANSACTION FEES	\$ 95.67	\$ 95.67
	<b>Credit Cards</b>	<b>CREDIT CARD - ANDREW DRIVER</b>	<b>CALTEX EAST FREMANTLE - FUEL FOR RANGER VEHICLE</b>	<b>\$ 36.86</b>	<b>\$ 36.86</b>
			TOWN OF EAST FREMANTE - TICKET MACHINE TEST TRANSACTIONS	\$ 408.00	\$ 408.00
		<b>CREDIT CARD - GARY TUFFIN</b>	<b>CITY OF JOONDALUP - PARKING</b>	<b>\$ 8.00</b>	<b>\$ 8.00</b>
		<b>CREDIT CARD - PETER KOCIAN</b>	<b>MHA PRODUCTS - TROLLEY FOR TRICOLORE CENTRE</b>	<b>\$ 330.00</b>	<b>\$ 330.00</b>
			WOOLWORTHS ONLINE - ITEMS FOR CORPORATE SERVICES		
			WORKFORCE PLANNING WORKSHOP	\$ 35.00	\$ 35.00
			WOOLWORTHS PALMYRA - ITEMS FOR CORPORATE SERVICES		
			WORKFORCE PLANNING WORKSHOP	\$ 27.85	\$ 27.85
			DOMINOS - CATERING EAST FREMANTLE YOUTH FESTIVAL	\$ 367.07	\$ 367.07
			MAILCHIMP - SUBSCRIPTION	\$ 41.00	\$ 41.00
			ZOOM - SUBSCRIPTION	\$ 138.53	\$ 138.53
			QR CODE GENERATOR.COM - SUBSCRIPTION	\$ 234.21	\$ 234.21
			INTERNATIONAL TRANSACTION FEE	\$ 5.86	\$ 5.86
		<b>CREDIT CARD - NICHOLAS KING</b>	<b>COMMONWEALTH BANK - ANNUAL FEE</b>	<b>\$ 36.67</b>	<b>\$ 36.67</b>
			TOTAL TOOLS ROCKINGHAM - TOOLS	\$ 944.00	\$ 944.00
			AUSTRALIA POST - PALMYRA	\$ 11.98	\$ 11.98
			WILSON PARKING PERTH - PARKING FEE	\$ 21.00	\$ 21.00
			<b>DIRECT DEBIT TOTAL</b>	<b>\$ 50,044.62</b>	<b>\$ 50,044.62</b>
			<b>Description</b>	<b>Inv Amount</b>	<b>EFT</b>
			PAYROLL FORTNIGHT ENDING 06/04/21	\$ 132,246.35	\$ 132,246.35
			PAYROLL FORTNIGHT ENDING 21/04/21	\$ 155,352.86	\$ 155,352.86
			<b>PAYROLL TOTALS</b>	<b>\$ 287,599.21</b>	<b>\$ 287,599.21</b>
			<b>GRAND TOTAL</b>	<b>\$ 945,587.40</b>	<b>\$ 945,587.40</b>

### 13.1.3 Schedule of Fees and Charges 2021/22

<b>Applicant</b>	Town of East Fremantle
<b>File ref</b>	F/ABT1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Date of Meeting</b>	18 May 2021
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Schedule of Fees and Charges 2021/22

#### Purpose

Council is requested to consider and adopt the Schedule of Fees and Charges for the 2021/22 financial year.

#### Executive Summary

In order to comply with the provisions of the *Local Government Act 1995*, all fees and charges to be levied by Council for the financial year are to be submitted for adoption by Council.

#### Background

West Australian local governments have the right to impose different types of charges in relation to services beyond the raising of a general rate or specified area rate, namely;

- A fee or charge under the *Local Government Act 1995*;
- A waste collection rate under the *Waste Avoidance and Resource Recovery Act 2007*; or
- A receptacle charge under the *Waste Avoidance and Resource Recovery Act 2007*.

Legislation requires the setting of fees and charges to consider the cost of the service provided, which includes the value of the assets utilised or consumed in providing the service. The costs of providing a service should include:

- The direct operational costs of providing the services;
- An appropriate proportion of indirect costs associated with the service;
- The costs of the assets consumed in providing the service;
- A defined and appropriate rate of return or subsidy for the service; and
- Consideration of non-financial advantages and disadvantages to the community of providing the service.

Providing for the long term renewal of revenue generating assets should also be an essential element of setting fees and charges.

#### Consultation

Council Concept Forum 11 May 2021

#### Statutory Environment

Section 6.17 of the *Local Government Act 1995* refers to setting the level of Fees and Charges and states in part:

*In determining the amount of a fee and charge for a service or for goods a local government is required to take into consideration the following factors-*

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider*

Section 6.16 – 6.19 of the *Local Government Act 1995* is also relevant to the setting of fees and charges.

*6.16 Imposition of fees and charges*

*6.17 Setting level of fees and charges*

*6.18 Effect of other written laws*

*6.19 Local government to give notice of fees and charges*

### **Policy Implications**

There are no Council Policies relevant to this item.

### **Financial Implications**

The Schedule of Fees and Charges will be incorporated into the 2021/22 Annual Budget, and the adopted fees will be used as a basis for income projections.

Council, at its Ordinary Meeting in April 2020, resolved the following financial parameters with respect to fees and charges:

- Freeze on fees and charges for 2020/21.
- 3-month moratorium on certain fees and charges to business and community groups/sporting organisations.
- 0% instalment interest on rates payments.
- Incorporating the cost of the 3-bin waste system into general rates for all residential properties.
- \$0 administration charge and 0% penalty interest for those ratepayers who have entered a special payment arrangement under financial hardship.

It is recommended that the following parameters be applied to fees and charges for the 2021/22 financial year:

- The moratorium on statutory fees and charges to business and community groups/sporting organisations be removed.
- 5.5% instalment interest on rates payments to be reinstated.
- The maximum of 7% late penalty interest on overdue charges be applied as per the Ministerial Order.
- \$0 administration charge and 0% penalty interest be applied for those ratepayers who have entered a special payment arrangement under financial hardship.
- The cost of the 3-bin waste system be incorporated into general rates for all residential properties.
- Parking fees be increased from \$4 per hour to \$4.50 per hour, with a maximum fee of \$18 per day.
- A new fee of \$110 be imposed per day for construction sites which use on street parking bays.
- The swimming pool inspection fee be increased from \$14.40 per annum to \$21.25 per annum to achieve full cost recovery.

- Mooring Pen fees be progressively increased to the same level as 2018/19 as the Town has not recovered costs against this service over the last 5 years:

Description	2018/19 Fees	2019/20 Fees	2020/21 Fees	2021/22 Fees
8m Pen	\$4,000	\$3,600	\$3,600	\$3,800
10m Pen	\$5,000	\$4,500	\$4,500	\$4,750
12m Pen	\$6,000	\$5,400	\$5,400	\$5,700

### 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)
Fees and charges are not set at the appropriate level, requiring cross-subsidisation from rates revenue.	Possible (3)	Moderate (3)	Moderate (5-9)	FINANCIAL IMPACT \$50,000 - \$250,000	Accept Officer Recommendation

### Risk Matrix

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

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

Risk Rating	9
Does this item need to be added to the Town's Risk Register	No

Is a Risk Treatment Plan Required	No
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#### Comment

Council is requested to adopt the 2021/22 Schedule of Fees and Charges and advertise the Schedule prior to the implementation date of 1 July 2021.

In general, the Town has considered the following guiding principles when setting the level of fees and charges:

- Private Benefit – the service benefits particular users without any broader benefits to the community. Full cost recovery is expected.
- Public Benefit – the service provides broad community benefit. Nil to partial cost recovery.
- Shared Benefit – the service provides both community benefits and a private benefit. Partial cost recovery is expected.
- Regulatory – fee or charge is fixed by legislation.

The application of these principles to specific service areas is summarised as follows:

Service	Principle	Cost Recovery
Administration	Private	100%
Ranger Services	Private/Regulatory	100%
Fire and Emergency Services	Private/Regulatory	100%
Health Services	Private/Regulatory	100%
Planning Services	Private/Regulatory	100%
Waste Services	Private	100%
Sports Ovals and Facilities	Shared	Partial
Building Services	Private/Regulatory	100%
Engineering Services	Private	100%

All statutory fees have been reviewed in line with State Government legislation.

#### 13.1.3 OFFICER RECOMMENDATION

That Council:

1. pursuant to section 6.16 of the *Local Government Act 1995*, adopt the 2021/22 Schedule of Fees and Charges as per Attachment 1.
2. pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* and regulation 53 of the *Building Regulations 2012*, impose a private swimming pool four yearly inspection fee of \$85.00 inclusive of GST for each property where a private swimming pool is located, charged at \$21.25 per annum.
3. pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, impose the following charges for the removal and deposit of waste and additional receptacle services:

Description	Fee
3 Bin FOGO Service – Residential Properties	Incorporated into Residential General Rate



Refuse and Recycling Service – 2 MGBs – Commercial Properties and Sporting Clubs/Community Organisations	\$500.00 per annum
120L/240L General Waste Bin/FOGO Bin – Additional Service	\$250.00 per annum
240L/360L Recycling Bin (Yellow Lid) – Additional Service	\$250.00 per annum
Bulk Bin Services	Cost + 15%

4. requests the Chief Executive Officer give local public notice of the Schedule of Fees and Charges, pursuant to section 6.19 of the *Local Government Act 1995*, with an implementation date of 1 July 2021.

Schedule	2021/22 Schedule of Fees and Charges		2021/22		
	Description of Fee or Charge	Details	GST (excl) \$	GST \$	GST (incl) \$
<b>GENERAL PURPOSE FUNDING</b>					
<b>Rates</b>					
	Instalment Fee - per instalment		16.50	Exempt	16.50
	Rate Enquiry Fee	Per Written Enquiry	55.00	Exempt	55.00
	Orders & Requisitions	Per Application	69.50	Exempt	69.50
	Combined Enquiry	Per Application	112.00	Exempt	112.00
	Ownership enquiry	Per property	14.09	1.41	15.50
	Rates Instalment Fees (not including the first instalment)	Per instalment	16.50	Exempt	16.50
	Instalment Interest				5.50%
	Penalty Interest				7.00%
	Rates - Special Arrangements to Pay	Per Application	49.00	Exempt	49.00
	Rates - Special Arrangements to Pay (Financial Hardship)				
	- Administration Fee		0.00	0.00	0.00
	- Penalty Interest				0.00%
<b>GOVERNANCE</b>					
<b>General Administration</b>					
	Sale of Electoral Rolls	Per Copy	69.50	Exempt	69.50
	Sale of Street listings	Per Copy	193.64	19.36	213.00
	Sale of History Books - Small but Strong	Each	26.82	2.68	29.50
	<b>Photocopying</b>				
	- General Public - A4 Sheets (Colour)	Per Copy	0.86	0.09	0.95
	- General Public - A4 Sheets (Black & White)	Per Copy	0.45	0.05	0.50
	- General Public - A3 Sheets (Colour)	Per Copy	1.73	0.17	1.90
	- General Public - A3 Sheets (Black & White)	Per Copy	0.86	0.09	0.95
	- Community & Organisations - A4 Sheets (Colour and B &W)	Per Copy	Per Above	Yes	50% discount
	- Community & Organisations - A3 Sheets (Colour and B &W)	Per Copy	Per Above	Yes	50% discount
	Eligible community groups receive \$200 of in-kind photocopying per annum, calculated on the above rates.				
	<b>Freedom Of Information</b>				
	- Application	Per Application	30.00	Exempt	30.00
	- FOI photocopying	Per Copy	0.20	Exempt	0.20
	- Staff Time (search & discovery of documents)	Per Hour	30.00	Exempt	30.00
	<b>Trust Account Management Fee</b>				
	Administration charge for holding funds in Trust	Each and every Deposit	6.09	0.61	6.70
	- Lessor of the monthly fee or the interest earned				
	<b>Hire of Facilities</b>				
	Hire of Meeting Rooms - Town Hall - Commercial	per hour	41.00	4.10	45.10
	Hire of Meeting Rooms - Town Hall - Not for Profit	per hour	20.50	2.05	22.55



<b>LAW, ORDER &amp; PUBLIC SAFETY</b>					
	Dog Impounding fees - Poundage	Full recovery	Cost + 15%	Exempt	Cost + 15%
	Dog Impounding fees - Sustenance	Full recovery	At Cost	Exempt	At Cost
	Release of impounded dog		Cost + 15%		Cost + 15%
	Fire Break Clearing	Actual Cost + 25%	Cost + 25%		Cost + 25%
	<b>Dog Registration Fees</b>				
	Unsterilised - 1 year		50.00	Exempt	50.00
	Unsterilised - 3 year		120.00	Exempt	120.00
	Unsterilised - Lifetime Registration		250.00	Exempt	250.00
	Sterilised - 1 year		20.00	Exempt	20.00
	Sterilised - 3 year		42.50	Exempt	42.50
	Sterilised - Lifetime Registration		100.00	Exempt	100.00
	* Dog owned by pensioner - 50% of fee otherwise payable				
	** Effective 31 May each year - 50% of normal fee on 1 year licence				
	Application to keep a third dog		136.36	13.64	150.00
	Dogs kept in an approved kennel establishment licensed under Sect 27, where not otherwise registered		200.00	Exempt	200.00
	Euthanasia for a dog	Full recovery +15%	Cost + 15%		Cost + 15%
	<b>Cat Registration Fees</b>				
	Registration - 1 Year		20.00	Exempt	20.00
	Registration - 3 Years		42.50	Exempt	42.50
	Registration - Lifetime		100.00	Exempt	100.00
	* Cat owned by pensioner - 50% of fee otherwise payable				
	** Effective 31 May each year - 50% of normal fee on 1 year licence				
	Annual application for approval or renewal of approval to breed cats (per cat)		100.00	Exempt	100.00
	Release of impounded cat	Full recovery	Cost + 15%		Cost + 15%
	Cat - Sustenance and pound costs	Full recovery	Cost + 15%		Cost + 15%
	Cat Trap Hire (Bond \$300)	Nil Hire Fee, Bond only	0.00	0.00	0.00
	<b>Recovery of Impounded Vehicles/Goods</b>				
	Vehicle Impounding Fee	Initial cost	248.95	24.90	273.85
	Vehicle Impounding Fee	Per day thereafter	39.82	3.98	43.80
	Towage Fees	Full recovery +15%	Cost + 15%		Cost + 15%
	Storage Fee Motor Vehicle	per part or full day	20.00	Exempt	20.00
	Storage Fee Other Goods	per part or full day	20.00	Exempt	20.00
<b>HEALTH</b>					
<b>Health</b>					
	EH Gray Centre - Casual Hire Fee	Per Hour	41.00	4.10	45.10
	Stall Holders permit application fee / renewal	Per Application	172.54	17.25	189.80
	Trading in Public Places - Application fee	Per Application	86.75	8.68	95.40
	Trading in Public Places - Per Day fee	Per day	52.45	5.25	57.70
	Outdoor Eating Area permit - Application fee	Per Application	0.00	0.00	0.00
	Outdoor Eating Area permit - Annual fee	Per sq mtr	29.09	2.91	32.00
	Food Hygiene & Safety Course	Per Applicant	41.91	4.19	46.10
	Registration of new Lodging Houses	Per Application	280.26	28.03	308.30
	Renewal of registration of existing Lodging Houses	Per Application	309.91	30.99	340.90
	Skin Penetration Premises Application fee	Per Application	86.36	8.64	95.00
	Skin Penetration Premises annual assessment fee		45.45	4.55	50.00
	Noise Management Plan Lodgement fee	Per Application	86.36	8.64	95.00
	Non-complying event application fee	Per Application	909.09	90.91	1,000.00
	Section 39 Certificate/inspection for licenced premises		133.64	13.36	147.00
	Septic Tank installation - Application	Per Application	121.00	Exempt	121.00
	Permit to use apparatus		118.00	Exempt	118.00
	Greywater system installation - Application	Per Application	Fee Waiver	Exempt	Fee Waiver
	Permit to use apparatus - Greywater system		Fee Waiver	Exempt	Fee Waiver
	Reissue of certificate, registration, licence or approval (not otherwise listed)		27.27	2.73	30.00

	<b>Food Business</b>				
	Notification Fee		45.45	4.55	50.00
	Registration Fee		45.45	4.55	50.00
	<b>Annual Assessment:</b>				
	High		90.91	9.09	100.00
	Medium		45.45	4.55	50.00
	Low				Exempt
	Inspection Fee e.g. settlement inspection		45.45	4.55	50.00
	Reinspection fee for non-compliant premises		136.36	13.64	150.00
	Food Vans - Event Based (eg festivals, miscellaneous)		45.45	4.55	50.00
	<b>Aquatic Facilities</b>				
	Annual Sampling Fee		272.73	27.27	300.00
	Re-sampling for non-compliant results		45.45	4.55	50.00
	<b>Public Buildings</b>				
	Application to construct a new public building		791.82	79.18	871.00
	<b>Annual Assessment:</b>				
	High		54.55	5.45	60.00
	Medium		27.27	2.73	30.00
	Low				Exempt
	Requested food and water sampling				
	Requested asbestos sampling				
				Cost +15% administration fee	
	<b>EDUCATION &amp; WELFARE</b>				
	<b>Commonwealth Home Support Programme</b>				
	<b>Community Bus Use</b>				
	Metro Area - Full Day - plus Fuel (12 hours)		100.00	10.00	110.00
	Metro Area - Half Day - plus Fuel (6 hours)		50.00	5.00	55.00
	All Other Use				\$1.64 per kilometre including fuel
	<b>CHSP Client Contributions</b>				
	Social Support - Individual	Per Hour	7.27	0.73	8.00
		Per Occasion			
	Social Support - Group	(small group)	7.27	0.73	8.00
	Centre Based Respite Aged Care	Per Occasion	7.27	0.73	8.00
	Respite	Per Hour	7.27	0.73	8.00
	Transport	Per one way trip	2.27	0.23	2.50
	Transport Fee - East Fremantle Residents (who are in receipt of a Home Care Package, and who utilise Centre Based Day Respite services at Tricolore)		0.00	0.00	0.00
	<b>Home Care Package - Full Cost Recovery</b>				
	Social Support group outings - Non East Fremantle Resident	per occasion	153.74	15.37	169.11
	Social Support group outings - East Fremantle Resident	per occasion	108.59	10.86	119.45
	Centre Based Respite (in centre only)	per occasion	108.59	10.86	119.45
	Centre Based transport (to and from Centre Based Respite) - Non East Fremantle Resident	per one way trip	22.57	2.26	24.83
	Centre Based transport (to and from Centre Based Respite) - East Fremantle Resident	per one way trip			FEE WAIVER
	Social Support Individual	per hour	30.48	3.05	33.53
	Flexible Respite	per hour	30.48	3.05	33.53
	<b>COMMUNITY AMENITIES</b>				
	<b>Sanitation</b>				
	Commercial Properties - Refuse & Recycling Service - 2 MGB's Weekly	Per MGB per Annum	500.00	Exempt	500.00
	Refuse/FOGO Service - Additional per MGB (140L/240L)	Per MGB per Annum	250.00	Exempt	250.00
	Recycling Service - Additional per MGB (240L/360L)	Per MGB per Annum	250.00	Exempt	250.00
	Bulk - per cubic metre	Actual Cost + 15%	Cost +15%		Cost +15%
	Sale / Replacement of 240 Litre MGB's	Actual Cost + 15%	Cost +15%		Cost +15%
	Council has resolved to incorporate charges associated with the FOGO waste collection and disposal system into the general rates for all residential properties. Where bulk bin services are provided to multi-unit dwellings, an assessment will be made of the cost of this service against the value of the FOGO service per standard residential property, and a charge may be levied if the cost of the bulk bin service exceeds the contribution amount included in the general rates.				

<b>Other Sanitation</b>					
	Sale of 150 Litre Compost Bins	Actual Cost + 15%	Cost +15%		<b>Cost +15%</b>
	Sale of Worm Cafe	Actual Cost + 15%	Cost +15%		<b>Cost +15%</b>
	Compostable Liners		Cost +15%		<b>Cost +15%</b>
<b>Community Amenities</b>					
	Room Hire (Casual) - All Council Buildings (otherwise not listed)	Per Hour	41.00	4.10	<b>45.10</b>
	Room Hire (Sumpton Green) - Private eg Children's Parties	Per Hour	41.00	4.10	<b>45.10</b>
	Room Bond (Casual) - Private & Community Groups		300.00	Exempt	<b>300.00</b>
<b>Town Planning Administration fees</b>					
	<b>Application Fees - Dev. value between</b>				
	(a) Less than \$50,000		147.00	Exempt	<b>147.00</b>
	(b) More than \$50,000 but not more than \$500,000	0.32% of estimated cost of Development	Variable	Exempt	<b>Variable</b>
	(c ) More than \$500,000 but not more than \$2,500,000	\$1,700.00 + 0.257% for each \$1 in excess of \$500,000	Variable	Exempt	<b>Variable</b>
	(d) More than \$2,500,000 but not more than \$5,000,000	\$7,161.00 + 0.206% for each \$1 in excess of \$2,500,000	Variable	Exempt	<b>Variable</b>
	(e ) More than \$5,000,000 but not more than \$21,500,000	\$12,633.00 + 0.123% for each \$1 in excess of \$5,000,000	Variable	Exempt	<b>Variable</b>
	(f) More than \$21,500,000		34,196.00	Exempt	<b>34,196.00</b>
	Penalty if development commenced or carried out prior to Approval	Twice the fee payable	Twice Fee	Exempt	<b>Twice Fee</b>
	Extension of Planning Approval prior to expiry	50% of Applicable Fee			<b>Variable</b>
	Minor modifications of approved applications	a maximum of 50% of the original fee as determined			
	DAP Fees	The maximum fee in accordance with the			
	Deemed-to-Comply Check		295.00	Exempt	<b>295.00</b>
	<b>Refund of Planning Application Fee</b>				
	Prior to assessment	50% of fee			<b>50% of fee</b>
	Following assessment	Nil			<b>Nil</b>
	<b>General Planning and Development Fees</b>				
	Advertising/Public Comment:				
	Newspaper Notice	Actual cost (inc GST) + Administration Fee	Cost +15%	Yes	<b>Cost + 15%</b>
	Sign & Notice to Neighbours	Minimum	125.83	12.58	<b>138.40</b>
	Notices to Neighbours only	Minimum	27.27	2.73	<b>30.00</b>
	Installation of Sign by Council		0.00	0.00	<b>115.35</b>
	Community Design Advisory Committee Referral fee		36.36	3.64	<b>40.00</b>
	<b>Subdivision/ Amalgamation</b>				
	Subdivision clearance (not more than 5 lots)		73.00	Exempt	<b>73.00</b>
	Subdivision clearance (5<195 lots) \$73.00 per lot for first 5 lots plus \$35.00 per lot thereafter		Variable	Exempt	<b>Variable</b>
	Subdivision clearance (>195 lots)		7,393.00	Exempt	<b>7,393.00</b>
	Soil Stabilisation Bond	Refundable	3,000.00	Exempt	<b>3,000.00</b>
	<b>Signage Application</b>				
	Application for Planning Approval	Per application	147.00	Exempt	<b>147.00</b>
	<b>Miscellaneous Planning Fees</b>				
	Application for change of street number		109.64	10.96	<b>120.61</b>
	Heritage assessment		Actual cost (inc GST)		
	Property Settlement Questionnaire / Written Planning Advice/Zoning Certificate		66.36	6.64	<b>73.00</b>
	L P Scheme No. 3 Text and Map		66.36	6.64	<b>73.00</b>
	L P Scheme No. 3 Map Only		16.64	1.66	<b>18.30</b>
	Archival Search Fee - Plans- (Photocopying in excess of \$15 to be charged at cost)		95.32	9.53	<b>104.85</b>
	Crossover Variation Application fee		137.27	13.73	<b>151.00</b>
	Cash-in-lieu of Parking Space - Valuation		Actual cost (inc GST)		

