



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday, 12 June 2019, 6.00pm

CITY OF FREMANTLE
NOTICE OF A FINANCE, POLICY, OPERATIONS AND LEGISLATION
COMMITTEE MEETING

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday, 12 June 2019** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Glen Dougall', written in a cursive style.

Glen Dougall
Director City Business

7 June 2019

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CITY OF FREMANTLE

Finance, Policy, Operations and Legislation Committee

Agenda

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Whadjuk people as the custodians of the greater Walyalup area and that their cultural and heritage beliefs are still important to the living Whadjuk people today.

2. ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

Cr Ingrid Waltham	Leave of absence
Cr Doug Thompson	Leave of absence

3. DISCLOSURES OF INTERESTS

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

4. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

There are no responses to public questions taken on notice at a previous meeting.

5. PUBLIC QUESTION TIME

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. PETITIONS

Petitions may be tabled at the meeting with the agreement of the presiding member.

7. DEPUTATIONS

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 8 May 2019 be confirmed as a true and accurate record.

9. ELECTED MEMBER COMMUNICATION

Elected members may ask questions or make personal explanations on matters not included on the agenda.

10. REPORTS AND RECOMMENDATIONS

10.1 COMMITTEE DELEGATION

FPOL1906-1 AGREEMENT TO LEASE - PUBLIC GOLF COURSE - 20 MONTREAL STREET, FREMANTLE

Meeting Date: 12 June 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Committee
Agenda Attachments: Nil

SUMMARY

This report is for committee to consider an Agreement to Lease with Evergreen Golf Pty Ltd and Andrew Billingham for the Fremantle Public Golf Course, 20 Montreal Street, Fremantle, subject to key conditions being met.

Mr Billingham is the current Lessee of 20 Montreal Street, Fremantle having been a Director of Evergreen Golf Pty Ltd since 11 July 2008. The current Lease is due to expire 7 November 2022. Mr Billingham has a proven record as Lessee and operator of the public facility which caters to 12 regular golf clubs.

An Agreement to Lease obligates both parties to enter into a Lease subject to specific conditions being met. If those conditions are met, the Lease terms and conditions are finalised and will be brought back to Council for approval. Entering into an Agreement to Lease will form a commitment to Mr Billingham of a new lease after the expiry 7 November 2022.

A section of the golf course will be excised due to the Main Roads Western Australia (MRWA) project to upgrade the intersection at High Street and Stirling Highway. The City is currently undertaking a Tender process to secure consultants for redesigning the golf course. Redevelopment of the golf course and club house will occur within the final years of the current Lease working proactively with Mr Billingham. The details of how the works will progress with an operating Lessee are subject to the final golf course design being confirmed.

Under the Leasing of City property in a competitive manner policy, approaching the conclusion of lease terms (between 6-12 months prior to the expiry of a lease), interested parties would be given an opportunity to compete in an open and competitive manner to lease with some exemptions. Due to the uniqueness of this commercial lease, officer's recommend that committee consider the circumstances as being sufficient to qualify for an exemption to the competitive process that the City's policy normally requires.

BACKGROUND

MRWA has developed a proposal for upgrading the intersection at High Street and Stirling Highway between Carrington Street and Marmion Street.

To accommodate the proposed road alignment along High Street and retain existing

significant trees, a portion of the Class A and Class C reserves are required to be vested to MRWA for the purpose of road reserve, this impacts the Fremantle Public Golf Course.

At the Special Meeting of Council 29 August 2018 Council resolved that as part of the primary concept objectives the golf course objectives would be;

1. *Retain 9 holes*
2. *Retail par 34*
3. *Minimum impact on trees.*
 - a. *Lost trees replaced through landscape strategy.*

The new road alignment has a significant impact on the northern section of the golf course, the impact results in the loss of two holes (#3 and #6). To maintain the function of the golf course, MRWA and the City engaged the services of golf course architects to evaluate the impact and provide a number of options for an effective redesign of the golf course.

The scope for this work was based upon providing a golf course with similar functionality, accommodating:

- A 9 hole golf course
- Minimum par 34
- Maximised course length – minimum >2000m (currently 2465m)
- Similar sized driving range facility (including an equivalent number of bays)
- Comparable practice facilities including putting green
- Similar size / function of clubhouse facility
- Full irrigation system
- Minimal tree removal - offset by new tree planting
- Safety compliance
- Suitable car parking and access
- Minimal impacts on Booyeembara Park (see below)

At Ordinary Council dated 10 April 2019 Council resolved;

1. *Request officers progress to engage consultants and commence the design process for the required development works for the golf course remediation, golf club and community facility...*

The Tender for the golf course design has been released with the closing date being 12 June 2019. Advertisement of the Tender for the golf course club house and community facility will be released in the near future. It is estimated that final designs for the golf course will be completed in early 2020.

The City entered into a Lease with Evergreen Golf Pty Ltd for a term of seven years effective 8 November 2001 expiring 7 November 2008 with two further terms of seven years' each. The last of these terms has been exercised with the Lease expiring 7 November 2022.

Mr Billingham was originally an employee of Evergreen Golf Pty Ltd at the commencement of this Lease, becoming a partner in 11 July 2008, and sole Director in 23 December 2016.

Mr Billingham has a proven track record with the City as a Lessee and operator of a public facility which caters to 12 regular golf clubs. Under the terms of the current Lease the Lessee is responsible for all maintenance of the course and grounds, including upgrading fairways and greens as required. This has been proactively scheduled by the Lessee.

FINANCIAL IMPLICATIONS

There are no financial implications from this item.

The current Lease receives a rent of \$90,829.34 + GST per annum plus outgoings.

2018/19 Council Rates and State Government Emergency Services Levy for the premises is \$17,271.61.

The rent for a new Lease would be determined by an independent market valuation based on the new designed golf course excluding any of the Lessee's financial contributions.

LEGAL IMPLICATIONS

An Agreement to Lease obligates both parties to enter into a Lease subject to specific conditions being met. If those conditions are met, the Lease terms and conditions are finalised. Entering into an Agreement to Lease will form a commitment to the current Lessee/Operator of the Golf Course.

Certain aspects of the golf course design will need to be clarified prior to the Lease terms being finalised. These will be brought back to Council for approval. The lease must comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

CONSULTATION

The terms of any Lease will be brought back to Council for approval. Subject to this occurring the proposed disposal of property, by way of Lease is made under the Local Government Act 1995 (S) 3.58 (3) and (4).

If approved, the disposal will be advertised in a national newspaper inviting any person wishing to make a submission concerning the Lease to make it in writing to the City within fourteen days.

OFFICER COMMENT

Under the Leasing of City property in a competitive manner policy approaching the conclusion of lease terms (between 6-12 months prior to the expiry of a lease), interested parties would be given an opportunity to compete in an open and competitive manner to

lease with some exemptions. Officers recommend that the public golf course is an exemption under Clause 1.1a) where a property is leased to a tenant that is paying full commercial market rate or above, and adds significant value to Fremantle's overall tenancy mix and appeal for visitors.

While Council has endorsed a scope for the golf course redevelopment, Mr Billingham has advised that, considering how golf is evolving, he would like the opportunity to consider financially contributing for additional features in the course design. These items potentially include;

- Floodlighting to the driving range to allow for night usage.
- Cover to the driving range to cater for weather conditions.
- Mini golf and/or simulator golf
- Pro shop/buggy bays

These items are subject to the final costings and the preferred course design.

Officers recommend that Agreement to Lease will be on the following conditions;

1. Subject to the preferred golf course design and any Lessee financial contribution being accepted by the Lessee no later than 30 days from formal submission by the City. Extension of this time frame will be at the sole discretion of the City.
2. Acknowledge that all reasonable endeavours will be taken by the City when considering integration of the Lessee's design additions but no guarantee of inclusion is provided by the City.
3. The Lessee is solely responsible for the development costs associated with any requested additions to the golf course design outside of the City's scope.
4. Lease terms and conditions will be agreed, subject to Council approval, no later than 90 days from formal acceptance of the golf course design and Lessee financial contribution by the Lessee. Extension of this time frame will be at the sole discretion of the City.
5. Acknowledge that the Lease will be based on the following terms;
 - a. Permitted use: Public Golf Course.
 - b. Rent: to be determined by an independent market valuation excluding any financial contribution by the lessee.
 - c. Lease term: ten years with further terms to be considered subject to Lessee financial contribution being determined.
 - d. Conditions:
 - i. The Lease will be subject to Minister for Lands approval.

It is expected that MRWA will commence the High Street project in the last quarter of 2019 which will result in the golf course losing holes 3 and 6. There is scope in the golf course consultant's brief to develop an interim golf course design to maintain a functional golf course for the period between the land excision and the commencement of construction of the new golf course. The details of how the works will progress with an operating Lessee are subject to the final golf course design being confirmed.

Discussions regarding compensation to the Evergreen Pty Ltd business due to impact from the lease area being varied and the redevelopment works are to occur directly between Mr Billingham and MRWA.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation committee acting under delegation 1.1:

- 1. Approve Evergreen Golf Pty Ltd as qualifying for an exemption under city policy “leasing of City Property in a competitive manner” in accordance with clause 1.1 a) where it states ‘A property is leased to a tenant that is paying full commercial market rate or above, and adds significant value to Fremantle’s overall tenancy mix and appeal for visitors’.**
- 2. Approve an agreement to Lease for a term of 12 months in accordance with the following conditions;**
 - a. Subject to the preferred golf course design and any Lessee financial contribution being accepted by the Lessee no later than 30 days from formal submission to the Lessee by the City. Extension of this time frame will be at the discretion of the City.**
 - b. Acknowledge that all reasonable endeavours will be taken by the City when considering integration of the Lessee’s design additions but no guarantee of inclusion is provided by the City.**
 - c. The Lessee is responsible for any development costs associated with any requested additions to the public golf course design outside of the City’s scope.**
 - d. Lease terms and conditions will be agreed, subject to Council approval, no later than 90 days from formal submission of the golf course design and Lessee financial contribution. Extension of this time frame will be at the discretion of the City.**
- 3. Subject to Ministerial approval and Evergreen Golf Pty Ltd meeting the conditions of the Agreement as outlined in recommendation 2 of this report, request a Lease to be brought back to Council for approval based on the following key Lease terms and conditions;**
 - a. Permitted use: public golf course**
 - b. Rent: to be determined by an independent market valuation excluding any financial contribution by the lessee**
 - c. Lease terms: ten years with further terms to be considered subject to Lessee financial contribution being determined.**

FPOL1906-2 WALYALUP RECONCILIATION ACTION PLAN 2019 - 2022

Meeting Date:	12 June 2019
Responsible Officer:	Manager Community Development
Decision Making Authority:	Committee
Agenda Attachments:	1. Walyalup Reconciliation Action Plan 2019-2022 2. City of Fremantle Community Engagement Report

SUMMARY

The purpose of this report is to adopt the City's Walyalup Reconciliation Action Plan (WRAP) 2019 – 2022. The report has been prepared to outline the process and approach taken by the City with the support of the Reconciliation Working Group.

The City is building on nearly twenty years of initiatives to strengthen its relationships with the Aboriginal community and seeks to establish an ongoing dialogue with the Aboriginal community through the development of the City's WRAP.

The City's WRAP details our commitment to improving relationships, respect and opportunities within the City to contribute to reconciliation in Australia.

This report recommends that Council endorse the WRAP and forwards it to Reconciliation Australia for final endorsement.

BACKGROUND

The Reconciliation Action Plan (RAP) program was launched in 2006 during the 40th anniversary of the 1967 referendum. All RAP's are developed with the support of Reconciliation Australia and include actions, timelines and deliverables based around three pillars of relationships, respect and opportunities.

The City identified the need to develop a RAP to provide a framework that recognises Aboriginal culture within the City and to continue building strong relationships with the Aboriginal community.

The City has a long standing commitment in fostering relationships with Aboriginal people dating back to the formative *Policy for respect, recognition and conciliation* with Aboriginal people that was endorsed by Council in 2000. The Policy is now considered outdated and lengthy, with many of the 129 strategies and actions considered to be outside the reach or core business of local government.

An *Aboriginal Engagement Plan* was developed and endorsed by Council in 2015 to assist the City to improve relations with the Aboriginal community and is underpinned by a key principle of establishing two separate dialogues, one for community matters and another for land and heritage matters.

The Aboriginal community have indicated the importance they place on the City developing a RAP. This is not a deviation of the work that is being done through the Aboriginal Engagement Plan as it will complement that plan. The WRAP will gather all of

the initiatives in a reporting framework and place a focus on the City making a whole of organisation commitment to reconciliation.

In recent years the City has achieved a number of initiatives such as the establishment of the Walyalup Aboriginal Cultural Centre, the development of the Statements of Significance recognising the historical relationship of the Whadjuk people in the Fremantle Walyalup area, along with the acknowledgement and recognition of the traditional owners. Other initiatives include events such as the Wardanji Festival, Revealed and more recently the One Day event and Smoking Ceremony that commenced in 2017. In the 2016 Census, 454 of the 28,893 residents (1.6%) counted in Fremantle said that they had Aboriginal or Torres Strait Islander origins, or both. Of these, 94% were Aboriginal.

The City's commitment is already being demonstrated as the result of listening to the community, building connections and taking action. The target of 4% employment identified through the community consultation for the City of Fremantle has already been exceeded. Along with the most recent cohort of Aboriginal trainees, an Aboriginal employment rate of 4.5% has been reached.

FINANCIAL IMPLICATIONS

The WRAP's 19 actions and 99 deliverables are currently being scoped and will be incorporated into usual budget processes for future financial years.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The WRAP (attached) was developed through community consultation starting in November 2017 with Traditional Owners nomination of two delegates to sit on the RAP working group and represent the Whadjuk people.

In March 2018 the City engaged Kambarang Services, Danny Ford, Rose Walley and Tim Muirhead to work with City staff to facilitate culturally appropriate conversations with the Aboriginal community and key stakeholders through a series of workshops and meetings.

In September 2018 the City held a powerful and engaging community meeting, attended by over 100 committed people including Aboriginal people and key stakeholders, as well as the Mayor, Elected Members and City staff. This meeting generated organic and grass roots discussion around people, spirit and place in Fremantle and was summarised into a practical plan for Reconciliation. At the meeting nominations for membership to the Working Group were accepted. This working group is diverse and consists of traditional owners (Whadjuk people), Aboriginal people both young and older, non-Aboriginal external people, Elected Members and City staff.

The WRAP was then endorsed by the Working Group in April 2019 where over 50 committed people attended the meeting who also signed the Statement of Commitment to Reconciliation. It was at this meeting that the Working Group requested that the reconciliation action plan be referred to as the Walyalup Reconciliation Action Plan (WRAP).

During the month of May 2019 the plan was made available to the wider community, who were asked to provide their comments on how our community and individuals can help on our path to reconciliation. Electronic feedback was taken through the City's My Say portal along with hard copies available at the City's library, Wanjoo Lounge and Meeting Place in South Fremantle. The City of Fremantle Walyalup Community Engagement Report summarises the findings (attached).

There were 777 visitors to the My Say Freo project page, the majority over the 21 and 22 May 2019 period during high media exposure.

172 people downloaded the draft RAP document from My Say Freo and over 100 hard copies were distributed to community members. Several people made enquiries at the WACC and Wanjoo Lounge and elected to complete the survey online.

