AGENDA

Ordinary Meeting of Council

Wednesday 25 March 2015, 6.00pm
CITY OF FREMANTLE

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday, 25 March 2015** in the Council Chamber, Town Hall Centre, 8 William Street, Fremantle (access via stairs, next to the playground in Kings Square) commencing at 6.00 pm.

Graeme Mackenzie
CHIEF EXECUTIVE OFFICER

20 March 2015
ORDINARY MEETING OF COUNCIL

AGENDA

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

PUBLIC QUESTION TIME

DISCLOSURES OF INTEREST BY MEMBERS

APPLICATIONS FOR LEAVE OF ABSENCE

Cr Doug Thompson requested leave of absence from 24 March – 8 May 2015.

PETITIONS / DEPUTATIONS / PRESENTATIONS

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Meeting of Council dated Wednesday 25 February 2015 be confirmed as a true and accurate record.

ANNOUNCEMENTS BY THE MAYOR

QUESTIONS OR PERSONAL EXPLANATIONS BY MEMBERS

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COMMITTEE REPORTS
PLANNING SERVICES COMMITTEE 4 MARCH 2015

PSC1503-15  PROPOSED ROAD NAMING - PRIVATE ACCESS WAY TO THE DEVELOPMENT SITE AT NO. 9 MCCABE STREET, NORTH FREMANTLE - 'TASKER PLACE' - (KW)

DataWorks Reference: 164/001
Disclosure of Interest: Nil
Meeting Date: 4 March 2015
Responsible Officer: Manager Development Approvals
Decision Making Level: Council
Previous Item Number/s: Nil
Attachment 1: Private road name application
Attachment 2: 1985 poster supplied by the Fremantle Local History Library.
Figure 1 - Private Road (access way) to be named for street addressing purposes.

EXECUTIVE SUMMARY

The City is in receipt of an application from Gary Dempsey Developments (‘Applicant’) to name the private access way at 9 McCabe Street, North Fremantle in honour of Rolland (‘Rolly’) Leslie Tasker. The proposal to name the private access way will assist street addressing, a purpose supported by the Geographic Names Committee (GNC). The proposed private road name is 'Tasker Place' with the name 'Siska Place' submitted as a secondary alternative name.

Both proposed names have passed the GNC preliminary validation where the availability of the names is checked.

The City of Fremantle has received written permission from Kerry Tasker to proceed with the proposed private road name in memory of her late husband, Rolly Tasker.

It recommended that Council approve 'Tasker Place' in honour of Roland Leslie Tasker as the new name to be applied to the private access way located within the development site at 9 McCabe Street, North Fremantle and noted on Deposited Plan 69902 - for mapping and street addressing purposes.

In addition, should the alternative name of 'Siska' not be required, it is recommended that the City request the GNC to include the name into the City of Fremantle Reserved Road Names Register for the purpose of future road naming.

BACKGROUND

The proposed naming of the private access way to the development at No. 9 McCabe Street, North Fremantle is required for street addressing purposes. The Applicant has provided written confirmation from Kerry Tasker granting the City permission to honour her late husband Rolly Tasker in road naming.

Land description

The development site at No. 9 McCabe Street, North Fremantle is described on Deposited Plan No. 69902 being Lots 800, 801, 802 and 803. Further, proposed Deposited Plan 76224 lists Lots 804, 805 and 806 to replace Lots 802 and 803 on Deposited Plan 69902. At this time Deposited Plan 69902 is registered in Landgate as shown in Figure 1.

STATUTORY REQUIREMENTS

The Minister’s only responsibility with regard to the naming of a private road is that the name meets the required naming policies for Western Australia. Therefore, private road names are assessed in the same way as public road naming.

Landgate is responsible for road naming and is guided by the Geographic Names Committee (GNC). The GNC provide the Policies and Standards in relation to the naming of roads, features, townsites and places in Western Australia. The following publications
are referred to by the GNC when assessing road naming and street addressing compliance;

- The Geographic Names Committee - Policies and Standards for Geographical Naming in Western Australia (released on 1/1/2013).