	<b>Scheme Amendments (Including advertising and gazettal) and Rezoning Applications</b>	Price on Application			
	Application Fee - Basic/ Standard/ Complex				
	** The Town will provide a cost estimate for a Scheme Amendment on application as per Planning and Development Regulations 2009. This amount will be based on the estimated number of staff hours charged at the rates below. This amount is required to be paid up-front. The actual cost will then be reconciled and the applicant either provided with an adjustment refund or invoice at the end of the project.				
	Executive Manager	Hourly rate	80.00	8.00	88.00
	Manager/ Senior Planner	Hourly rate	60.00	6.00	66.00
	Planning Officer	Hourly rate	33.51	3.35	36.86
	Other Staff eg EHO	Hourly rate	33.51	3.35	36.86
	Administration	Hourly rate	27.45	2.75	30.20
	*** Structure Plans will also be charged on a cost-recovery basis and be invoiced the same way as a Scheme Amendment.				
	<b>Other Miscellaneous</b>				
	Application for change of Use		295.00	Exempt	295.00
	Penalty if commenced prior to Approval (in addition to the application fee)		590.00	Exempt	590.00
	Section 40 Certificate		147.00	Exempt	147.00
	<b>Home Occupation</b>				
	Application ( includes Public Comment Fee)		222.00	Exempt	222.00
	Penalty if commenced prior to Approval (in addition to the application fee)		444.00	Exempt	444.00
	Application for Annual Renewal		73.00	Exempt	73.00
	Application Penalty for Annual Renewal if approval has expired		146.00	Exempt	146.00
	<b>RECREATION &amp; CULTURE</b>				
	<b>Swimming Areas/beaches</b>				
	<b>Mooring Pen Fees</b>				
	- 8 Metre Pens (deposit of \$1,920)	Per annum	3,454.55	345.45	3,800.00
	- 10 Metre Pens (deposit of \$2,400)	Per annum	4,318.18	431.82	4,750.00
	- 12 Metre Pens (deposit of \$2,880)	Per annum	5,181.82	518.18	5,700.00
	- Casual Fees (minimum period 3 months)	Per month	500.00	50.00	550.00
	Replacement pens keys		69.09	6.91	76.00
	<b>Other Recreation &amp; Culture</b>				
	<b>General Reserve Hire Fees</b>				
	- Full Day Fee (8.00am - 8.00pm)		451.81	45.18	497.00
	- Per Half Day Fee (AM or PM) (6 hours)		228.73	22.87	251.60
	- Per hour Fee		41.00	4.10	45.10
	- Changeroom Bond (refundable)		290.00	Exempt	290.00
	- Liquor Permit Fee		66.69	6.67	73.35
	- Key Deposit (refundable)	Per key	70.00	Exempt	70.00
	<b>Personal Trainers</b>				
	- Application fee		56.19	5.62	61.80
	- Annual licence fee (permits up to 10 hours maximum per week)		2,000.00	200.00	2,200.00
	- Weekly hire fee (maximum 10 hours per week; annual licence fee is not applicable)	per hour	30.00	3.00	33.00
	<b>Henry Jeffery Oval Junior Football Teams</b>				
	- Per Player Fee - Juniors	Per player (for season)	16.00	1.60	17.60
	- Training two (2) nights/week	Per season	560.45	56.05	616.50
	<b>East Fremantle Junior Cricket Teams</b>				
	- Per Player Fee - Juniors	Per player (for season)	16.00	1.60	17.60
	- Training two (2) nights/week	Per season	560.45	56.05	616.50
	<b>East Fremantle Seniors Cricket Teams</b>				
	- Per Player Fee - Seniors	Per player (for season)	60.00	6.00	66.00
	<b>East Fremantle Lacrosse</b>				
	- Per Player Fee - Juniors	Per player (for season)	16.00	1.60	17.60
	- Per Player Fee - Seniors	Per player (for season)	60.00	6.00	66.00
	<b>East Fremantle Soccer (to be replaced by Lease Fee from 20/21)</b>				
	- Training Fees	Per season	699.65	69.96	769.60
	- Per Player Fee - Juniors	Per player (for season)	16.00	1.60	17.60
	- Per Player Fee - Seniors	Per player (for season)	60.00	6.00	66.00
	<b>East Fremantle Croquet Club</b>	Annual Ground Hire Fees	2,072.23	207.22	2,279.45

<b>Other Culture</b>					
	<b>East Fremantle George Street Festival</b>				
	Site Only - stallholders (per 3x3 area)		120.00	12.00	132.00
	Site Only - food vendors (stall or van)		250.00	25.00	275.00
	Power (where available, additional cost)		50.00	5.00	55.00
	** Note: site fees can be waived for local community groups & not for profits upon written request				
	East Fremantle Art Award - per entry		27.64	2.76	30.40
	<b>Special Events Fees</b>				
	Use of Car Parking areas- Unlicensed- per m2		24.27	2.43	26.70
	Use of Car Parking areas- Licensed- per m2		0.00	0.00	0.00
	Left Bank Special Event Fee		3,596.45	359.65	3,956.10
	On-call Ranger Fee - per 8 hours	Per event	0.00	0.00	602.90
<b>TRANSPORT</b>					
<b>Transport</b>					
	<b>Road, Verge, Footpath &amp; Crossover Reinstatements and Crossover Construction</b>				
	Reinstatement Inspection fees	Per hour	63.64	6.36	70.00
	Reinstatement Works		Cost + 15%		Cost + 15%
	Red Asphalt per m <sup>1</sup>		Cost + 15%		Cost + 15%
	Black Asphalt per m <sup>2</sup>		Cost + 15%		Cost + 15%
	Concrete per m <sup>2</sup>		Cost + 15%		Cost + 15%
	Recoverable Works - Cost plus 15% administration fee		Cost + 15%		Cost + 15%
	Recoverable Graffiti Removal - Cost plus 15% administration fee		Cost + 15%		Cost + 15%
<b>Parking Facilities</b>					
	<b>Parking Fees</b>				
	Parking Fees - Launching Ramp No1 Carpark per hour for the first 4 hours	Per hour	4.09	0.41	4.50
	Thereafter \$18.00 per day for maximum 6 days	Maximum per 24 hours	16.36	1.64	18.00
	Parking Fees - Various locations per hour other than Launching Ramp No1.	Per hour	4.09	0.41	4.50
	Fee for Construction Sites for use of parking bay for storage and other use	Per day, per bay	100.00	10.00	110.00
	<b>Miscellaneous</b>				
	Reminder Letter and Final Notice Fee (28 Days)		16.40	Exempt	16.40
	Resident Boat owners Annual Parking Permit No1 Car Park (renewals August)	Each	45.45	4.55	50.00
	Skip Bin Permits	Each	44.45	4.45	48.90
	Skip Bin Permits - Extension	Each	11.27	1.13	12.40
	Jetty A mooring permits	Each	44.45	4.45	48.90
	Sea container placement permits	Each	44.45	4.45	48.90
	Sea container placement permits - extension	Each	11.27	1.13	12.40
<b>ECONOMIC SERVICES</b>					
<b>Building Fees</b>					
	<b>Building Fees - Based on valuation of new building or improvements (including GST) - Minimum \$166.65</b>				
	Application fee - Class 1 & 10 - Uncertified (minimum \$105)		Variable	Exempt	Variable
	Application fee - Class 1 & 10 - Certified (minimum \$105)		Variable	Exempt	Variable
	Application fee - Class 2 to 9 - Uncertified (minimum \$105)		Variable	Exempt	Variable
	BCITF levy (where contract value over \$20k)		Variable	Exempt	Variable
	Building Services Levy (minimum \$61.65)		Variable	Exempt	Variable
	<b>Demolition fees - based on cost of construction (inc. GST) - Minimum \$166.65</b>				
	Application fee - Class 1 & 10		Variable	Exempt	Variable
	Application fee - Class 2 to 9		Variable	Exempt	Variable
	Building Services Levy (minimum \$61.65)		Variable	Exempt	Variable
	CTF Levy (where contract value over \$20k)		Variable	Exempt	Variable
	Infrastructure Bond - Demolition	Refundable	2,000.00	Exempt	2,000.00
	Infrastructure Bond - Demolition (Corner Lot)	Refundable	3,000.00	Exempt	3,000.00

	<b>Infrastructure Bonds</b>				
	If value of works under \$20,000	Refundable	1,500.00	Exempt	<b>1,500.00</b>
	\$20,000 - \$100,000	Refundable	3,000.00	Exempt	<b>3,000.00</b>
	Corner lot or \$100,001 - \$2 million	Refundable	5,000.00	Exempt	<b>5,000.00</b>
	Over \$2 million	Refundable	Price based on replacement costs of adjacent Council assets, as determined by the Executive Manager Technical Services		
	Non-refundable Inspection Fee for Infrastructure Bond		45.45	4.55	<b>50.00</b>
	Materials on Verge licence		Variable	Exempt	<b>Variable</b>
	<b>Building Approval Certificate for unauthorised works - based on cost of construction (inc. GST) - Minimum \$228.30</b>				
	Building Services Levy (minimum \$123.30)		Variable	Exempt	<b>Variable</b>
	CTF Levy (where contract value over \$20k)		Variable	Exempt	<b>Variable</b>
	Application fee		105.00	Exempt	<b>105.00</b>
	<b>Refund of Building Permit fee</b>				
	Prior to assessment	50% of fee	50% of fee	Exempt	<b>50% of fee</b>
	Following assessment	Nil	Nil		<b>Nil</b>
	<b>Miscellaneous</b>				
	Strata Titles (Form 7) per Strata Titles Gen Regs 1996 - Min \$105.80 + GST		Variable	Exempt	<b>Variable</b>
	R-Code Compliance Assessment Fee (From 30 Nov 2015)		133.64	13.36	<b>147.00</b>
	<b>Swimming Pool Fees</b>				
	Pool inspection annual fee		21.25	Exempt	<b>21.25</b>
	Pool inspection fee - request for inspection upon completion		60.91	6.09	<b>67.00</b>
	Pool inspection request outside of pool inspection cycle		150.00	15.00	<b>165.00</b>

## 13.2 GOVERNANCE

### 13.2.1 Code of Conduct Behaviour Complaints Management Policy

File ref	C/POL1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	
Report Date	18 May 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"><li>1. Draft Code of Conduct Behaviour Complaints Management Policy</li><li>2. Behaviour Complaint Committee – Terms of Reference</li><li>3. Complaints Committee – Delegation</li><li>4. Behaviour Complaints Form</li><li>5. Behaviour Complaint Statutory Declaration</li><li>6. Guidelines on Model Code of Conduct for Council Members, Committee members and candidates.</li></ol>

#### Purpose

To consider adopting:

- a Behaviour Complaints Management Policy
- terms of reference for a Behaviour Complaints Committee
- A delegation to allow the Behaviour Complaints Committee to determine alleged breaches
- a revised Behaviour Complaints Form
- a Statutory Declaration form to accompany the Behaviour Complaints form.

#### Executive Summary

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* were gazetted on 2 February, effective from 3 February 2021.

As a result of these changes, Council was required to adopt a new Code of Conduct, and is now also required to adopt a policy to deal with complaints received under Division 3 of the Code of Conduct.

#### Background

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* were gazetted on 2 February, effective from 3 February 2021.

In accordance with the requirements of the above legislation, Council at its meeting held on 16 February 2021 resolved to:

1. ***adopt a Model Code of Conduct for Council Members, Committee Members and Candidates.***

2. *delegate to the CEO the authority to appoint persons to receive and withdraw complaints in accordance with cl.11(3) of the Model Code of Conduct.*
3. *approve a complaints lodgement form for receiving such complaints.*

The proposed policy only deals with complaints made in relation to those matters outlined in division 3 of the Town's Code of Conduct for Council members, Committee members and Candidates.

### Consultation

Discussed at Concept Forum –11 May 2021

### Statutory Environment

*Local Government Act 1995*

*Local Government Legislation Amendment Act 2019*

*Local Government Regulations Amendment (Employee Code of Conduct)*

Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* provides –

**11. Complaint about alleged breach**

- (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
- (2) *A complaint must be made –*
  - (a) *in writing in the form approved by the local government; and*
  - (b) *to a person authorised under subclause (3); and*
  - (c) *within 1 month after the occurrence of the alleged breach.*
- (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

**12. Dealing with complaint**

- (1) *After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.*

### Policy Implications

It is proposed to adopt a Code of Conduct Behaviour Complaints Management Policy

### Financial Implications

Nil

### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

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

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

### Site Inspection



Not applicable

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Failure to provide clear and consistent approach to dealing with complaints.	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
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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

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

### Comment

WALGA recognises and shares local governments concerns regarding the complaints mechanism introduced in the *Local Government (Model Code of Conduct) Regulations 2021*. In particular, the role of councils in deciding complaints and a lack of mechanisms for managing conflicts of interest are problematic. As a consequence, WALGA has drafted a framework to assist local government in minimising both actual and perceived bias due to conflicts of interest.

WALGA has provided the following template documents;

- Code of Conduct Behaviours Complaint Management Policy
- Behaviours Complaints Committee – Terms of reference
- Complaints Committee – Delegation

- Behaviour Complaints Form

These templates have been used for the development of the proposed policy and associated supporting documents.

#### **13.2.1 OFFICER RECOMMENDATION**

**That:**

- 1. Council adopt the following documents, attached to this report:**
  - Code of Conduct Behaviour Complaints Management Policy
  - Behaviour Complaint Committee – Terms of Reference
  - Complaints Committee – Delegation
  - Behaviour Complaints Form
  - Behaviour Complaint Statutory Declaration
- 2. Cr xxxxx, Cr xxxxx and Cr xxxxx be appointed to the Behaviour Complaint Committee with Cr xxxxx, appointed as the deputy.**



#### 1.1.10 Code of Conduct Behaviour Complaints Management Policy

<b>Type:</b>	Office of the CEO – Elected Members
<b>Legislation:</b>	Local Government (Model Code of Conduct) Regulations 2021
<b>Delegation:</b>	N/A
<b>Other Related Document:</b>	Local Government Legislation Amendment Act 2019

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## Policy Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the Town of East Fremantle Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Town of East Fremantle's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

## Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

## Definitions

**Act** means the *Local Government Act 1995*.

**Behaviour Complaints Committee** means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

**Behaviour Complaints Officer** means a person authorised in writing by the CEO exercising delegated authority under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

**Breach** means a breach of Division 3 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

**Candidate** means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

**Candidate Complaint** means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

**Code of Conduct** means the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates.

**Committee** means a committee of Council, established in accordance with s.5.8 of the Act.

**Committee Member** means a Council Member, employee of the Town of East Fremantle or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

**Complaint** means a complaint submitted under Clause 11 of the Code of Conduct.

**Complainant** means a person who has submitted a Complaint in accordance with this Policy.

**Complaint Assessor** means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

**Complaint Documents** means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

**Complaint Form** means the form approved under clause 11(2)(a) of the Code of Conduct by Council resolution.

**Council** means the Council of the Town of East Fremantle.

**Council or Committee Meeting** means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

**Council Member** means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

**Finding** means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

**Plan** means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

**Response Documents** means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

# Policy Statement

## 1. Principles

### 1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

### 1.2. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

### 1.3. Confidentiality

The Town of East Fremantle will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

*Note: A breach of confidentiality by Council Members or Committee Members under an adopted Complaints Policy would breach the Code of Conduct clause 8(2)(b) requirement to comply with all Local Government Policies. In the case of Council Members, this may also be a breach of Rule of Conduct 18(1).*

### 1.4. Accessibility

The Town of East Fremantle will ensure that information on how to make a complaint, including this Policy, is available at the Town of East Fremantle's Administration Building and on the Town of East Fremantle's website. The Town of East Fremantle will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

Behaviour Complaints Officer – Chief Executive Officer

Phone : 9339 9339

Email: [gtuffin@eastfremantle.wa.gov.au](mailto:gtuffin@eastfremantle.wa.gov.au)

## 2. Roles

### 2.1. Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

### 2.2. Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

### 2.3. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Behaviour Complaints Committee Terms of Reference.

## 3. Procedure

### 3.1. Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 11(1) of the Code of Conduct*].

A Complaint must be made within one (1) month after the alleged Breach [*clause 11(2)(c) of the Code of Conduct*].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.



A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

### **3.2. Candidate Complaints**

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

### **3.3. Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

### **3.4. Notice to Complainant**

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

### **3.5. Notice to Respondent**

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

### **3.6. Alternative Dispute Resolution**

The Town of East Fremantle recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

### **3.7. Order of Complaints**

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

### **3.8. Appointment of Complaints Assessor**

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Town of East Fremantle's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

### **3.9. Search of Local Government Records**

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Town of East Fremantle's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Town of East Fremantle's Meeting Procedures Local Law 2016.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

### **3.10. Assessment of the Complaint**

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

### **3.11. Complaint Report**

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.
- Provide the Respondent with a copy of the draft Complaint Report, and give them 7 days to make a submission before the report is finalised.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

### 3.12. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)\* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

### 3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

## 4. Decision Making

### 4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

### 4.2. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the Respondent has taken remedial action in accordance with the Town of East Fremantle Meeting Procedures Local Law 2016.

### 4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

### 4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

#### 4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.



## Behaviour Complaints Committee Terms of Reference

### Policy Objective

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

### Policy Scope

This Policy applies exclusively to the Town of East Fremantle's Behaviour Complaints Committee.

### Committee Function

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

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

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

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

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

Membership of the Behaviour Complaints Committee will comprise of [min of 3 members - s.5.8] Council Members, appointed by Council in accordance with s.5.10 of the Act.

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

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

Member	Deputy Member

There is no external membership associated with this Group.

## **Term of membership**

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

## **Presiding Member/Chairperson**

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

## **Meeting Schedule**

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

## **Delegated Authority**

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

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



Complaints Behaviour Committee meetings are required to:

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

## Administration

Town officers will:

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

<b>Document Control Box</b>							
<b>Document Responsibilities:</b>							
<b>Owner:</b>	CEO			<b>Owner Business Unit:</b>	Office of the CEO		
<b>Reviewer:</b>				<b>Decision Maker:</b>	Council		
<b>Compliance Requirements:</b>							
<b>Legislation:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Model Code of Conduct) Regulations 2021</a>						
<b>Other:</b>							
<b>Organisational:</b>	Council Policy XXX Code of Conduct Behaviour Complaints Management Delegated Authority XXX Behaviour Complaints Committee						
<b>Document Management:</b>							
<b>Risk Rating:</b>	[low / med / high]	<b>Review Frequency:</b>	[annual / biennial / triennial]	<b>Next Due:</b>	[20##]	<b>Records Ref:</b>	[CP####]
<b>Version #</b>	<b>Decision Reference:</b>		<b>Synopsis:</b>				
1.	[decision date / TRIM Ref]		[brief description of the adoption / changes approved]				
2.							



## Delegated Authority Register

### DA84 BEHAVIOUR COMPLAINTS COMMITTEE

<b>Objective of Delegation:</b>	To provide authority to Behaviour Complaints Committee to determine an alleged breach of Division 3 of the Town's Code of Conduct for Council Members, Committee Members and Candidates.
<b>Extent of Delegation:</b>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur {MCC.cl 12(1) and (3)}.</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>(a) take no further action {MCC.cl12(4)(a)}; or</li> <li>(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates {MCC.cl12(4)(b), (5) and (6)}.</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must determine reasons for the dismissal {MCC.cl.13(1) and (2)}.</li> </ol>
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.1.10 Code of Conduct Behaviour Complaints Management.</li> <li>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</li> <li>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</li> <li>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.</li> </ol>



## Delegated Authority Register

<b>Delegation by Council to:</b>	Behaviour Complaints Committee
<b>Delegation by Chief Executive Officer to:</b>	N/A
<b>Formal Record:</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995</i></b></li> <li>• <b><i>Local Government (Model Code of Conduct) Regulations 2021</i></b> <ul style="list-style-type: none"> <li>- <b><i>Clause 12 Dealing with a complaint</i></b></li> <li>- <b><i>Clause 13 Dismissal of complaint</i></b></li> </ul> </li> <li>• <b><i>Local Government Legislation Amendment Act 2019</i></b></li> <li>• <b><i>Policy 1.1.9 Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates</i></b></li> </ul>
<b>Date of Adoption:</b>	
<b>Amended:</b>	



# Behaviour Complaint Form

Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates

## Instructions for: Making a complaint about an alleged breach of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates

### Behaviour Complaint

Please read the Town of East Fremantle's Code of Conduct Behaviour Complaints Policy on our website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au) before submitting a complaint. This Policy details:

- How the Town of East Fremantle will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid **Behaviour Complaint**:

- 
- ☐ The allegation must relate to a breach of the behaviour standards in Division 3 of the Town of East Fremantle's Code of Conduct for Council Members, Committee Members and Candidates.
- 
- ☐ Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
- 
- ☐ The completed Behaviour Complaint Form **MUST** be lodged with the Town of East Fremantle Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.
- 

### Rules of Conduct Complaint

A **Rules of Conduct Complaint** refers to a breach of the Rules of Conduct outlined in Division 4 of the Town of East Fremantle's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: (08) 6552 7300 or [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au); OR
- The Town of East Fremantle's Rules of Conduct Complaints Officer: (08) 9339 9339 [gtuffin@eastfremantle.wa.gov.au](mailto:gtuffin@eastfremantle.wa.gov.au)

### Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Town of East Fremantle's Behaviour Complaints Officer on (08) 9339 9339 by email

## Behaviour Complaint Form

**Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates**

Name of Person Making the Complaint			
<b>Complainant Name:</b> <i>Given Name/s and Family Name</i>			
Contact Details			
<b>Residential Address:</b>			
<b>Postal Address:</b>			
<b>Phone:</b>	<b>Day-time:</b>		<b>Mobile:</b>
<b>Email:</b>			

Complaint Details:			
<b>1.</b>	<b>Insert Name of Person alleged to have committed a behavior breach:</b>		
<b>2.</b>	<b>Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:</b>	Council Member of the Town of East Fremantle	<input type="checkbox"/>
		Member of a Committee of the Town of East Fremantle	<input type="checkbox"/>
		Candidate for election at the Town of East Fremantle	<input type="checkbox"/>
<b>3.</b>	<b>Date that the alleged behaviour breach occurred:</b>		
<b>4.</b>	<b>Location where the alleged behaviour breach occurred:</b>		

5.	<b>Which of the behaviours prescribed in Division 3 of the Town of East Fremantle's Code of Conduct do you allege this person has breached?</b>	
	<b>Clause 8. Personal integrity</b>	
	(1) A council member, committee member or candidate —	
	(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
	(b) must only publish material that is factually correct	<input type="checkbox"/>
	(2) A council member or committee member —	
	(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
	(b) must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
	<b>Clause 9. Relationship with others</b>	
	A council member, committee member or candidate —	
	(a) must not bully or harass another person in any way; and	<input type="checkbox"/>
	(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
	(c) must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
	(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
	(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
	<b>Clause 10. Council or committee meetings</b>	
	When attending a council or committee meeting, a council member, committee member or candidate —	
	(a) must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
	(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
	(c) must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
	(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>
(e) must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>	
(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>	

<b>6.</b>	<b>State the full details of the alleged breach.</b>

<b>7</b>	<b>List any additional information you have provided as part of this complaint:</b> <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>

<b>9</b>	<b>Have you made any efforts to resolve the complaint with the Respondent?</b> <i>Please note, you MUST complete this section</i>	
<b>YES</b>	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
<b>NO</b>	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>



10	<p><i>The Town of East Fremantle has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>		
	<b>Would you agree to participate in an Alternative Dispute Resolution process?</b>	YES	<input type="checkbox"/>
		NO	<input type="checkbox"/>

11	<b>Desired outcome of the Complaint</b> <i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i>

<b>COMPLAINANT</b> <i>please sign and date</i>	
<b>Signature:</b>	
<b>Date:</b>	

**Please submit completed Behaviour Complaint to:**

The Town of East Fremantle's Behaviour Complaints Officer:

Mailing Address: [gtuffin@eastfremantle.wa.gov.au](mailto:gtuffin@eastfremantle.wa.gov.au)

In person: 135 Canning Highway, East Fremantle

<b>OFFICE USE ONLY:</b> <i>Received by the Council appointed Behaviour Complaints Officer</i>	
<b>Authorised Officer's Name:</b>	
<b>Authorised Officer's Signature:</b>	
<b>Date received:</b>	



**Code of Conduct for Council Members, Committee  
Members and Candidates  
Behaviour Complaint  
Statutory Declaration**

*Oaths, Affidavits and Statutory Declarations Act 2005*

*Must be completed and submitted with the completed Behaviour Complaint Form*

**I**

\_\_\_\_\_

*Insert your name*

\_\_\_\_\_

*Insert your residential address*

\_\_\_\_\_

*Insert your occupation*

**Sincerely declare that the information I have provided in the attached**

**Behaviour Complaint dated** \_\_\_\_\_

*Insert date*

**is a true and accurate representation of the alleged behavior breach.**

**This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.**

**This declaration is made under the *Oaths, Affidavits and Statutory Delcarations Act 2005***      **At:**

\_\_\_\_\_

*place*

**On:**

\_\_\_\_\_

*date*

**By:**

\_\_\_\_\_

*signature of the person making the declaration*

**In the presence of:**

\_\_\_\_\_

*signature of authorised witness*

*See over page for list of  
authorised witnesses  
prescribed in the Oaths,  
Affidavits and Statutory  
Declarations Act 2005*

\_\_\_\_\_

*print name*

\_\_\_\_\_

*qualification as such a witness*

### Schedule 2 — Authorised witnesses for statutory declarations

[s. 12(6)(a)]

Item	Formal description	Informal description
1.	A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> <li><i>Curtin University Act 1966</i>;</li> <li><i>Edith Cowan University Act 1984</i>;</li> <li><i>Murdoch University Act 1973</i>;</li> <li><i>University of Notre Dame Australia Act 1989</i>;</li> <li><i>University of Western Australia Act 1911</i>;</li> <li><i>Vocational Education and Training Act 1996</i>.</li> </ul>	Academic (post-secondary institution)
2.	A member of any of the following bodies — <ul style="list-style-type: none"> <li>Association of Taxation and Management Accountants (ACN 002 876 208);</li> <li>CPA Australia (ACN 008 392 452);</li> <li>The Institute of Chartered Accountants in Australia (ARBN 084 642 571);</li> <li>Institute of Public Accountants (ACN 004 130 643);</li> <li>National Tax &amp; Accountants' Association Limited (ACN 057 551 854).</li> </ul>	Accountant
3.	A person who is registered under the <i>Architects Act 2004</i> .	Architect
4.	An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff

Item	Formal description	Informal description
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
8.	A member of Governance Institute of Australia Ltd (ACN 008 615 950).	Chartered secretary, governance adviser or risk manager
9.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession.	Chemist
10.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — <ul style="list-style-type: none"> <li>an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or</li> <li>a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or</li> <li>a warrant officer within the meaning of that Act.</li> </ul>	Defence force officer
14.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist

Item	Formal description	Informal description
15.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession.	Doctor
15A.	A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> <li><i>Industrial Relations Act 1979</i>;</li> <li><i>Workplace Relations Act 1996</i> of the Commonwealth.</li> </ul>	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3.	Landgate officer
20.	An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24.	An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament

Item	Formal description	Informal description
25A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the midwifery profession.	Midwife
26.	A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
27.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing profession.	Nurse
28.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession.	Optometrist
28A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the paramedicine profession.	Paramedic
29.	A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
30.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession.	Physiotherapist
31.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
34.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession.	Psychologist
35.	A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)

Item	Formal description	Informal description
37.	A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
38.	The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
39.	The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
42.	A person registered under the <i>Teacher Registration Act 2012</i> .	Registered teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# **Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates**

**March 2021**

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# Model Code of Conduct

## Introduction

Local government is vital for the delivery of key services and infrastructure in the community. Individuals who are, or seek to be, members of local councils and council committees are entrusted by their community to represent local views, make sound decisions, and utilise public funds effectively to deliver services and amenities for their community. As such, a high standard of professional and ethical conduct is expected of council members and committee members in local governments, as well as candidates in local government elections.