There were 45 responses in total, 42 online and 3 hard copies.
In summary:

- 45 responses were received.
- Two thirds of respondents feel the 15 actions in the draft RAP align with the City of Fremantle's vision for reconciliation.
- The community felt they can work towards reconciliation by involvement in education and events (with a focus on truth telling), Aboriginal involvement in decision-making, implementation of the RAP and a focus on youth and children.
- Individuals identified a range of actions they are or will take to build respect, relationships and opportunities. The most common were actively spending time together, being kind and fair and having respect, or attending arts and culture events, reading plaques or championing the RAP. A number of people also felt they did not need to take any individual action.

Listed below are the community questions from the wider consultation:

- How well do you believe the actions in the draft Reconciliation Action Plan align within City of Fremantle vision for reconciliation?
- How do you think the community can work towards greater reconciliation?
- How can you help build respect, relationships and opportunities on our path to reconciliation?

OFFICER COMMENT

The City is developing a WRAP for many reasons but primarily to engage better with Aboriginal people and the general community to advance values of inclusiveness and equality. It's been almost 20 years since council committed to developing a *Policy on*

Conciliation, Respect and Recognition and 3 years on from an *Aboriginal Engagement Plan*. A key learning from this is that maintaining relationships with Aboriginal people is like an investment with the more invested the better the return. This WRAP will add to this work and form an overarching framework for what is occurring now and to update and measure future deliverables.

Reconciliation Australia determines four types of RAP's – Reflect, Innovate, Stretch and Elevate. Reflect is for organisations that are new to the reconciliation journey; Innovate is for organisations that are trialling different approaches to reconciliation and are testing where their resources are best invested; Stretch is for organisations that are setting measurable outcome targets for their activities, and Elevate is for organisations that are considered leaders in reconciliation, have a wealth of experience and knowledge, and can assist Reconciliation Australia and other organisations. In consultation with Reconciliation Australia it was determined the most appropriate RAP type for the City would be the Stretch RAP which was named by the City's RAP Working Group as the Walyalup Reconciliation Action Plan (WRAP).

The purpose of the City's WRAP, specifically a Stretch RAP, is to raise awareness and support through the development of solid foundations, governance models and future commitments that promote sustainable opportunities in areas such as employment, economic development and procurement all the while celebrating and recognising Aboriginal culture.

The City's Stretch WRAP sets out the actions and deliverables required to prepare the City for reconciliation in successive RAPs. The first community forum in September 2018 was well attended with over 100 people who provided input to 15 actions and 74 deliverable outcomes. Media coverage attracted significant interest in the City's WRAP and in particular the dual naming opportunities identified in the plan. Feedback was sourced from the wider community along with some mandated requirements from Reconciliation Australia, bringing the total of 19 actions and 99 deliverable outcomes over the next three years.

The high number of people accessing the WRAP document along with the robust conversations resulting on social media and throughout the community could be seen as an indication for overwhelming support, in addition to the proportionally low number of raised concerns.

The WRAP will be a whole of organisation approach, guided and championed by the Walyalup Reconciliation Reference Group. The plan will be reviewed every 12 months in alignment with the financial year. The plan will be reviewed with Reconciliation Australia after two years. Reports will be provided annually to Reconciliation Australia, and annually in the City's Annual Report.

The City's vision for reconciliation is to create an inclusive, caring community where Aboriginal people experience the same life outcomes as other Australians, and where their special place in our nation and our City is recognised. We want a community and an organisation in which Aboriginal people are acknowledged, listened to and understood; a community and organisation that respect and tell the truth about history, and where healing and growth is nurtured by all of us. Ultimately, we want this to be a shared vision

for Fremantle, where the City embraces culture and heritage, and where Aboriginal people are part of making decisions and improvements for community wellbeing.

The City recognises the importance of meaningful engagement, mutual respect, creating trust and utilising culturally appropriate practices and protocols to truly understand its local communities. The City has a strong commitment to working collaboratively with the Aboriginal community.

The resulting document captures this vision and demonstrates the City's commitment to help increase respect, foster relationships and develop opportunities for Aboriginal people in 19 actions and 99 deliverables.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Adopt the City of Fremantle Walyalup Reconciliation Action Plan 2019 - 2022 and note that the Plan will be subject to further formatting and styling as determined by the Chief Executive Officer, prior to publication.**
- 2. Note the City of Fremantle Walyalup Community Engagement Report, as provided in Attachment 2 of this item in the Finance, Operations and Legislation Committee Agenda (12 June 2019).**
- 3. Forward the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022 to Reconciliation Australia for final endorsement.**

FPOL1906-3 CITY OF FREMANTLE BLACK SPOT PROPOSAL 2020 - 2021

Meeting Date: 12 June 2019
Responsible Officer: Manager Infrastructure Engineering
Decision Making Authority: Finance Policy Operations and Legislation
Agenda Attachments: Concept Plan No 122-CP-19-001 Rev A.
Existing Conditions at Wiluna Avenue and Hope Street Intersection.

SUMMARY

Each year, the City is invited to submit for consideration projects qualifying for the Nation Building and State Blackspot Funding. The closing date for the 2020/21 submissions is 12 July 2019.

This report recommends that the Finance, Policy, Operations and Legislation committee acting under delegation 1.1 supports the 2020/21 Black Spot grant submission for the project listed in the officer's recommendation.

BACKGROUND

The National and State Road Safety Black Spot Program is a Commonwealth and State Government initiative administered by Main Roads Western Australia (MRWA). The program targets road locations where crashes are occurring and aims to fund cost effective and safety oriented projects by focusing on where the highest safety benefits and crash reductions can be achieved.

MRWA collects all data relating to road crashes and has developed two funding programs. These are the 'Nation Building Black Spot' program and the 'State Black Spot' program for approved projects for local governments.

All submissions are considered on their merits and evaluated against the criteria set by the Australian Transport Safety Bureau (ATSB).

The criteria used in the assessment to determine the benefit/cost ratio (BCR) are:

- Crashes for the 5 year period 2012 to 2016 inclusive for qualifying audits;
- Crash costs based on crash type; and
- All capital costs, including contributions by others, and ongoing maintenance costs.

The project location recommended for Black Spot grant submission in 2020/21 is the intersection of Wiluna Avenue and Hope Street in White Gum Valley. At this intersection, there have been a total of five through and through right angle vehicular crashes with one requiring hospitalisation in the past five years.

The proposed treatment to improve safety at this location is a roundabout and the concept plan can be seen in Attachment 1. A photograph of the existing conditions at Wiluna Avenue and Hope Street intersection can be seen in Attachment 2.

FINANCIAL IMPLICATIONS

As per the Black Spot funding guidelines, the City must contribute one third of the funds towards the Black Spot improvements.

Costs covered relate to the design and construction of the road treatment to improve safety for all road users.

Costs to improve ancillary works such as landscaping, improved cycle infrastructure and decorative lighting to enhance the urban streetscape will not be covered by the Black Spot grant.

Budget for this proposal will still be subject to approval by Council in the 2020/21 financial year. Our ten year financial plan currently has a provision of \$100k for road safety improvements in 2020/21 financial year.

Description	Estimated Cost
Total Estimated Black Spot Improvement Cost (2020/21)	\$250 000.00
State Contribution for Black Spot Improvement (2/3)	\$166,666.00
City's Contribution for Black Spot Improvement (1/3) Subject to the City's 2020/21 budget process.	\$ 83,334.00

LEGAL IMPLICATIONS

All works are designed in accordance with the Road Traffic Act and designs will need final approval from Main Roads WA prior to implementation.

CONSULTATION

A community consultation approach will be designed to hear from the range of stakeholders and community members likely to be impacted by and interested in the proposed changes to the intersection of Wiluna Avenue and Hope Street.

OFFICER COMMENT

The recommendation has been developed from crash data available to the City through the online 'crash analysis record system' (CARS), developed by MRWA. CARS uses crash data and the results obtained from other known treatments to determine the appropriate solution to minimise the incidence of the crash type. The BCR is the probable savings in the incidence of crashes against the capital cost of implementing the improvements.

Based on the criteria, the recommended intersection has been identified as warranting treatment. In this case a roundabout provides the best outcome for mitigating the through and through right angle crash incidents. The project, if successful, represents a significant investment in improving road safety and sustainable transport for the City and would be programmed for completion during the 2020/21 financial year.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation committee acting under delegation 1.1:

- 1. Supports the 2020/21 Nation Building and State Black Spot Funding grant application for the Wiluna Avenue and Hope Street intersection upgrade project.**

FPOL1906-4 SUPPLY OF PREMIX CONCRETE (WFCC51/19) - TENDER REPORT

Meeting Date: 12 June 2019
Responsible Officer: Manager Infrastructure Engineering
Decision Making Authority: Committee
Agenda Attachments: Confidential attachment - Pricing Matrix

SUMMARY

The purpose of this report is to consider Tender number WFCC51/19, supply of premix concrete for Infrastructure Maintenance and Construction.

This report recommends that the Committee accepts the Tender submitted by Hanson Construction Materials Pty Ltd as determined in accordance with the tender evaluation process.

BACKGROUND

The City performs various maintenance projects/works throughout the municipality to support the City's maintenance and capital footpath, kerb and drainage programme that require the supply of premix concrete.

Tenderers were required to provide prices on a Schedule of Rates basis.

FINANCIAL IMPLICATIONS

The City estimates that approximately \$280,000 (ex GST) will be expended per annum on the supply of premix concrete, which is in line with the current budget.

The contract does not permit the City to have a minimum spend through the preferred supplier each year; activity and spend in this area is directly related to Council approval of both Capital and Maintenance budgets.

Sufficient funding provision has been allocated in the financial year 18/19 budget for concrete materials. Similar budgets will be requested in the financial year 19/20 and 20/21 budgets and will be subject to Council approval.

LEGAL IMPLICATIONS

The recommended tenderer was procured using a tender exempt purchase method as per Regulation 11(2) (b) of the Local Government (Functions and General) Regulations 1996, which states: Tenders do not have to be publically invited according to the requirements of this Division if – (b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program.

COMMUNITY ENGAGEMENT

Road construction and maintenance works using the premixed concrete are communicated to the Community via a combination of letter drops, sign boards, the City's website and social media channels.

OFFICER COMMENT

The quotation opened on WALGA Vendor Panel on Monday, 18 February 2019 and closed on Thursday, 28 February 2019 with only one submission being received. As a result the quotation was re-released on WALGA Vendor Panel on Wednesday, 20 March 2019 and closed on Friday, 12 April 2019 with a total of two submissions.

Essential details of the contract are outlined below:

Contract type	WALGA Preferred Supplier Arrangement
Contract duration	2 years + Option to extend for 1 year
Commencement date	13 June 2019
Completion date	13 June 2021

Tender evaluation

Tender submissions were received from the following suppliers and evaluated by the tender evaluation panel:

- Boral
- Hanson Construction Materials Pty Ltd

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced supplier.

The tender evaluation panel comprised of:

- Works Controller Maintenance Infrastructure Audits
- Supervisor Infrastructure Construction
- Works Controller Maintenance Construction
- Assistant Works Controller – Drainage

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

Item No	Description	Score
1	Relevant Experience	15%
2	Demonstrated Understanding	15%
3	Sustainability	15%
4	OHS	15%
5	Price for services offered	40%

The tender submitted by Hanson Construction Materials Pty Ltd scored the highest rating with 94 points, followed by Boral with 79 points.

	Relevant Experience	Demonstrated Understanding	OH&S	Sustainability	Price	Total Score
WEIGHTING	15	15	15	15	40	100
Hanson Construction	13	14	14	13	40	94
Boral	13	13	7	9	37	79

The evaluation process determined that the tender from Hanson Construction Materials Pty Ltd was a fully conforming tender. Reference checks were also undertaken and indicated that Hanson Construction Materials Pty Ltd have provided satisfactory service delivery to their customers on similar projects, and will be a suitable supplier to the City of Fremantle

Risk consideration

Hanson Construction Materials Pty Ltd has been prequalified by WALGA, and has the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Comment

Hanson Construction Materials Pty Ltd the recommended tenderer, was assessed as having a high level of directly relevant experience and an excellent understanding of the City's requirement whilst having the ability and capacity to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

The results from the tender evaluation identified Hanson Construction Materials Pty Ltd as best value for money whilst showing the organisational experience and capability to undertake the works.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation committee acting under delegation 1.1;

1. Approve the tender for supply of premix concrete (WFCC51/19) at the rates tendered, to Hanson Construction Materials Pty Ltd for a period of two years, commencing on or around 13 June 2019, with the option to extend this contract for a further one year at the discretion of the Chief Executive Officer.

10.2 COUNCIL DECISION

FPOL1906-5 MONUMENT HILL (MEMORIAL RESERVE) - PARTIAL ROAD CLOSURE OF SWANBOURNE AND BATEMAN STREETS, FREMANTLE FOR AMALGAMATION WITH 'A' CLASS RESERVE NO. 9335

Meeting Date: 12 June 2019
Responsible Officer: Manager of Information Technology
Decision Making Authority: Council
Agenda Attachments: Copy of Reserve No. 9335 crown land details

SUMMARY

This report proposes to make adjustments to the boundary lines of Monument Hill Memorial Reserve being an 'A' class Reserve No. 9335 (Monument Hill) to include the areas road reserve located at the north eastern corner (Swanbourne Street) and on the western boundary (Bateman Street).

The map below indicates the areas of road reserve (following the footpaths) to be included as part of Monument Hill leaving a 1.5m x 1.5m truncation on each of the three corners. The amalgamation will increase the total size of Reserve No. 9335 from 36940m² (with an additional 4126m²) to approximately 41066m².

The process will require a partial road closure in accordance with Sections 58 of the *Land Administration Act 1997* (LAA) with an advertising period of 35 days.

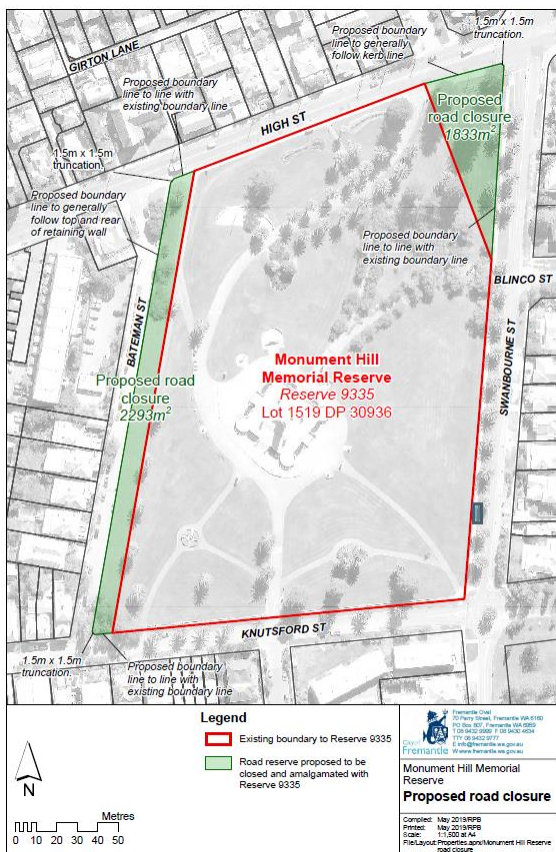


Figure 1 - Map showing the proposed areas for amalgamation with Reserve No. 9335

This report recommends that;

1. Council, in accordance with Sections 58 of the *Land Administration Act 1997*, approve the advertising of the proposed partial road closures of a portion of Bateman Street, Fremantle (approximately 2293m²) and a portion of Swanbourne Street, Fremantle (approximately 1833m²) for the purpose of amalgamation with Reserve No. 9335 being Lot 1519 on Deposited Plan No. 30936, and subject to no objections being received:
 - a. Support the proposal, and apply to the Minister for Lands to close and amalgamate portions of Bateman and Swanbourne Streets, described in part 1 leaving a 1.5m x 1.5m truncation on each of the three corners, as road reserve; and
 - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the closure and amalgamation.