COMMENTS
The proposed naming of the private access way to the development site at 9 McCabe Street, North Fremantle is required for street addressing purposes. The Applicant has submitted the proposed name of 'Tasker Place' in honour of Rolly Tasker together with a secondary alternative name of 'Siska Place' after the series of five famous yachts each named 'Siska'.

Background Information

R. L. Tasker

Rolland (Rolly) Leslie Tasker (1926 - 2012) - was born in Perth on the 21st March 1926. He is remembered as one of the greatest competitive yachtsmen of Australia.

He became interested in boats and sailing at an early age building his first boat, a canoe, at the age of six and as a 10 year old built a 10-foot skiff, which he sailed on the Swan River in Perth. In his 60 years of competitive racing Tasker won more than 2000 races including Australia's first Olympic sailing medal at the 1956 Olympic Games in Melbourne where he earned a silver medal. He won his first World Sailing Championship in 1958 aboard a Flying Dutchman and in 1962 designed the sails and joined the team onboard the "Gretel" being Australia's debut challenge for the America's Cup. In 1981 he won the inaugural Fremantle to Bali yacht race in Siska IV, setting a record that stood for 30 years. He was inducted into the Western Australian Hall of Champions in 1986.

In business, he launched 'Rolly Taskers Sails' in 1949 and built his first sail loft in an abandoned war-time shed in Claremont, Western Australia. Later he moved his operation to North Fremantle where the Rolly Tasker building formed one of the iconic landmarks of North Fremantle. Forty years later he set up his operation in Phuket and built a home in Mandurah.

In 2006 Tasker became a Member of the Order of Australia, "for service to sailing as a sailmaker, yacht designer and builder, as a competitive yachtsman, and to maritime related cultural institutions". He was an avid collector of sailing memorabilia, and his vast collection including America's Cup yacht models were displayed in the Australian Sailing Museum in Mandurah, which he financed and built himself. The museum opened in April 2008 and sadly closed 5 years later in April 2013. Tasker's two model yacht collections; 'The America’s Cup Models' and 'The Yacht Classes of Australia' were transferred to the Western Australian Museum with in excess of 100 model yachts currently on display at the Fremantle Maritime Museum. Attachment 2 includes a 1985 list of model yachts displayed at 'Rolly Taskers America's Cup Model Room, formerly located at 43 Swan Street, North Fremantle. Each of the model yachts were constructed by Rolly Tasker after searching
the world for photographs, sketches and various sectional drawings, of the America's Cup Boats dating back to 1851.

In 1996 he was inducted into Australia’s Sports Hall of Fame and named as Western Australia’s Best Ever Yachtsman.

Tasker calculated that his total ocean racing distance was 340,000 nautical miles, and he would boast that in all his years of sailing he and his crew were never forced to retire because of sail, spar or deck gear failure.

Rolland Leslie Tasker passed away on 22 June 2012 at the age of 86.

**Siska**

Is the name given to Rolly Taskers five personally constructed yachts (all called *Siska*) which dominated ocean racing in Western Australia from 1969 to 1985 - winning numerous ocean racing events.

**EXTERNAL SUBMISSIONS**

There is no requirement to advertise private road naming.

Consultation is only required by the GNC when naming Ovals, Pavilions, the naming or renaming of Parks and Reserves or the naming of Towns and Localities.

**STRATEGIC IMPLICATIONS**

The proposal is consistent with the City’s following strategic documents:

Strategic Plan 2010 – 15: the proposed road name protects and enhances the social heritage of the site.

**CONCLUSION**

The naming of the private access way at 9 McCabe Street, North Fremantle (see figure 1) is required for mapping and street addressing purposes.

The proposed name of ‘Tasker Place’ is submitted by the Applicant in honour of the life and contribution to the community of Rolland (Rolly) Leslie Tasker (1926 - 2012) together with the selection of an additional name being ‘Siska Place’. The City has received permission from Kerry Tasker to honour her late husband with the proposed road name.

Both proposed names have passed the GNC preliminary validation where the availability of the names is checked.