A review of the *Local Government Act 1995* (Act), including consultation with community and sector stakeholders, led to the implementation of priority reforms under the *Local Government Amendment Act 2019* (Amendment Act).

The Amendment Act was developed in response to stakeholder feedback that there was a need for governance reforms, including a Code of Conduct for council members, committee members and candidates that clearly reflects community expectations of behaviour and supports consistency between local governments in relation to the overall process for managing alleged breaches of that Code.

As a result, key reforms under the Amendment Act include the introduction of a Model Code of Conduct (Model Code) that must be adopted by local governments and applied to council members, committee members and candidates; as well as a separate Code of Conduct for Employees.

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The *Model Code of Conduct Regulations 2021* (Regulations) have been developed to give effect to the Amendment Act, and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

## Definitions

The Model Code defines key terms to aid understanding and compliance. Where a term is not defined in either the Regulations or the Act, then the generally accepted meaning of the term applies. Some additional guidance is provided as follows:

**Candidate:** an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the Act. The Model Code applies to the individual from that point. Any alleged breach of the Model Code may only be addressed if and when the individual is elected as a council member.



**Council member:** references to ‘council member’ in the Regulations mean an individual who has been elected as a council member under the Act. The requirements of the Regulations also apply to a council member who is a committee member on a council committee.

**Committee member:** under the Regulations, a ‘committee member’ includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.

**Evidence:** references to ‘evidence’ in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Model Code has occurred.

**Local government(s):** per the approach in the Act, references to ‘local government’ in the Regulations mean the body corporate that is the local governing body made up of the council, Chief Executive Officer (CEO) and administrative staff appointed and managed by the CEO.

Where a statutory function entails decision-making on governance matters, the council is responsible for making those decisions unless the matter is delegated. This includes decisions on complaints regarding the conduct of council members, committee members and candidates, as set out in the Regulations.

Further guidance on certain terms in the Model Code is provided in these Guidelines.

## Purpose

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in council and on council committees, as set out in the Act.

An individual who has nominated as a candidate for election as a council member is also required to demonstrate professional and ethical behaviour during their election campaign. If elected, the individual must continue to comply with the Model Code in council and on council committees.

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the local council address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by the council, then the council may determine that the matter is to be referred to the Standards Panel as an

alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

## **Adoption**

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021).

In accordance with section 5.104(4), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

While local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

In preparing the Code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

To adopt the Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website (section 5.104(7)).

## **Division 2 – General Principles**

This section of the Regulations set out the fundamental rules that council members, committee members and candidates are expected to adhere to, promote and support. Adhering to these rules will assist individuals to comply with the behaviours outlined in Division 3 and 4.

The principles outline the overarching approach that members and candidates should demonstrate in their role as public representatives, or potential public representatives. Individuals should consider all behaviours in light of these principles, including any behaviour and conduct that is not covered specifically in Division 3 and 4.

The principles are grouped into three key areas: Personal Integrity; Relationships with others and Accountability. Additional guidance on these areas is provided as follows:

### **Integrity and conflicts of interest**

Members and candidates are generally active in their local area which may lead to a conflict between the public interests of the community and the personal interests of the individual, their family members and associates.



It is the individual responsibility of members and candidates to disclose any such conflicts and ensure that they are managed appropriately to comply with the Model Code and serve their community as expected by the local electors.

Individuals should also consider perceived and potential conflicts of interest. While an individual may be confident of the integrity of their actions, it is important to reflect on how their actions may appear to others, and/or how an action taken now could lead to a conflict of interest in future. If an interest is identified, the individual should disclose and manage this to avoid a conflict with the public interest.

### **Avoidance of reputational damage**

Elected members and candidates may hold strong concerns in relation to actions, or a lack of action, by their local government on certain matters.

It is the individual responsibility of members to ensure that they comply with the Model Code by raising concerns in a respectful and constructive manner and working effectively with their colleagues for their community, as expected by the local electors.

During an election campaign, it is the individual responsibility of candidates to ensure that any concerns they raise regarding the current local government is based on accurate information and expressed in a respectful and constructive manner that demonstrates to local electors their suitability as a potential public representative.

### **Decision-making and accountability**

Council and committee members regularly make decisions that impact on their local area. The community expects that members will make council and committee decisions based on information that is relevant and factually correct. This will vary according to the decision to be made and the information available to the council members and committee members at that time.

In general, individuals are responsible for ensuring their decisions are based on information that is accurate and pertinent to the matter at hand; and can be reasonably considered accurate and relevant by others.

As part of being accountable to their community, council members and committee members should accept responsibility for the decisions they make in the performance of their role.

## **Division 3 – Behaviour**

This section of the Regulations sets the standards of behaviour which reflect the general principles outlined in Division 2.

It is the individual responsibility of members and candidates to demonstrate, promote and support professional and ethical behaviour as provided in the Model Code.

Complaints regarding alleged breaches of the Model Code in Division 3 are managed by the local council as the decision-making body of the local governments, unless this function has been delegated.

The division also provides a principles-based process for responding to alleged breaches. The emphasis is on education and development, rather than punitive sanctions, with the aim of establishing or restoring positive working relationships and avoiding further breaches.

Failure to comply with this Division may give rise to a complaint regarding the conduct of a council member, committee member or candidate, which may lead to the council making a formal finding of a breach and requiring remedial action by the individual.

It is recommended that local governments develop further guidance on dealing with complaints through the introduction of a complementary policy or procedure on complaints management to the extent it is not provided for in the Regulations. There are resources on effective complaints management available on the Ombudsman WA's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au).

## Complaints

### Process for making a complaint

Clause 11 of the Regulations provides that a person can make a complaint alleging a breach of Division 3 within one month of the alleged breach occurring.

Local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of council members, committee members and candidates.

Local governments should make it clear that it is important a complainant provides details in their complaint, with supporting information where feasible to do so, because the complaint will form part of the evidence considered by the council when deciding whether a breach of the Model Code has occurred.

#### Action required

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- President or Mayor,
- Deputy President or Mayor (especially for complaints about the President or Mayor),
- Chief Executive Officer, or
- External consultant

The Regulations also provide that complaints are to be made in writing in a form approved by the local government.

#### Action required

Local governments must determine whether there will be a specific template for complaints and process for how they are to be lodged.

Local governments may choose to:

- establish a specific email address for conduct complaints
- provide a name/position to whom complaints should be addressed
- prepare an online complaint form
- engage an independent person to support the resolution of a complaint. Local governments may consider sharing the services of an independent person.

The Department has prepared a template form for complaints to assist local governments. The template is available on the department's website at [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au).

The authorised person(s) should acknowledge the receipt of every written complaint in a timely manner. As part of the acknowledgment process, the complainant should be provided information on how the complaint will be progressed and an expected timeframe for the matter to be finalised. This may include providing the complainant with a copy of the complaint policy.

The local government may determine that the person who is authorised to receive complaints takes responsibility for the administrative process. This may include preparing the necessary report to the council or committee tasked with making a decision on the complaint.

The report should contain a summary of the alleged breach, including evidence provided by the complainant. It should also contain information from the person to whom the complaint relates.

### **Dealing with a complaint**

The Regulations do not specify a timeframe by when complaints should be dealt with, however, a timeframe could be included in a local government's policy.

In the interests of procedural fairness, all complaints should be dealt with in a timely manner and allow all parties the opportunity to provide information regarding the alleged conduct.

Clause 12 of the Regulations outlines the process for dealing with complaints regarding the conduct of elected members and candidates. The Model Code leaves it open to local governments to determine the most appropriate and effective process for how this is undertaken. Possible options could include:

#### Council considered

Under this option, all complaints received are considered by the council. This would require a report to be provided to the council – either with or without a recommendation (this is a matter for the Council to determine).

The council may choose to appoint a independent/external consultant to review complaints and provide a report to the council. If an independent consultant is tasked with reviewing complaints, it may be preferable that they also make a recommendation as to whether a breach has occurred.

If the person authorised to receive complaints prepares the report, it may be more appropriate that no recommendation is made, and council make a finding on the basis of the information they are provided.

#### Committee considered

Under this option, a committee is established to consider complaints. The makeup of the committee will depend on whether the power to make a finding can be delegated to the committee, or whether they are tasked with making a recommendation for council consideration.

In establishing a committee, local governments may like to consider forming a behaviour review committee that contains a member from some surrounding local governments and an independent person, to review all complaints for those local governments. The committee would prepare a recommendation which is submitted to the relevant council for consideration.

If the committee is tasked with making a recommendation for council consideration, and the council do not accept the recommendation, the reasons why it is not accepted should be noted in the minutes.

#### CEO considered

As with a number of functions in the Act, this function can be delegated to the CEO. Councils may choose to make it the responsibility of the CEO so as to remove council members from the decision-making process. However, consideration also needs to be given as to whether it is appropriate for the CEO to be responsible for making findings on council members behaviour.

### **Triaging complaints**

Local governments should consider how they are going to respond to complaints, and whether complaints are going to be addressed based on seriousness or impact of the allegation or on the order in which complaints are received. This should be outlined in the complaint policy.

#### **Action required**

Local governments must determine who will be considering complaints received and how complaints will be prioritised and managed.

Clause 12(2) of the Regulations require that the person to whom the complaint relates is given a reasonable opportunity to be heard. This should include providing a copy of the complaint to that person in a timely manner and allowing them an opportunity to respond to the allegations in writing. The information provided by that person will assist the local government in forming a view as to whether a breach has occurred.

## **Mediation**

Local governments may choose to introduce mediation following the receipt of a complaint. This could be in the form of informal or formal mediation, conducted either internally or with an external mediator. Mediation may prove to be a valuable tool to resolve matters quickly, before they escalate. If mediation is successful, there is the ability for a complaint to be withdrawn.

## **Making a finding**

Clause 12(1) requires the local government (which could be the council or a committee) to consider whether the alleged matter which is the subject of a complaint, did occur and make a finding on whether the matter constituted a breach of the Code of Conduct.

The same approach should be used as the Standards Panel in their deliberations and decision-making; that is, based on the complaint and other evidence received by the council, the council must be satisfied that, on the balance of probabilities, it is more likely than not that a breach occurred.

At a minimum, the information used to make a finding will include the information provided by the complainant and the person to whom the complaint relates. While not mandatory, there is nothing that prohibits local governments seeking further evidence to assist in making a decision, such as statements from witnesses.

## **Conflicts of interest**

Members will be required to disclose an impartiality interest. This will include the complainant (if applicable) and person to who the alleged breach applies.

An impartiality interest does not require a member to leave the room for the debate or decision. By having both the complainant and accused in the room, it may also allow further input and clarification around the circumstances of the complaint.

The Presiding Member must keep control of the meeting and ensure everyone is provided with an opportunity to speak. Members should remain respectful and open-minded and make a decision on whether a breach has occurred or not using the information available.

## **Action Plans**

Clause 12(4) provides that if a finding that a breach of the Code of Conduct did occur, the local government may determine that no further action is required; or that an action plan must be prepared and implemented.

An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The action plan does not need to be complex. The plan should outline:

- the behaviour(s) of concern;
- the actions to be taken to address the behaviour(s);
- who is responsible for the actions; and
- an agreed timeframe for the actions to be completed.

An action plan should not include measures that are intended to be a punishment, and instead should focus on mechanisms to encourage positive behaviour and prevent negative behaviour from occurring again in future.

The Code requires that in preparing the action plan, consultation must be undertaken with the elected member to whom the plan relates. This is designed to provide the member with the opportunity to be involved in matters such as the timing of meetings or training. Note: some members may not be willing to engage with the opportunity to participate in the process.

The council or a delegated person should monitor the actions and timeframes set out in the action plan. This is important because if the member does not comply with the action/s within the agreed timeframe, then under the Regulations it is considered a contravention of a rule of conduct.

### **Dismissal of complaints**

While local governments are required to consider all complaints, they can be dismissed if:

- the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that meeting (clause 13), or
- the complaint is withdrawn (clause 14).

Clause 13 allows a complaint to be dismissed if the behaviour occurred at a council or committee meeting, and that behaviour was addressed at the time. This could have been by the presiding member, or remedial action was taken in accordance with the local government's standing orders or local law.

### **Where agreement cannot be reached**

Circumstances may arise when a local council cannot agree on a finding, whether the complaint can be dismissed under clause 13, or an appropriate course of action following a finding of breach.

While the presiding member has the casting vote, in a divided situation, the local government may decide to engage an independent person/consultant to review the evidence and make a recommendation. If this occurs, the council (or committee) should give due consideration to the advice and recommendation, and if they don't accept the recommendation they should state the reasons why in the minutes.

### Withdrawal of a complaint

Clause 14 provides the option for a complaint to be withdrawn before it is considered by the council.

Local governments may elect to include in their complaints policy the option for mediation between the complainant and the member. Mediation may resolve any specific issues before the council is required to make a finding and may lead to the complainant withdrawing the complaint. Clause 14 requires a withdrawal to be made in writing and provided to the person(s) authorised to receive complaints.

## Division 4 – Rules of Conduct

Contraventions of rules of conduct are matters that:

- negatively affect the honest or impartial performance of an elected member;
- involve a breach of trust placed in the elected member; or
- involve the misuse of information or material.

Division 4 sets out rules of conduct for elected members and candidates that relate to the principles in Division 2 and the behaviours in Division 3. This Division also introduces a new rule of conduct to address situations where an elected member does not undertake the actions required by the local council following a breach of the Model Code. A contravention of this rule of conduct is considered a minor breach, as defined in the Act.

The process for complaints under Division 4 is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

A council may decide to refer an alleged contravention of Division 4 to the independent Standards Panel in accordance with the Act. As the Panel does not have investigative powers, decisions are made based on the information received by the Panel from the local government. The Standards Panel must be satisfied that, on the balance of probabilities, it is more likely than not that a breach has occurred for the Standards Panel to make a finding of breach.

Where the Standards Panel makes a finding against an elected member or candidate, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this Division removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Further information on the Standards Panel process is available on the Department's website.

**Further information**

The aim of the Model Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

Local governments are encouraged to seek guidance and advice on specific matters whenever necessary. For queries, please contact: [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au)



### 13.2.2 Governance Framework

Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	
Report Date	18 May 2021
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Governance Framework 2021

#### Purpose

To consider adopting the *Town of East Fremantle Governance Framework 2021*.

#### Executive Summary

Governance provides the structure through which a local government's vision and objectives are achieved within a context of competing and changing social, economic and environmental issues.

It is recommended that the attached Governance Framework 2021 be adopted as a guiding document for elected members, staff and the community.

#### Background

This framework draws on the legislative requirements, strategic direction and organisational culture that the Town of East Fremantle operates in accordance with, to create standard principles of corporate governance. These standard principles of corporate governance guide Elected Members and staff in their decision making and service delivery.

The development of this informing document is listed as one of the CEO's KPIs.

#### Consultation

Discussed with the elected members at the Concept Forum –11 May 2021

A copy of the adopted Governance Framework will be placed on the Town's Website.

#### Statutory Environment

*Local Government Act 1995*

#### Policy Implications

N/A

#### Financial Implications

Nil

#### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

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

5.1 Strengthen organisational accountability and transparency.

5.3 Strive for excellence in leadership and governance.

### Site Inspection

Not applicable

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
No significant risks identified. The proposed document provides an overview of the Town's governance framework. (Information only)					

### Risk Matrix

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

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

Risk Rating	1
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Comment

Good governance ensures that the Town is able to manage its many complex responsibilities effectively in the best interests of the community.

The draft framework highlights the Town's commitment to providing good governance by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of Town business.

The Governance Framework will support Council and Administration by:

- assisting Elected Members in partnership with staff in delivering good governance on behalf of the community;

- 
- providing clear guidelines for Council and staff in relation to their roles and responsibilities, and what is expected of them in relation to performance; and
  - acting as an induction tool for Elected Members and staff.

Council is now requested to consider adopting the *Town of East Fremantle Governance Framework 2021*.

**13.2.2 OFFICER RECOMMENDATION**

That Council adopt the *Town of East Fremantle Governance Framework 2021* as attached to this report.



# Governance Framework 2021



*Elected Members and employees of the Town of East Fremantle (the Town) are committed to the democratic process and the principles of good governance.*

*This document outlines the Town's Corporate Governance Framework.*



<b>Responsible Directorate:</b>	Office of the CEO
<b>Reviewing Officer:</b>	CEO
<b>Decision making Authority:</b>	Council
<b>Policy Adopted:</b>	
<b>Policy Amended/Reviewed:</b>	

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## CORPORATE GOVERNANCE IN LOCAL GOVERNMENT

### 1. Governance Defined

#### 1.1 Introduction

This Governance Framework has been prepared to ensure our compliance with all relevant legislation, including the *Local Government Act 1995* (the Act) and the pursuit of best practice as a democratic local government.

The practice of good governance is increasingly seen as critical for ensuring that:

- the organisation meets legal and ethical compliance
- decisions are made in the interests of all stakeholders
- the organisation behaves as a good corporate citizen should.

The framework is endorsed by Council at an Ordinary meeting held on [REDACTED] 2021. It is an overview of the governance program that has been put in place so that Elected Members and employees can meet their governance responsibilities. It also enables our community and stakeholders to have an understanding of governance and demonstrates how all people associated with our Council can participate.

#### 1.2 What is governance?

Governance is the act of governing. It encompasses all the processes for making and implementing decisions that define expectations, grant power or verify performance. Governance is how the Town of East Fremantle ensures and enhances good government principles throughout our organisation, in order to maintain the trust of the community.

#### 1.3 What is good governance?

The Governance Institute of Australia (GIA) notes that good governance has four key components:

**Transparency:** *being clear and unambiguous about the organisation's structure, operations and performance, both externally and internally, and maintaining a genuine dialogue with, and providing insight to, legitimate stakeholders and the market generally.*

**Accountability:** *ensuring that there is clarity of decision-making within the organisation, with processes in place to ensure that the right people have the right authority for the organisation to make effective and efficient decisions, with appropriate consequences for failures to follow those processes.*

**Stewardship:** *developing and maintaining an enterprise-wide recognition that the organisation is managed for the benefit of its shareholders/members, taking reasonable account of the interests of other legitimate stakeholders.*

**Integrity:** *developing and maintaining a culture committed to ethical behaviour and compliance with the law.*

Good governance for the Town is about how well it provides goods, services and programs while also meeting its legislative, non-legislative requirements (e.g. internal standards) and community expectations. This is achieved by having the best possible decision-making processes and structures in place that are transparent and accountable, and having integrity when interacting with the community, businesses and with government.

Good governance in local government requires the following:

- Councils being elected by, representative of, and accountable to the community.
- Elected Members making decisions on behalf of and in the best interests of the community as a



whole.

- Policies and programs reflecting the mandate local governments have been given by their electors.
- Policy enactment arising from the Strategic Community Plan with appropriate performance management to assess the local government's progress.
- Community participation in decision-making.
- Elected Members providing leadership to the community and reflecting the community's collective aspirations.
- A management structure which implements the local government's goals in accordance with the local government's priorities and approved budget.
- Provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations).
- Local government being well placed to facilitate coordination and integration at a local level.
- Cooperation between local governments and other spheres of government.

#### 1.4 Why is good governance important to the Town?

- It underpins the confidence that the community has in Council and its services.
- It affects the quality of our outputs – goods, services and programs.
- It is a value adding activity.
- It ensures that the Town meet its legislative responsibilities.
- It is a strong reminder to the Council that it is ultimately accountable to the community it serves.

#### 1.5 Governance Principles

The Town's framework is based on CPA's publication *Excellence in Governance in Local Government 2007* which provides four principles that provide a clear foundation for good governance:

- Culture and vision,
- Roles and Relationships;
- Decision-making and management; and
- Accountability;

Each principal is divided into sub-categories where the theory of the principle is explained and then the way the theory is put into action at the Town of East Fremantle.

By following good governance principles, the Council, the Chief Executive Officer, employees and the community can be confident that our organisation is being run efficiently, is sustainable and is carrying out the objectives, policies and plans of Council.



## 2. Local Government defined

Local government in Western Australia is established under the *Local Government Act 1995* (LGA) and is the third sphere of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community, including waste management, road maintenance and rates collection.

As the level of government often seen as the 'closest' to the community, local government activities relate to matters that are fundamental to people's lives and impact strongly on their quality of life. This includes organising local community events, providing community spaces and recreation areas and creating liveable neighbourhoods.

Each local government is a corporate body, a legal entity with power to do things for the local community. A local government can also sue and be sued. A local government is comprised of:

- a Council consisting of Elected Members;
- a Mayor; and
- the Administration that includes the CEO and employees.

The Mayor and Councillors form the Council, and the following principles apply:

- Elected Members are able to exercise authority as the Council after they are formally sworn in and when they meet formally as the Council.
- All lawful decisions are made at the Council meetings or through delegated authority (to CEO or the Council's Committees where applicable).

The Council operates within our system of democracy where representatives are elected to make decisions on behalf of the community as a whole. Elected Members carry out their duties with due diligence that includes taking account of all information available and listening to and evaluating community views on issues that come up for decision.

Elected Members acting individually do not have the authority to influence the activities, duties and operations of local government employees. Instead, staff deliver a range of services decided on by the Council as a whole and implement the decisions of the Council but are responsible to the Chief Executive Officer for their work performance.

Employees are formally accountable to the Council through the CEO, whose role is detailed in section 5.41 of the Act, and includes but is not limited to:

- advising Council;
- implementing Council's decisions;
- managing the services that the local government provides for its community; and
- being responsible for the day to day operations of the local government.