BACKGROUND

Originally the land contained within the current day Reserve No. 9335 had an obelisk constructed at the summit in 1874 for the purposed of a “trig” providing a service to surveyors and navigators (known as Obelisk Hill). A map dated in the 1880s (see figure 2) appears to have similar boundary lines as we see today with a triangular portion left as road reserve.

The land was vested as a reserve for the purpose of a public park on 20 July 1904 under the name of “Obelisk Reserve”. The obelisk was replaced by the War Memorial in honour of Fallen Soldiers’ and Sailors’ with an unveiling ceremony on 11 November 1928.



Figure 2 - Map dated around 1880 showing little change to the current boundary lines.

Over time the landscaping encroached onto both the road reserves at the north eastern corner of Swanbourne Street and Bateman Street between Knutsford Street and High

Street on the western side of the reserve. This report proposes to formalise and protect the landscaped lawns and gardens by incorporating them into the Monument Hill Memorial Reserve.

FINANCIAL IMPLICATIONS

Upon receipt of a Council resolution to close the subject portions of road reserve for amalgamation into the 'A' class Reserve No. 9335 – the Minister for Lands will enact Section 42 of the *Land Administration Act 1997*. In accordance with Section 42 LAA, the Minister is required to advertise the proposal in a State circulated newspaper (Western Australian). The Minister will invoice the City of Fremantle with the cost of the advertising. The DPLH has provided the cost of their last two advertisements being between \$900.00 and \$1,200.00. As the City's advertisement would be short, the estimation would be toward the lower figure.

In addition the Minister requires the City to supply a boundary survey. The City's Surveyors have confirmed that no previous boundary survey is in existence. Therefore the subject areas including the proposed truncations will require on-site pegging in order to prepare a Deposited Plan showing the new lot with the surveyed portions amalgamated into Reserve No. 9335.

The following estimations for advertising and survey costs are noted below:

- The cost of the proposed advertisement at a minimum number of words is estimated at approximately \$900.00 - \$1,000.00.
- The cost of a Land Survey and Deposited Plan is estimated at approximately \$5,120.00 plus GST.

LEGAL IMPLICATIONS

The proposed partial road closure and amalgamation is in accordance with Section 58 (partial or whole public road closures) of the *Land Administration Act 1997 (LAA)*.

All public road closures for the purpose of amalgamation with an adjoining property require a 35 day public comment period before being submitted to the Department of Planning, Lands and Heritage (DPLH), in accordance with Section 58 of the *LAA*.

CONSULTATION

In accordance with Sections 58 of the *LAA*, the City will carry out public advertising for a period of not less than 35 days by:

- Advertising in the Fremantle Herald (NewsBites)
- Public Comment invited on the City's 'My Say' webpage
- Writing to public utility service providers for comments

Subject to no objections received after the 35 days, Council may make a final decision regarding the proposal in order to save a second unnecessary report to Council.

The City has conducted initial 'Dial Before You Dig' enquiries on 24 April 2019 to subject areas of Swanbourne Street and Bateman Street, Fremantle. The enquiry identified assets located in the vicinity of the subject area with comments from the agencies tabled below.

Swanbourne Street	
Atco Gas	Has assets in the vicinity of the subject area
Western Power	Underground power noted within the subject area
NBN Services	Has 'Inactive Plans' the vicinity of the subject area
Pipe Networks (TPG)	Has telecommunications network infrastructure contained within the Telstra duct network
Water Corporation	Has assets in the vicinity
Telstra	No response – however known assets in the vicinity

Bateman Street	
Atco Gas	Assets are present at the corner of Bateman Street and High
Western Power	Has assets in the vicinity
NBN Services	Has assets in the vicinity
Focus Communications	Has assets in the vicinity
Water Corporation	Has assets in the vicinity
Telstra	No response – require a payment for plans
Pipe Networks (TPG)	Telstra assets affected and found on the Telstra duct Network Plans
BP Refinery Kwinana	No pipelines are located within the nominated area

OFFICER COMMENT

The portions of road reserve proposed for closure and amalgamation will correct the long standing encroachment of the Monument Hill reserve into the roadway. The proposed boundary re-alignment will follow and protect the current landscaping for inclusion into the Monument Hill 'A' Class reserve.

The initial Dial Before You Dig searches have identified assets in the vicinity of the proposed road closures. The formal advertising process will provide further information with regard to assets which has existed over the landscaped road reserve for many years. Therefore the public utility assets are not considered to be an impediment to the proposed road closures and amalgamation as shown in Figure 1.

From a Heritage perspective the proposed boundary amendments is considered an improvement. The correction would bring the Monument Hill boundaries into alignment with the Heritage Council's state registered boundaries.

The City's Principal Engineer requires that a 1.5m x 1.5m truncation be provided at all three corners.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. Council, in accordance with Sections 58 of the *Land Administration Act 1997*, approve the advertising of the proposed partial road closures of a portion of Bateman Street, Fremantle (approximately 2293m²) and a portion of Swanbourne Street, Fremantle (approximately 1833m²) for the purpose of amalgamation with Reserve No. 9335 being Lot 1519 on Deposited Plan No. 30936, and subject to no objections being received:
 - a. Support the proposal, and apply to the Minister for Lands to close and amalgamate portions of Bateman and Swanbourne Streets, described in part 1 leaving a 1.5m x 1.5m truncation on each of the three corners, as road reserve; and**
 - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the closure and amalgamation.****

FPOL1906-6 BUDGET AMENDMENTS - MAY 2019

Meeting Date: 12 June 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

To adopt various budget amendments to the 2018/2019 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2018/19 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2018/2019 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

1. Consider an additional purpose, or grant acceptance or release of quarantined funds.
2. Reflect any expenditure above the budget amount agreed by the CEO in the previous month, and to adjust other accounts to accommodate the value of these.
3. Make amendments to the carried forward budget to reflect the final position at the end of financial year.

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31st August each year.

Section 6.8 (1) and (2)

The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred;

(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and

(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1st January and 31st March each year.

CONSULTATION

There are no community engagement implications as a result of this report.

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2018/2019 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

The proposed budget amendments below are for expenditure for an additional purpose to be determined by Council as required by S6.8 (1) (b) of the Act. The decision will amend the budget by creating a new budget account number to accommodate that proposed expenditure, and by transferring the required funds from one or more existing accounts to the new account.

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decrease	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
1.1	N/A					

2. Budget amendments for proposed expenditure for a purpose identified within the budget for which there are insufficient funds allocated

CEO has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there is insufficient funds allocated, where:

- a) The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount, and

- b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

The budget amendments below are to reflect any expenditure above the budget amount agreed by the CEO during the previous month, and to adjust other accounts to accommodate the value of those.

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.1	Increase budget for Solar panels project by \$25,400 due to additional grant income being received from 1. Sport Australia's Move It AUS for \$20,500 and 2. North Fremantle Associated Clubs (Gil Fraser) for \$4,900					
	300012.1606	P-11806 Program-Solar panels	(\$12,000)		(\$25,400)	(\$37,400)
	300012.4386	P-11806 Program-Solar panels	\$0	\$4,900		\$4,900
	300012.4222	P-11806 Program-Solar panels	\$0	\$20,500		\$20,500
2.2	The original budget was allocated as one operating project, however was subsequently split into 2 - bushfire management plan and tracks and fence works (capital). The budget allocation is now being reallocated between operating and capital project to reflect actual costs. The balance of the Stage 1 track works will be complete in July 2019 and will be included as a carried forward project.					
	200465.6824	P-11707 Plan-Samson Memorial Park management plan - Operating	(\$15,000)		\$7,870	(\$7,130)
	300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial – Capital	(\$50,000)		(\$7,870)	(\$57,870)
2.3	Original capital project was a combination of City of Fremantle, City of Cockburn and Main Roads budget funds. The project is now complete and the cost is being reallocated to reflect the actual costing including allocation of City of Cockburn works component to operating as the works are not a capital asset of the City. The overall project resulted in a savings of municipal funds of \$13,299 which has been allocated to end of year surplus.					
	300017.1606	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Exp	(\$116,598)		\$91,473	(\$25,125)
	300017.4214	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$79,398	(\$79,398)		\$0
	300017.4217	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$24,800	(\$12,300)		\$12,500
	300018.1606	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Exp	(\$41,600)		\$21,157	(\$20,443)
	300018.4217	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Income	\$27,733	(\$20,933)		\$6,800
	100628.4388	Undertake Private Works – Engineering – Operating Income	\$11,000	\$84,000		\$95,000
	100628.6865	Undertake Private Works –	(\$5,000)		\$5,000	\$0

		Engineering – Operating Exp				
	100628.6823	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		(\$75,700)	(\$80,700)
	999999.9999	End of Year Surplus	(\$50,000)	(\$13,299)		(\$63,299)
2.4	Additional budget of \$56,150 required for P-11748 Plan-Depot contamination investigation. Actual cost is over the pre-tender estimate as the preliminary site investigation highlighted the full magnitude of the detailed site investigation and costs required. This project will be part of carried forward. Additional budget of \$20,778 required for P-11079 Monument Hill footpath as budget amount allocated was not sufficient to cover the project objective. Being funded from Bathers Beach project and from end of year surplus.					
	200467.6824	P-11748 Plan-Depot contamination investigation	(\$110,000)		(\$56,150)	(\$166,150)
	300009.1606	P-11017 Design and construct-Bathers Beach boardwalk	(\$30,000)		\$30,000	\$0
	300020.1606	P-11079 Design and construct-Monument Hill footpath	(\$36,000)		(\$20,778)	(\$56,778)
	999999.9999	End of Year Surplus	(\$63,299)	\$46,928		\$16,371
2.5	Additional budget of \$5,663 requested for Project 10212 Install-Gil Fraser Oval shed for additional works which is funded from additional grants income from North Fremantle Associated Clubs.					
	300001.1606	P-10212 Install-Gil Fraser Oval shed	(\$55,455)		(\$5,663)	(\$61,118)
	300001.4222	P-10212 Install-Gil Fraser Oval shed	\$35,455	\$5,663		\$41,118

2. Carried forward projects estimate budget amendments

The budget amendments below are to adjust the carried forward project estimates and to amend the carried forward budget to reflect the final position at the end of financial year.

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decrease	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
3.1	N/A					

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council approves the required budget amendments to the adopted budget for 2018/2019 as outlined below:

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.1	Increase budget for Solar panels project by \$25,400 due to additional grant income being received from 1. Sport Australia's Move It AUS for \$20,500 and 2. North Fremantle Associated Clubs (Gil Fraser) for \$4,900					
	300012.1606	P-11806 Program-Solar panels	(\$12,000)		(\$25,400)	(\$37,400)
	300012.4386	P-11806 Program-Solar panels	\$0	\$4,900		\$4,900
	300012.4222	P-11806 Program-Solar panels	\$0	\$20,500		\$20,500
2.2	The original budget was allocated as one operating project, however was subsequently split into 2 - bushfire management plan and tracks and fence works (capital). The budget allocation is now being reallocated between operating and capital project to reflect actual costs. The balance of the Stage 1 track works will be complete in July 2019 and will be included as a carried forward project.					
	200465.6824	P-11707 Plan-Samson Memorial Park management plan - Operating	(\$15,000)		\$7,870	(\$7,130)
	300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial – Capital	(\$50,000)		(\$7,870)	(\$57,870)
2.3	Original capital project was a combination of City of Fremantle, City of Cockburn and Main Roads budget funds. The project is now complete and the cost is being reallocated to reflect the actual costing including allocation of City of Cockburn works component to operating as the works are not a capital asset of the City. The overall project resulted in a savings of municipal funds of \$13,299 which has been allocated to end of year surplus.					
	300017.1606	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Exp	(\$116,598)		\$91,473	(\$25,125)
	300017.4214	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$79,398	(\$79,398)		\$0
	300017.4217	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$24,800	(\$12,300)		\$12,500
	300018.1606	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Exp	(\$41,600)		\$21,157	(\$20,443)
	300018.4217	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Income	\$27,733	(\$20,933)		\$6,800
	100628.4388	Undertake Private Works – Engineering – Operating Income	\$11,000	\$84,000		\$95,000
	100628.6865	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		\$5,000	\$0
	100628.6823	Undertake Private Works –	(\$5,000)		(\$75,700)	(\$80,700)

		Engineering – Operating Exp				
	999999.9999	End of Year Surplus	(\$50,000)	(\$13,299)		(\$63,299)
2.4	<p>Additional budget of \$56,150 required for P-11748 Plan-Depot contamination investigation. Actual cost is over the pre-tender estimate as the preliminary site investigation highlighted the full magnitude of the detailed site investigation and costs required. This project will be part of carried forward. Additional budget of \$20,778 required for P-11079 Monument Hill footpath as budget amount allocated was not sufficient to cover the project objective. Being funded from Bathers Beach project and from end of year surplus.</p>					
	200467.6824	P-11748 Plan-Depot contamination investigation	(\$110,000)		(\$56,150)	(\$166,150)
	300009.1606	P-11017 Design and construct-Bathers Beach boardwalk	(\$30,000)		\$30,000	\$0
	300020.1606	P-11079 Design and construct-Monument Hill footpath	(\$36,000)		(\$20,778)	(\$56,778)
	999999.9999	End of Year Surplus	(\$63,299)	\$46,928		\$16,371
2.5	<p>Additional budget of \$5,663 requested for Project 10212 Install-Gil Fraser Oval shed for additional works which is funded from additional grants income from North Fremantle Associated Clubs.</p>					
	300001.1606	P-10212 Install-Gil Fraser Oval shed	(\$55,455)		(\$5,663)	(\$61,118)
	300001.4222	P-10212 Install-Gil Fraser Oval shed	\$35,455	\$5,663		\$41,118

FPOL1906-7 DELEGATED AUTHORITY REGISTER REVIEW

Meeting Date: 12 June 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

Council is required to undertake a review of all delegated authority each financial year. All delegations have been reviewed to ensure that the Chief Executive Officer (CEO), Officers and Committees have the discretion to exercise delegated authority under the relevant legislation.

In order to meet the City's legislative requirements it is recommended that Council acknowledge that a review has been undertaken and adopt the Delegated Authority Register 2019/2020.

This report recommends that Council:

- 1. Revoke all delegated authority contained within the Delegated Authority Register 2018/2019**
- 2. Adopt all delegated authority contained in the Delegated Authority Register 2019/2020 as included below.**
- 3. Adopt the Execution of documents Policy as included below.**

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the register of delegations at least once every financial year. The City's current Delegated Authority Register was last review and adopted by Council on 27 June 2018.

In addition to the adoption of the Delegated Authority Register it is recommended that the City adopt an Execution of Documents Policy. The *Local Government Act 1995* requires Council, by resolution, to authorise officers to sign documents on its behalf. However, the Act does not allow the Chief Executive Officer to sub-delegate that authority so the authorisation must come directly from Council to officers and a policy is considered to be the most efficient way to capture the requirements of Council in this authorisation.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.

LEGAL IMPLICATIONS

Sections 5.42 and 5.44 of the Act, prescribes that Council may delegate certain powers and duties to the Chief Executive Officer and other officers. A delegation authorises

persons or class of persons to exercise powers that the Council would ordinarily exercise. The City of Fremantle has established a Delegated Authority Register to improve the timeliness and efficiency of decision making for stakeholders.