Council is therefore asked to consider supporting the Applicant’s request to name the private access way noted in figure one ‘Tasker Place’ and in addition; to request the GNC to include the secondary name of ‘Siska’ into the City of Fremantle Reserved Road Names Register (subject to all statutory approvals).
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That Council:

1. ADVISE the Geographic Names Committee that it has selected 'Tasker Place' in honour of Rolland Leslie Tasker as the proposed new road name to be applied to the private access way located within the development site at 9 McCabe Street, North Fremantle as described on Deposited Plan No. 69902 being Lots 800, 801, 802 and 803 for street addressing purposes.

2. APPROVE the inclusion of the alternative name "Siska' into the City of Fremantle Reserved Road Names Register subject to the approval of the Geographic Names Committee.

3. NOTE that the City of Fremantle has received written permission from the direct family of the Late Rolland Tasker to honour his name for the proposed private road naming as described in item 1 above.

CARRIED: 7/0

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SPECIAL PROJECTS COMMITTEE 11 MARCH 2015

SPC1503-1  PROPOSED SCHEME AMENDMENT - SCHEME AMENDMENT NO. 64 - CHANGE TO THE RESIDENTIAL DENSITY OF THE HILTON LOCAL CENTRE AND MODIFY ASSOCIATED SUB AREA 7.3.1 DEVELOPMENT CONTROLS - INITIATION

DataWorks Reference: 218/071
Disclosure of Interest: Nil
Meeting Date: 11 March 2015
Responsible Officer: Manager Strategic Planning
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: SPC1409-03 (24 September 2014) PSC1403-47 (26 March 2014)

Attachments:
1. Previous minutes SPC1409-03 (24 September 2014) Amendment principles to Local Planning Scheme No. 4 – South Street Transit Corridor
2. Extract from existing Local Planning Scheme provisions – Schedule 12: Local Planning Area 7 – Hilton, Sub Area 7.3.1
EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council resolves to initiate Amendment No. 64 to Local Planning Scheme No. 4 (the Scheme or LPS4) to:

- change the residential density coding of the Local Centre zone at South Street, Hilton from R20 to R80 and R100; and
- modify and include new provisions into Schedule 12: Local Planning Area 7 – Hilton – Specific Development Controls for Sub Area 7.3.1 relating to the proposed density increase.

The recommendation that Council initiate this amendment follows Council’s resolution on 26 March 2014 to support the principle of amending the Scheme with the objective of increasing residential density along the South Street transit corridor. Subsequently on 24 September 2014 Council endorsed the outline scope of a series of scheme amendments to facilitate more intensive mixed use redevelopment at four key ‘nodes’ along the South Street corridor.

Officers have prepared draft Scheme Amendment No. 64 to deal with one of these four nodes - the Hilton Local Centre - in line with Council’s previous resolution of 24 September 2014. Accordingly Council is recommended to resolve to initiate Amendment No. 64 for public advertising.

BACKGROUND

Providing for additional residential development along key public transport corridors is a core element of strategies to accommodate Perth’s future population growth, as set out in a number of key State planning documents, particularly the Western Australia Planning Commission’s (WAPC) Directions 2031 and the accompanying draft Central metropolitan Perth sub-regional strategy. Transit corridor planning is also consistent with the ‘Urban Renewal and Integration’ strategic imperative of the City’s 2010 - 2015 Strategic Plan – ‘Provide a place to live, work and place through growth and renewal’.

South Street has been identified in the draft Public Transport Plan for Perth 2031 as a key east-west link to connect the three strategic/specialised centres of Fremantle, Murdoch and Cannington, three railway lines, two major hospitals (Fiona Stanley and Fremantle) and two universities (Murdoch and Notre Dame). Accordingly the plan proposes South Street as a future bus rapid transit (BRT) route that is projected to have BRT infrastructure by 2031. South Street is also identified as one of seven key transit corridors in Transforming Perth (the product of a joint study between the Property Council of Australia, Office of Senator Scott Ludlam and the Australian Urban Design Research Centre). Please refer to Council item PSC1403-47 for a full overview of these strategic documents.

Additionally, the City’s new Integrated Transport Strategy (adopted by Council on 25 February 2015) identifies the South Street corridor as the City’s highest priority for high quality public transport, and highlights its good potential for land use intensification.