Except for the CEO who is appointed directly by Council, each and every other employee is employed through the executive function of the CEO as set out in section 5.41 of the Act.

### 2.1 Functions of local government

In order to consider the issue of good governance in the context of local government, it is also necessary to consider the functions of local government.

#### 2.1.2 Planning and monitoring achievement

Planning for the development and wellbeing of the community is a critical role for a local government. The Act requires local governments to develop and adopt a 'plan for the future', which sets overall direction for the Town through long-term planning. Examples include the Town's 10 Year Strategic Community Plan, the 15 Year Strategic (Resource) Financial Plan and the Four-Year Corporate Business Plan. The Town's

Integrated Planning Framework provides the direction for the ongoing management of Town activities.

### **2.1.3 Lawmaking and enforcement**

A local government makes decisions in areas over which it has legislative authority but cannot duplicate or contradict federal or state law. Laws made by local governments are called local laws and cover such issues as the activities permitted on public land, animal management and use of local government facilities. Local laws are enforced by employees.

A local government is also responsible for enforcing other legislation under which it has authority.

### **2.1.4 Administrative**

The Town has a range of responsibilities under state legislation and administers laws that affect a person's rights and interests. Decisions made by local governments must be based on relevant considerations and facts, be procedurally fair and follow the principles of natural justice.

### **2.1.5 Policy development**

An important role of Council is to make policy decisions on behalf of the community. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs, and allocating appropriate resources. A policy is a decision of Council and sets out agreed views and direction concerning a particular area of responsibility.

### **2.1.6 Representation**

In a general sense, when Council meets it represents the views of the local government constituents on matters of concern to the community. Elected Members represent the interests of electors, ratepayers and residents of the district. Elected Members need to listen to and be interested in the wider community and not just the people in the ward who elected them.

### **2.1.7 Advocacy**

Local governments have a role advocating on behalf of their community to other spheres of government, statutory authorities and private interests whose activities may have an impact on the community.

### **2.1.8 Service delivery**

Local governments must ensure that services are delivered in the most efficient and effective manner. The Act provides a degree of autonomy to local governments to determine policies, in consultation with their communities, about the nature and level of services provided. A local government should ensure the delivery of quality services for which it has responsibility.

### 3. Community Defined

When used in relation to governance the collective term community does not refer to one single entity. Within the Town of East Fremantle there are many different communities and subsets within them. These can be identified through factors such as neighbourhoods or people with interests in common, lifestyle, sport, business, educational (school), developers, industry and such things as social values. Often such diverse communities do not share the same aspirations and goals as the needs and desires of people evolve and change.

A challenge for the Council is to govern so that the different and sometimes competing interests of the community can be recognised and taken into account.

### Council Representation

The Council supports a Ward system for election purposes and maintains equity through periodic reviews to retain a fair ratio of Councillors to electors in each of the Wards.

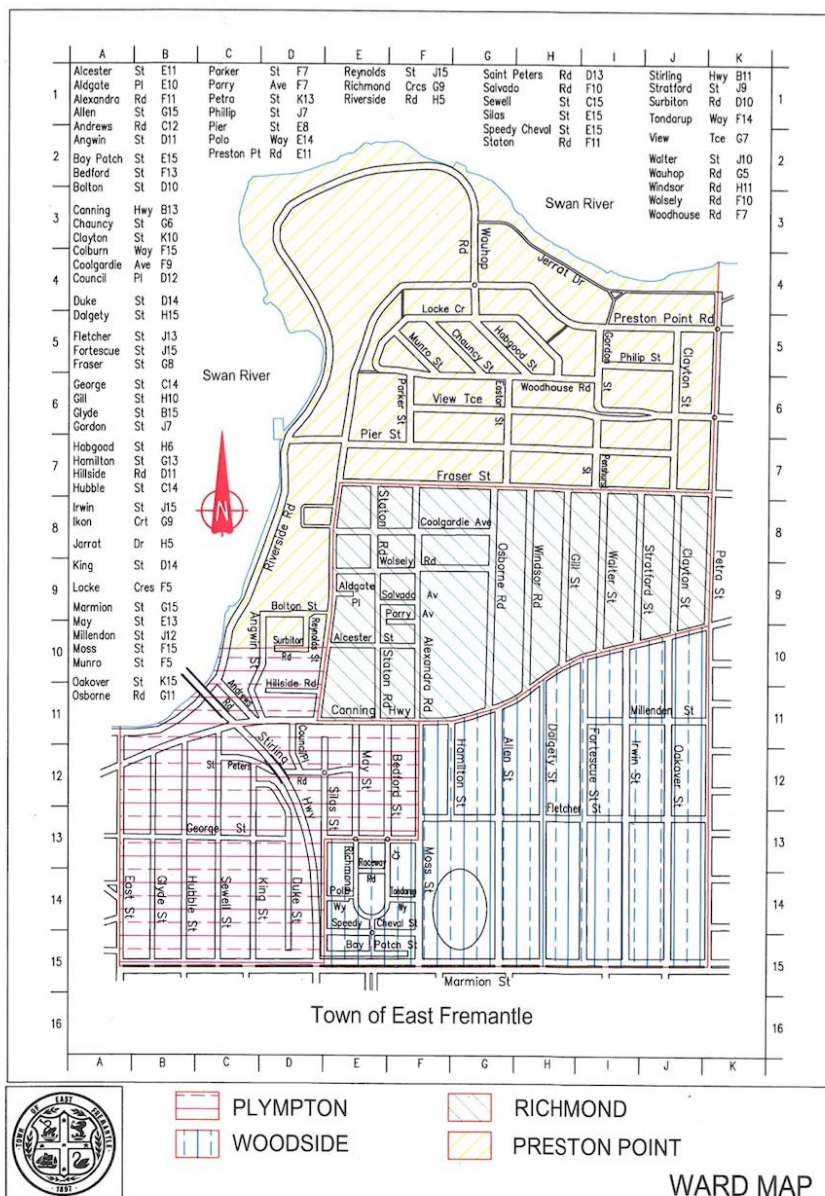
1 x Mayor

2 x Councillors - Preston Point Ward

2 x Councillors - Plympton Ward

2 x Councillors - Richmond Ward

2 x Councillors - Woodside Ward



## 4. Governance Principles

For the purposes of the Town's Governance Framework, the principles contained in the *'Excellence in Governance in Local Government'* developed by CPA Australia have been adopted. The principles provide the foundation for good governance and a means for assessing the extent to which good governance is occurring at the Town. Contained under each principle in the following sections are a range of activities and actions put into operation at the Town to support that particular principle.

### 4.1 Principle One: Vision and Culture

There is a clear vision and a Strategic Community Plan that is produced through a comprehensive and inclusive process, which is owned by all sectors of the community.

There is a positive culture and value system in place that promotes trust, openness and honesty, in which constructive and respectful questioning is encouraged and accountability is clear.

### 4.2 Principle Two: Roles and Relationships

There is clarity about the roles within a local government and there exists a sophisticated approach to defining and implementing these.

There are effective working relationships that are promoted and supported within and between the Elected Members, the CEO and the organisation

### 4.3 Principle Three: Decision-Making and Management

There are effective decision-making processes in place that reflect the transparency and accountability which underpin excellence in local government.

An adequate organisational structure should be in place that serves the Town's operations and progresses the organisation towards the achievement of the Town's strategic objectives.

There should be robust and transparent business management practices established and maintained to meet the Town's accountability to its community, particularly in terms of stewardship of community assets and finances, both now and into the future.

An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.

Effective delegations should be implemented and maintained to enable Council to focus on strategic issues.

### 4.4 Principle Four: Accountability

The Town must account for its activities and have systems and processes that support accountability.

The Town should establish internal structures that provide for independent review of processes and decision-making to assist it meeting its accountability to stakeholders.

Consultation should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all sections of the community. The outcomes of the consultation should be taken into account when the decision is made, and feedback should be provided to those who participated.

## 5. Principle One: Vision and Culture

### 5.1.1 Our Vision

### Community's vision for the Town

*"Inclusive community and lifestyle, balancing growth and sustainability"*

Sustainability is defined as strategies and actions which provide the most positive environmental, social and economic impacts to best meet the needs of current and future generations.

### 5.1.2 Our Values

Elected officials and staff of the Town of East Fremantle work to the highest standards of ethics and behaviour and are guided by our Corporate Values, which are:



Good governance is achieved when Council, Elected Members and employees show leadership and reflect the above values. Values shape an organisation's culture and are the fundamental beliefs the Town considers to be important; are relatively stable over time; and have an impact on Elected Member and employee attitudes and behaviour.



5.1.3 Integrated planning and reporting framework

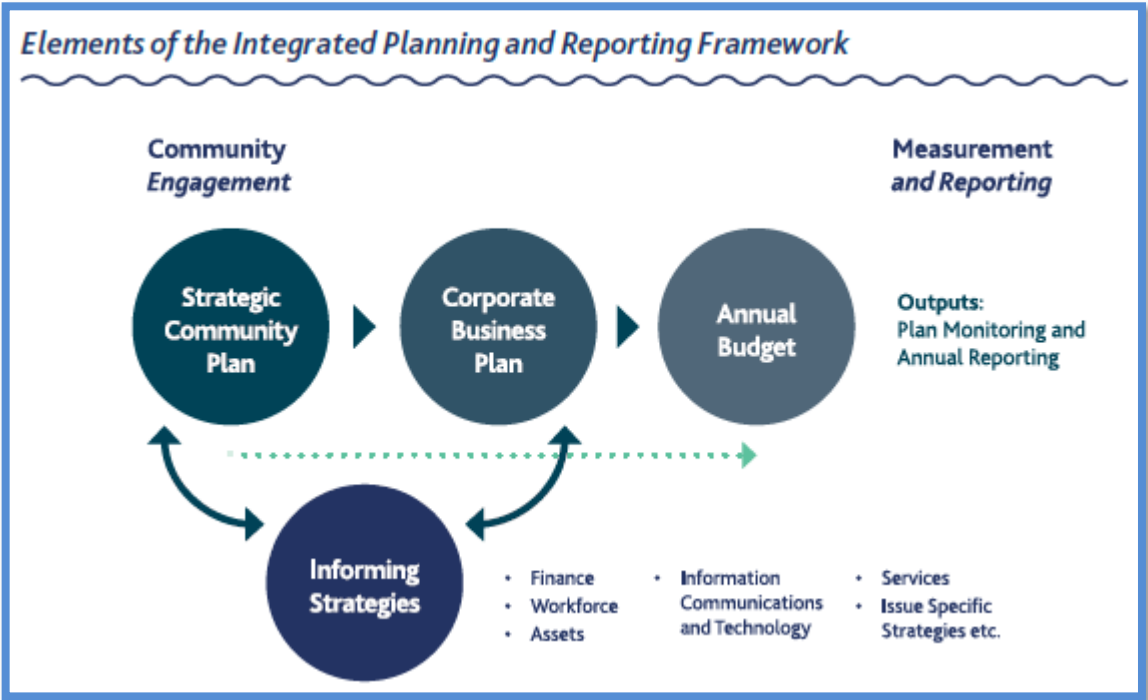
In October 2010, the LGA was amended to include a requirement for all local governments to follow an Integrated Planning and Reporting Framework (IPRF). This IPRF aims to ensure integration of community priorities into strategic planning by local government, as well as implementation of the objectives that have been set from these priorities.

The IPRF requires each local government to have three levels of integrated strategic planning, informed and supported by appropriate resourcing and asset management plans.

The key components of the IPRF are:

- Strategic Community Plan - Community vision, strategic direction, medium and longer term priorities and resourcing implications over 10+ years.
- Corporate Business Plan – Four year delivery program, aligned to the SCP
- Long Term Financial Plan - Long term financial plan to deliver the SCP strategies and CBP actions.
- Asset Management Plans - Approach to managing assets to sustainably deliver chosen service levels.
- Workforce Plan - Shaping workforce to deliver organisational objectives now and in the future.
- Issue or Area Specific Plans & Strategies - Any other informing plans or strategies (eg Sports & Recreation Plan, Foreshore Management Plan, EF Oval Redevelopment etc).
- Annual Budget - Financial statements, year 1 priorities and services.

The Long-Term Financial (Strategic Resource) Plan, Asset Management Plans and Workforce Plan are referred to collectively as the “core” informing strategies. The diagram below shows the relationship between these information strategies, community input, the Town’s vision and reporting mechanisms.



2020 – 2030 Strategic Community Plan at a glance		
<p><i>Our Strategic Community Plan responds to the community's key areas of interest. Our Vision and Objectives for each strategic priority area over the next 10 years are as follows:</i></p>		
Strategic Priority Area	Vision	Objectives
 <b>Social</b>	 <i>A socially connected, inclusive and safe community.</i>	 <ul style="list-style-type: none"> <li>1.1 Facilitate appropriate local services for the health and wellbeing of the community</li> <li>1.2 Inviting open spaces, meeting places and recreational facilities</li> <li>1.3 Strong community connection within a safe and vibrant lifestyle</li> </ul>
 <b>Economic</b>	 <i>Sustainable, "locally" focused and easy to do business with.</i>	 <ul style="list-style-type: none"> <li>2.1 Actively support new business activity and existing local businesses</li> <li>2.2 Continue to develop and revitalise local business activity centres</li> </ul>
 <b>Built Environment</b>	 <i>Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.</i>	 <ul style="list-style-type: none"> <li>3.1 Facilitate sustainable growth with housing options to meet future community needs</li> <li>3.2 Maintaining and enhancing the Town's character</li> <li>3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.</li> </ul>
 <b>Natural Environment</b>	 <i>Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.</i>	 <ul style="list-style-type: none"> <li>4.1 Conserve, maintain and enhance the Town's open spaces.</li> <li>4.2 Enhance environmental values and sustainable natural resource use</li> <li>4.3 Acknowledge the change in our climate and understand the impact of those changes.</li> </ul>
 <b>Leadership and Governance</b>	 <i>A proactive, approachable Council which values community consultation, transparency and accountability.</i>	 <ul style="list-style-type: none"> <li>5.1 Strengthen organisational accountability and transparency</li> <li>5.2 Proactively collaborate with the community and other stakeholders</li> <li>5.3 Strive for excellence in leadership and governance</li> </ul>



## 5.2 Culture

A positive culture promotes openness and honesty, makes accountability and responsibility clear and encourages debate on important issues. It is also more likely that the organisation will retain high calibre employees who want to work and participate in the activities of the Town. The Town's culture should consist of the following elements in pursuit of excellence in governance:

### 5.2.1 Support for frankness, honesty and questioning

Elected Members are to debate issues openly and honestly. Employees are to provide frank and timely advice to the CEO and Executive Managers, who in turn are to provide sound and frank advice to Elected Members and Council.

### 5.2.2 Innovation

The Town considers new and better ways of going about its business in the achievement of its goals, through innovation which will be assessed critically by using appropriate risk management and other analysis.

The Town has dedicated itself to encouraging a climate of innovation and continuous improvement.

### 5.2.3 Effective management structures and practices

The Town is to have a management structure that meets its goals and needs and the structure is characterised by efficient and effective use of human resources with clear accountability.

Management practices and protocols reinforce accountability and outcomes and must also incorporate the nurturing of people's capacities to do their jobs.

### 5.2.4 Communication and engagement

The Town has effective communications policies, practices and protocols, internally and externally, and be open to, and encourage, feedback from all stakeholders and the community.

### 5.2.5 Ethical standards of behaviour

For people to have confidence in those who govern and participate in the governance process, they must have trust that governments are acting for the common good. People need to believe that governance is characterised by honesty and integrity and that those in government will behave accordingly.

Section 5.104 of the *Local Government Act* requires local governments to adopt the model code of conduct within three months of these Regulations coming into operation. The *Local Government (Model Code of Conduct) Regulations 2021* were gazetted on 2 February 2021.

*The Model Code of Conduct Regulations 2021* (Regulations) have been developed to give effect to the Amendment Act, and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in Council and on Council committees, and of candidates running for election as a Council member. Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in Council and on Council committees, as set out in the Act.

On 3 February 2021, the *Local Government Regulations Amendment (Employee Code of Conduct Regulations) 2021* (*Employee Code Regulations*) introduced minimum requirements for local government employees in relation to gifts, conflicts of interest and disclosure. In addition, the Employee Code Regulations provide that a local government's code of conduct for employees must contain requirements

pertaining to:

- behaviour;
- disclosure of information;
- the use of information and resources;
- record keeping; and
- reporting and managing misconduct.

The Town of East Fremantle has adopted:

- Code of Conduct for Employees; and
- Code of Conduct for Council, Committee members & Candidates

A copy of both Codes of Conduct (Elected Members & Employees) can be found on the Town's website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au)

The community are entitled to expect that the following general principles be used to guide Elected Members, committee members and employees of the Town in their behaviours:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the Town.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

The Council has adopted a *Statement of Business Ethics* to guide the way in which the Town interacts with providers and suppliers of goods and services to ensure that public resources are managed in an ethical, accountable and transparent manner. A copy can be found on our website.

#### 5.2.6 Fraud, misconduct and corruption

The Town expects Elected Members, Committee Members and employees act in accordance with the Code of Conduct and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the Town.

In support of the behavioural expectations, the Town has also developed a Fraud, Corruption and Misconduct Control Framework and Policy which articulates the Town's "zero tolerance" position on fraud and corruption. It also details the internal controls in place and the expectations that are placed on Elected Members, Committee Members, employees and the broader community, to prevent such activity and to identify and report such activity.

#### 5.2.7 Confidentiality

Local government business involves significant amounts of confidential information being supplied or maintained. This information could be about commercial matters, individuals or businesses, or legal issues. The Act, Regulations and the Code of Conduct detail how general information and confidential information is to be treated, accessed and used by Elected Members and employees.

#### 5.2.8 Disclosure of conflicting interests

The nature of the Town's business may result in conflicts of interests arising between an individual's personal interests and the performance of their public or professional duties. Conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, past employment and the like. Conflicts of interests are not necessarily wrong, however it is not only important to ensure that real or potential conflicts are handled appropriately, but also perceived conflicts of interest.

Elected members, committee members and employees are to comply with the requirements for disclosure

of interests as prescribed in the Act, the Local Government Code of Conduct regulations, the Town's *Meeting Procedures Local Law 2016* and the Town's Codes of Conduct.

Elected Members, committee members and employees of the Town must ensure that there is no actual or perceived conflict between the fulfilment of their public or professional duties and their personal interests, which may include the interests of those persons closely associated to them.

#### 5.2.9 Acceptance of gifts

The Town's Codes of Conduct and the Act contain provisions in respect of Elected Members, employees and committee members seeking and/or accepting certain types of gifts and gifts of a certain value while performing in their respective roles.

Both the Codes of Conduct and the Act detail the disclosure requirements for gifts accepted in a full and transparent manner.

The Local Government Regulations characterise gifts as either 'notifiable' or 'prohibited'.

A notifiable gift is valued between \$50 - \$300. That is, one or more gifts given by the same person within a period of 6 months that are in total valued between \$50 - \$300.

A prohibited gift is valued \$300 or more. That is, one or more gifts given by the same person within a period of 6 months that have a total value of \$300 or more.

These provisions do not apply to Elected Members or the CEO.

Elected Members and the Chief Executive Officer are required to disclose gifts which are valued over \$300 or are two or more gifts with a cumulative value over \$300 (where the gifts are received from the same donor in a 12-month period) within 10 days of receipt [Sections 5.87A & 5.87B *Local Government Act 1995*].

Any gift (or a series of gifts in a 12-month period) valued at over \$300 creates an interest as the donor becomes a closely associated person (section 5.62). A Council Member or CEO must not participate in any part of a Council or committee meeting relating to that matter without approval.

If the interest is from a gift valued at up to \$1,000 and full disclosure has been made, the Council, by absolute majority, can approve participation (section 5.68) but only in the following circumstances:

- those members decide that the interest is so trivial or insignificant as to be unlikely to influence the disclosing member or CEO's conduct in relation to the matter; or
- the interest is common to a significant number of electors or ratepayers in the case of disclosure by a Council member.

Only the Minister can make a decision to allow participation or the provision of advice or a report (section 5.69) for gifts that exceed \$1,000 within 12 months.

All notifiable gifts must be declared and recorded in accordance with the *Local Government Act 1995*.

All disclosures must be made to the CEO in a prompt and full manner and in writing within the appropriate register. These registers are made available for public inspection and in some cases are available for viewing on the Town's website.

In support of the gifts framework, WA local governments are also required to adopt a policy relating to the attendance of Elected Members and Chief Executive Officers at events such as concerts, conferences and functions. The policy must address the provision of tickets to events, payments in respect of attendance and approval of attendance by the Town; and the criteria for approval. Acceptance of such tickets can affect how Elected Members can participate and be involved in the decision-making process of meetings. A copy

of this policy is available on the Town's website at [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au)

#### 5.2.10 Induction programs

The Town's objective of a positive work culture is communicated to Elected Members and employees through effective induction programs. Induction and training for Elected Members is provided to assist in understanding the functions and role of local government, governance in local government and how to operate effectively to produce good outcomes for their community.

The Town's induction programs for both Elected Members and employees focus on:

- the differing and complementary roles of Elected Members and employees
- working relationships
- decision-making processes
- responsibility, accountability and delegations
- conduct and ethical standards of behaviour

In addition as a result of changes to the LGA introduced by the Amendment Act, Elected Members are now required to undertake mandatory training following their election. The mandatory training covers the following topics:

1. *Understanding local government;*
2. *Serving on council;*
3. *Meeting procedures;*
4. *Conflicts of interest; and*
5. *Understanding of financial reports and budgets*

Further to the mandatory training, Elected Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well-informed decision-making. This can be achieved by participating in conferences, programs and training courses specifically designed for professional development relating to their role and responsibilities in local government.

The Elected Members Continuing Professional Development Policy provides guidance on the professional development of Elected Members. The Town maintains a register of the training and professional development completed by Elected Members and this is available on the Town's website. The register is reported to Council annually in accordance with section 5.127 of the LGA.

## 6. Principle Two: Roles, Responsibilities and Relationships

### 6.1 Roles

An appreciation and understanding of the different roles of Council, the Mayor, Councillors, the CEO and employees, and strong communication and cooperation between all underpins good governance at the Town of East Fremantle. The relationship between Elected Members and the CEO must respect the diversity of opinion and the rights of all points of view to be heard with courtesy and respect.

The Town recognises that the Mayor has a general leadership role. The Act recognises the role of the Mayor, as the spokesperson for the Town, to carry out civic and ceremonial functions of the mayoral office, and to preside at meetings of the Council in accordance with the Town's *Meeting Procedures Local Law 2016*.

The Town places great importance on the role of the Mayor as Presiding Member of the Council to facilitate good decision-making.

The Town recognises the importance of the Mayor's leadership role in respect of ensuring good governance. Part of the Mayor's role is to ensure that all Councillors are a part of the decision-making process, and help Councillors to balance their accountabilities to their constituents, the Community as a whole and to the Council.

The Mayor should also facilitate good relationships between the Councillors and Administration and help to create an environment where good communication, systems and processes can thrive. Elected Members are to focus on outcomes, policy and strategy and in so doing are expected to:

- represent and advocate on behalf of their constituents at the Council level.
- facilitate communication between Council and the Community.
- debate the issues in an open, honest and informed manner to assist the decision making process.
- keep the entire Community in mind when considering and addressing issues and focus on the 'big picture'.
- educate and involve the Community in all local government activities and processes.
- work together, cooperate and respect diversity.
- provide model leadership and good governance.

Council recognises the CEO's role in managing the organisation to achieve the goals and strategies endorsed by Council, and the CEO is expected to fulfil these duties in such a way that promotes an organisational culture of openness, accountability, fairness and good communication.

The Act sets out a framework for the way in which local governments in general are to operate. It specifies the roles and responsibilities that are to be undertaken within each local government.

### 6.2 The role of Council

Under the Act the Council is charged with the following responsibilities:

- (a) Governs the Town's affairs.
- (b) Is responsible for the performance of the Town's functions.
- (c) Oversees the allocation of the Town's finances and resources.
- (d) Determines the Town's policies.

The following guidance is provided on the range of scope of the above responsibilities:

#### **Governs the Town's affairs**

This role encompasses strategic planning activities to ensure the continued sustainability of the Town, the setting of strategic objectives for the Town and the monitoring of the Town's performance against these strategic objectives.