In some instances Acts and Regulations require Council to make a direct appointment to a person or class of persons. For example, the *Food Act 2008* is an Act that allows an Enforcement Agency (Local Government) to delegate authority but does not allow the ability for the Chief Executive Officer to sub-delegate that authority.

In addition, where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government for example: The *Environmental Protection Act 1986* allows for the appointment by the Chief Executive Officer of the Department of Environment Regulation to grant delegated authority direct to local government Environmental Health Officers. The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the appointment is advertised in the Government Gazette.

Where an officer of the local government is able to exercise a power under an Act or Regulation but has no discretion in how that power is exercised, officers are able to carry out that power without having a written delegation from Council. This is known as “acting through”. For example, if a provision of an Act specified that a local government must refuse an application that does not contain the applicants’ name, there is no need for the Council to provide delegation to officers to refuse applications for this reason as officers are unable to exercise any discretion, they must refuse the application.

CONSULTATION

Internal consultation was undertaken with all Directors and relevant Managers to ensure accuracy and address all ‘best practice’ needs.

OFFICER COMMENT

A thorough review has been undertaken of the City's Delegated Authority Register with the intention of producing an up to date, comprehensive and workable register that complies with relevant legislation and meets the operational needs of the City of Fremantle.

The only major amendments to the Delegated Authority Register recommended during this review are as follows:

1. The expansion of powers to the:
 - Finance, Policy, Operations and Legislation Committee,
 - Planning Committee
 - Strategic Planning and Transport Committee.

It is anticipated that the broadening of powers will improve the ease of decision making for council. This amendment will not change the ability of two committee members to request that a decision of committee be determined formally at Council.

Additional minor amendments recommended during this review are as follows:

2. The replacement of the delegated authority to execute documents on behalf of the city with a policy authorising officers.

The Act requires Council, by resolution, to authorise officers to sign documents on its behalf. However, the Act does not allow the Chief Executive Officer to sub-delegate this authority; therefore authorisation through policy is considered to be the most efficient way to capture the requirements of Council in this authorisation.

The policy intends to provide guidance on the appropriate method of execution for the City's documents and ensures that the City's common seal is applied and documents executed in accordance with the provisions of the Act.

Minor amendments to the Delegated Authority Register recommended during this review are as follows:

- Improved formatting and language/sentence structure.
- Improved delegation headings to provide clarity on the actual function included in the delegation.
- Correction of any spelling and grammatical errors.
- Updated numbering as necessary.
- Clarification and correction of legislative references.

The table below details the recommended changes to the Delegated Authority Register 2019/2020.

Table of Amendments		
Delegated authority register 2018/2019	Delegated authority register 2019/2020	Comment /Changes made
Delegations to Committees of Council (Part 1)		
1.1 FPOL Committee	1.1 Delegated Committees of Council	It is anticipated that the broadening of powers will improve the ease of decision making for council and that the combination of the separate delegations will standardise and improve consistency and clarity.
1.2 Planning Committee		
1.3 SPT Committee		
Delegations to the Chief Executive Officer (Part 2)		
2.3 Power to defer, grant concessions, waive or write off debts	2.3 Defer payment, grant a concession, waive fees and write off debts	Amended the title to provide clarity on the actual function. And CEO limits have been aligned with current expenditure for the purpose of effective and consistent management of the City.
2.4 Disposing of property	2.4 Disposing of property	CEO limits have been aligned with current expenditure for the purpose of effective and consistent management of the City.
2.23 Execution of documents	2.23 Execution of documents (Deleted)	Recommended for deletion and the adoption of a policy as the power cannot be sub delegated and the policy is intended to offer clarity and provide further guidance.
Statutory delegations – other legislation (Part 3)		

3.22 Local Planning Scheme – Development Control	3.22 Local Planning Scheme – Development Control	<p>To add the following wording shown in italics: The application involves a demolition to a building (<i>excluding an outbuilding, incidental structure or minor addition</i>) on the City of Fremantle Heritage List or in a Heritage Area.</p> <p>The use of the word building could be interpreted as any building or structure on a site. However, a large number of applications include demolition of a minor building or structure (like an outbuilding or a lean to) or a minor addition that does not need to go to Planning Committee for determination.</p>
Administrative changes		
All	Improved formatting to simplify layout and improve clarity.	
Where appropriate	Update all numbering as needed.	
Where appropriate	Minor sentence structure changes to improve readability and consistency.	
Where appropriate	Amend table lay out to improve readability and consistency.	
All	<p>Include the following wording in all limitations on delegations and sub delegations:</p> <p><i>‘All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions’.</i></p> <p>A broader reference ensures use of the delegation must be consistent with all Council and Administration policy and relevant legislation.</p>	
All	<p>Include the following wording in the reporting requirements section,</p> <p><i>‘Use of this delegation:</i></p> <p style="padding-left: 40px;"><i>1. ‘Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.’</i></p> <p>To improve consistency and ensure the capture of use of delegation in the city’s record keeping system.</p>	
Where appropriate	Update to officers titles.	

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Revoke all delegated authority contained within the Delegated Authority Register 2018/2019**

2. **Adopt all delegated authority contained in the Delegated Authority Register 2019/2020 as included below.**
3. **Adopt the Execution of documents Policy as included below.**

Register of delegated authority

Local government to Chief Executive Officer and committees

2019 - 2020

Explanation notes

General

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to officers.

Limits on delegations to the Chief

Executive Officer

Section 5.43

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The register details the related document(s) where the power to delegate is derived from. This

delegated authority register will be reviewed in accordance with the Act on an annual basis.

Councils understanding

It is that by delegating its authority it is granting sufficient power to enable the City's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

Legislation

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the council must be by absolute majority decision {S5.42 (1)}.

Associated legislation

Legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Building Act 2011* and associated regulations;
- *Bush Fires Act 1954* and associated regulations;
- *Cat Act 2011* and associated regulations;
- *Caravan Parks and Camping Grounds Act 1955* and associated regulations;
- City of Fremantle Local Laws;
- *Control of Vehicles (Off-Road Areas) Act 1978* and associated regulations;
- *Dog Act 1976* and associated regulations;
- Local Planning Scheme No. 4;
- *Environmental Protection Act 2005* and associated regulations;
- *Food Act 2008* and associated regulations;
- *Freedom of Information Act 1992* and regulations;
- *Health Act 1911* and associated regulations;
- *Land Administration Act 1997* and associated regulations;
- *Litter Act 1979* and associated regulations;

- *Local Government (Miscellaneous Provisions) Act 1960* and associated regulations;
- *Planning and Development Act 2005* and associated regulations;
- *Spear-guns Control Act 1955*;
- *Strata Titles Act 1985* and associated regulations;

Acting through another person

Section 5.45

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

- (a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
- (b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right, as though he or she were the original decision maker. Alternatively, where a person is ‘acting through’ they are making a decision as previously instructed.

The difference between a delegated authority to exercise discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states:

56. “May” imports a discretion, “shall” is imperative

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

The City’s Delegated Authority and Authorisations Management Procedure should be read in conjunction with this

Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee

{S5.44 (1)}. This must be done in writing {S5.44 (2)} The Act allows for the Chief Executive Officer to place Limitations on any delegations if desired {S 5.44 (4)}

Transfer of authority due to absence

Where an officer has been appointed to act in a delegated position in the absence of the usual officer, the authority shall transfer to the officer acting as appointed, for the duration of the authorisation.

Register of, and records relevant to delegations Section 5.46

A register of delegations is to be kept and reviewed at least once every financial year. If an officer is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The onus is on the officer exercising delegated authority to ensure that a record is made.

A person to whom a power is delegated under the Act is considered to be a ‘designated employee’ under S 5.74(b) of the Act and is required to complete a primary and annual return each year. There is no power for a person other than the Chief Executive Officer to delegate a power {S 5.44 (1)}.

Authority to amend the Delegated Authority Register

The Manager Governance is authorised to effect non-substantive changes to the Delegated Authority Register to reflect:

- (a) *Changes to titles of positions; and,*
- (b) *the deletion of positions.*

1.1 Delegated Committees of Council			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the</p> <ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee <p>all of the functions and powers, delegable by a local government, to make decisions on behalf of council, except any power or duty that requires a decision of an absolute majority or a 75% majority of the local government, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>City of Fremantle Local Planning Scheme No. 4</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p>Section</p> <p>5.16 and 5.17</p> <p><i>Local Government Act 1995 section 5.42</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></p> </td> </tr> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>City of Fremantle Local Planning Scheme No. 4</i></p>	<p>Section</p> <p>5.16 and 5.17</p> <p><i>Local Government Act 1995 section 5.42</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>City of Fremantle Local Planning Scheme No. 4</i></p>	<p>Section</p> <p>5.16 and 5.17</p> <p><i>Local Government Act 1995 section 5.42</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></p>		
Delegated to:	<ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee 		
Limitations:	<p>The Finance, Policy, Operations and Legislation Committee, Planning Committee and Strategic Planning and Transport Committee are delegated all of the powers and functions of the local government in accordance with the following limitations:</p> <ol style="list-style-type: none"> 1. A decision of committee can only be made by the votes of at least five members of the committee. 2. When approving leases of council property: <ol style="list-style-type: none"> a. the term must not exceed ten (10) years, b. the disposal must be in accordance with Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i>. 3. When approving closure of council carparks, the closure must not exceed fourteen (14) days. 4. When accepting or declining to accept tenders, they must be within budget and not exceed a value of \$250,000. 5. may not determine final approval for: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments </td> </tr> </table> 	<ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans 	<ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments
<ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans 	<ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments 		
Power to sub delegate:	Nil		
Reporting requirements			
All Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.			

2.1 Administration of local laws				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to administer the City's local laws in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>	Section 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.2 Investing and managing investments				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose. 2. Establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.42, 5.43 and 6.14(1) Regulation 19</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	Section 5.42, 5.43 and 6.14(1) Regulation 19
Legislation <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	Section 5.42, 5.43 and 6.14(1) Regulation 19			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be presented in a report to each monthly Council meeting. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.3 Defer payment, grant a concession, waive fees and write off debts													
Delegator:	Council												
Date adopted:													
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 5.42, 5.43, and 6.2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p> <p>Note: Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</p>	Legislation <i>Local Government Act 1995</i>		Section 5.42, 5.43, and 6.2									
Legislation <i>Local Government Act 1995</i>		Section 5.42, 5.43, and 6.2											
Delegated to:	Chief Executive Officer												
Limitations on delegation:	<p>Where all reasonable avenues of recovery have been exhausted the Chief Executive Officer may, up to the maximum amount indicated below:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Defer Payment of a debt:</td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 25%; text-align: right;">\$500,000.00</td> </tr> <tr> <td>Waive or grant a concession (discount):</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$100,000.00</td> </tr> <tr> <td>Write – Off a debt other than an infringement debt:</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$100,000.00</td> </tr> <tr> <td>Write – Off an infringement debt:</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$10,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Defer Payment of a debt:		\$500,000.00	Waive or grant a concession (discount):		\$100,000.00	Write – Off a debt other than an infringement debt:		\$100,000.00	Write – Off an infringement debt:		\$10,000.00
Defer Payment of a debt:		\$500,000.00											
Waive or grant a concession (discount):		\$100,000.00											
Write – Off a debt other than an infringement debt:		\$100,000.00											
Write – Off an infringement debt:		\$10,000.00											
Power to sub delegate:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>		Section 5.44									
Legislation <i>Local Government Act 1995</i>		Section 5.44											
Reporting requirements													
<p>Use of this delegation,</p> <ol style="list-style-type: none"> 1. When waiving or writing off debts valued at \$1000 or above per debtor this must be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 													

2.4 Disposing of property					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. dispose of property to: <ol style="list-style-type: none"> a) the highest bidder at public auction or b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender 2. dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act. (give public notice and consider submissions). 3. dispose of property excluded from s. 3.58 of the Act. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42, 5.43 , 3.58(2) and (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43 , 3.58(2) and (3)
Legislation	Section				
<i>Local Government Act 1995</i>	5.42, 5.43 , 3.58(2) and (3)				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<p>The Chief Executive Officer may approve leases of council property where:</p> <ol style="list-style-type: none"> 1. The key lease terms and performance criteria have been agreed by council; or <ol style="list-style-type: none"> a. the lease is not for a period greater than six months (short term lease only); or b. the lease agreement does not require a business plan; or c. the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and d. the lease is in accordance with relevant council policies. <p>The Chief Executive Officer may, up to the maximum amount indicated below:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Approve disposals of land:</td> <td style="width: 30%; text-align: right;">\$50,000.00</td> </tr> <tr> <td>Approve disposals of property other than land</td> <td style="text-align: right;">\$20,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Approve disposals of land:	\$50,000.00	Approve disposals of property other than land	\$20,000.00
Approve disposals of land:	\$50,000.00				
Approve disposals of property other than land	\$20,000.00				
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44
Legislation	Section				
<i>Local Government Act 1995</i>	5.44				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Must be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					

2.5 Payments from municipal or trust fund				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make payments from the municipal or trust fund in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p>
<p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p>			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be presented in a report to each monthly council meeting. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.6 Determine grants and sponsorship allocations				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine allocation of the City's grants, and sponsorships in accordance:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section 5.42 and 5.43 Regulation 12(1)(a)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section 5.42 and 5.43 Regulation 12(1)(a)</p>
<p>Legislation <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section 5.42 and 5.43 Regulation 12(1)(a)</p>			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.7 Agreements for payment of rates and service				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make an agreement with a person for the payment of rates or services charges.</p> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.42, 5.43 and 6.49</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.49
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.49			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section Section 5.44		
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.8 Require lessee to pay rent in satisfaction of rates or services charge				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government. 2. Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice. <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.42, 5.43, 6.60(2) and (4)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.60(2) and (4)
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.60(2) and (4)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.9 Objection to rate record - objection and review				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.</p> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.42, 5.43, 6.76(4) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle</p>		Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.76(4) and (5)
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.76(4) and (5)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.10 Rate exemptions				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine applications for rate exemptions in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.42, 5.43 and 6.26</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.26
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.26			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub-delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements				
Use of this delegation:				
1. Is to be reported to the Audit and Risk Management Committee.				
2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.11 Expressions of interest and tenders			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> 1. To call tenders. 2. To call tenders for the disposal of impounded goods. 3. To invite tenders though not required to do so. 4. The criteria for accepted tenders. 5. To vary tender information after public notice of invitation to tender and before the close of tenders. 6. Seek clarification from tenderers in relation to information contained in their tender submission. 7. To evaluate tenders and decide which is the most advantageous. 8. To accept or reject tenders. 9. To decline any tender. 10. Minor variations before entering into a contract. 11. To accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract. 12. When to seek expressions of interest and to invite expressions of interest to supply goods or services. 13. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers. <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Sections 3.57, 3.47, 5.42 and 5.43 Regulations 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Sections 3.57, 3.47, 5.42 and 5.43 Regulations 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>
<p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Sections 3.57, 3.47, 5.42 and 5.43 Regulations 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<ol style="list-style-type: none"> 1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers. 2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget. 3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies. 4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
Use of this delegation:			
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