South Street Transit Corridor - previous Council items

Council adopted the concept of amending LPS4 to provide for higher density development along South Street at its Ordinary Meeting of 26 March 2014 (please see Council item
PSC1403-47 for full background). As part of this resolution, Council requested further investigation of the potential for existing Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones along South Street (including adjacent Residential zoned land) to function as nodes of mixed use higher density development with a substantial residential component.

Officers investigated the approximately four kilometre stretch of South Street between Marine Terrace and Stock Road, identifying a number of constraints upon comprehensive redevelopment including fragmented land ownership, small lot sizes, existing development patterns, heritage places and significantly the Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) reserve. Several criteria were applied when identifying the viability of locations suited for more intensive redevelopment including:

- Appropriate zoning under the MRS and LPS4;
- Large land area (1000+ square metres) or the ability to amalgamate lots i.e. same owner;
- Access to the development from alternative roads to South Street (due to MRS road reservation restrictions);
- Ability to limit redevelopment impact upon the surrounding existing low density residential dwellings, and on places of heritage significance; and
- Sufficient services in the area to support higher density development.

Based on the above requirements, a number of specific areas or nodes potentially suited to higher density redevelopment were identified and presented to Council at its Ordinary Meeting of 24 September 2014 (please see Attachment 1). Council resolved to direct officers to prepare four location-specific amendments to LPS4 as follows:

1. That amendments to Local Planning Scheme No. 4 be prepared for each of the following locations, for consideration by the Special Projects Committee:

   a) Hilton Local Centre zone:
      i. Prepare a draft scheme amendment to increase density and increase building height.

   b) 199-213 South Street, White Gum Valley and 214-230 South Street, Beaconsfield and surrounding residential area:
      i. Prepare a draft scheme amendment to increase density, increase building height and criteria for vehicular access and car parking requirements in the Local Centre zone.
      ii. Prepare a draft scheme amendment for residential zoned land adjacent to area (i) for a split density code to achieve a higher density and potential increase in building height, where minimum lot size criteria are met.

   c) 234-244 South Terrace, South Fremantle:
      i. Prepare a draft scheme amendment to increase density, increase building height and criteria for vehicular access and car parking requirements.

   d) 95-109B Hampton Road (corner of South Street), South Fremantle:
      i. Prepare a draft scheme amendment to increase density and increase building height where vehicular access and car parking criteria are met.
Council also resolved:

2. That further investigation be undertaken in relation to consideration of a scheme amendment to facilitate more intensive redevelopment of No.s 350-366 South Street & 6-9 Prichard Street, O’Connor for employment-generating land uses consistent with the current zoning under the Metropolitan Region Scheme, and the outcomes be reported back to the next appropriate Special Projects Committee for further consideration.

PLANNING COMMENT

This report deals with the first of four planned scheme amendments in line with Council’s previous resolution of 24 September 2014 above (part 1a). It recommends the initiation of Amendment No. 64 to increase density and include new and modified development control provisions into Schedule 12: Local Planning Area 7 – Hilton – Specific Development Controls for Sub Area 7.3.1. These changes would apply to properties in the Hilton Local Centre zone, which comprises Sub Area 7.3.1, as identified on the plan below. The details of the Amendment are further discussed below.

Hilton Local Centre – existing planning framework

Sub Area 7.3.1 denoted by red line

Local Planning Scheme No. 4

As shown on the plan above, the Hilton centre is currently zoned Local Centre with a residential density of R20 under LPS4. The Local Centre consists of 40 lots with approximately 30 landowners. It is well serviced, with the capacity of existing infrastructure to support higher density development having been confirmed by earlier planning studies. The centre contains no heritage listed places. There are a number of large lots within the centre with the opportunity for further amalgamation due to one or two owners owning multiple lots. Existing land uses include fast food, supermarket, greengrocer, squash club, pharmacy, hairdresser, butcher, liquor store, bank, and tavern.