**Is responsible for the performance of the Town's functions**

This role determines that Council has ultimate responsibility for the performance of the Town's functions. Council can exercise this responsibility through the development of appropriate mechanisms including delegations of authority, the provision of services and facilities, and regular reporting against strategic objectives.

**Oversees the allocation of the Town's finances and resources**

The Council exercises this role by overseeing and adopting an Annual Budget and the Town's long term financial plan. Council is advised by the CEO who is also responsible for the development of appropriate financial controls, management protocols and practices.

**Determines the Town's policies**

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management protocols and work processes. The policies of Council provide the direction for the ongoing management of Town activities.

Council deliberates and makes resolutions within a framework that is factually based, non-prejudicial and relevant to the issues at hand. It is fostered by Elected Members' standards and behaviour, especially those adhering to legislation governing the declaration of financial and other interests, whenever these arise, and any other associated implications for their participation in any debate.

**6.3 The Composition of Council**

The Council comprises nine members, including the Mayor.

Two (2) Councillors are elected from each of the Town's four wards. The Mayor is elected by popular vote from throughout the entire Town.

Local Government elections are conducted biennially (every two years) on a fixed date prescribed by the Act, with candidates elected to the office of Councillor or Mayor for a four (4) year term.

**6.4 The Role of Mayor**

The role of the Mayor as provided under the Act [Section 2.8], is to:

- a) preside at meetings in accordance with the Act;
- b) provide leadership and guidance to the Town of East Fremantle community;
- c) carry out civic and ceremonial duties on behalf of the Town;
- d) speak on behalf of the Town;
- e) perform such other functions as are given to the Mayor by the Act or any other written law;
- f) liaise with the Chief Executive Officer on the Town of East Fremantle's affairs and the performance of its functions; and
- g) otherwise fulfil the role of Councillor.

The Mayor should be seen to support good governance by modelling good behaviour and ethics in fulfilling their leadership role. The Mayor has a pivotal role in both the pursuit and demonstration of good governance.

A very specific role that the Mayor has is in representing and advocating the decisions of the Council. Section 2.8(1)(d) of the Act provides that the Mayor speaks on behalf of the Town.

The position of Mayor is pre-eminent and when they speak they are considered by the community to be articulating the Council's views. The Mayor must put aside any individual views and clearly outline the views of a Council decision in an all-inclusive way.

Where the Mayor desires to speak contrary to the position of Council, he or she should clearly preface their comments that they are expressing an individual opinion and not on the Council's behalf.

The Mayor's role of presiding at meetings of the Council is a very responsible one in achieving a balance of opinion and outcomes that demonstrates leadership by Council in the community. The most important aspect of the role is a good understanding of meeting procedures and a detailed knowledge of the requirements relating to the conduct of meetings.

### 6.5 Role and responsibilities of the Deputy Mayor

The Act [Section 2.9] enables the Deputy Mayor to perform the functions of the Mayor, if:

- a) the office of Mayor is vacant; or
- b) the Mayor is not available or is unable or unwilling to perform the functions of Mayor.

### 6.6 Roles and responsibilities of the Elected Members

It is necessary to understand the legislative framework within which the Elected Members operate and from where they derive specific details of their roles and responsibilities. Elected Members, like Directors on a company board, have a fiduciary relationship with the Town. That is, they have a duty to act with fidelity, trust and in the interests of the Town and the overall community – not for themselves or other third parties.

An individual Elected Member has no authority to make decisions or to participate in the day-to-day management or operations of the Town. This includes making any form of representation on behalf of the Council or the Town, unless they are specifically authorised by Council to do so. The Model of Code of Conduct (Provision 19) also prevents Elected Members from undertaking tasks that contribute to the administration of the local government unless so authorised by the Council or the CEO.

### Elected Members have no direct authority over employees with respect to the way in which they perform their duties.

Under the Act [Section 2.10], the role of a Councillor is to:

- a) represent the interests of electors, ratepayers and residents of the Town;
- b) provide leadership and guidance to the Town of East Fremantle community;
- c) facilitate communication between the community and the Council;
- d) participate in the Town of East Fremantle's decision-making processes at Council and Committee meetings; and
- e) perform such other functions as are given to a Councillor by this Act or any other written law.

Individually, Councillors have a responsibility to act as a conduit between the community and the Town. Not only must they represent the interests of the broader community on the Council, but also as community leaders they must represent the interests of the Town within the broader community.

Whilst Councillors may be elected from an individual ward, their primary obligation is to represent the interests of the broader community within the Town. It is not appropriate for individual Councillor's constituent concerns to interfere with their decision-making processes in providing good governance of the Town as a whole.

### 6.7 The Role of Chief Executive Officer

Under the Act [Section 5.42] the Chief Executive Officer's functions are to:

- a) advise the Council in relation to the functions of the Town of East Fremantle under the Act and other written laws;
- b) ensure that advice and information is available to the Council so that informed decisions can be made;
- c) cause Council decisions to be implemented;
- d) manage the day to day operations of the Town of East Fremantle;
- e) liaise with the Mayor on the Town of East Fremantle's affairs and the performance of the Town's functions;
- f) speak on behalf of the Town if the Mayor agrees;

- g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to Section 5.37 (2) in relation to senior employees);
- h) ensure that records and documents of the Town of East Fremantle are properly kept for the purposes of the Act, or any other written law; and
- i) perform any other function specified or delegated by the Town of East Fremantle or imposed under the Act or any other written law as a function to be performed by the Chief Executive Officer.

The Act enables Council to delegate in writing to the Chief Executive Officer, the capacity to exercise any of its powers or duties, with the exception of those relating to:

- a) actions in which a decision of an absolute majority or a 75% majority of the Council is required;
- b) acceptance of a tender which exceeds an amount as determined by the Council;
- c) appointment of an auditor;
- d) acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council for the purposes of this paragraph;
- e) any of the Council's powers under Sections 5.98, 5.99 or 5.100 (determining fees, allowances and expenses of members and Committee members);
- f) borrowing money on behalf of the Town;
- g) hearing or determining an objection of a kind referred to in Section 9.5;
- h) carrying out any power or duty that requires the approval of the Minister or the Governor; or
- i) such other powers or duties as may be prescribed.

The role of the Chief Executive Officer in the governance framework extends to:

- providing policy advice to Council
- implementing strategies, policies and decisions of Council
- managing the operations of the Town
- maintaining the integrity of systems and processes required to ensure that Town's accountability and compliance obligations are met
- appointing and managing the activities of the Town's staff.

This clear separation of member and Chief Executive Officer roles and responsibilities as identified within the Act reinforces good governance principles. It also provides the basis for the Town to adhere to all statutory requirements whilst meeting the expectations of its community.

However, it is also important for all parties to recognise and agree that maintenance of a close, effective and cooperative relationship between members, the Chief Executive Officer and staff will be critical to the achievement of key goals and objectives.

It is a requirement that initial staff contact by members on any matter is made through the Chief Executive Officer or Executive Manager or another person nominated by the CEO.

In summary the CEO is responsible for:

- putting in place appropriate systems to achieve accountability and integrity
- implementing and maintaining a management structure which can achieve Council's vision and the Strategic Community Plan objectives
- managing relationships between the various elements in the Town
- ensuring that the Town is staffed by suitably qualified and motivated employees and that policies are in place that promote this
- ensuring that employees understand the organisation is working for a democratically elected Council and that Council decisions form the basis for the organisation's activities.

The table below depicts the separation of roles between the Council (governing the affairs of the local government) and the CEO (managing day-to-day operations):



COUNCIL	CEO
Sets direction	Provides professional and technical advice to the Council
Responsible for the performance of the local government's functions	Implements the decisions of Council
Decides on matters of policy	Liaises with the Mayor
Ensures that services and facilities are integrated with and do not unnecessarily duplicate other public services	Manages the day-to-day operations
Oversees the allocation of the Town's finances and resources	Responsible for the employment and management of employees
Monitors the Town's performance through the CEO to ensure efficiency and effectiveness in service provision	Monitors the performance of employees to ensure efficiency and effectiveness in service provision

## 6.8 Employees

In undertaking its functions and responsibilities, Council is supported by the Chief Executive Officer and an Executive Management Team comprising the heads of three directorates, namely:

- Corporate & Community Services
- Technical Services
- Regulatory Services.

The Executive Management Team meets weekly as a basis for ensuring effective co-ordination of the Town's operations and implementation of Council resolutions.

These meetings are complemented by regular Directorate meetings and Departmental Managers' meetings. Such forums are considered important, both in enabling management information dissemination and feedback by staff, thereby promoting a *whole of organisation* approach for the Town in the fulfillment of its functions and responsibilities.

Good governance requires all employees to think carefully about their decisions and actions, to be interested and to be active participants in the Town's management and outcomes. It is not only senior management and Council that is responsible for governance matters – every element that forms part of the Town is responsible for good governance. The quality of the Town's governance heavily relies on each employee taking individual responsibility as well as being part of a collective team effort.

In carrying out their duties, employees achieve good governance when:

- they reflect the positive values and standards of behaviour the Town expects
- their duties are performed and conducted in a professional way
- information is managed and maintained appropriately and records are kept of their duties, decisions and work related activities
- resources of the Town, including information, is used efficiently and effectively; not misused; and waste is to be minimised
- conflicts of interest are identified and reported including disclosure of gifts and benefits obtained from certain parties.

### 6.9 Working relationships

Elected Members are members of a team, elected by their constituents to work collectively in the interests of the whole community. Good governance is dependent on a mature and constructive working relationship between Elected Members.

Elected Members should behave in a manner that generates community trust and confidence in them as individual Elected Members and enhances the role and image of both the Council and the Town. Elected Members are expected to:

- conduct their ongoing relationship with other Elected Members, employees and the community with respect and courtesy
- act within the law at all times
- act in good faith and not for improper or ulterior motives
- act in a reasonable, just and non-discriminatory manner
- undertake their role with reasonable care and diligence.

### 6.10 Working relationships between the Mayor and Councillors

The relationship between Mayor and Councillors is critical to good governance and effective relationships between the Mayor and Councillors will help to achieve the outcomes within CBP 2020-2024 and to promote the credibility of the Town.

In summary the important aspects of the Mayor/ Councillor relationship are as follows:

- The Mayor is the Presiding Member of Council and this role should be respected by all Councillors.
- The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities in general.
- The Mayor should assist Councillors to get their issues considered by Council.
- The Mayor should take some responsibility for Elected Member training and development and should work with the CEO to ensure that Elected Members receive necessary training opportunities.
- The Mayor is a source of assistance for Councillors and also has the responsibility for facilitating resolution of any disputes between Councillors.

The Mayor as the Presiding Member of Council needs to play an integral and influential role both within meetings and outside of the formal process, by facilitating and encouraging all points of view to be expressed and respected. This will enable Elected Members, who may not have their point of view supported by the majority, be satisfied that they have been given a fair hearing and the process is transparent.

Through this facilitation role, the Mayor can manage conflict and differing opinions in a constructive manner. The complexity and diversity of opinion in the community, and therefore of Elected Members, can be made to work in the broader interest of the Town as a whole, rather than be a source of division.

The Mayor is also a first point of contact for Councillors who wish to achieve a particular goal and this is especially true for newly elected Councillors who may be unfamiliar with a local government setting. Among other things, the nature of any local government business involves the need to bring together many diverse and sometimes-conflicting goals. By advising, supporting and facilitating negotiations, the Mayor can assist this process considerably, and in so doing, assist Councillors to meet their accountabilities to their communities.

This advisory and support role of the Mayor for other Councillors is possibly the single most important contribution to good governance a Mayor can make. It requires great skill and experience and as such, is critical to the overall operation of Council.

### 6.11 Working relationships between the Mayor and CEO

The Mayor and CEO work closely together and the relationship should be characterised by openness and good communication, with each keeping the other informed about important and relevant issues.

Both the Mayor and the CEO have a role in liaising with each other on the Town's affairs and the performance of the Town's functions. However this liaison is qualified in that any liaison between the Mayor and the CEO is only relevant to those matters that enable each party to perform their statutory role.

Both parties have a crossover of responsibilities in speaking on behalf of the Town. While this right rests with the Mayor there are occasions when it is considered prudent and more applicable for this function to be undertaken by the CEO. As such these matters involve the development of a clear relationship and an understanding of the limits of each other's authority.

While the Act does not detail how the liaison is to occur, this liaison function should be seen in the context of the separation of powers described in the Act, between the governing role of Council and the managing role of the CEO.

The Mayor and the CEO are to adopt an approach that suits their particular circumstances and needs. The overall essential principles that should be followed are the ability to effectively communicate and to have a large degree of trust in each other as well as respecting each other's opinion and role.

The essential principles for an effective Mayor/CEO relationship are as follows:

#### Communication

- Both parties are in a position to brief and inform the other about information each is privy to and which would assist the other in performing their role. Deciding on what information is important and what should be passed onto each other must be negotiated and understood.
- Regular meetings – over and above those scheduled to discuss specific issues or problems – are necessary to enhance planning and communication.
- The 'no surprises' principle should apply. The Mayor and CEO should brief one another so that neither is caught off guard within other forums.

#### Role clarity

- The Mayor and the CEO need to understand and respect one another's role. A clear understanding of their different roles is absolutely crucial and should be a subject of ongoing discussion.
- There is a differential of power, which should be acknowledged. While the Mayor has status and leadership capacity, the position has no direct authority in its own right. On the other hand, the CEO has direct authority through the Act. Elected Members cannot just 'fix' problems that come to their attention, while the CEO has this capacity.

### 6.12 Working relationships among Elected Members

When thinking of a Parliament, people often envisage an adversarial environment in which political groupings try to beat their opponents through debate. In contrast, the 'small group' nature of Council ideally features an environment where good relationships, respect and an appreciation of constructive diversity, lead to good decision-making.

All Elected Members have issues of particular concern and interest to them. Given the open nature of the local government system and the absence of a political party structure which exist at the State and Federal levels of government, Elected Members need to work together to achieve satisfactory outcomes. Given this interdependency, Elected Member relationships should be characterised by mutual respect and an acknowledgement that, while they may not agree on all issues, they are all doing important and often difficult work.

At times, the very nature of local government business leads to conflict. How this conflict is addressed has implications for good governance. The role of the Mayor has been discussed, and this role, together with an appreciation of the particular dynamics at play, should assist in facilitating good governance.

With regard to behaviour at Council and committee meetings, Elected Members should model good constructive relationships and show personal respect for one another. There is not the requirement to agree with every Elected Members' opinion, but there is the need to respect those opinions and allow other members to be free to express their point of view.

Elected Members need each other to achieve their individual and collective goals. Effective relationships between Elected Members assist in achieving a successful Council, a pleasant working environment and a Council with public credibility. Features of an effective relationship include the following:

- While they may have different views, Elected Members should treat each other with respect and courtesy.
- Disagreements, if they must be aired, should be expressed in ways that are not personal attacks, and do not cause detriment to individual Elected Members or the Council as a whole.
- Elected Members should not undermine each other, either within the local government or in the public domain.
- Elected Members must have effective working relationships in order to succeed individually and collectively.

### **6.13 Working relationships between Elected Members and CEO**

Elected Members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard, but also need to appreciate that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer requests and queries to the relevant area for advice, and responsive services and processes all assist in furthering good governance.

Elected Members need to understand that the role of the CEO is to implement Council's goals, decisions, strategies and manage the Town's services as well as advise and support Council.

The CEO and Elected Members are likely to be in regular contact about issues, concerns and information. As with the Mayor/CEO relationship, a level of trust needs to be fostered which in turn, is based on good communication and understanding of each other's role and function.

While the Elected Members and the CEO have different roles, this is not to say that each does not have a legitimate interest in the other's role. It is crucial that appropriate channels for information, discussion and consultation be developed to allow for each other's interests to be discussed freely and openly shared.

### **6.14 Relationships between Elected Members and employees**

Individual Elected Members must not seek to foster special relationships with employees for the sole purpose of seeking information that may not otherwise be available to all Elected Members.

Some issues to consider in respect of this relationship include the following:

- Elected Members need to understand that accountable advice needs to go through an organisational process. Advice must be sought from the CEO or Executive Managers. Elected Members should not seek advice from other employees as the employee may have a particular interest or point of view in respect of the issue, but may not be in command of the full facts.
- Employees are accountable to the CEO. They are not accountable to Elected Members and are not required to take direction from them.

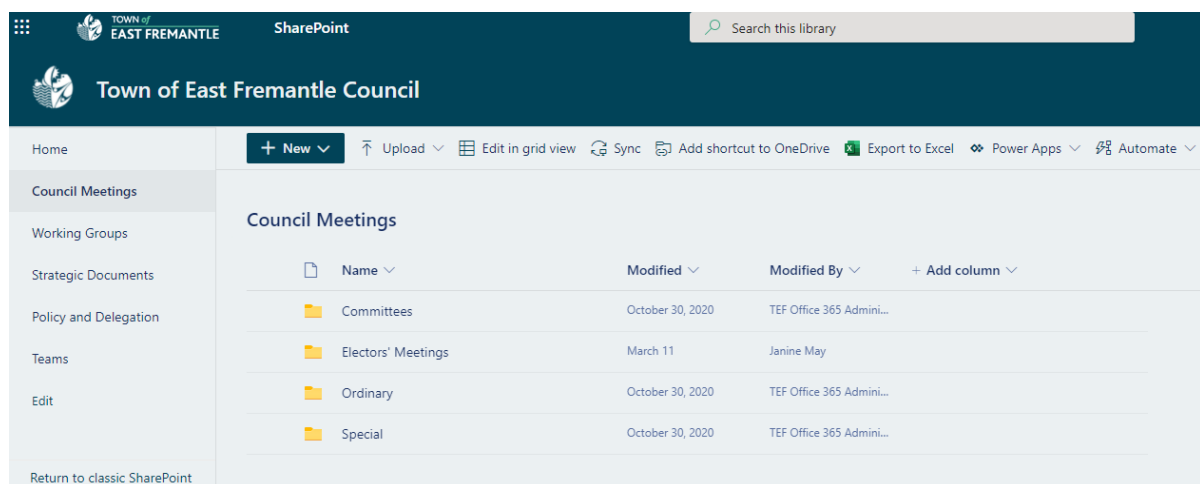
### 6.15 Elected Member access to information

One of the areas that can cause issues for Elected Members is their ability to access information held by the Town. Section 5.92 of the Act provides that an Elected Member can have access to any information held by the Town that is relevant to the performance of their functions under the Act or any other written law.

However, this provision does not give an Elected Member an automatic right to have access to all records held by the Town as any information must be relevant to the performance of an Elected Member's role. In this respect requests for information held by the Town are to be referred to the CEO who is to determine if the information is to be released, on the basis that he or she is satisfied that the requested information is relevant to the Elected Members' role and functions.

Notwithstanding, section 5.96 of the Act provides that if any person can inspect certain information then Elected Members may also request a copy of that information. An Elected Member is also entitled to be given access to records that are accessible to other persons under the *Freedom of Information Act 1992*.

The Town has created via Sharepoint a repository that provides all of Council's statutory and other documents, such as Agendas, Minutes, Policies, Delegations, Strategic Documents....etc



### Effective relationships - summary

The information in this section provides an insight into the role Elected Members, the CEO and employees need to play in developing effective relationships. There are fundamental role differences between the Council, Elected Members, the CEO and employees. The focus of Council and Elected Members should be on strategy, policy and outcomes. That is, who is to benefit from the Town's activities and in what way.

The CEO and employees role is to focus on advice, implementation and operations.

Taking into account these role differences, the features of an effective relationship between the Elected Members and the CEO and employees are:

- a mutual understanding, acceptance and respect for each others' roles
- a preparedness to identify, discuss and resolve issues and problems if and when they arise
- on the part of the organisation, a respect for and commitment to democratic governance and the primacy of Council in the local government structure.

## 7. Principle Three: Decision- Making and Management

### 7.1 Effective decision-making

The Council can only make decisions by resolution, that is, a motion being considered at a properly convened meeting and passed by the required majority vote. Many of the decisions made by the Town (including Council and employees) are subject to administrative law, and therefore subject to challenge or appeal.

The principles of administrative law are:

- to act in good faith
- to take into account only relevant considerations
- to act reasonably
- to provide procedural fairness.

An important role of the CEO is to ensure that Council receives quality and timely advice and relevant information to enable informed and effective decisions to be made. At meetings, this includes ensuring that all reports presented include the necessary background information and detail; any options; any financial or legal impacts; and any associated risks. Council decisions need to have clarity and that clarity arises from the recommendations in reports from the CEO. The decisions made at meetings provide the direction and authority for the ongoing operation of the Town and give direction to the CEO to act.

The decision-making framework for local governments is controlled through the Local Government Act 1995 and subsidiary legislation. The framework also provides for:

- Ordinary Council Meetings (held monthly, excluding January)
- Special Council Meetings (held as needed)
- Committee Meetings (held as established by Council)
- Audit Committee Meetings (mandatory)
- Electors' General Meeting (mandatory)
- Electors' Special Meetings (by request)

The Council is entrusted with a variety of decision-making roles. It operates under 'head of power' principles that mean it can only make decisions within its jurisdiction. Under the *Local Government Act 1995* the Chief Executive Officer is required to advise the Council on its functions under legislation.

The Council has authority or discretion to make decisions relating to:

**Advocacy** - when Council advocates on its own behalf or on behalf of our community to another level of government/body/agency.

**Executive** - when Council sets direction and includes oversight eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**Legislative** - when Council adopts local laws, local planning schemes and policies.

**Quasi-Judicial** - when Council determines an application/matter that directly affects a person's rights or interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial decisions include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

### *Particular issues surrounding quasi-judicial decisions*

Elected Members must remain objective and deal impartially with applicants or affected persons when quasi-judicial decisions are involved. Determinations are to be based on sound legislative rationale and on available evidence. If they involve development applications the decision is made under the provisions of the local planning schemes and any discretions allowed under the schemes. If other decisions then the relevant laws are applied. Elected Members will consider existing laws and policies and to avoid prejudicing the eventual decisions.

Elected Members cannot 'prejudge' a matter by deciding or telling others how they will vote before evaluating the officer report and listening to the debate at the meeting.

### **Meetings are open to the public**

As a general rule meetings of Council and committees are open to the public. There are certain circumstances - controlled by legislation - in which a meeting or part of a meeting can be closed to the public.

### **Public Question Time**

Members of the public are entitled to ask questions and have these responded to during Public Question Time. For ordinary Council meetings, the questions must relate to the functions of local government. For special meetings, questions can only relate to the matter to be considered at that meeting. A summary of questions and answers is included in the minutes.

### **Quorum**

In order for a decision to be valid, a quorum of at least 50% of the members of Council or a committee must be present before business can be transacted.

## **7.2 Council meeting schedule**

Council operates the following four weekly meeting cycle, (except in January when Council is in recess):

### **(Week 1) Town Planning Committee**

The Town operates a Town Planning Committee which meets on the first (1<sup>st</sup>) Tuesday of each month (excluding January) and has delegated authority to make planning decisions on behalf of the Council.

### **(WEEK 2) Councillor Briefing forums**

Councillor Briefing Sessions are held on the second Tuesday of each month (excluding January), to update Elected Members on current and potential projects. Session outcomes are frequently a formal report for Council consideration at an Ordinary meeting, which enables elected members to have a greater level of knowledge and understanding of the topic.

No decisions are made at Councillor Briefing forums.

### **(Week 3) Council Meetings**

The Town of East Fremantle operates on a monthly Council meeting cycle as a basis for decision-making and management for its operations.

Ordinary Council Meetings are open to the public (except as otherwise prescribed under the Act) and are generally convened at 6.30 pm on the third Tuesday of each month (excluding January).

Good decision-making at a Council meeting is enhanced when the meeting is well run. This requires a clear and informative agenda, good chairing and facilitation by the Presiding Member, adherence to meeting procedures and adherence to statutory requirements. There should also be a strong commitment to Council meetings being open to the public so that the community is fully informed and, where appropriate,



involved in the decisions and affairs of Council.

Elected Members, the CEO and Executive Managers attend all Council meetings.

#### **(WEEK 4) – No scheduled meetings**

##### **Other Meetings – Committees/Advisory Groups**

The Audit & Risk Committee meets as and when required and has no delegated authority. The formation of this committee is a statutory requirement pursuant to the *Local Government Act 1995*.

Council has adopted Terms of Reference for the Audit Committee, which outlines the responsibilities and functions of the Audit Committee, as specified in the *Local Government Act 1995*, *Local Government (Audit Regulations) 1996*, and Department's Operational Guideline No. 9. The Terms of Reference include the following responsibilities:

- Risk Management
- Business Continuity
- Internal Control
- Financial Report
- Compliance
- Internal Audit
- External Audit
- Reporting Responsibilities

The Public Art Panel meets every 3 months and has no delegated authority.