2.12 Sole supplier of goods and services				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority:</p> <ol style="list-style-type: none"> 1. To determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p>Section 5.42 and 5.43 Regulation 11(2)(f)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Section 5.42 and 5.43 Regulation 11(2)(f)</p>
<p>Legislation <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Section 5.42 and 5.43 Regulation 11(2)(f)</p>			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> 1. The final amount spent does not exceed \$50 000. 2. adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and 3. Sufficient investigation into the use of potential substitute goods or services has been undertaken. 4. Determinations to be reported to the Audit and Risk Management Committee at least annually. 5. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 			
Power to sub delegate:	<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>		
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.13 Appointment of Acting Chief Executive Officer					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to appoint an Acting Chief Executive Officer in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 5.36, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>		Section 5.36, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 5.36, 5.42 and 5.43			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<ol style="list-style-type: none"> 1. The employee being a director. 2. Appointments being no longer than six weeks. 3. Council members are to be advised of Acting Chief Executive Officer. 4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 				
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 5.44</td> </tr> </table>		Legislation <i>Local Government Act 1995</i>		Section 5.44
Legislation <i>Local Government Act 1995</i>		Section 5.44			
Reporting Requirements					
Use of this delegation:					
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					

2.14 Appoint authorised persons					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>		Section 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2
Legislation <i>Local Government Act 1995</i>		Section 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 5.44</td> </tr> </table>		Legislation <i>Local Government Act 1995</i>		Section 5.44
Legislation <i>Local Government Act 1995</i>		Section 5.44			
Reporting Requirements					
Use of this delegation:					
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					

2.15 Additional powers when notice is given to the owner or occupier of land under Section 3.25					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do anything necessary to achieve the purpose for which a notice has been given and to recover costs associated with achieving the purpose for which a notice has been given, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 3.26, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>		Section 3.26, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 3.26, 5.42 and 5.43			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.16 Particular things local governments can do on land that is not local government property					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;">Section 3.27, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>		Section 3.27, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 3.27, 5.42 and 5.43			
Delegated to:	Chief Executive Officer				
Limitations delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.17 Crossing from public thoroughfare to private land or private thoroughfare			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land. 2. give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p>Section Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p>	<p>Section Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>
<p>Legislation Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p>	<p>Section Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>		
Delegated to:	Chief Executive Officer		
Limitations delegation:	<ol style="list-style-type: none"> 1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996. 2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p>Section 5.44</p> </td> </tr> </table>	<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>
<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

2.18 Powers of entry				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. enter on to land to perform any function of the local government under the Act. 2. give a notice of entry. 3. seek and execute an entry under warrant. 4. execute entry in an emergency. 5. give notice and effect entry by opening a fence. <p>in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;">Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>		Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>		Section 5.44
Legislation <i>Local Government Act 1995</i>		Section 5.44		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.19 Disposing of confiscated or uncollected goods				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to sell or otherwise dispose of confiscated or uncollected goods and to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;">Section 3.47, 3.48 3.58 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>		Section 3.47, 3.48 3.58 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 3.47, 3.48 3.58 5.42 and 5.43		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>		Section 5.44
Legislation <i>Local Government Act 1995</i>		Section 5.44		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

2.20 Disposal of sick or injured animals			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to destroy and dispose of an animal that is determined to be too sick or injured to treat, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 3.47A(1), 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 3.47A(1), 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 3.47A(1), 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.21 Close thoroughfares to vehicles			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles. 2. give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks. 3. where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made. <p>in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 3.50, 3.50(A), 3.51, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 3.50, 3.50(A), 3.51, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 3.50, 3.50(A), 3.51, 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.22 Reserves under control of local government					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do anything for the purposes of controlling and managing land that is vested in or under the management of the City, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;">Section 3.54, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i>		Section 3.54, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>		Section 3.54, 5.42 and 5.43			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44			
Reporting Requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.23 Dangerous excavations in or near public thoroughfares					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Legislation <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;">Section 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		Section 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6
Legislation <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		Section 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<ol style="list-style-type: none"> 1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 				
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.24 Private works on, over or under public places				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; vertical-align: top;"> </td> <td style="width: 45%; vertical-align: top;"> <p>Section Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p>		<p>Section Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p>
<p>Legislation <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p>		<p>Section Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p>		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	<p>Subject to:</p> <ol style="list-style-type: none"> 1. Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>. 2. That due process for the issuing of a notice under section 3.25 of the Act is followed. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 			
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; vertical-align: top;"> </td> <td style="width: 45%; vertical-align: top;"> <p>Section 5.44</p> </td> </tr> </table>	<p>Legislation <i>Local Government Act 1995</i></p>		<p>Section 5.44</p>
<p>Legislation <i>Local Government Act 1995</i></p>		<p>Section 5.44</p>		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Bush Fires Act 1954

3.1 Bush Fires Act 1954 Powers, duties and functions of a local government				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Bush Fires Act 1954</i></p> </td> <td style="width: 5%; vertical-align: top;"> </td> <td style="width: 45%; vertical-align: top;"> <p>Section 48</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Bush Fires Act 1954</i></p>		<p>Section 48</p>
<p>Legislation <i>Bush Fires Act 1954</i></p>		<p>Section 48</p>		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> 1. Are prescribed in the Act with a requirement for a resolution of the local government. 2. Are prescribed by the Act for performance by designated officers. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 			
Power to sub delegate:	Nil.			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Food Act 2008

3.2 Food Act 2008 Appoint authorised and designated officers			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to appoint a person:</p> <ol style="list-style-type: none"> 1. To be an authorised officer for the purposes of the <i>Food Act 2008</i>. 2. To be a designated officer for the purposes of the <i>Food Act 2008</i>. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p>Section 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p>
<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	Nil.		
Reporting requirements			
Use of this delegation:			
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

3.3 Food Act 2008 Prohibition orders			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services and Senior Environmental Health Officer authority to determine:</p> <ol style="list-style-type: none"> 1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65]. 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices. 3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p>
<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p>		
Delegated to:	<p>Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer</p>		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

3.4 Food Act 2008 Prosecutions			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, and Senior Environmental Health Officer authority to institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> <p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; padding-left: 10px;"> <p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p>
<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p>		
Delegated to:	<p>Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer</p>		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

3.5 Food Act 2008 Registration of food businesses			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, Senior Environmental Health Officer and all Environmental Health Officers authority to:</p> <ol style="list-style-type: none"> 1. Determine applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration. 2. After considering an application, grant (with or without Limitations) or refuse the application. 3. Vary the Limitations or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i>. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p>
<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p>		
Delegated to:	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer All Environmental Health Officers		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	Nil.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

3.6 Food Act 2008 Determine compensation			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p>
<p>Legislation <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p>Section 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<ol style="list-style-type: none"> 1. The level of compensation to be paid in respect of any single claim is not to exceed \$5 000. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

Building Act 2011

3.7 Building Act 2011 Approve or refuse building permit										
Delegator:	Council									
Date adopted:										
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Grant a building permit. 2. Refuse a building permit. 3. Determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning. 4. Determine approval / refusal of battery powered smoke alarm and determine application form. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;">Legislation</th> <th style="text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>20, 27(1) and (3)</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Regulations 2012</i></td> <td>Regulation 55 and 61</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	20, 27(1) and (3)	<i>Building Regulations 2012</i>	Regulation 55 and 61
Legislation	Section									
<i>Building Act 2011</i>	127									
<i>Building Act 2011</i>	20, 27(1) and (3)									
<i>Building Regulations 2012</i>	Regulation 55 and 61									
Delegated to:	Chief Executive Officer									
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.									
Power to sub delegate:	Legislation <i>Building Act 2011</i>	Section 127(6A)								
Reporting requirements										
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 										

3.8 Building Act 2011 Approve or refuse demolition permit								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Grant a demolition permit. 2. Refuse a demolition permit. 3. Impose, vary or revoke Limitations on a demolition permit. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td>21, 27(1) and (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	21, 27(1) and (3)
Legislation	Section							
<i>Building Act 2011</i>	127							
<i>Building Act 2011</i>	21, 27(1) and (3)							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Building Act 2011</i>	Section 127(6A)						
Reporting requirements								
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 								

3.9 <i>Building Act 2011</i> Grant occupancy permit or building approval certificate					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. require an applicant to provide any document or information required in order to determine an application. 2. grant or modify an occupancy permit or building approval certificate. 3. impose, add, vary or revoke Limitations on an occupancy permit or building approval certificate. 4. the period in which an occupancy permit or modification, or building approval certificate has effect. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Building Act 2011</i> <i>Building Act 2011</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p>Section 127 58, 62(1) and (3)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p>Legislation <i>Building Act 2011</i> <i>Building Act 2011</i></p>		<p>Section 127 58, 62(1) and (3)</p>
<p>Legislation <i>Building Act 2011</i> <i>Building Act 2011</i></p>		<p>Section 127 58, 62(1) and (3)</p>			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<p>Legislation <i>Building Act 2011</i></p>	<p>Section 127(6A)</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					

3.10 <i>Building Act 2011</i> Designate authorised persons					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer authority to appoint 'authorised officers', in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedures Act 2004</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p>Section 127 Regulation 70(2) 9.10 and 9.16 6(b)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p>Legislation <i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedures Act 2004</i></p>		<p>Section 127 Regulation 70(2) 9.10 and 9.16 6(b)</p>
<p>Legislation <i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedures Act 2004</i></p>		<p>Section 127 Regulation 70(2) 9.10 and 9.16 6(b)</p>			
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<p>Legislation <i>Building Act 2011</i></p>	<p>Section 127(6A)</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					

3.11 <i>Building Act 2011</i> Issue and revocation of building orders							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Make building orders in relation to: <ol style="list-style-type: none"> a. Building work. b. Demolition work. c. An existing building or incidental structure. 2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)] 3. Revoke a building order [s.117]. 4. If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> a. Take any action specified in the order. b. Commence or complete any work specified in the order. c. If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118 (2)]. 5. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Initiate a prosecution pursuant to section 133(1) for noncompliance with a building order made pursuant to section 110 of the Building Act 2011. <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;">Legislation</th> <th style="text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)
Legislation	Section						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;">Legislation</th> <th style="text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127(6A)</td> </tr> </tbody> </table>	Legislation	Section	<i>Building Act 2011</i>	127(6A)		
Legislation	Section						
<i>Building Act 2011</i>	127(6A)						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 							

3.12 <i>Building Act 2011</i> Inspection and copies of building records								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer authority to determine an application from an interest person to inspect and copy a building record, in accordance with:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Building Act 2011</i></td> <td style="padding-left: 10px;">127</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Building Act 2011</i></td> <td style="padding-left: 10px;">131(2)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	131(2)
Legislation	Section							
<i>Building Act 2011</i>	127							
<i>Building Act 2011</i>	131(2)							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Building Act 2011</i>	Section 127(6A)						
Reporting requirements								
Use of this delegation:								
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.								

Litter Act 1979

3.13 Litter Act 1979 Withdrawal of infringement notices				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Director City Business • Manager Field Services • Team Leader Community Safety • Team Leader Parking <p>the authority to determine if an infringement is to be withdrawn; and to sign withdrawal notices sent under subsection 4 of the <i>Litter Act 1979</i>.</p> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%;">Legislation <i>Litter Act 1979</i></td> <td style="width: 10%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: center; width: 40%;">Section 30(4a)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Litter Act 1979</i>		Section 30(4a)
Legislation <i>Litter Act 1979</i>		Section 30(4a)		
Delegated to:	Chief Executive Officer Director City Business Manager Field Services Team Leader Community Safety Team Leader Parking			
Limitations on delegation:	<ol style="list-style-type: none"> 1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 			
Power to sub delegate:	Nil.			
Reporting requirements				
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Dog Act 1976

3.14 Dog Act 1976 Functions				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all the powers and duties of the local government under the <i>Dog Act 1976</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Legislation <i>Dog Act 1976</i></td> <td style="border: none; border-left: 1px solid black; padding-left: 10px;">Section 10AA</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Dog Act 1976</i>	Section 10AA
Legislation <i>Dog Act 1976</i>	Section 10AA			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Dog Act 1976</i>	Section 10AA(3)		
Reporting requirements				
Use of this delegation: <ol style="list-style-type: none"> Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Cat Act 2011

3.15 Cat Act 2011 Functions				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Cat Act 2011</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Legislation <i>Cat Act 2011</i></td> <td style="border: none; border-left: 1px solid black; padding-left: 10px;">Section 44</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Cat Act 2011</i>	Section 44
Legislation <i>Cat Act 2011</i>	Section 44			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Cat Act 2011</i>	Section 45		
Reporting requirements				
Use of this delegation: <ol style="list-style-type: none"> Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Caravan Parks and Camping Grounds Act 1995

3.16 Caravan Parks and Camping Grounds Act 1995 Authority to act as authorised persons			
Appointer:	Council		
Date adopted:			
Appointed function:	<p>Council appoints the:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Director City Business • Manager Field Services • Team Leader Compliance and Health • Senior Environmental Health Officer • All Environmental Health Officers • Team Leader Community Safety • All Community Safety Officers • All Security Officers <p>to act as an authorised person for the purposes of this Act as considered necessary.</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; vertical-align: top;"> <p>Legislation <i>Caravan Parks and Camping Grounds Act 1995</i> The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p> </td> <td style="width: 30%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section 17(1)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Caravan Parks and Camping Grounds Act 1995</i> The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p>	<p>Section 17(1)</p>
<p>Legislation <i>Caravan Parks and Camping Grounds Act 1995</i> The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p>	<p>Section 17(1)</p>		
Appointment:	<p>Chief Executive Officer Director City Business Manager Field Services Team Leader Compliance and Health Senior Environmental Health Officer All Environmental Health Officers Team Leader Community Safety All Community Safety Officers All Security Officers</p>		
Limitations on appointment:	<p>The following officers can perform all of the functions of an authorised person under the <i>Caravan Parks and Camping Grounds Act 1995</i> but for the purposes of infringement notices the following limits apply:</p> <p>In accordance with section 23(11) the following persons are authorised to extend and withdraw infringement notices under 23(5) and (7) of the <i>Caravan Parks and Camping Grounds Act 1995</i>, but must not issue infringement notices:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Director City Business • Manager Field Services • Team Leader Community Safety <p>In accordance with section 23(11) the following persons are authorised to issue infringement notices under section 23(2) of the <i>Caravan Parks and Camping Grounds Act 1995</i> but must not extend or withdraw infringement notices:</p> <ul style="list-style-type: none"> • Senior Environmental Health Officer • All Environmental Health Officers • Team Leader Compliance and Health • All Community Safety Officers • All Security Officers 		

	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Power to sub delegate:	Nil – <i>The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i>
Reporting requirements	
Use of this delegation: 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.	

Graffiti Vandalism Act 2016

3.17 Graffiti Vandalism Act 2016 Local government functions									
Delegator:	Council								
Date adopted:									
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>, including the appointment of authorised persons, in accordance with:</p> <table border="0"> <tr> <td style="vertical-align: top;">Legislation</td> <td style="vertical-align: top;">Section</td> </tr> <tr> <td><i>Graffiti Vandalism Act 2016</i></td> <td>15 and 16</td> </tr> <tr> <td><i>Graffiti Vandalism Act 2016</i></td> <td>Part 3</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>Part 9</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Graffiti Vandalism Act 2016</i>	15 and 16	<i>Graffiti Vandalism Act 2016</i>	Part 3	<i>Local Government Act 1995</i>	Part 9
Legislation	Section								
<i>Graffiti Vandalism Act 2016</i>	15 and 16								
<i>Graffiti Vandalism Act 2016</i>	Part 3								
<i>Local Government Act 1995</i>	Part 9								
Delegated to:	Chief Executive Officer								
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.								
Power to sub delegate:	<table border="0"> <tr> <td style="vertical-align: top;">Legislation</td> <td style="vertical-align: top;">Section</td> </tr> <tr> <td><i>Graffiti Vandalism Act 2016</i></td> <td>17</td> </tr> </table>	Legislation	Section	<i>Graffiti Vandalism Act 2016</i>	17				
Legislation	Section								
<i>Graffiti Vandalism Act 2016</i>	17								
Reporting requirements									
Use of this delegation: 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.									