The Hilton Local Centre has been identified by the City for a number of years as a centre that would benefit from urban regeneration, and the City has sought to encourage private sector investment in new development in the centre through two previous amendments to LPS4. Scheme Amendment No. 13 (gazetted in 2009) introduced the Local Centre as a
sub area, Sub Area 7.3.1, into Schedule 12: Local Planning Area 7 – Hilton with the incorporation of ‘Specific Development Controls’ relating to this area. These controls sought to offer an incentive for coordinated redevelopment of multiple land parcels by specifying a very conservative base residential density coding of R20 and maximum building heights of 5.5m, but the opportunity to attain a significantly higher density (up to R60 and R100) and increased building height (up to 3 or 4 storeys) where development satisfies a suite of development criteria, including coordinated vehicular access and car park design. A further amendment to the Scheme (Amendment No. 32) in 2012 re-zoned the Sub Area from ‘Neighbourhood Centre’ to the higher order centre of ‘Local Centre’.

The current provisions in Schedule 12 of the Scheme that apply to the Hilton Local Centre (Sub Area 7.3.1) are reproduced in Attachment 2 to this report. The Sub Area is currently divided into two sections, Area A and B, with specific ‘development controls’ (i.e. higher density coding and building heights) relating to each Area, and criteria that must be satisfied in order for the specific controls to apply. If a development proposal satisfies these criteria, it can be approved with the higher density code and building height.

Since these provisions were introduced into LPS4 there has been only limited developer interest in the centre. To date only one development based upon the higher density coding and building heights has been granted planning approval – a development of six multiple dwellings at No. 1 Hughes Street (approved 6 December 2013 but not yet constructed). Although reasons for this limited interest have not been extensively researched, anecdotal evidence and informal feedback from landowners and other parties potentially interested in developing in the area suggests that a number of issues including land values and market interest in the centre, broader economic factors affecting development viability and financing generally, and the impact of the Metropolitan Region Scheme reservation affecting South Street (referred to below) have all been contributory factors. Additionally, the current Scheme provisions are relatively complex to understand, and the lack of certainty over the ability to develop at the higher density coding may have deterred some developer interest.

MRS Primary Regional Road (PRR) reserve

The Metropolitan Region Scheme Primary Regional Road (PRR) reserve runs along South Street from Davies Street, Beaconsfield in the west to Stock Road and beyond in the east. The reservation encroaches approximately ten metres into the front setback of the lots fronting South St in the Hilton Local Centre. The area of a lot subject to the PRR reserve is un-zoned and has no residential density code under LPS4.

Local Planning Policy

Hilton Local Centre is identified as a Contribution Area under the City’s Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works. In specific circumstances, Local Planning Policy 2.13 – Sustainable Building Design Requirements may also apply to new development proposals at the planning application stage.

Proposed Scheme Amendment No. 64

Hilton Local Centre is the largest of the nodes along the South St transit corridor identified by Council, and has the potential to facilitate a higher density of development than the
other nodes principally due to the larger sizes of lots and the character of existing development. In line with Council’s resolution of 24 September 2014 officers propose the following amendments to the Scheme:

- change the density coding of the Local Centre zone from R20 to R80 and R100; and
- modify and include new provisions into Schedule 12: Local Planning Area 7 – Hilton – Specific Development Controls for Sub Area 7.3.1.

**Change the density coding of the Local Centre zone from R20 to R80 and R100**

Sub Area 7.3.1 of LPA 7 currently divides the Hilton Local Centre into two areas - Area A and Area B (refer to plan in Attachment 2). The Amendment proposes to up-code the existing residential density of those lots contained within Area A from R20 to R100, and those lots contained in Area B from R20 to R80, as shown on the proposed Scheme map below (lot numbers will not be shown on final Scheme map):

![Diagram](image)

In the existing Area A of Sub Area 7.3.1, the current ‘specific development controls’ allow an increase in residential density up to R100 whereby specific development criteria are met. The proposed increase to the existing ‘as of right’ residential density coding of R20 to R100 therefore maintains consistency with the potential density of development currently...
available to those lots within Area A, but the key difference is that the higher density would be the sole density code applying in the area.