The Climate Action Reference Group (CARG) meet monthly and has no delegated authority.

The Community Design Advisory Committee – meets as required to review development applications, and has no delegated authority.

As part of the Town's aim of maintaining ongoing, effective community participation in decision making, consultative/advisory groups committees are also established on an 'as needs' basis, to provide input and feedback in the development of major proposals and initiatives.

### **7.3 Agenda and Minutes**

As required under the Act and associated regulations, the Town prepares Agendas for Council meetings and ensures that the documentation is delivered to members on the Friday, prior to a scheduled Council meeting.

In keeping with the Town's commitment to openness and accountability and engaging with the community, agendas are made available for the public to view on the Town's website and in hard copy, on the Friday prior to a scheduled Council meeting.

Minutes of an Ordinary Council meeting are to be submitted to the next Ordinary Council meeting for confirmation. The Act provides scope for a Local Government to release Minutes in an unconfirmed form, in the interests of maintaining public information and accountability. Accordingly, the Town endeavours to make unconfirmed Minutes of its Council meetings publicly available within the statutory timeframes;

- Minutes of an Ordinary Council meeting - *within 14 days after the meeting is held*
- Minutes of a Committee meeting - *within 7 days after the meeting is held.*



### 7.4 Meeting procedures and conduct

The conduct of meetings is governed by the *Town of East Fremantle Meeting Procedures Local Law 2016*. Business at the Town of East Fremantle Council meetings is based on an agenda prepared by the Town's administration; incorporated within are reports and recommendations relating to matters requiring consideration and resolution.

The Standing Orders incorporated within the Local Law are designed to:

- a) provide the rules and guidelines, which apply to the conduct of meetings of Council and meetings of Electors.
- b) ensure that all meetings of Council and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and the Meeting Procedures.
- c) result in:
  - *better decision making by Council and its committees ;*
  - *the orderly conduct of meetings dealing with Council business;*
  - *better understanding of the process of conducting meetings; and*
  - *more efficient and effective use of time at meetings.*

### 7.5 Lobbying and meetings with external parties

Lobbying is an acceptable and normal part of society and opportunities for stakeholders to communicate with Elected Members and employees occur as part and parcel of our society's democratic and accessible system of government. However, problems can arise when an Elected Member or employee is lobbied to consider factors, other than the relevant facts, they should appropriately consider when determining any matter as a decision-maker. Elected Members and employees are to recognise the difference between appropriate and inappropriate lobbying and the risks associated if they fail to resist inappropriate lobbying.

***Elected Members must not, when lobbied, commit or indicate their vote on a matter that is before Council, or intended to be considered by Council.*** Elected Members may offer understanding or otherwise but as decision-makers they are obliged to consider all relevant facts detailed in a report within an Agenda, including the debate at the meeting, prior to making their decision.

Similarly, employees are not to indicate their approval or otherwise on a proposal or application put forward to the Town, until such time as an assessment and/or consideration of a proposal or application is formally undertaken by the Town.

Elected Members, who commit their vote outside of the Council meeting process, may be faced with claims of perceived bias and could compromise the final decision of Council. Ultimately the community must have trust in the elected body and in the ability of Council to make decisions free of influence or the perception of influence.

If an Elected Member attends any meetings outside the formal decision-making processes of Council, they must make clear their role at the meeting and outline the boundaries of their attendance. Stakeholders at these meetings should accept this and should lines be overstepped, or there is discomfort in discussion, Elected Members should excuse themselves from the proceedings or preferably politely decline the invitation in the first instance if they are uncomfortable in attending the meeting.

### 7.6 Decisions on land use planning and development

#### Administrative role

The Town has particular decision-making responsibilities under planning legislation, other state laws and planning policies. The Council and employees are therefore responsible for applying and assessing factual situations and circumstances against the legislative regime detailed in the Act, the *Planning and Development Act 2005* and other relevant planning laws.

The controls and procedures for assessment of planning matters are set in place by a statutory framework and the Town is responsible for undertaking this role in accordance with the planning legislation and any other relevant laws. The Town is required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice / procedural fairness. Elected Members must exercise their decision-making discretion over planning matters in a way that is mindful of this responsibility.

The Town employs specialist planning officers to prepare reports and provide Council with all the relevant information and facts of a particular planning matter and the relevant legislative provisions that are applicable.

There may be some occasions when Elected Members feel that they do not have enough information to make a decision and the best time to get additional information is prior to the meeting by contacting the CEO or relevant Executive Manager.

Council, in determining planning matters must take care to ensure that the following principles are adhered to:

- a) Elected Members must read the report on the matter before voting at a Council meeting. An Elected Member who has not read the report and who participates in the decision-making process without a full understanding of the issues at hand may jeopardise the validity of the decision-making process.
- b) Elected Members must ensure when they debate a planning matter under consideration that they restrict themselves to the relevant matters of fact and law. These relevant matters will be contained and addressed in the report. Where Council conducts a debate on a matter that is based on irrelevant considerations, or fails to take into account relevant considerations, this may jeopardise the validity of the decision-making process.
- c) Council must be careful when making a resolution that is different to the organisation's recommendation. In resolving differently from the recommendation, Council is required to include reasons for the variation from the recommendation. These reasons must take into account the relevant considerations of fact and law and must not be based on irrelevant considerations.
- d) If a development has the potential to impact on neighbours and/or the locality, and where a statutory obligation exists, the Town has a duty to ensure that consultation occurs in relation to that development. The report of the organisation is to include details of any neighbour notification or consultation that has occurred. The Town must ensure that neighbours who may be adversely affected by a proposed development have had an adequate opportunity to make a submission and that any relevant matters that they raise have been considered in the decision-making process. An opportunity to make a written submission is generally sufficient, though an opportunity to make a submission in person to a relevant meeting may be appropriate where a person with a sufficient interest requests it.

Any submission must be made on the basis of planning principles. Council has the role of testing submissions, whether made by the applicant or another party, and the applicant must be accorded a right of reply.

Generally, Council as a body, and each Elected Member individually, must be certain that they have a clear understanding of the relevant facts and law before making a decision. This decision must be based on the relevant considerations and facts and should not take into account irrelevant considerations.

### **Planning schemes**

Under the *Planning and Development Act 2005* local governments are required to have a planning scheme in place for their respective district. A local government's planning scheme (ToEF LPS #3) is required to be consistent with the Metropolitan Region Scheme, which is administered by the State Government and must

also take into consideration State Government planning strategies, plans and policies.

A planning scheme provides a legal framework for a range of functions including:

- providing land use and development controls
- supporting housing choice, variety and amenity
- providing the mechanism for the development of convenient and attractive retail centres
- assisting economic development through facilitation of commercial, industrial and business development to maximise job opportunities
- establishing high quality open space areas and protecting areas of environmental significance
- assisting in the provision of a transport network, which serves the needs of the community by providing a range of alternative networks catering for different transport modes, which are closely integrated with land use considerations.

The provisions of a planning scheme are formulated through a collaborative and consultative process involving the State Government, the local government and the broader community. The State Government, through the Minister for Planning provides final approval to the content of a planning scheme and once published in the Government Gazette, the scheme comes into operation and has the force of law.

A planning scheme requires periodic review, and this is to ensure that the scheme continues to meet changing community needs and expectations. This review process is facilitated by the local government and involves community input.

Amendments can be made to an operative planning scheme to vary the scheme provisions. An amendment to a scheme again involves a range of stakeholders including the local government, the State Government and the community. The Minister for Planning provides the final decision in relation to any scheme amendment.

Local planning policies are also used to support and guide the implementation of the planning scheme. These planning policies are wide and varied and range from the installation of cubby houses to the installation of telecommunication facilities. Planning policies can be developed to also provide guidance, detail and consistency of treatment with respect to amenity and other relevant planning issues.

Importantly, local government planning schemes incorporate by reference the Residential Design Codes (R-Codes), which is the planning policy of the State Government providing detailed development control for residential development. The State Government revises the R-Codes from time to time.

The role of Council in administering a planning scheme includes:

- consideration of development applications
- consideration of subdivision proposals
- consideration of Planning Scheme Amendment proposals (whether suggested by the Town or by the community)
- enforcement of planning scheme provisions
- development of planning policies
- review of an existing planning scheme
- formulation of a new planning scheme.

Council is provided with the professional advice from specialist planning officers in exercising its role in relation to each of these matters. This advice provides Elected Members with detailed information relating to the particular planning issue requiring Council determination.

### State Administrative Tribunal

In certain circumstances applicants have rights of appeal to challenge a planning related decision of Council or an employee. It is therefore important for Elected Members to gain a full understanding of the issues and follow proper process before reaching a decision.

The State Administrative Tribunal (SAT) reviews decisions made by local governments regarding a range of matters including town planning and building approvals. Applications can be made to the SAT for a review of decisions made by local governments under a range of enabling laws.

### Planning delegations

The Town's planning scheme and State planning legislation permits Council to delegate its decision-making powers to certain qualified persons or committees, subject to certain conditions. This is important in terms of allowing those applications that meet certain criteria to be determined by employees. The criteria used for determining the types of development that can be decided by employees is set out in a Notice of Delegation, which is reviewed annually or earlier if so determined by Council.

All decisions made under delegated authority are binding and represent a 'Council decision'.

The Town provides the following planning delegations;

- a) Town Planning Committee – DA73 *Determination of Planning Applications or Advice to referral agencies or other planning authorities*
- b) Staff – DA29 *Determination of Applications for Planning Approval*

A copy of all delegations can be found on the Town's website [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au)

### Community Design Advisory Committee (CDAC)

Council has established a Community Design Advisory Committee, the purpose of which is to provide independent technical advice and recommendations to the applicant and Council on design issues related to development applications the Town receives primarily relating to heritage applications and larger development proposals. The membership of the Community Design Advisory Committee comprises members from the community and relevant professional institutions representing:

- Architecture
- Building industry
- Town planning

The CDAC is chaired by an Elected Member (usually the chair of the Town Planning Committee) and technical support is provided to the CDAC by the Town's Planning Officers.

### Development Assessment Panels

Development Assessment Panels (DAPs) are the decision-making body for a certain type, class and/or value of planning applications the Town receives from time to time. Development Assessment Panels consist of three specialist independent members and two Elected Members nominated by the Town and approved by the Minister for Planning.

- **Mandatory DAP Applications (r.5):** An application for development where the estimated cost of development is \$10 million or more, and which is not an excluded development application. Such an application must be determined by a DAP (s.171A(2)(a) of the PD Act).
- **Optional 'Opt-in' DAP Applications (r.6 & r.7):** An application for development of a total value of more than \$2 million but less than \$10 million which is not an excluded development application and has not been delegated to the DAP by the relevant local government. Such an application must

be determined by a DAP when the applicant has elected to have the DAP determine the application (s.171A(2)(ba) of the PD Act)

Development Assessment Panels are not managed by the Town but by the State Government's Department of Planning, with certain resources being provided by the Town. Development Assessment Panels have their own meeting procedures and a Code of Conduct and all members of the Panel are to abide by that Code of Conduct. Only the Presiding member of the Panel is able to speak on decisions or matters that concern the Panel.

The Town's planning specialists provide technical reports (RAR -Responsible Authority Report) to the Department of Planning, who in turn refer this report and any other information to the Development Assessment Panel, which will make a determination on the planning matter.

The Town of East Fremantle forms part of the Metro Inner-South Joint Development Assessment Panel (JDAP), which comprises of seven (7) Councils.

The Department of Planning is currently working on amendments to the DAP Regulations to facilitate the move to a reduced number of panels, permanent members and the introduction of the Special Matters DAP. A new Special Matters Development Assessment Panel will be established to consider complex proposals which could include proposals located in areas with significant tourism, unique aesthetic qualities or other unique features and will in the future take the place of the State Development Assessment Unit.

Proposals will be lodged directly with the Department of Planning, Lands and Heritage. It is proposed that the Department would receive the development proposals, consult with the relevant government authorities and referral agencies, and provide recommendations to the Special Matter DAP. It is envisaged that the Department would coordinate and monitor referral agencies timelines and advice. At this time, it is proposed that there will be a representative from the local government sector to ensure local matters and views are considered, however individual Councils may not be represented on the Panel. It is also proposed that the Government Architect sit on the Special Matters DAP to ensure good design for proposals.

### **State Development Assessment Units (SDAU)**

The State Government has introduced a new development application process for significant projects as part of the COVID-19 economic recovery plans.

Part 17 of the *Planning and Development Act 2005* (the Act) has been temporarily established by the Western Australian Planning Commission (the WAPC) as the new decision making authority for applications for significant development. A 'significant' development means any proposal (except for a warehouse) with an estimated cost of \$20 million or more.

Under these changes, developments that are defined as 'significant' can be submitted to the WAPC via the State Development Assessment Unit (SDAU) for approval, instead of being lodged with the local government for assessment and consideration by a Joint Development Assessment Panel (DAP).

It is intended that the SDAU will remain in place for 18 months from July 2020.

### **7.7 Declarations of interest**

One important aspect of the Town's decision-making responsibilities is how conflicts of interests are identified, recorded and treated throughout the organisation. It is not only important to ensure that real or potential conflicts of interests are handled appropriately, but also perceived conflicts of interests.

Interests can be categorised as being:

- financial interests

- proximity interests
- interests that may affect impartiality.

**It is an Elected Member's responsibility to decide whether or not to declare an interest.**

### **Financial interests**

It is a statutory obligation and duty of Elected Members and committee members to vote on every item of business discussed at meetings of Council or a committee (with delegated authority). However, an Elected Member or a committee member may be excluded from presiding and voting in the meeting if that person, or a person that is closely associated to them, has a direct or indirect financial interest in the subject under discussion.

Attention is drawn to Division 6 of Part 5 of the Act which details disclosure of financial interests in matters affecting local government decisions. This division defines financial interests, closely associated persons, and interests that need not be disclosed by Elected Members and committee members.

Sections 5.68 and 5.69 of the Act detail the circumstances in which Council, committees and the Minister may allow Elected Members and committee members disclosing interests to participate in meetings.

Failure to comply with certain sections of the Act can result in a penalty of \$10,000 or imprisonment for two years.

The Department of Local Government Operational *Guideline No. 20 – Disclosure of Financial Interests at Meetings* provides a comprehensive guide to identifying and declaring financial interests and steps to take in safeguarding liability.

### **Proximity interests**

Elected Members and committee members also have a responsibility to declare interests around matters that are in close proximity to that person's land. Section 5.60B of the Act states a person has a proximity interest in a matter if the matter concerns:

- a) a proposed change to a planning scheme affecting land that adjoins the person's land*
- b) a proposed change to the zoning or use of land that adjoins a person's land, or*
- c) a proposed development of land (as defined by section 5.63(5) of the Act as being the development, maintenance or management of the land or of services or facilities on the land) that adjoins the person's land.*

Land (the proposed land) adjoins a person's land if:

- a) the proposed land, not being a thoroughfare, has a common boundary with the person's land*
- b) the proposed land, or any part of it, is directly across a thoroughfare from, the person's land, or*
- c) the proposed land is that part of the thoroughfare that has a common boundary with the person's land.*

Similar to financial interests, an Elected Member of committee member with a proximity interest must disclose their interest (in accordance with sections 5.65 of the Act) and not preside or participate in discussion on the matter (section 5.67 of the Act). Although under certain circumstances the Council, committee or the Minister may allow Elected Members and committee members disclosing interests to participate in meetings.

### **Interests that may affect impartiality**

Elected Members are required to disclose any interest which could, or could reasonably be perceived to, adversely affect their impartiality, and includes an interest arising from kinship, friendship or membership of an association.

The disclosing of an interest that may affect impartiality is to be made immediately before the matter is discussed at a Council or committee meeting or in a written notice given to the CEO before the meeting. The disclosure of an interest that may affect impartiality does not affect the ability of the Elected Member to discuss or vote on the matter.

### **Disclosure of interests of employees**

Similar to Elected Member and committee members, employees should ensure that there is no actual or perceived conflict or incompatibility between the important fulfillment of the public or professional duties and either their personal interests, or those persons closely associated with them.

Section 5.70 of the Act states that where an employee has an interest in any matter in which the employee is providing advice or a report directly to Council or a committee, they must disclose the nature of the interest when giving the advice or report. There is no requirement however for employees to leave meetings where interests have been disclosed.

In situations where an employee has been delegated a power or duty by the CEO, and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and must either disclose the nature of the interest to the CEO (or should the employee be the CEO, disclose the nature of the interest to the Mayor).

The Town's Code of Conduct also places a requirement on employees to disclose any interests, where the interest could, or could reasonably be perceived to, affect the impartiality of the employee having the interests and includes an interest arising from kinship, friendship or membership of an association. In some situations this may require the employee to disqualify themselves from dealing with a particular matter.

### **Primary Returns and Annual Returns**

Section 5.75 of the Act requires Elected Members and certain employees to complete a Primary Return within three months of commencing in Office or being employed at the Town.

A Primary Return can best be described as a snapshot of personal information and certain financial interests a person has at a particular point in time.

At the end of each respective financial year, Elected Members and certain employees must complete an Annual Return, which discloses any changes to the information previously disclosed in their Primary Return or new interests that have accumulated since completing their Primary Return or last Annual Return.

Primary Returns and Annual Returns assist with the decision-making process as they highlight an individual's interests at a particular point in time, thereby clarifying whether a conflict of interest may arise.

### **Related Party Disclosures**

The Town is committed to complying with the disclosure requirements for related party transactions under the Australian Accounting Standards. Disclosure of relevant related party information will provide greater transparency and improve the quality of the financial reporting process.

A system has been implemented to identify, monitor and disclose related party transactions to manage the risk of non-compliance with the related party disclosure objectives of the Australian Accounting Standards.

### **Protection from liability**

Elected Members are not protected in the same manner as Members of Parliament for statements they make in the Council Chamber.

In a Council meeting, an Elected Member fulfils a public duty and is therefore given limited legal protection. However, unlike Members of Parliament, an Elected Member's privilege is qualified. This means that

protection is only provided as long as the statements are made in good faith. Statements made with malice or made recklessly are not protected by qualified privilege. Statements made by Elected Members outside Council and Committee meetings are unlikely to attract qualified privilege.

However, under section 9.57A of the Act a local government *“is not liable to an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording, or video recording, of a meeting of the Council or a Committee”*, but does not include other meetings (such as Briefing Sessions).

Provision 18 of the Model Code of Conduct also states that an Elected Member must not make improper use of their office as an Elected Member to cause detriment to the local government of any other person. This provision has relevance to what an Elected Member can say whilst performing in their role as an Elected Member.

Division 4 of Part 5 of the Act also protects Elected Members, committee members and employees from any actions in negligence that the person has done, or has not done, in the performance of their functions under the Act or any other written law. However the Town may not be necessarily protected from claims of negligence.

### 7.8 Legislative framework

The Town is constituted under the Act and has a formal geographical area, known as a district. The general function of the Town is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities given to it through the Act.

Overall, the Act is intended to provide excellence in governance through:

- better decision-making by local governments
- greater community participation in the decisions and affairs of local governments
- greater accountability of local governments to their communities
- more efficient and effective local government.

To allow local governments better decision-making, greater accountability and to be more efficient and effective, the Act provides a number of ways of achieving these objectives.

### Delegations

Delegations form part of the Town’s decision-making approach. Delegations entrust certain types of decisions to the CEO, employees or committees.

Under the Act both Council and the CEO are given certain functions and duties to be discharged. Council may delegate authority to the CEO to perform some of its functions and duties on its behalf. The use of delegated authority means that the large volume of routine work of Council can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Delegated authority allows Council to concentrate on policy development, representation, strategic planning, and community leadership.

The CEO may delegate to any other employee the authority to perform functions and duties that are exercisable by the CEO under the Act or that have been delegated to the CEO by Council (with the exception of the power to delegate). This accords with employees being responsible to the CEO and the CEO being responsible to Council. Similarly, the implementation of Council decisions and instructions are conducted by the CEO, who may in turn require responsibility to be undertaken by other employees of the Town.

Delegations of authority are required in order to provide employees of the Town with the power to exercise duties and make determinations. It is essential that the Town’s delegations are performed in a manner that is in accordance with the delegation and is compliant with the relevant legislation. The Town is required to



keep records on the exercise of its delegations and delegations by Council are to be reviewed on an annual basis.

### **The concept of 'acting through'**

Not all functions or duties of the local government require formal delegation. The Act details that a local government and / or the CEO is not prevented from performing any of their functions under the Act or any other written law by 'acting through' another person.

The key difference between a delegation and the concept of 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

### **Authorised persons**

Under legislation, Council or the CEO (Delegation # DA21) can 'appoint' persons or classes of persons to perform particular functions. These persons are generally termed 'authorised persons' or some other similar term. Legislation or local laws may specify that an 'authorised person' can perform a particular function and those functions or duties are normally specified in the applicable provision.

An appointment is made, as the case requires, by either a formal resolution of the Council, or a written appointment by the CEO (with delegated authority or other employee with delegated authority), or as detailed in the specific legislation. Authorised persons are not necessarily employees with delegated authority.

Employees appointed as authorised persons are required to have a certificate of appointment or some other form of identification to confirm their appointment and to demonstrate their ability to perform that function.

Due to their position as an employee, some legislative provisions appoint all employees of a local government as authorised persons. Examples of such legislation include the *Litter Act 1979* and the *Criminal Procedures Act 2004*.

### **Local laws**

Under the Act and as part of its legislative functions, Council is able to make local laws as a way of providing good governance to the community and which reflect current community standards.

The Act outlines the process by which the Council may adopt local laws. This legislative role allows the Council to adopt a regulatory regime that may be enforced through the courts, by the issue of infringement notices or by performing other executive functions to enforce the local laws. When adopting local laws the Council must be aware that they operate with the force of legislation and the Town has a duty to enforce all of its local laws.

The process for making a local law provides the community with a six-week advertising period to allow opportunity for comment on proposed local law. The local law is then presented once more to Council and any public submissions are considered. Upon final adoption, the local law is published in the Government Gazette and reviewed by the Western Australian Parliamentary Committee on Delegated Legislation. Local laws must also comply with the National Competition Policy principles adopted by agreement between local, state and federal governments.

The Town maintains local laws relating to:

- *Cat & Dog Local Law 2016*
- *Fencing Local Law 2004*

- *Local Government and Public Property 2016*
- *Meeting Procedures Local Law 2016*
- *Parking Local Law 2016*
- *Waste Local Law 2017*
- *Penalty Units Local Law 2016*

The Town is required to review all its local laws every eight years from the date they came into operation or from the date they were last reviewed. This review process also allows for community consultation and feedback.

### Policies

Section 2.7(2)(b) of the Act states that the Council is to “*determine the local government’s policies*”. Policies provide the Council and the organisation with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the Town undertakes, or requires others to undertake, certain works or activities.

The Council has established the following level of policy:

- Council Policies - these are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the vision and strategic direction of the Town.
- Town Policies - these policies are developed for administrative and operational requirements. They have an internal focus.

### Executive functions

The Council is responsible for overseeing the executive functions of the Town. The executive functions of the Town are to provide services and facilities. In performing its executive functions, section 3.18 of the Act states the following:

1. *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
2. *In performing its executive functions, a local government may provide services and facilities.*

A local government can, therefore, administer local laws and provide services and facilities in order to provide for ‘the good government of the district’.

A local government must satisfy itself that the services and facilities it provides:

- integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body
- do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private
- are managed efficiently and effectively.

### 7.9 Business management

The management of corporate business within an organisation is important to the concept of governance. As part of the Town’s Integrated Planning Framework, the Town has developed a Four-Year Corporate Business Plan (CBP). The Four-Year Corporate Business Plan guides internal operational activities and serves as the Town’s rolling four year service and project delivery program which is aligned to the strategic direction and priorities set within CBP 2020 -2024. It also reflects actions within other informing strategies and the Town’s Four-Year Capital Works Program. Detail on specific projects and their milestones are then reported to Council and the community on a regular basis.

## 7.10 Financial management

### Role of the CEO

The CEO is accountable to Council for the financial performance of the Town. The CEO must ensure that certain fundamentals are in place including, but not limited to:

- appropriate financial systems, plans, strategies and protocols
- adequate resources to support the Town's activities and financial monitoring and performance
- suitable internal review and audit mechanisms
- an organisational culture where responsibility and accountability are clearly delineated and understood
- adherence to and compliance with legislative provisions.