Public Health Act 2016

3.18 Public Health Act 2016 Appoint authorised officers			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Appoint a qualified person to be an environmental health officer. 2. Designate environmental health officers (either as a person or class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act. 3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the Public Health Act 2016 or another specified Act. <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation <i>Public Health Act 2016</i> <i>Public Health Act 2016</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section 17, 24(1),(3) and (4) 21</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Public Health Act 2016</i> <i>Public Health Act 2016</i></p>	<p>Section 17, 24(1),(3) and (4) 21</p>
<p>Legislation <i>Public Health Act 2016</i> <i>Public Health Act 2016</i></p>	<p>Section 17, 24(1),(3) and (4) 21</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<ol style="list-style-type: none"> 1. The designation of authorised officers is to be in accordance with section 25 of the <i>Public Health Act 2016</i>. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			

Fines, Penalties and Infringement Notices Enforcement Act 1994

3.19 Fines, Penalties and Infringement Notices Enforcement Act 1994 Appointment of prosecution officers				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer authority to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"> <p>Legislation <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i></p> </td> <td style="width: 5%; border: none; text-align: center;"> </td> <td style="width: 35%; border: none;"> <p>Section 13 and 13(2)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i></p>		<p>Section 13 and 13(2)</p>
<p>Legislation <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i></p>		<p>Section 13 and 13(2)</p>		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Nil.			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Planning and Development Act 2005

3.20 Planning and Development Act 2005 Illegal development							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Legislation</td> <td style="border: none;">Section</td> </tr> <tr> <td style="border: none;"><i>Local Government Act 1995</i></td> <td style="border: none;">5.42</td> </tr> <tr> <td style="border: none;"><i>Planning and Development Act 2005</i></td> <td style="border: none;">214(2), (3) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development Act 2005</i>	214(2), (3) and (5)
Legislation	Section						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development Act 2005</i>	214(2), (3) and (5)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">Legislation</td> <td style="border: none;">Section</td> </tr> <tr> <td style="border: none;"><i>Local Government Act 1995</i></td> <td style="border: none;">5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44		
Legislation	Section						
<i>Local Government Act 1995</i>	5.44						
Reporting requirements							
Use of this delegation:							
<ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 							

City of Fremantle Local Planning Scheme No. 4

3.21 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to take action under part 13 of the <i>Planning and Development Act 2005</i> for any failure to comply with the provisions of Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). As well as the power to determine a position in respect to any mediation resulting from an application for review made under Part 14 of the <i>Planning and Development Act 2005</i> in response to a decision made under delegated authority; and</p> <p>The determination of the City's position with respect to any appeal to the State Administrative Tribunal on a decision made under delegated authority.</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Legislation <i>Planning and Development Act 2005</i></td> <td style="border-left: 1px solid black; width: 30%;">Section 13 and 14</td> </tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td> <td style="border-left: 1px solid black;">82</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Planning and Development Act 2005</i>	Section 13 and 14	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82
Legislation <i>Planning and Development Act 2005</i>	Section 13 and 14				
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Legislation Planning and development (Local Planning Schemes) Regulations 2015</td> <td style="border-left: 1px solid black; width: 30%;">Section 83</td> </tr> </table>	Legislation Planning and development (Local Planning Schemes) Regulations 2015	Section 83		
Legislation Planning and development (Local Planning Schemes) Regulations 2015	Section 83				
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

3.22 City of Fremantle Local Planning Scheme No. 4 Development Control								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> 1. applications for planning approval (including the exercise of discretion under Local Planning Scheme No. 4 and the Residential Design Codes); 2. all matters which arise out of the imposition of conditions on planning approvals; and 3. all matters delegated to the City of Fremantle under the <i>Planning and Development Act 2005</i>, or functions that the City is authorised to exercise under that Act. <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42 and 5.43</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>6.49</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Local Government Act 1995</i>	5.42 and 5.43	<i>Local Government Act 1995</i>	6.49
Legislation	Section							
<i>Local Government Act 1995</i>	5.42 and 5.43							
<i>Local Government Act 1995</i>	6.49							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44						
Reporting requirements								
Use of this delegation:								
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.								

Control of Vehicles (Off-road Areas) Act 1978

3.23 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer						
Appointer:	Council					
Date adopted:						
Appointed function:	<p>Council appoints the Manager Field Services, Team Leader Community Safety and all Community Safety Officers authority to act as an authorised officer for the purposes of this Act as considered necessary, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Control of Vehicles (Off-road Areas) Act 1978</i></td> <td>38(1)(c) and 38 (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Control of Vehicles (Off-road Areas) Act 1978</i>	38(1)(c) and 38 (3)
Legislation	Section					
<i>Control of Vehicles (Off-road Areas) Act 1978</i>	38(1)(c) and 38 (3)					
Appointment:	Manager Field Services Team Leader Community Safety All Community Safety Officers					
Limitations on appointment:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
Power to sub-delegate:	Nil					
Reporting requirements						
Use of this delegation:						
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements						

Health (Asbestos) Regulations 1992

3.24 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers				
Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer the appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Legislation <i>Health (Asbestos) Regulations 1992</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;">Section Regulation 15D(5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Health (Asbestos) Regulations 1992</i>		Section Regulation 15D(5)
Legislation <i>Health (Asbestos) Regulations 1992</i>		Section Regulation 15D(5)		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
power to Sub delegate:	Nil.			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

6.1 Ordinary Council Meeting - 22 August 2018 – Item SPT1808-2
Fremantle Oval - Indicative Development Plan

Fremantle Oval - Indicative Development Plan	
Delegator:	Council
Date adopted:	OCM - 22 August 2018
Authorised function:	<p>Authorises the Chief Executive Officer to negotiate a partnership approach with LandCorp, expressed through a Memorandum of Understanding (MoU) document, to further investigate the feasibility of developing the precinct in a manner that addresses the vision, goals, objectives and principles, with additional reference to:</p> <ul style="list-style-type: none"> a. ensuring that any future development will be subjected to planning objectives and controls derived from extending the application of the Local Planning Scheme into the oval precinct, as opposed to a new Redevelopment Scheme being imposed; b. the importance of creating a great public realm within the redevelopment area that is connected, legible, safe and draws its pattern, form and character from the cultural significance of the site and its surrounds. c. the MoU to reference the existing Steering and Reference Groups established by the Council, and the ongoing consultative roles these bodies will serve during the next stage; <p style="text-align: center;">Legislation Section <i>Local Government Act 1995:</i> 5.42</p> <p>For the purpose of effective management of the City of Fremantle.</p>
Delegated to:	Chief Executive Officer
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Power to sub delegate:	Nil
Reporting requirements	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 	

6.2 Special Council Meeting – 31 October 2018 – Item SCM1810-1

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library				
Delegator:	Council			
Date adopted:	SCM – 31 October 2018			
Authorised function:	<p>The Chief Executive Office is authorised to agree to any variation to the works under the construction contract entered into under paragraphs 3 or 4 of the Council Decision, provided that the single or cumulative upward adjustment to the contract sum does not exceed 5% of the contract sum.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Legislation <i>Local Government Act 1995:</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 35%;">Section 5.42</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995:</i>		Section 5.42
Legislation <i>Local Government Act 1995:</i>		Section 5.42		
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Nil			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 				

Execution of Documents

Policy scope

This policy provides guidance on the appropriate method of execution for the City's documents and ensures that the City's common seal is applied and documents executed in accordance with the provisions of the *Local Government Act 1995* (the Act).

According to the Act, s9.49A, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.

Policy statement

This policy applies to all City of Fremantle officers who have been authorised through the provisions of this policy to execute documents on behalf of Council.

Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining to those decisions.

In the case of:

1. Legislation;
2. The formal requirements of a Commonwealth or State department, authority or agency (as described in a policy or procedure, etc); or
3. A Council decision;

expressly specifying a particular way in which a document is to be executed, that course of action is to take precedence over this policy.

Should ambiguity arise over what category might apply to a document i.e. two categories may have relevance to a document, then the higher category is to take precedence unless the decision has been made under delegated authority in which case it is a Category 2 document and can be executed by the officer exercising the delegated authority.

Category 1(A) Documents	
<p>Category 1A documents require a specific resolution of Council to sell, lease or enter into an agreement etc. as well as an authority to affix the seal.</p> <p>These documents will be executed by having the common seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the Mayor and CEO or pursuant to s9.49A(3)(b) of the Act, the Mayor and a senior employee authorised by the CEO to do so.</p>	
No#	Description
1	<p>Deeds, including but not limited to:-</p> <ul style="list-style-type: none"> • Deeds of Agreement; • Deeds of Release; and • Memorandum of Understanding, <p>in respect to sale, purchase or other commercial dealing relating to City assets including equitable interests.</p>
2	Local Planning Schemes and Amendments.
3	<p>Lease documents. This category includes, but is not limited to:-</p> <ul style="list-style-type: none"> • Extension of Lease under original lease and new term not previously provided; • Variation of Lease; • Assignment of Lease; and • Surrender of Lease. <p>except for any of the above that are granted under delegated authority.</p>
4	Licence documents
5	Local Laws
6	Documents prepared for registration at Landgate that are mortgage documents and transfer of land forms where the value of the land exceeds the amount determined by the City of Fremantle for the purpose of section 5.43 (d) of the Act.
Category 1(B) Documents	
<p>Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a "class of documents" authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.</p> <p>Please note that the document may not require a Council resolution (being a Category 1(B) document) however the decision to undertake a particular course of action may still require Council approval</p>	
No#	Description
1	Agreements relating to grant funding, when the funder requires that the agreement be signed under seal.
2	Debenture documents for loans which Council has resolved to raise.
3	Extension of Lease under original lease clause or provision.
4	Sub Lease of a portion of the premises by the Lessee.
5	Minor Variation of Lease provided it does not alter the substantive terms of the Lease approved by Council (for example, changes a process within the lease).
6	General Legal and Service Agreements not already listed in this policy.
7	Indemnity given by the City to a third party.

Category 2 Documents	
<p>Category 2 documents do not require the seal to be affixed. Under section 9.49(A)(4) Council hereby authorises those officers listed in the table below to sign documents on behalf of the City of Fremantle.</p>	
Description	Authority to Execute
Documents required in the management of land as a landowner.	Chief Executive Officer The responsible Director
Documents required to enact a decision of Council (i.e. contractual documents resulting from a tender process, transfer of lands forms, notification on title as required by a condition of approval, memorandum of understanding, adoption of a new Structure Plan etc.)	Chief Executive Officer The responsible Director
Documents that enact a decision made under delegated authority or as a condition of approval given under delegated authority.	Chief Executive Officer The responsible Director The Officer exercising the delegated authority
Category 3 Documents	
<p>Category 3 documents are those documents that are created in the normal course of business and are consistent with City policies and procedures. Category 3 documents are to be executed by a Director or Manager, or a City officer where the authority and accountability has been extended through a policy or procedure. These documents <i>include but are not limited to</i> the following</p>	
No#	Description
1	Agreements in the normal course of business for the purchase of goods or services identified within the service unit's budget (other than for tenders awarded by Council) and conforming to the requirements of the City's Purchasing Policy and other relevant policies.
2	Debenture documents for loans which Council has resolved to raise.
3	General correspondence required to discharge the duties of your position.
4	Contracts for grant funding conducted in accordance with the City's policies and procedures.
5	Regular hire arrangements.

Definitions and abbreviations

Nil.

Review information and related documentation

Reviewing officer:	Manager Governance
Policy adopted:	Click here to enter a date. "<Council number>"
Policy amended:	Click here to enter a date. "<Council number>"
Legislation:	"<Legislation or NA>"
Delegations:	"<Delegation or NA>"
Related documents:	"<Other related document or NA>"
Next review date:	Click here to enter a date (2 years). "<Council number>"

**FPOL1906-8 REVIEW OF VICTORIA HALL, 179 HIGH STREET, FREMANTLE
SALE**

Meeting Date: 12 June 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Leasing of City property in a competitive manner

SUMMARY

Due to no satisfactory offers received in line with adopted budget, this report is to request Council to approve the removal of Victoria Hall from the market for sale until such time as market conditions improve. It is considered that this will occur in a period after the completion of Kings Square.

As an interim use, it is proposed that a short term licence no greater than two (2) years activate the premises. The City's register of delegated authority 2018/19 grants the Chief Executive Officer approval to approve Leases or Licenses for up to a five year term.

This report recommends that Council to;

- 1. Approve to withdraw Victoria Hall, 179 High Street Fremantle from sale.**
- 2. Approve short term activation of Victoria Hall, 179 High Street Fremantle via a Licence agreement, up to a two (2) year term, subject to a suitable permitted use.**
- 3. Note that an item will be brought to Council no later than January 2021 to enable consideration of further recommendations for Victoria Hall, 179 High Street Fremantle.**

BACKGROUND

Council adopted the sale of Victoria Hall in the 2018/2019 budget.

At July 2018 Council noted the following:

.....

- 2. That Officers will proceed with advertising the sale of Victoria Hall, 179 High Street, Fremantle by public tender, as approved in 2018/19 budget.*
- 3. Notes the proceeds of the sale are to be placed in the Town Hall Conservation Reserve and the Heritage Reserve.*

The City commenced advertisement of the property Wednesday 16 October 2018. The campaign was advertised through digital resources including social media. Advertisement also occurred in the Western Australian and Business News.

Officers have developed an extensive database of contacts that have expressed an interest in investing in Fremantle. All of the contacts were notified of the City's investment opportunities.

Tenders closed Tuesday 27 November 2018 at 2.00pm (AWST) with one submission received from Anglican Parish of Fremantle for the amount of one (1) dollar.

At Ordinary Council dated 12 December 2018 Council resolved;

1. *Reject the tender submitted for Victor Hall, 179 High Street, Fremantle.*
2. *Approve the advertisement of the sale of Victoria Hall, 179 High Street, Fremantle on the open market with the following conditions;*
 - a. *The purchaser must enter into a Heritage Agreement for Victoria Hall, 179 High Street, Fremantle with the Heritage Council of Western Australia.*
 - b. *The purchaser agrees that following settlement the Heritage Council of Western Australia will lodge a memorial in respect of the Heritage Agreement with Landgate for placement on the certificate of title for Victoria Hall, 179 High Street, Fremantle.*
 - c. *The purchaser agrees no to re-convey Victoria Hall, 179 High Street, Fremantle until the memorial has been lodged.*
3. *Any offers received that are considered appropriate to the Chief Executive Officer be brought to Council for consideration.*

The City has marketed the property for sale by offers since January 2019. While the property continues to generate interest no appropriate offers have been received.

It is recommended that the property be removed from the market for the interim and that short term activation by a licence up to a term of two years, subject to a suitable permitted use. The Chief Executive Officer is granted approval under the register for delegated authority 2018/19 for leases and licenses up to five years.

FINANCIAL IMPLICATIONS

The current financial year budget includes forecast sale income of \$2,000,000 for Victoria Hall with funds to be allocated to the Town Hall Conservation Reserve and the Heritage Reserve.

Market feedback has indicated that potential risks for purchasers, that cannot be mitigated by the City, including but not limited to heritage constraints, impact offers in line with current budget.