### Financial management planning and principles

The Council is ultimately responsible for the financial management of the Town. Good financial management requires both Council and the organisation to play their role. The Town has developed a long-term financial plan (its 15 Year Strategic Financial Plan) that is consistent with strategic initiatives within CBP 2020-2024.

Council is to ensure that it receives sufficient reports and other information to adequately monitor its performance, resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery.

***There should be robust and transparent financial management established and maintained to meet local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.***

There is an emphasis on the role of Council in delivering their accountability for the financial state of the Town, which is accomplished through the:

- overseeing the progress of the Town's annual capital works
- Annual review of capital works projects and major strategic capital projects
- oversee the Town's financial management activities, funding proposals and long term strategic financial planning
- reviews and impacts on the Town's 15 Year Strategic Financial Plan.

Council has also established an Audit and Risk Committee to oversee and advise the Council on matters of accountability and internal control.

### Annual Budget

One of the responsibilities of Council under the Act is to prepare, set and adopt the Town's Annual Budget. The Annual Budget can be viewed as the annual articulation of the Town's 15 Year Strategic Financial Plan and must also consider the priorities, projects and initiatives within CBP 2020-24. Based on the leadership of Council, it determines the Town's priorities for each year and the allocation of resources to achieve those priorities.

Under Regulation 33A of the *Local Government (Financial Management) Regulations 1996* the Town is required to conduct a review of its Annual Budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year. The review is to be conducted before 31 March each year.

### **Strategic Resource (Long Term Financial) Plan**

The 15 Year Strategic Financial Plan is a high-level informing strategy that outlines the Town's approach to delivering infrastructure and services to the community in a financially sustainable and affordable manner. It also demonstrates the Town's commitment to managing its operations in a sustainable way that minimises the financial impact on the Town's ratepayers.

The 15 Year Strategic Financial Plan represents the primary and key strategic financial planning document for the Town and has a direct bearing on the ability to plan for the future financial sustainability of the Town. It represents projections and estimates, based on many assumptions and is a primary planning tool for the development of future budgets for the Town.

Among other things, the plan summarises the financial impacts of the priorities, projects and objectives identified in CBP 2020-24 and assists in setting the future financial direction and decisions of the Town.

#### **7.11 Asset management**

An organisation practices good governance when it manages its assets in a financially viable, efficient and sustainable manner. The Town has development Asset Management Plans for all major asset groups;

- Buildings
- Footpaths
- Parks & Reserves
- Roads

These plans provide a 10 year capital works program for the renewal and replacement of assets in a planned and prioritised way.

#### **7.12 Organisational structure and human resource management**

Good governance is achieved when an organisational structure is in place that adequately serves the Town's operations, and those operations are planned to achieve the established goals and the strategic direction set for the Town. Part of the role of the CEO is to establish an organisational structure which will facilitate the delivery of projects and programs within the Strategic Community Plan.

The Town has adopted the Australian Business Excellence Framework to guide the continuous review of its leadership and management systems and as a methodology to identify and implement improvements.

The framework establishes the principles and practices for organisational excellence and sustainable performance. Alignment with the framework positions the Town as a best practice local government with strong leadership, outstanding practices, efficient processes and systems and a highly effective workforce.

To enable the Town to continue to provide high quality services to the community now and into the future it is critical that the Town develops and maintains a skilled, flexible and sustainable workforce.

Although Council determines the appropriate organisational structure through the annual budget process, it is the CEO's responsibility to manage the employees of the Town. The organisational structure needs to allow for flexibility to adapt to changing needs.

This process of planning for future workforce requirements enables the Town to respond to emerging challenges before they impact on services and operations. It also facilitates the preparation of detailed budgets and a long-term financial plan that support the delivery of efficient and affordable services.

All employees are required under the Act to undertake a performance evaluation each year. These evaluations assess specific job performance, behavioural indicators, business planning outcomes as well as determining an employee's training and development needs.

### 7.13 Records management

The Town's corporate records are to be managed in accordance with the Town's Recordkeeping Plan and Records Management Policy.

All Elected Members, employees and contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions and ensuring all corporate documents are retained within the Town's official recordkeeping system at the point of creation regardless of the format. The Town's record keeping practices must be in accordance with:

- *State Records Act 2000*
- *Evidence Act 1906*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Local Government Accounting Directions 1994.*

Certain corporate records maintained and held by the Town are accessible to members of the public in accordance with the processes stated in the *Freedom of Information Act 1992*.

### 7.14 Risk management

The Town is responsible for providing a range of services to its community. All of these activities involve some form of risk, which must be managed to ensure that aims and objectives are achieved, services are delivered and that opportunities to deliver better and more cost-effective services are realised. If the Town is not aware of, or has not adequately assessed or managed some risks, it could result in financial loss, threats to public or employee safety or lead to substantial adverse publicity.

The Town is committed to ensuring that effective risk management remains central to all its operations while delivering its range of services to the community. The management of risk is the responsibility of senior management and all employees and is an integral part of the Town's organisational culture.

The Town has an established Risk Management Framework which reflects good practice and sound corporate governance principles and is consistent with the risk management guidelines and principles set out in Australian / New Zealand Standard for Risk Management (AS/NZS ISO 31000:2018). The Town also has a Risk Management Policy which describes the Town's commitment to ensuring that effective risk management remains central to all its operations.

## 8. Principle Four: Accountability

### 8.1 Principle of accountability

Excellence in governance is based on the principle that the people involved in providing governance, being the Elected Members and employees, are held to account for what they do and for the Town's performance.

The public trust placed in the Town and in its Elected Members to act in the public interest can be justified in the manner in which their duties have been performed.

Accountability systems need to provide disclosure and for the review of decision-making and processes. These systems must record and support the Town's accountability to its stakeholders and its legal accountability to the State Government.

Risk management systems aim to ensure that community assets are protected. An internal audit system, a comprehensive consultation and engagement policy and framework all support good decision-making by ensuring that Elected Members are aware of the views of those who will be affected by any decision.

The fundamental importance of accountability is that the Town exists to govern for and on behalf of its community. Systems and values must reflect this accountability.

Accountability systems that provide disclosure and review of decision-making and processes are integral to good governance and are reflected through:

- open and transparent government so that people can follow decision-making processes and outcomes
- consultation so that communities feel that they are being heard
- good information and communication processes so that communities are kept informed.

### 8.2 Performance management and reporting

The Council is accountable for monitoring performance in the achievement of the Town's strategic direction, goals and financial outcomes which are set through CBP 2020-2024, the 20 Year Strategic Financial Plan, the Four Year Corporate Business Plan and the Annual Budget.

The management of the Town's performance and the reporting of that performance to the community is achieved in several ways.

#### Quarterly progress reporting

The Town has developed a reporting system to provide Council with the necessary information to enable it to assess performance against the various plans it has developed. The reporting system is a systematic and regular process that allows Council to take action to rectify any issues that arise and as such, be accountable to the community.

The Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. The process includes annual reporting to the community on achievements and outcomes. The Town's Corporate Business Plan, reviewed and adopted by Council each year, is in line with this requirement and focuses on the Town's actions and objectives within CBP 2020-24.

Quarterly progress reports against the Town's Corporate Business Plan provides Council and the community with a full assessment of the Town's progress in relation to the achievement of pre-determined milestones for major projects and programs.

Full progress reports against the Town's Capital Works Program are provided monthly as progress reports to Council.

### Financial reporting

Financial reporting is a basis for accountable financial management and it is required by the Act. Financial reporting undertaken at the Town is as follows:

- Monthly Financial Activity Statement - timely and accurate reports are essential to keep Council in an informed position to ensure the Town meets its financial responsibilities. In accordance with the Act and the *Local Government (Financial Management) Regulations 1996*, Council is required to prepare a monthly statement of financial activity reporting on the source and application of funds as set out in the Annual Budget.
- List of Payments - Council has delegated to the CEO the exercise of its authority to make financial payments from the Town's Municipal Fund and Trust Fund. Therefore, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is prepared each month for Council, showing each account paid since the last list was prepared.
- Annual Financial Report - in accordance with the Act, the Town is required to prepare an Annual Financial Report each financial year which provides information about the Town's financial activities, income and expenditure. The Town's Annual Financial Report is to be audited by an external auditor and is to be considered by the Town's Audit Committee before being submitted to Council for adoption.

The Annual Financial Report is received and discussed by the community at the Annual General Meeting of Electors each year.

In addition to financial and compliance audits, the Office of the Auditor General may carry out performance audits that examine the economy, efficiency, and effectiveness of programs and organisations, including compliance with legislative provisions and internal policies. Performance reports are also submitted to both Houses of Parliament.

### Annual Report

In accordance with section 5.53 of the Act the Town is to prepare an Annual Report each financial year. Other than just financial information the Town's annual report includes, among other things, the auditor's report, internal information and an overview of the Town's 'plan for the future' (being CBP 2020-2024) including major initiatives that are proposed to commence or to continue.

The Town's Annual Report is the Town's key reporting document that satisfies the Annual Report requirements under the Act. It provides detailed information to all of the Town's stakeholders about how the Town intends to operate in a sustainable manner whilst addressing the many challenges it faces. The report reviews the progress made against the many initiatives outlined in CBP 2020-2024.

The Town also reports on an extensive range of sustainability indicators across social, environmental, economic and governance parameters to provide a balanced overview in line with the Global Reporting Initiative (GRI) guidelines. These indicators advise the community of the Town's key achievements and areas of focus, and serve to further emphasise the complex task of managing for a sustainable future.

The Electors of the Town's district are to receive the Annual Report at the Annual General Electors Meeting, held in either November or December each year. At this meeting, the community can ask questions of the Town on various aspects of the Annual Report.

### CEO selection, performance review and termination

The Council is accountable for managing the CEO's performance and is responsible for setting the CEO's performance plan and subsequently monitoring performance. Council is to communicate its expectations

to the CEO and is required to seek independent professional advice when undertaking the performance evaluation of the CEO.

The *Local Government Legislation Amendment Act 2019* included a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). Council at its meeting held on the 16th March 2021 adopted the Model Standards for CEO Recruitment, Performance Review & Termination and a new policy in relation to appointing an Acting CEO.

The Council has established the Chief Executive Officer Recruitment and Performance Review Committee to assist it with this task of reviewing the CEO's performance.

### **Employee performance review**

In accordance with the Act the performance of all employees is to be reviewed at least once in relation to every year their employment. The Town's comprehensive Individual Development Achievement Program provides a mechanism for employee performance to be assessed as well as training and development opportunities to be identified.

## **8.3 Audits and oversight**

### **Compliance Audit**

It is a requirement of the Act that the Town conducts an annual audit of its compliance with statutory requirements and responsibilities placed on it under the Act.

The Compliance Audit Return is submitted to the Department of Local Government Sport and Cultural Industries' each year after its adoption by Council. The Compliance Audit Return provides prompts in relation to the local government's statutory obligations in a number of areas, such as local laws, tenders, meeting processes, disclosure of financial interests and financial management. It provides a useful tool for the Town to ensure compliance with the Act.

### **Audit and Risk Committee**

The Act requires Council to establish an Audit Committee to oversee and advise the Council on matters of internal or external audit, risk management, financial reporting and legislative compliance functions of the Town. Such matters include developing and monitoring the Town's internal audit activities as well as reviewing the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance.

The Audit and Risk Committee will also support the audit as required and have functions to oversee:

- the implementation of audit recommendations made by the auditor, which have been accepted by Council
- accepted recommendations arising from reviews of local government systems and procedures.

### **External Audit**

Each year, the Office of the Auditor General, or contractors appointed on its behalf, provide the independent oversight of the local government sector and audit the Town's financial statements with an audit report being provided to Council. Any significant issues the Office of the Auditor General identifies, are reported to the Town, the Mayor, the Town's CEO and the Minister for Local Government.

The audit report is examined by the Town and is to implement appropriate action in respect to the significant matters that may be raised and detail such action in a report to be submitted to the Minister for Local Government within three months of the Town receiving the audit report. This report is also published on the Town's website.



## 8.4 Community consultation and stakeholder engagement

The Town recognises that consultation is a two-way interactive process that provides opportunities for the Town and the community to clarify information, raise issues and discuss ideas and options. Consultation is an important dimension that informs and enhances the Town's decision-making processes.

As a community leader, Council should define the Town's directions and priorities for a sustainable future by:

- promoting discussion and debate within the community and with other stakeholders about the priorities and needs of the Town
- using research to develop and inform Council policies and decision-making
- actively canvassing, and faithfully considering, the needs and opinions of the community when making decisions
- translating the community's aspirations for a sustainable future through appropriate partnerships, initiatives, programs and services.

### Community consultation

The Council has an adopted ***Communication and Engagement Strategy 2020-2024***, the objective of which is to outline the Town's commitment to actively involving the community in the Town's planning, development and service delivery activities.

Elected Members and employees responsible for a consultation process should not make their personal views known on any matter during a formal consultation process as this may taint decision-making when Council is required to make a formal decision on the matter.

### Social media

The Town will also use social media platforms such as Facebook, LinkedIn, Twitter and You Tube as a way of promoting corporate messages and public notices; interacting and engaging with the community; and sourcing valuable feedback on issues and events that are relevant to the community. Other electronic information and feedback systems and consultation mechanisms are also used from time to time.

The Town has developed social media guidelines on how it manages its own social media platforms and has also developed protocols for Elected Members and employees in the use of social media and using such platforms to communicate to members of the community.

### Stakeholder management

Strong stakeholder relationships are critical to the successful delivery of a number of key Town projects and activities, which require careful and ongoing management. In view of this the Town has developed a Stakeholder Management Plan to guide the Town in managing key relationships with primary stakeholders in line with agreed and endorsed strategic priorities and major projects.

The Stakeholder Management Plan aims to enhance and maximise the benefits of regular stakeholder engagement and outlines how the Town will develop a consistent and widely accepted organisational approach to the management of stakeholder relationships.

## 8.5 Customer Service and Complaints Management

The Town prides itself on the delivery of exceptional service and customer experiences and has developed a number of internal and external documents and processes around customer service and complaints management.

### Service standards

The Town has adopted a Customer Service Charter which outlines the Town's customer service standards the community can expect from the Town. The charter demonstrates the Town's commitment to customer service excellence and the levels of customer service performance. The charter provides a mechanism of accountability for the Town's community. Customer service standards and performance is measured to ensure that the Town is delivering on its commitments.

The Town has a complaints management process which ensures an effective, transparent and timely method of responding to complaints regarding the Town's services, administrative actions, competitive neutrality, the conduct and performance of elected member or employee behaviour.

### Formal complaint and reporting mechanisms

The Town, being a public entity, is subject to a number of external complaint and reporting mechanisms that are in place to ensure all public entities, including local governments, perform in a way that demonstrates integrity and fairness and are in place to prevent, among other things:

- improper conduct
- action which may constitute an offence under a written law
- substantial, unauthorised or irregular use of or mismanagement of public resources substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment
- matter of administration which could be investigated by the Ombudsman.

The Town is subject to reporting and review mechanisms conducted by a number of external agencies, including:

- serious breach complaints about Elected Members to the Department of Local Government, Sport and Cultural Industries' Standards Panel under the *Local Government Act 1995*
- public interest disclosures made under the *Public Interests Disclosure Act 2003* (commonly known as whistleblowing)
- misconduct complaints to either the Public Sector Commission or the Corruption and Crime Commission under the *Corruption, Crime and Misconduct Act 2003*
- investigating and resolving complaints about the decision making of local government to the WA Ombudsman under the *Parliamentary Commissioner Act 1971*.

In accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Town of East Fremantle Code of Conduct for Council Members, a policy for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates was adopted by Council on the 16<sup>th</sup> February 2021.

### Access to information

In accordance with section 5.94 of the *Local Government Act 1995*, any member of the public can access certain information held by the Town, but there is not an unfettered right of access to the Town's information. There are some documents not accessible (refer s5.95) to the public or available for viewing.

Section 5.96A provides that certain documents must be made available on the Town's website ([www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au)).

All Elected Members and employees should be aware of *Freedom of Information Act 1992* implications when creating documents, whether it is internal or external and must undertake proper record-keeping in the fulfilment of their duties and responsibilities while at the Town. As a general rule any written material generated by employees or Elected Members may become public knowledge and subject to a freedom of information request and investigation. Freedom of information gives individuals a right to access certain records held by both state and local government agencies.

### 13.2.3 Adoption of Meeting Schedule 2021/22

<b>Applicant</b>	N/A
<b>File ref</b>	C/MTG1
<b>Prepared by</b>	Janine May, EA to CEO
<b>Supervised by</b>	Gary Tuffin, CEO
<b>Meeting Date</b>	16 May 2021
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	Nil

#### **Purpose**

To consider the meeting schedule for 2021/22 and the related issue of the Christmas closure period.

#### **Executive Summary**

Council is required, under Section 12 of the *Local Government (Administration) Regulations 1996*, to advertise, at least once a year, its meeting schedule for the next twelve months. The previous schedule was to 30 June 2021 thus the meeting schedule for 2021/22 will need to be determined and advertised prior to 1 July 2021.

It is recommended that the meeting scheduled as contained within this report be adopted for 2021/22.

#### **Background**

With respect to the above, at the Council Meeting of 16 June 2020, Council resolved as follows:

*"That Council resolve:*

- 1. an ordinary Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2020 when the meeting is held on the 2<sup>nd</sup> Tuesday)*
- 2. a Town Planning Committee meeting be scheduled for the 1<sup>st</sup> Tuesday of the month.*
- 3. meetings of the Audit Committee be held on Monday 29 June and Wednesday 4 November 2020, as previously resolved*
- 4. the above arrangements not apply during January 2021*
- 5. the administration centre and operations areas be closed:*
  - a. from midday Friday, 11 December 2020 to allow all staff members to attend a Christmas function.*
  - b. from midday Thursday, 24 December 2020 to Monday, 4 January 2021 (consisting of 3½ working days: half a day from midday Thursday 24 December, Tuesday 29 December, Wednesday 30 December and Thursday 31 December)."*

#### **Consultation**

Nil.

#### **Statutory Environment**

Section 12 of the *Local Government (Administration) Regulations 1996* reads:

*12. Meetings, public notice of (Act s. 5.25(1)(g)) (1)*

*At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

- (a) the ordinary council meetings; and*
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

In part Section 5.23 of the *Local Government Act 1995* states:

*Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —*
  - (a) all council meetings; and*
  - (b) all meetings of any committee to which a local government power or duty has been delegated.*

#### Policy Implications

Nil.

#### Financial Implications

Nil.

#### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

*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 Council does not adopt the meeting schedule resulting in non compliance with LG Act	Rare (1)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

#### Risk Matrix

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

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

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

#### Comment

As the present frequency of Town Planning & Audit Committee meetings, Concept Forums and Council Meetings are allowing Council business to be conducted in appropriate and timely manner, it is not proposed to change this format for the 2021/22 financial year.

#### Audit Committee

Following a recommendation from the Audit Committee, Council at its meeting held on 16 March 2021 resolved the following dates for Audit Committee meetings during 2021/22:

Date	Time	Place
15 July 2021	6.30pm	Council Chambers
4 November 2021	6.30pm	Council Chambers

#### Ordinary Council meetings - December and January Meetings

As in past years, it is proposed to bring forward the December Council Meeting to the 2<sup>nd</sup> Tuesday of the month ie 14 December. In previous years it has been decided to not hold a Concept Forum in December, which is normally scheduled for this date.

As per normal practice, no meetings have been scheduled for January 2022, however, should any urgent business arise which needs to be considered during this recess, a special Council Meeting can be convened.

#### Christmas Closure

In recent years, Council has closed during the Christmas and New Year period and staff have used annual leave, RDO's and "day-in-lieu" public holidays for the period.

The closures would be advertised in order to cater for emergencies during the Christmas/New Year closure. Customers would have access to a recorded telephone message with contact numbers for relevant staff together with details of refuse services and other necessary relevant

information relating to Council services such as rangers etc as well as the information being provided on Council's website and Facebook page.

It is proposed the administration centre and operations areas be closed:

- From midday Friday, 17 December 2021 to allow all staff members to attend a Christmas function
- From midday Friday, 24 December 2021 to Tuesday, 4 January 2022 (consisting of 3½ working days: half a day from midday Friday 24 December, Wednesday 29 December, Thursday 30 December and Friday 31 December) with the Christmas & Boxing Day public holidays falling on Monday & Tuesday 27 & 28 December 2021.

This closure will be advertised as part of the meeting schedule and again in December 2021 to provide adequate notice to the public of the closure.

#### **13.2.3 OFFICER RECOMMENDATION**

**That Council resolve:**

- 1. an ordinary Council meeting be scheduled for the 3<sup>rd</sup> Tuesday of the month (except during the month of December 2021 when the meeting is held on the 2<sup>nd</sup> Tuesday)**
- 2. a Town Planning Committee meeting be scheduled for the 1<sup>st</sup> Tuesday of the month.**
- 3. meetings of the Audit Committee be held on Thursday 15 July and Thursday 4 November 2021, as previously resolved**
- 4. the above arrangements not apply during January 2022**
- 5. the administration centre and operations areas be closed:**
  - a. from midday Friday, 17 December 2021 to allow all staff members to attend a Christmas function.**
  - b. from midday Friday, 24 December 2021 to Tuesday, 4 January 2022 (consisting of 3½ working days: half a day from midday Friday 24 December, Wednesday 29 December, Thursday 30 December and Friday 31 December).**

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### 13.3 ENVIRONMENT

#### 13.3.1 Verge Treatment Policy and Greening Guidelines

<b>File ref</b>	H/CCAP
<b>Prepared by</b>	Connor Warn Waste and Sustainability Officer
<b>Supervised by</b>	Andrew Malone Executive Manager Regulatory Services
<b>Meeting Date:</b>	18 May 2021
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Verge Treatment Policy</li><li>2. Verge Greening Guidelines</li></ol>

#### **Purpose**

The purpose of this report is to present Council with the proposed Verge Treatment Policy and Verge Greening Guidelines for Council's consideration and adoption.

#### **Executive Summary**

Town staff have developed the Verge Treatment Policy and Verge Greening Guidelines in line with the Water Corporation's Waterwise Verge Best Practice Guidelines. The Verge Treatment Policy gives residents and Council Staff information and direction relating to the installation of soft landscaping in the verge area. The Verge Greening Guidelines provides a public facing document which aims to assist residents in the construction of a verge garden.

The Policy and Guidelines attached apply to any residential, commercial or Town owned property that wishes to alter an aspect of the Council verge. The Policy and Guidelines provide residents with a list of acceptable materials pursuant to the Public Places and Local Government Property Local Law 2016 (Local Law) and provides guidance on how to modify and landscape the street verge with preference to waterwise vegetation.

#### **Background**

In May 2020 the Town of East Fremantle was recognised as a Waterwise Council. As part of the Waterwise Council Program, local governments can be endorsed as a Waterwise Gold Council. To apply for Gold accreditation, the Town must demonstrate significant contribution towards development of waterwise communities and best practice water management. The Verge Greening Guidelines and Verge Treatment Policy will assist the Town in progressing towards gold accreditation.

#### **Consultation**

Consultation was undertaken with other local governments, the Water Corporation, Department of Water and Regulation, the community of East Fremantle and internal Town staff.

Should Council agree to support this Policy, it will be advertised for 21 days to ensure the community can provide input.

#### **Statutory Environment**

Nil

#### **Policy Implications**

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If adopted, this Policy will guide Council and residents wishing to landscape their verge. The Guidelines document will be supported by the Verge Treatment Policy.

**Financial Implications**

Nil

**Risk Implications**

No significant risk identified.

**Strategic Implications**

*Strategic Priority 4: Natural Environment*

4.2 Enhance environmental values and sustainable natural resource use.

**Site Inspection**

Nil

**Comment**

The Verge Policy and Guidelines are recommended for various reasons:

1. To provide guidance to residents when installing soft landscaping on the verge area
2. To provide clarity to staff reviewing applications for new verge landscaping
3. To respond to community expectations regarding sustainability and environmental consciousness
4. To align with the Town's agreement to the Water Corporation
5. To promote the Town's action on Climate Change

It is recommended that Council accept the Verge Treatment Policy and Greening Guidelines subject to being advertised for 21 days for community comment. If comments are received during the advertising period, a further report will be presented to Council.

**13.3.1 OFFICER RECOMMENDATION**

**That Council:**

1. advertise the draft Verge Treatment Policy and Greening Guidelines for 21 days.
2. adopt the Verge Treatment Policy and Greening Guidelines, subject to no public submissions being received.





### 3.2.4 Verge Treatment Policy

<b>Type:</b>	Regulatory Services, Environmental Health
<b>Legislation:</b>	Public Places and Local Government Property Local Law 2016
<b>Delegation:</b>	
<b>Other Related Document:</b>	Town of East Fremantle Greening Guidelines Maintenance and Removal of Public and Verge Trees Policy

#### Objective

To encourage the installation of soft landscaping within the local road verge area utilising vegetation that maximises the use of pervious surfaces to:

1. contribute to the aesthetic presentation of the streetscape and improve public health;
2. assist with urban cooling;
3. reduce stormwater runoff into sensitive environments, including the Swan River; and
4. create liveable, waterwise and green public corridors and verge areas that provide habitat for local wildlife and biodiversity.

#### Policy Scope

This policy applies to all land within the road and street verge areas within the Town, where the Town has control of the road reserve.

The verge is the area of land located between a street kerb and the boundary of an adjacent property. Verges are Crown Land, however it is the responsibility of the adjacent landowner to maintain and improve the verge.

#### Legislative Requirements

The *Town of East Fremantle Public Places and Local Government Property Local Law 2016* allows owners and occupiers of land which directly abuts a verge to install a 'permissible verge treatment'. For information regarding a 'permissible verge treatment' please review the Verge Treatment Policy (this policy) and the *Town of East Fremantle Public Places and Local Government Property Local Law 2016*.

#### Policy

This policy has been developed in accordance with the Water Corporation's *Waterwise Verge Best Practice Guidelines* and provides further guidance for permissible verge treatments as stated in the *Town of East Fremantle Public Places and Local Government Property Local Law 2016*.

#### Application

To apply for a Verge Garden the Town requires:

1. a completed **Verge Application Form** available from [eastfremantle.wa.gov.au/](http://eastfremantle.wa.gov.au/)
2. a requirement of the *Application Form* includes a diagrammatic sketch which identifies any proposed installations to verge (vegetation, mulch, inorganic/manmade material and associated irrigation) the sketch should also note any existing features (i.e. street tree/s, power poles, street signs, existing reticulation).

\*For applications abutting a strata titled property, written confirmation from all strata owners/managers approving the verge works will be required. \*

### Underground Services

Prior to commencing any works on the verge (including but not limited to reticulation and planting), the applicant is to contact [‘Dial Before You Dig’](#) to determine location of any underground services. For more information visit <https://www.1100.com.au/> or call 1100 during business hours.

Any works carried out on the verge by the applicant resulting in damage or disruption to services will need to be reinstated at the applicant’s full cost. The Town and any service providers reserve the right to carry out any necessary works on the verge or authorise others to do so, whether this necessitates removal of any plantings or not, at no cost to the Town or other authorised party for replacement.

### Removal of Lawn

The establishment of waterwise native verge gardens is encouraged in favour of lawn varieties. The removal of lawn is crucial to the success of a waterwise verge garden to prevent competition with new plantings. For information relating to maintenance of lawn refer to:

<https://www.watercorporation.com.au/Waterwise/Waterwise-advice/Garden/Lawn-care>

### Design Guide

The Town encourages residents to install permeable soft landscaping in accordance with the following requirements:

1. Features of verge installations must be set back and provide clear access to any infrastructure such as power poles and underground services and to ensure they do not obstruct clear lines of sight for pedestrians, cyclists or motorists.
2. For verges with no footpath, plants should be set back a minimum of 2m from the road kerb to allow for pedestrian movement and access to and from vehicles that are parked on the road.
3. Footpaths and kerbing are not to be removed or replaced to accommodate landscaping.
4. Verge installations are not to include materials or structure which are deemed unsafe, refer to *Verge Garden Materials* as follows.
5. Verge are expected to be well maintained to ensure safety of the community.

### Verge Garden Materials

The following table outlines acceptable and unacceptable verge treatments. All treatment placed in the verge area should be permeable for water and set back to provide clear sightlines and safety areas for the public and access to any services.

Material Type	Material Description
Accepted ( <b>no approval required</b> )	<ul style="list-style-type: none"> <li>• Drought tolerant lawn varieties such as couch, kikuya and warm season buffalo (however, lawn verges not preferred).</li> <li>• Mulch (contained within the boundary of the verge).</li> </ul>
Accepted ( <b>subject to approval</b> )	<ul style="list-style-type: none"> <li>• Maintained gardens (native and waterwise preferred &amp; less than 0.6m), and irrigation.</li> <li>• *Edible plants ensuring they are harvested regularly, and no produce is not left on the ground to decompose (less than 0.6m).</li> </ul>
Not Accepted  When the Town deems a material, structure, or verge treatment to be hazardous or posing a significant risk to the public the material will be deemed unacceptable	<ul style="list-style-type: none"> <li>• Materials or structure which are unsafe, block sightlines, are loose or slippery, present hazard, are impermeable, are weeds, are sharp or prickly.</li> <li>• Paving, Concrete, or other similar hardstand materials.</li> <li>• Limestone rubble, gravel, or any similar loose aggregates.</li> <li>• Artificial/synthetic turf.</li> <li>• Verge Trees other than those planted by the Town .</li> </ul>

### Soil Preparation

The soil structure in the Town is Sandy Limestone – Cottesloe soil matrix. Refer to the Towns *Greening Guidelines* with specific reference to soil types.

### Plant Selection

The Town encourages and supports the use of waterwise plants for planting on verges. Native plants are made available to residents of the Town at the annual plant sale at Apace Nursery every May. For a list of waterwise plant species, visit Water Corporation's [Waterwise Plant Selection Tool](#) or view the Towns *Greening Guidelines*.

### Street Trees

Residents may apply to have a street tree planted or replaced on the verge adjacent to their property by completing the [Verge Tree Request Form](#).

The Town is responsible for planting, maintenance and removal of all street and reserve trees in accordance with its '*Maintenance and Removal of Public and Verge Trees Policy*'.

It is the Town's intention to retain verge trees that are healthy, and do not cause any safety concerns. In the absence of suitable justification being provided for the removal of a tree, the request for the removal will not be supported. Pruning of verge trees will only be carried out on those trees that cause an adverse impact by the Town or the Town's contractor. Care is to be taken during the installation of a verge gardens to protect the trunk and canopy of street trees and preserve the root zone.

### Maintenance and Upkeep

The maintenance of the verge is the responsibility of the adjacent owner or occupier. The Town accepts no responsibility for plant health and wellbeing for an approved verge garden. Once approved and installed, a verge garden is to comply with the following:

- Plant growth is to be maintained within the confines of the verge area and not spill into the footpath or road areas and is not to exceed a height of 600mm.
- Plants are to be maintained in a weed free state at all times and are to be watered as required to establish and maintain them.
- All excess soils and litter resulting from the plantings is to be removed at the applicant's cost.

Where a verge landscaping feature is considered by the Town to pose a safety concern or does not meet the guidelines, the Town may require the applicant to revise part or all of the feature to comply with this policy and Town requirements. Alternatively, the Town may remove, or require the applicant to remove any non-complying feature.

### Irrigation

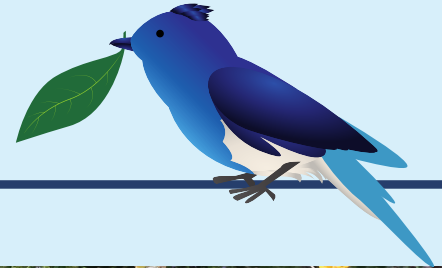
For all irrigation conditions refer to *Verge Greening Guidelines*. The Town is Waterwise Council and promotes water sensitive urban design. Proposed irrigation plans are to be included in the *Verge Treatment Application* when applying for a verge garden.

<b>Responsible Directorate:</b>	Operations
<b>Reviewing Officer:</b>	WASO
<b>Decision making Authority:</b>	Council
<b>Date of Adoption:</b>	
<b>Policy Amended/Reviewed:</b>	



For more information on creating a waterwise verge garden visit:  
[watercorporation.com.au/waterwise](http://watercorporation.com.au/waterwise)

# GREENING GUIDELINES



[eastfremantle.wa.gov.au](http://eastfremantle.wa.gov.au)







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The Town of East Fremantle acknowledges the Whadjuk people of the Noongar nation as the Traditional Custodians of the lands for which the East Fremantle Greening Guidelines have been written. We pay our respects to the ancestors and Elders, past, present, and emerging, and acknowledge their continued custodianship of Country and that sovereignty was never ceded. We are committed to honoring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, water, and sea and their rich contribution to society.

# WHAT IS A STREET VERGE?

## REPORT 13.3.1

The verge is a key part of the streetscape and is the area of land located between a street kerb and the boundary of an adjacent property. Verges are Crown Land, however, it is the responsibility of the adjacent landowner to maintain and improve the verge.

Verges act as a shared asset for:

- hosting service utilities
- providing access to residential and commercial properties
- providing connectivity throughout the Town
- linking properties to the natural environment
- reducing the ambient temperature of the street (where trees and vegetation are present).

The increasing and ongoing impacts of climate change make it crucial to preserve water resources wherever possible. For this reason, the Town encourages the formation of waterwise verges that do not need regular watering in an effort to mitigate and adapt to the effects of climate change. A well designed and well maintained waterwise verge garden can:

- reduce the impacts of urban heat by cooling the streetscape with the provision of verge trees and waterwise vegetation
- reduce water consumption, maintenance, and associated water bills
- provide crucial habitat and nature links for wildlife, improving biodiversity across the Town
- improve rainwater infiltration and reduce stormwater runoff into the Swan River



## ATTACHMENT 2

# WHY CREATE A WATERWISE VERGE?

The Town aims to protect, link, and enhance public and private green spaces wherever possible. Green spaces provide fauna with homes as well as creating corridors between bush sites and establishing ecological links across the Town.

The formation of a waterwise verge can add a variety of environmental, economic and social benefits for residents, commercial business owners, and the community as a whole, including:

- improved water efficiency and increased stormwater infiltration
- urban cooling and a reduction of the urban heat island effect in summer
- habitat for local wildlife and increased biodiversity
- improved streetscape amenity and potentially increasing property values
- improved health and resilience of the Town's urban forest.

The Town installs a variety of native and introduced street trees to ensure a diverse streetscape protected from disease, ensuring an urban forest for future generations. Due to the Town's proximity to the Swan River, excess nutrients from residential runoff and stormwater drainage can contribute to unhealthy water quality and algal blooms. Installing street trees, waterwise lawns, and waterwise verge gardens are simple methods residents can use to limit such runoff into the Swan River.



## DO I NEED PERMISSION TO LANDSCAPE THE VERGE?

To ensure the safety of residents, cyclists, and motorists the Town requires plans for any significant changes prior to any changes to the verge these include:

- the construction of a verge garden including edible plants (less than 0.6m)
- installation of manmade objects on the verge.
- irrigation

All treatments placed on the verge must be permeable for water absorption, preventing runoff and flooding during the winter months. When installing organic lawn or mulch, the Town does not require plans, however drought-tolerant grass and plant varieties are preferred. For more information visit:

[www.watercorporation.com.au/Waterwise](http://www.watercorporation.com.au/Waterwise)

## ACCEPTED VERGE TREATMENTS

### ATTACHMENT 2

#### MULCH

Mulch is crucial for an effective waterwise verge. A 5-10mm layer of mulch is crucial to trap water and reduce evaporation ensuring your plants thrive in the hot summer months. Mulch assists in preventing weeds, further reducing the need for ongoing maintenance.

#### SMALL SHRUBS

The Town encourages local native plants which are hardy, drought-tolerant, and suited to local conditions. Use groundcovers and shrubs but avoid plants that grow over 0.6m high (keeping sightlines clear) and plants that are prickly, spiky, poisonous, or cause allergic reactions.

#### DROUGHT TOLERANT GRASS VARIETIES

The Town encourages waterwise verge gardens over lawned verges however, installing and maintaining a low maintenance lawn can significantly reduce water needs, saving time and money. When choosing a lawn, look for a warm season grass that is drought tolerant and suitable for WA's warm summer months.

#### COUNCIL VERGE TREES

Verge trees assist in cooling the Town's streets by providing shade; creating habitat for biodiversity and can assist in increasing property values. Trees also improve physical and mental health.



### The following are NOT permitted as a verge treatments

- toxic, spikey, or poisonous plant or plantings exceeding 0.6 m (excludes Council verge trees)
- synthetic/artificial grass in any form (increases effects of urban heat, runoff, and creates microplastics)
- inorganic mulches such as crushed brick, crushed limestone, rubber, gravel, and bitumen
- any materials that could be dangerous, loose, slippery, sharp, or block sightlines, are not permitted on the verge.

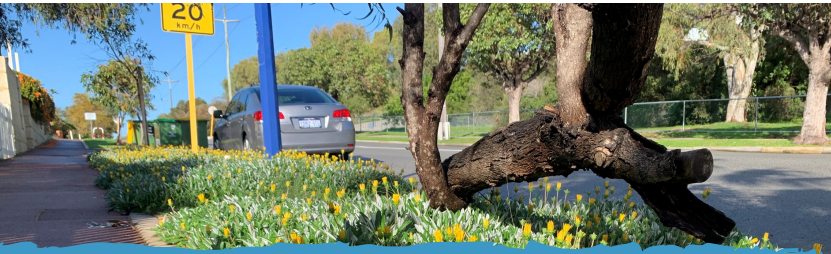
# SERVICES AND RESPONSIBILITIES

## REPORT 13.3.1

An important function of the verge is to serve as a corridor for above and below ground services and utilities (power, water, sewerage, gas etc).

It is the responsibility of the Town to install, maintain and remove street trees as required.

Maintaining verge landscaping - including irrigation, planting, and organic mulching - is the responsibility of residents/landowners. Periodically, works will be undertaken on the verge, such as tree pruning or service maintenance/upgrades, which may damage or disturb verge gardens. The resident/landowner is responsible for the reinstatement of the verge garden following any works by utility providers or other authorised parties.



## UTILITY LOCATIONS

Under the verge, there can often be service utilities, telephone lines, and electricity cables. Before beginning any work on your verge, it's important to find the location of any of these services. Verge treatments must not cover or obstruct these services.

Before any verge development work, call 'Dial Before You Dig' on 1100 or go to [1100.com.au](http://1100.com.au) to find out the location of any below ground services within your verge. It is the owner or occupier's responsibility to identify all services located within the verge.



## ATTACHMENT 2



## IRRIGATING MY VERGE GARDEN

When designing a waterwise verge garden permanent irrigation should not be required, as once established, native plants can survive hot dry summers with little to no additional watering.

In the case, your verge garden requires irrigation, contact a waterwise service provider to help in designing and installing irrigation to best suit your vegetation and verge conditions. Ensure to include any irrigation in the diagrammatic sketch indicating the location of proposed reticulation when applying for a verge garden. For more information on the Town's irrigation conditions scan the below QR code or visit [eastfremantle.wa.gov.au](http://eastfremantle.wa.gov.au)

To check your scheduled watering times visit [watercorporation.com.au/waterwise](http://watercorporation.com.au/waterwise)



East Fremantle Irrigation conditions



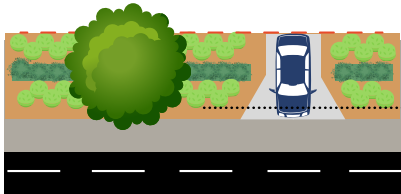
Water Corporation  
Waterwise



# EXAMPLE OF VERGE DESIGNS

## REPORT 13.3.1

Use the following examples to design your own proposed verge garden. Refer to the Urban Streetscape and Public Realm Style Guide for Hardcover and built design guidelines [eastfremantle.wa.gov.au/services/building-planning/urban-streetscape-and-public-realm-style-guide.aspx](http://eastfremantle.wa.gov.au/services/building-planning/urban-streetscape-and-public-realm-style-guide.aspx)



### STANDARD VERGE

(with footpath adjacent to road)

- layered planting, shrubs, strappy leaf plants, groundcovers.
- 1m mulch only strip at back of kerb to allow for growth and area for bins



### LARGE VERGE

(with footpath adjacent to property)

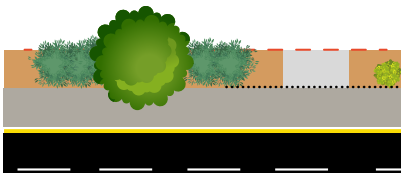
- property boundary
- footpath
- layered planting, street tree, shrubs, strappy leaf plants, groundcovers.
- 1m mulch only strip for pedestrian access and bins



### LARGE VERGE

(no footpath)

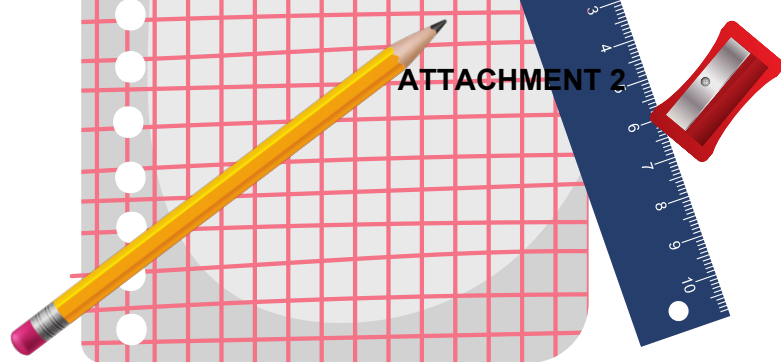
- property boundary
- layered planting, street tree, shrubs, strappy leaf plants, groundcovers.
- 2m mulch only strip for pedestrian access and bins



### NARROW VERGE

(footpath adjacent to the road)

- groundcover
- 1m mulch only strip at the back of curb to allow for growth and area for bins
- footpath



## APPLY FOR A WATERWISE VERGE

Proposed verge designs must be submitted to the Town in writing with a diagrammatic sketch showing proposed locations of plants, proposed plant species, and any irrigation. To apply for a verge garden simply scan the attached QR code or visit:

[eastfremantle.wa.gov.au/forms/verge-treatment-application/23](http://eastfremantle.wa.gov.au/forms/verge-treatment-application/23)

- design your verge taking into account public utilities
- get inspiration from current verges in the Town
- choose plants suited to the Town's soil conditions
- consider the need for irrigation and where it would be placed
- draw up a plan.



Measure and draw up a plan of your verge identifying the dimensions and any existing features. This will help to determine how to arrange your verge and what can fit. Ensure plants are set back at least 1.5m from crossovers, kerbs, and footpaths to ensure plants do not obstruct pedestrians and vehicles as they grow. If you do not have a footpath, all plants must be set back at least 2m from the kerb to allow pedestrian movement. This area of the verge may also be used for kerbside waste collection or bulk/green waste at the assigned times.

# WATERWISE VERGE PLANTINGS

## REPORT 13.3.1

Understanding your soil type is crucial before choosing any plants for your verge. The soil in East Fremantle is typically full of limestone and known as the Cottesloe Soil Complex. For a comprehensive list of native vegetation appropriate for East Fremantle, visit [apacewa.org.au/wp-content/uploads/2016/09/Cottesloe-yellow-12-pages.pdf](https://apacewa.org.au/wp-content/uploads/2016/09/Cottesloe-yellow-12-pages.pdf) or scan the QR code below.

Below are a variety of waterwise plants that will grow well in East Fremantle and will generally grow less than 0.6m tall. Plantings in some cases will require pruning to ensure they remain under 0.6m.



Key	
<span style="color: green;">●</span>	Native Species
<span style="color: yellow;">●</span>	Coastal Vegetation
<span style="color: blue;">●</span>	Available at APACE



Common Name	Scientific Name	Size	Notes
Coastal Pigface	<i>Carpobrotus virescens</i>	0.3 x 1m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Many Flowered Fringed Lily	<i>Thysanotus multiflorus</i>	0.5 x 0.3m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Sea Heath	<i>Frankenia pauciflora</i>	0.5 x 2m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Running Postman	<i>Kennedia prostrata</i>	0.6 x 2.5m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Couch Honeyrot	<i>Banksia dallanneyi</i>	0.6 x 3m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Ellabella Grevillea	<i>Thysanotus multiflorus</i>	0.5 x 0.3m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Common Beaked Triggerplant	<i>Stylidium adnatum</i>	0.3 x 1m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Catspaw	<i>Anigozanthos humilis</i>	1 x 0.3m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Western Patersonia	<i>Patersonia occidentalis</i>	0.9 x 0.8m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Thick Leaved Fan Flower	<i>Scaevola crassifolia</i>	1.5 x 1.5m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Blue Lace Flower	<i>Trachymene coerulea</i>	1 x 0.8m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Globe Pea	<i>Sphaerolobium medium</i>	0.5 x 0.3m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>
Pepper and Salt	<i>Philotheca spicata</i>	0.2 x 1.2 m	<span style="color: green;">●</span> <span style="color: yellow;">●</span> <span style="color: blue;">●</span>

Many Flowered Fringed Lily

Running Postman

## ATTACHMENT 2



Coastal Pigface



Sea Heath



Ellabella Grevillea

Catspaw



Couch Honeyrot



Common Beaked Triggerplant



Thick Leaved Fan Flower

Running Postman



Western Patersonia



Blue Lace Flower



Pepper and Salt



Globe Pea



Water Corporation  
Waterwise Plant Finder



# PROTECTING THE URBAN FOREST

## REPORT 13.3.1

ATTACHMENT 2

### What is an Urban Forest?

An urban forest is the green spaces, trees, and other vegetation that grow within an urban area, on both public and private land. Combined, these green areas provide a range of benefits that enrich the quality of life for those in the area and promote well-being. Trees provide more than just clean air and shade; they assist in the mental health of the community, stormwater management, environmental impact, and noise reduction.



#### **Environmental Benefits**

Urban forests help to create ecosystems that provide habitat and food for birds and other animals, allowing native species to move between areas without risk of harm. Trees provide a variety of environmental services such as cleaning and producing the air that we breathe, cooling our streets, and assist in the sequestration of carbon.



#### **Economic Benefits**

Urban Forests assist in lowering heating and cooling costs, increasing property values, increasing the lifespan of community and council infrastructure, encouraging shoppers to stay longer in commercial areas and therefore potentially spend more.

#### **Social Benefits**

Exposure to urban green space has been found to improve human mental health, cognitive function, creating a sense of community, and reduce social issues such as crime and vandalism.

#### **Health benefits**

Trees with a dense canopy provide excellent protection from UV radiation, reducing the risk of heat exhaustion and the associated risk of skin cancer. When carefully selected, trees can assist by cooling air temperature by over 30%, thereby activating reserves and parks making them more accessible.



## STREET TREES

The Town has a broad street tree program that includes regular maintenance and annual winter planting. The Town takes responsibility for the installation and maintenance of all street trees, relevant regulations; ensuring access to underground service locations and appropriate tree species.

Residents are encouraged to request a verge tree from the Town. By planting more verge trees we can reduce the urban heat island effect and increasing the Town's urban canopy.

For more information on requesting a free Verge Tree scan the QR code below or visit [eastfremantle.wa.gov.au/services/sustainability-and-environment/verge-treatments-and-street-trees.aspx](http://eastfremantle.wa.gov.au/services/sustainability-and-environment/verge-treatments-and-street-trees.aspx)

REQUEST A VERGE TREE



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### ANNUAL NATIVE PLANT SALE

Each year during the month of May, The Town partners with APACE Nursery in North Fremantle to provide native plants at a subsidised cost to East Fremantle residents. These waterwise native plantings are ideal for any verge garden, providing habitat and food for a variety of native wildlife. The plants sell quickly so be sure to get in before it's too late!

### FREE MULCH

Mulching is an easy way to develop a waterwise garden. East Fremantle residents can collect mulch from the Fremantle Recycle Centre in Montreal Street, Fremantle at no cost, for opening hours visit [fremantle.wa.gov.au](http://fremantle.wa.gov.au) (please take a form of Identification).

Below are a variety of links that will assist you on your Waterwise journey, ensuring you are in the best place to create a self-sustaining waterwise verge garden.

APACE Nursery



Water Corporation  
Waterwise



Low Maintenance Lawn



East Fremantle  
Irrigation Conditions



Water Corporation  
Waterwise Plant Finder



Cottesloe Soil Complex  
Planting Guide



# HAPPY PLANTING!



- 14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 17. NEW BUSINESS OF AN URGENT NATURE**
- 18. MATTERS BEHIND CLOSED DOORS**
- 19. CLOSURE**