Licensing the property will be subject to any financial and compliance requirements incurred by the City for the proposed permitted use of the licensee. The current permitted under planning is for a hall and offices.

LEGAL IMPLICATIONS

A Licence will be drafted in accordance with the *Local Government Act 1995* and *Commercial (Retail) Tenancy Act 1985*.

This is a proposed disposal of property, by way of Licence is made under the *Local Government Act 1995* (S) 3.58 (3) and (4). The disposal will be advertised in a national newspaper inviting any person wishing to make a submission concerning this Licence to make it in writing to the City within fourteen days of advertisement.

CONSULTATION

Nil

OFFICER COMMENT

Whilst the marketing campaign for the property has received continual interest from prospective purchasers the current market conditions do not support the budget adopted by Council for Victoria Hall's sale.

General feedback has indicated that while seeing potential in the building, interested parties are wary that the heritage building's existing layout impacted the building's functionality and that the City's expectations of sales price further impacted prospective purchasers budget to invest in fit out and/or redevelopment to make the building viable for their proposed use.

Independent reports by CoreLogic advise that property prices in Perth have dropped overall by 4.5% in the last twelve months with indications that the market is now levelling out. The completion of the Kings Square development may contribute to improving the value of property within the surrounding location. On this basis, it is recommended that Council remove Victoria Hall from the market with an aim to reconsider sale once market conditions improve.

In the interim, to allow for activation of Victoria Hall while retaining flexibility for potential sale, it is recommended that six month licences be considered. Six month agreements are exempt from the City's Leasing of Property in a competitive manner policy and 2.24 of the Delegated Authority Register grants the CEO authority to approve licence agreements that do not exceed five (5) years.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council;

- 1. Approve to withdraw Victoria Hall, 179 High Street Fremantle from sale.**
- 2. Approve short term activation of Victoria Hall, 179 High Street Fremantle via a Licence agreement, up to a two (2) year term, subject to a suitable permitted use.**
- 3. Note that an item will be brought to Council no later than January 2021 to enable consideration of further recommendations for Victoria Hall, 179 High Street Fremantle.**

FPOL1906-9 ENCROACHMENT OF A FRONT BOUNDARY WALL PIER AT 65 WRAY AVENUE, FREMANTLE

Meeting Date: 8 May 2019
Responsible Officer: Manager Field Services
Decision Making Authority: Council
Agenda Attachments: Survey dated 3/05/2019

SUMMARY

On 24 October 2018, the City received a written complaint from the owners of 67 Wray Avenue in relation to a brick pier constructed over the common boundary of 65 and 67 Wray Avenue. The pier constructed by the owner of 65 Wray Avenue formed part of a newly constructed front brick wall and encroaches 28.5 centimetres into 67 Wray Avenue. A survey from a licensed land surveyor has confirmed the encroachment and whilst the encroachment could be considered minor, it does contravene the planning and building approvals granted for the wall.

The owner of 67 Wray Avenue has stated that the encroaching pier affects access to the services of his recently completed mixed use development, and has demanded that it be relocated to its approved location.

It is recommended that Council approve a third party mediator be engaged, to encourage the property owners of 65 and 67 Wray Avenue Fremantle to agree on an amicable solution.

BACKGROUND

The subject site is located on the South Western side of Wray Avenue between Hampton Road and South Terrace, Fremantle. The property is listed on the City's Heritage list as management category Level 3.

The City received a written complaint from the neighbour at 67 Wray Avenue regarding an encroachment of a newly constructed front boundary brick pier. Both Planning and Building approvals required the brick pier to be on the boundary and contained solely within 65 Wray Avenue.

An official survey of the boundary undertaken by a licenced land surveyor (See attachment 1) indeed confirmed the encroachment to be 28.5 Centimetres. The owner of 67 Wray Avenue is aggrieved by this and has insisted that the City take action to have the pier reinstated to its approved location

(Photograph of encroaching pier below)



STATUTORY CONSIDERATIONS

Pursuant to section 29 (1) of the Building Act 2011 the person named as the builder on a building permit must ensure that —

- (a) *The building or incidental structure to which the permit applies is completed in accordance with the plans and specifications that are specified in the applicable certificate of design compliance; and*
- (b) *The building work otherwise complies with the building permit including each condition that applies to the permit.*

The encroaching pier as constructed is not considered to comply with the above requirements as it is not constructed in accordance with the approved plans.

The encroachment also constitutes work affecting neighbouring land under Section 76 of the Building Act which states-

No encroachment without consent, court order or other authority

- (1) *A person responsible for work must ensure that no part of a building or an incidental structure is placed beyond the boundaries of the works land —*
 - (a) *unless each owner of the land into, onto, or over which the encroaching part is placed consents to the encroaching part being so placed and the encroaching part is placed in accordance with the consent; or*

- (b) *unless the encroaching part is placed in accordance with an order under section 86(2)(a); or*
- (c) *unless the encroachment is prescribed as a minor encroachment; or*
- (d) *unless the encroachment is into, onto, or over Crown land and the encroachment is authorised under the Land Administration Act 1997; or*
- (e) *except in prescribed circumstances.*

In addition to the above pursuant to section 218(a) of the Planning and Development Act 2005 ("Act"), a person who contravenes the provisions of a planning scheme also commits an offence.

OFFICER COMMENT

In determining the most appropriate manner in which to deal with this matter, consideration needs to be given to the unlawful encroachment. Although the encroachment is minor, the neighbour is aggrieved and states it affects access to the building services box located behind the pier.

The Building Act is clear in that it prohibits a building or incidental structure being placed beyond the boundaries of the works land without the consent of the affected property owners or by the issuing of a court order. Neither has occurred in this instance.

Committee also has the option of pursuing the matter in accordance with the provisions of the Planning and Development Act for non-compliance with the Development approval and approved plans.

In an endeavour to resolve the matter it is the Officers opinion that mediation may be the most suitable option before any other action is considered. Should mediation be unsuccessful then an order for relocation of the pier may need to be considered as a solution.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council approve a third party mediator be engaged, to encourage the property owners of 65 and 67 Wray Avenue Fremantle to agree on an amicable solution.

FPOL1906-10 ADOPTION OF FLYING OF FLAGS POLICY

Meeting Date: 12 June 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil.

SUMMARY

The City of Fremantle flies flags on property owned by the local government and it is intended that this policy will ensure that the flags displayed in Kings Square are acknowledged with due diligence, dignity and attention to position.

This report recommends that Council Adopt the Flying of Flags Policy included in the recommendation.

BACKGROUND

Council recognises that flags are, by their very nature, a symbol of a nation, state or organisation and it is therefore important for the City of Fremantle to be aware of, and observe the appropriate principles and flag flying hierarchy.

The Flying of Flags Policy aims to convey Councils requirements for the flying of flags within Kings Square, while taking into consideration relevant conditions like flag pole availability, weather conditions and relevant dates.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

The Flying of Flags Policy provides some guidance to the community regarding the flags that Council will ordinarily fly within Kings Square during the year and offers flag flying protocol direction to employees.

The Flying of Flags Policy includes direction that flags must not be flown when they are damaged, faded or dilapidated and also that flags will not be flown in hazardous conditions.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council adopt the Flying of Flags Policy included below:

Flying of Flags

Policy statement

This policy has been created, as flags are recognised as the symbol of a nation, state or organisation and it is important for the City of Fremantle to be aware of, and observe the appropriate principles and flag flying protocols.

The City of Fremantle will fly flags within Kings Square and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.

Policy scope

1. Principles

The purpose of this policy is two-fold:

- a. To identify the protocols used for flying flags under the City of Fremantle's care and control; and
- b. To provide operational guidelines for flying flags under the City of Fremantle's care and control.

2. When to display a flag

Flags may be flown if;

- a. They are a recognised national flag (pursuant to the commonwealth flags act 1953, including subsequent proclamations);
- b. They are;
 - the Western Australian State Flag.
 - the Aboriginal Flag.
 - the City of Fremantle corporate flag.
- c. They are approved by Chief Executive Officer, in consultation with the Mayor.

3. Hierarchy

The hierarchy for flying flags on City of Fremantle property is as follows: (the following is dependent upon the number of flag poles erected in any one location)

Poles	Flags and the order they are to be flown in
1st	Australian National Flag
2nd	Aboriginal Flag
3rd	City of Fremantle logo Flag or other temporary flags on approved occasions.
The flag pole on top of the Fremantle Town Hall is considered independent for the purposes of this policy and will fly the Australian National Flag only.	
Where declared by the commonwealth or state government, a special flag or flags may be flown when the City of Fremantle receives advice on such "special declarations" by the government.	

4. Rules for flying flags

- a. The Australian National Flag must only be flown at night if illuminated.
- b. Order of preference to be: Australian National Flag, Aboriginal flag, state and territory flags, other Australian flags ensigns and pennants.
- c. When flying the Australian National Flag and any other flags in a line of flagpoles the Australian National Flag should be flown on the far left of a person facing the flags.
- d. When flying the Australian National Flag with other flags in a line of flagpoles, the order of the flags should follow the rules of precedence e.g. the Australian National Flag should be flown on the far left of a person facing the flags, or in the centre where there are three (3) flag poles and the centre pole is higher. Note: no other flag should be flown above a national flag.
- e. In a semi-circle of flags, the Australian National Flag should be in the centre.
- f. The flag should never be allowed to fall or lie on the ground.
- g. The flag should never be used to cover a statue, monument or plaque for an unveiling ceremony, to cover a table or seat or to mask boxes.
- h. The flag should not be flown when in a damaged, faded or dilapidated condition.
- i. The flag should not normally be flown in a position inferior to that of any other flag or ensign.
- j. The flag should not be smaller than that of any other flag or ensign.

- k. The flag should be raised briskly and lowered ceremoniously.
- l. The flag should be flown aloft and free, as close as possible to the top of the flag mast, with the rope tightly secured.
- m. The flag should be raised no earlier than first light and should be lowered no later than dusk.
- n. Two flags should not be flown from the same flagpole.
- o. The flag should not be flown upside down, not even as a signal of distress.
- p. Flag protocols state that flags must not be flown if they are damaged, faded or dilapidated.
- q. Flags will not be flown in hazardous conditions.

5. Rules for flying flags at HALF MAST

- a. Flags are flown in the half-mast position as a sign of mourning.
- b. When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- c. To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the "peak"), then immediately lowered slowly to the half-mast position. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- d. When lowering the flag from a half-mast position, it should first be briefly raised to the peak, and then be lowered ceremoniously.
- e. Under no circumstances should a flag be flown at half-mast at night, even if illuminated.

6. Special dates when flags are to be flown (including at half-mast)

Appendix 1 contains a list of approved, special days of commemoration for the flying of flags including when flags should be flown at half-mast.

Other approved occasions are when the Protocol Unit of the Department of Premier and Cabinet provide a notice to the City of Fremantle for when flags are required to be flown at half-mast. Such notices will be received for example, in the event of a death of a member of the royal family or death of the Governor-General.

Appendix 1		
Pre - APPROVED DAYS FOR FLYING FLAGS		
OCCASION	DATE	ADDITIONAL INFORMATION
Anniversary of Australian Federation Day	1 January	
Australia Day	26 January	
Commonwealth Day	Second Monday in March	
Harmony Day	21 March	
Anzac Day	25 April	Flags are flown at half-mast until noon then at the peak until the usual time for closure of business.
National Reconciliation Week	27 May to 3 June	Torres Strait Islander flag and the Aboriginal flag are to be flown.
NAIDOC Week	Nominated week in July	Torres Strait Islander flag and the Aboriginal flag are to be flown.
Anniversary of the bombing of Hiroshima	6 August	International Campaign to Abolish Nuclear Weapons Flag to be flown.
Australian National Flag Day	3 September	
Merchant Navy Day	3 September	Allied Merchant Seaman's flag to be flown.
Citizenship Day	17 September	
Queen's Birthday	Last Monday of the September	
United Nations Day	24 October	
Western Australian LGBT Pridefest	Usually October/November (date may change from year to year)	Rainbow flag may also be flown for other significant events throughout the year with CEO approval.
Remembrance Day	11 November	Flags are flown at half-mast from 10:30am to 11:02am.
Funerals (Applicable to Elected Members/former Elected Members of the district and current employees of the City of Fremantle)	Other - various	At the request and discretion of the Mayor and Chief Executive Officer.
Note: Approved requests for flags to be flown on a weekend day may be raised on the preceding Friday and lowered on the following Monday.		

**FPOL1906-11 PROPOSED DETERMINATION - RELEASE OF GAS FILLED
BALLOONS - LOCAL GOVERNMENT PROPERTY LOCAL LAW**

Meeting Date: 12 June 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Determination

SUMMARY

The City has recently given notice of its intention to make a determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle in accordance with the process outlined in the City's Property Local Law.

The City has not received any submissions and can now give notice that the proposed Determination will come into effect on the date of publication.

Council, in accordance with the process outlined in the City's Property Local Law and having considered the submission received during the public notice period:

- 1. Continue with the determination and give local public notice that the Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle will come into effect on the date of its publication.**

BACKGROUND

In light of the success of the City's sustainability guideline principal of eliminating the use of balloons at City run events, Council recently amended its Property Local Law to include a provision which enables the City to make determinations relating to the release of gas filled balloons on local government property.

At the Ordinary Council Meeting held on 17 April 2019 Council moved the following motion to begin the process of making a determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle.

Council, in accordance with the process outlined in the City's Property Local Law, gives local public notice of its intention to make a Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle.

Purpose: The purpose of the determination is to prohibit the release of gas filled balloons from local government property within the City of Fremantle.

Effect: The effect of the determination is the provision of authority to enforce and administer fines relating to the release of gas filled

balloons, reducing balloon litter and preventing injury to marine and wildlife.

It is anticipated that the amendment to the City's Property local law and subsequent determinations made under that law will help reduce balloon litter being deposited (deliberately or accidentally) in our City and our oceans, offering protection to both marine and wildlife.

Public notice of the proposed determination was given, including publication on the City's notice boards, publication through the City's 'MySay' Portal, and an advertisement in the Fremantle Herald newspaper. A total of 29 submissions were received during the public notice period. All 29 submissions were in support of the proposed determination.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

City of Fremantle Property Local Law:

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
 - (a) consider those submissions; and
 - (b) decide – (i) whether or not to amend the proposed determination; or (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.

- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

CONSULTATION

Public notice of the proposed determination was given in the following way:

- Publication on the City's notice boards 3 – 28 May 2019
- Publication through the City's 'MySay' Portal 3 – 28 May 2019
- Advertisement in the Fremantle Herald newspaper 4 May 2019

A total of 29 submissions, all in support of the determination, were received during the public consultation period:

Determination submissions – Prohibiting the release of gas filled balloons on City of Fremantle property.	
1.	I support this proposal not only on grounds of marine ingestion, but also because helium is a finite resource and has vastly more important uses for Medical and Scientific reasons.
2.	Good. Not only is helium a limited resource we shouldn't be wasting on frivolous balloon releases when we need it for medicine and science, but balloons are a complete disaster environmentally. Can't ban worldwide balloon releases soon enough. Should ban balloons full stop. No helium balloons, no air filled balloons, no water balloons. Nasty stuff. And even the so called biodegradable ones take months and months to breakdown.
3.	Banning balloons is a fantastic and necessary idea! I fully support it. Could it be extended to include those mini-balloons which are filled with water and commonly thrown around at kid's parties in parks? They bust into many pieces and are extremely difficult to pick up.
4.	I agree with this ban. Perhaps encouraging brightly coloured PAPER kites with bamboo frames to celebrate the event.
5.	This is a no brainer! Releasing helium balloons into the atmosphere is tantamount to discarding non-biodegradable waste of any kind into the environment and never minding the consequences! I have thought this for the longest time. It is littering of the worst order because there is no control over where the final resting place of the discarded waste will be. We are a coastal shire and have a responsibility to protect the beach and marine environment, and any environment for that matter. Helium balloons have to be acquired from commercial outlets, or the gas bottles acquired. In each instance they should be sold on the understanding the inflated balloons are for indoor use only, and customers are made aware that to release balloons is in breach of Council laws and fines will be administered.
6.	I am very supportive of a move by the City Of Fremantle to prohibit the release of gas filled balloons from local government property within the City of Fremantle.
7.	no balloons are a totally unnecessary ritual, bunting is just as good for decoration and dead balloons lying on land or in sea are a hazard, kids often cry when they pop, no good reason for this at all, bye bye balloons
8.	Great idea to stop plastic pollution and threats to wildlife and sea life. Fully support.
9.	I would like to support the banning of gas filled balloons in public places. The impact on wildlife, particularly birds, turtles and fish concerns me greatly. They often mistake the balloons as food, similar to them mistaking plastic bags as food. Please ban them, our lives will be none the poorer, and the animals and birds will be safer. Thank you
10.	It's about time this was prohibition was introduced- releasing balloons should be regarded as littering and council should actively discourage use of balloons on any public land
11.	Balloon releases constitute littering. By their very nature, balloons come down in the ocean or in areas where wildlife can be affected or harmed. Regardless of the dangers posed to marine life-- and there are obvious dangers-- it's a basic obvious fact that someone in the Fremantle area who releases a balloon is littering. The fact that it doesn't come DOWN in the council area doesn't mean it won't elsewhere. And if it comes down in the Melville, Bunbury or Ravensthorpe council area. How are authorities able to nail the people who did it? The issue has to be enforced at the place of release.
12.	Having been Campaigning this issue for almost 5 years now I have seen numerous evidences of the continuous impact helium balloons (including non-helium filled balloons) have on wildlife. The most shocking study I have read to date is the front page of The Veterinarian Magazine last month. Article titled The ballooning problem with plastics. Picturing a dead Albatross with a balloon ribbon around it. The study was led by former Institute of Marine and Antarctic studies and CSIRO PhD student Lauren Roman, on 1733 seabirds, 51 species. 557 of the birds had dead from ingestion of marine debris, ranging from 1-40 pieces. ALL birds had ingested BALLOONS. All birds were squid feeding species. The community have really gotten behind my campaign, the people of Fremantle care about the planet and its precious wildlife. They can definitely live without helium balloon releases.
13.	I agree that balloons shouldn't be released into the environment unless they are made from non-plastic, plant based cellulose that will completely biodegrade.
14.	I agree with this as it is detrimental to wildlife and not environmentally friendly. I play tennis in Fremantle and grew up there and hate the litter i see around especially after a fair.

Determination submissions – Prohibiting the release of gas filled balloons on City of Fremantle property.	
15.	I vote for a complete ban on the releasing of any and all single use gas filled balloons with immediate effect.
16.	I fully support the banning of releasing gas filled balloons into the air. They kill wildlife that mistake them for food and pollute our oceans. We need to take responsibility for the litter we create and the impact it has on the planet.
17.	I agree with the submission which proposes to reduce balloon litter & prevent injury to wildlife by prohibiting the release of gas filled balloons from local government property. I would also agree with limiting the sale of such items in Fremantle shops if this was possible.
18.	I fully support this proposal... it's a no brainer
19.	I Agree
20.	I absolutely support this ban and commend the City of Fremantle for being a leader in this respect.
21.	I totally support this initiative. I also suggest that you ban the sale of foil balloons within city of Fremantle. Foil balloons never decompose.
22.	I am making this submission as an absentee home owner (currently residing in Canberra) and a keen diver/snorkeler. I applaud the Council for taking this initiative and strongly support the banning of gas filled balloons - anywhere - period.
23.	I fully support the concept of banning balloons, and any other single use plastic, at Council events. Hopefully, City of Fremantle can set a precedent for other councils and more importantly, every citizen to follow. There are so many alternatives to balloons, there is no excuse for using these pollutants that harm, and sometimes kill, animals.
24.	It's crucial to ban the release of balloons immediately. In a matter of fact there should be no use of balloons in public parks/buildings. The City should invest in second hand fabric bunting for residents to borrow.
25.	I fully support any effort, including fines, to reduce balloon litter, including regular balloon litter left after parties at South Beach and other public places.
26.	I support the City of Fremantle's determination to prohibit the release of gas filled balloons from local government property within the City of Fremantle.
27.	I strongly support the proposed determination. There is a lot of evidence to say that gas-filled balloons are environmentally damaging and I applaud the City of Fremantle for taking action on the issue. (I currently live in New South Wales, but have lived for much of my life in Perth and specifically in Fremantle.)
28.	I 100% support the determination to prohibit the release of gas filled balloons from local government property within the City of Fremantle. I 100% support the provision of authority to enforce and administer fines relating to the release of gas filled balloons, reducing balloon litter (accidental or intentional) and helping prevent injury to wildlife.
29.	I think this is proposal is a step in the right direction as the release of gas filled (air and helium) balloons can have devastating impacts on the environment and wildlife. Balloons are frequently mistaken for food by wildlife and ingested, causing the animal to suffer from blockages, starvation and a slow and painful death, in a similar manner to plastic bags. However, I think the proposal could be much stronger and prohibit the release of air and helium filled balloons from ALL property within the City of Fremantle, as I imagine the number of balloons released from local government property is less than the number of balloons release from private property.

OFFICER COMMENT

The proposed determination will prohibit the release of gas filled balloons (often released in large groups during funerals and other ceremonial occasions). When balloons are released and they burst high in the atmosphere and cause jellyfish shaped pieces of debris to fall, which often end up in our oceans.

Sea turtles and other marine creatures can mistake these brightly coloured pieces of marine debris, which are often shaped like jellyfish, as food. This mistake can often prove fatal to marine creatures.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council, in accordance with the process outlined in the City's Property Local Law and having considered the submission received during the public notice period:

- 1. Continue with the determination and give local public notice that the Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle will come into effect on the date of its publication.**

FPOL1906-12 STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN ADOPTION

Meeting Date:	12 June 2019
Responsible Officer:	Manager Strategic Planning and Manager Economic Development and Marketing
Decision Making Authority:	Council
Agenda Attachments:	1 - Engagement Report - Strategic Community Plan Review 2019 2 - Draft Strategic Community Plan 2015-2025 (revised 2019 including community feedback) 3 – Draft Corporate Business Plan 2019-2023

SUMMARY

In September 2018, Council supported the review of the Strategic Community Plan to inform and feed into the new Corporate Business Plan under preparation. Draft revisions to the Strategic Community Plan were endorsed by Council for the purposes of community consultation on 17 April 2019. Community consultation subsequently occurred, with feedback on the review invited between 26 April and 26 May 2019.

At the conclusion of advertising, a total of 9 comments were received which expressed a range of views. Many reinforced existing objectives but sought to increase their priority, have them more clearly articulated, or translate the objectives into more tangible actions/positions. Several expressed concern in relation to specific issues, such as the Kings Square development and the perceived lack of response to crime and safety issues and economic decline. Conflicting views were expressed on the best approach to improving transport and connectivity.

This report considers submissions received and recommends that Council formally adopt the revised Strategic Community Plan with some additional minor amendments responding to specific comments made.

Other comments received are more useful as background feedback, comment on specific activities and plans, and / or in informing the approach the City takes to the next major review, and should be acknowledged as such.

Drafting of the new Corporate Business Plan has occurred concurrently. This has been developed in line with the revised Strategic Community Plan and seeks to translate the goals and aspirations in the Strategic Plan into operations, matching Council priorities with the resources available. This report also recommends the adoption of the Corporate Business Plan 2019-23.

BACKGROUND

Council endorsed the conduct of a review of the Strategic Community Plan on 26 September 2018 (FPOL1809-14). The agreed focus of the review was on ensuring that the strategic direction of the plan remained current and capacity was more fully

considered, noting that the current plan is relatively recent (2016), with a comprehensive review scheduled for 2021/22.

The review was subsequently conducted in accordance with the agreed approach, and recommended revisions were reported to Council on 17 April 2019 (FPOL1904-3).

Council consequently resolved to:

1. *Endorse the revised Strategic Community Plan as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Minutes (10 April 2019), including an amendment to Outcome 1.3, to add the words 'and creative industries', for the purposes of public advertising.*
2. *Note the preparation of the draft Strategic Community Plan Companion Plan as provided in Attachment 2 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 April 2019), which provides a non-statutory illustration of the location of some of its key spatial initiatives.*
3. *Note the steps proposed to occur in preparation of next major review of the Strategic Community Plan scheduled for 2021/22.*

FINANCIAL IMPLICATIONS

A budget allocation has been included in the 18/19 budget for the review of the Corporate Plan for \$10,000 and can be used to support the Strategic Community Plan review (including publication).

LEGAL IMPLICATIONS

Review of the Strategic Community Plan is required every 4 years under Regulation 19C (4) the *Local Government (Administration) Regulations 1996*.

Development of the Corporate Business Plan is required under Regulation 19DA (1) the *Local Government (Administration) Regulations 1996*.

Adoption and/or modification of the Strategic Community Plan and Corporate Business Plan is required by absolute majority under Regulation 19C (7) and Regulation 19DA (6) respectively.

CONSULTATION

Consultation is required on any major review of the Strategic Community Plan and has been conducted, as outlined below.

OFFICER COMMENT

STRATEGIC COMMUNITY PLAN

The Strategic Community Plan review process has involved the following steps:

1. Inform Precinct Groups of the planned review and invite preliminary input (October 2018)
2. Elected Member workshop #1 (key directions): Strategic Focus Areas and Outcomes (November 2018)
3. Informal stocktake of progress against current plan (November 2018)
4. Elected Member workshop #2 (capacity and priorities) (December 2018)
5. Presentation of draft revisions to Elected Members via informal briefing (March 2019)
6. Council consideration of draft revisions (April 2019)
7. Community consultation (April-May 2019)

Community consultation occurred between 26 April and 26 May and has involved the following:

1. Notice in local newspaper
2. Notice at Council Administration
3. Publication on website (My Say Freo/SCP-review), including survey
4. Notification of all Precinct Groups, Chamber of Commerce, Fremantle Society, Fremantle Inner City Residents Association, and offer to present to these groups
5. Pop up information sessions in community venues:
 - a. Fremantle Oval: 6 May
 - b. North Fremantle Community Centre: 13 May
 - c. Fremantle PCYC (Hilton): 14 May

At the conclusion of advertising, a total of 9 submissions had been received. Feedback received is summarised in the attached Engagement Report (Attachment 1) which includes a Schedule of Submissions.

Submissions represented a range of views both positive and negative. Interest was expressed across all focus areas except 'Capability', with 'Transport and connectivity' having the highest response rate.

A number of submissions focussed on specific issues (e.g. concern with Kings Square) and many sought clearer direction in terms of what actions would be taken to achieve outcomes or how outcomes (such as an efficient, environmentally and socially sustainable freight network) would be interpreted. Several submissions more directly relate to subsidiary planning documents such as the Integrated Transport Strategy and Aged Friendly City Plan and referral of submitters to these is suggested.

Many comments reinforce the importance of existing objectives including supporting urban revitalisation, environmental quality and responsibility, heritage protection and contextually appropriate development, a balanced and functional approach to transport, social connectivity, creating safe, amenable environments and supporting positive aging. A couple challenged the success of the City's efforts to date in achieving the desired outcomes.

The comments received do not prompt major change to the document however the following minor amendments are proposed in response to specific comments:

1. More consistent reference to 'parks, reserves and open space' in lieu of the more technical but inaccessible 'open space'.
2. Amend Outcome 6.2 to include explicit reference to social connectivity.

Only one respondent recalls being involved in the original Fremantle 2029 visioning exercise, but all but two wish to be involved in the next major review of the plan. Their details are proposed to be kept on record to facilitate this.

Final adoption of the revised Strategic Community Plan 2015-2025 incorporating the minor modifications listed above is recommended. The revised document includes an updated Mayor's Message, and an updated framework graphic. Formatting and graphic design of the document will occur post-adoption.

As outlined in the previous report, the following steps are also recommended to occur ahead of the next (major) review:

1. Undertake a review of the measures of success to ensure that these represent the best available in relation to each outcome.
2. Establish best data sources available for each measure of success not currently routinely monitored, and implement data capture.
3. Review biennial Community Perceptions Survey to ensure community priorities are well captured, and to refine any questions which may assist in success measure monitoring. (Note that substantial review of the Perceptions Survey is not recommended).
4. Complete strategic documents audit in 2019 to determine priority gaps / reviews required.
5. Commence planning of the community engagement and review framework in 2020.
6. Maintain currency of Long Term Financial Plan and Corporate Business Plan through annual update and extension (as per September 2018 resolution).
7. Continue annual integrated planning workshop process on annual basis with view to developing this and improving line of sight between strategic documents (as per September 2018 resolution).

Application of 'plain English', simplification of the document, clearer role definition and better explanation of relationship to subsidiary documents can all be incorporated in the next review which may assist in addressing some of the comments received.

CORPORATE BUSINESS PLAN

The Corporate Business Plan 2019-23 has been developed in alignment with the revised Strategic Community Plan. It is a dynamic document that outlines the projects and services planned to be delivered over the next four years. Corporate Indicators have been built into the plan and will be reported to Council regularly.

The Corporate Business Plan will be revised annually in accordance with section 19DA (4) *Local Government (Administration) Regulations 1996*. The review will inform the development of the annual budget and extend the Corporate Business Plans horizon so that it maintains a four year outlook. The annual review will also enable the corporate indicators to be revised and ensure internal requirements and community expectations are being met.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Adopt the revised Strategic Community Plan 2015-2025 provided in Attachment 2 of this item to the Finance, Policy, Operations and Legislation Committee on 12 June 2019.**
- 2. Thank all submitters for their input and advise them and the Department of Local Government of the outcomes of the review.**
- 3. Adopt the Corporate Business Plan 2019-23 provided in Attachment 3 of this item to the Finance, Policy, Operations and Legislation Committee on 12 June 2019.**

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

12. URGENT BUSINESS

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

13. LATE ITEMS

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

14. CONFIDENTIAL BUSINESS

Members of the public may be asked to leave the meeting while confidential business is addressed.

FPOL1906-13 CONFIDENTIAL REPORT - PROPOSED LICENSE AGREEMENT BETWEEN SOUTH FREMANTLE FOOTBALL CLUB AND CITY OF FREMANTLE

Meeting Date: Committee 12 June, 2019
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: Draft License (31 August 2018)
Legal Opinions
SFFC Response (5 April 2019)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**FPOL1906-14 CONFIDENTIAL REPORT - SUMMER EVENT SERIES - PORT BEACH
NORTH**

Meeting Date: 12 June 2019
Responsible Officer: Manager Communications and Events
Decision Making Authority: Council
Agenda Attachments: Site plans

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person

**FPOL1906-15 CONFIDENTIAL REPORT - PORT BEACH MUSIC/LIFESTYLE EVENT
- FEBRUARY 2020**

Meeting Date: 12 June 2019
Responsible Officer: Manager Communications and Events
Decision Making Authority: Council
Agenda Attachments: Nil

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person

15. CLOSURE