In the existing Area B of Sub Area 7.3.1, the current ‘Specific development controls’ allow an increase in residential density up to R60 whereby specific development criteria are met. Table 4 of the R Codes allows a plot ratio of 0.7 for R60. Hilton Local Centre is identified as the largest node within the South Street study area; therefore in line with Council’s resolution to facilitate mixed use higher residential density development, officers propose an increase in density to R80 at Area B. This would facilitate a modest increase in plot ratio and dwelling yield over that currently available to those lots (a plot ratio of 1.0 instead of 0.7 as set out in the R Codes). Figure 3 below provides a full comparison of plot ratio for the current, proposed and surrounding residential density codes. An increase in density code from R60 to R80 would potentially facilitate additional dwelling yield through an increased plot ratio, whilst maintaining the same building heights currently permitted in this area.

**Modify and include new provisions into Schedule 12: Local Planning Area 7 – Hilton – Specific Development Controls for Sub Area 7.3.1**

As discussed above, proposed Amendment No. 64 would increase the base, or ‘as of right’, residential density code to those densities currently achievable in Sub Area 7.3.1 under the existing ‘specific development controls’ where specified and currently discretionary development criteria are satisfied. The amendment proposes to replace both the ‘criteria to be met in order for specific development controls to apply’ and the ‘specific development controls’ with one set of development controls or requirements. This would mean that development could be proposed in any case at a density up to the new, higher single density coding but would have to comply with the specified development requirements. These requirements would be very similar to those which currently have to be satisfied in order to develop at the higher density, including maximum building heights, vehicle access and car parking arrangements, active ground floor land uses (South St and Carrington St), traffic impact assessment (South St), setbacks to the PRR (South St). For improved clarity and because of a new recommendation for different maximum building heights to apply on the north and south sides of South Street it is proposed to modify the existing Sub Area map to re-label Area 1 to Area 1a and 1b and Area B to Area 2.

This updated format to the controls and Sub Area map maintains consistency with the format of more recent amendments to Schedule 12 of the Scheme, specifically Sub Area 1.3.2 of LPA 1 (City Centre Strategic Sites) and Sub Area 2.3.1 of LPA 2 (the ‘East End’).

The proposed amendment to the Sub Area map and associated specific development controls is set out below:
7.3 SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREA

Sub Area 7.3.1

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**Land Use**

a) Notwithstanding the provisions of Table 1 – Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street and Carrington Street.

b) In the event of no objection from Main Roads, Council may approve the temporary use of land zoned Primary Regional Road Reserve under the Metropolitan Region Scheme for purposes ancillary to new development on the lot, including alfresco dining area and landscaping.

**Building height and setbacks**

c) Clause 7.1 ‘Height requirements’ and clause 7.2 ‘Matters to be considered in applying general and specific height controls’ of Local Planning Area 7 do not apply.

d) Permitted building heights shall be in accordance with the requirements set out in the table below:
e) Council may permit a maximum building height of 17 metres for Area 1b where the portion of building exceeding the Permitted Building Height of 14 metres is sufficiently setback from the street façade so as to not be visible from the street(s) adjoining the development site.

f) In the front elevation of all new development the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.

g) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback.

### Car parking and vehicle access

h) Vehicle access to development sites with frontage to South Street and Carrington Street shall be taken from an alternative public road where it is available.

i) Vehicle access shall be coordinated with adjoining lots in order to minimise the number of crossovers to the public road(s).

j) Vehicle parking shall be provided below ground level or at the rear of buildings.

k) For new development with frontage to South St and Carrington Street, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.

### Other design requirements

l) Buildings shall incorporate active ground level frontages to South Street and Carrington Street.

m) The maximum aggregate width of spaces between or to the side of building(s) on the lot at ground level on the frontage to South Street shall be no more than 8 metres.

### Specific Development Controls

#### Building Height

The permitted building heights in the proposed Area 1a, 1b and 2 have been reformatted into a table (see Figure 2 above).

<table>
<thead>
<tr>
<th>Area</th>
<th>Building Height</th>
<th>Street Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>14m</td>
<td>7m</td>
</tr>
<tr>
<td>1b</td>
<td>14m</td>
<td>7m</td>
</tr>
<tr>
<td>2</td>
<td>11m</td>
<td>7m</td>
</tr>
</tbody>
</table>

The current Specific Development Controls for Area A and B of Sub Area 7.3.1 provide a maximum external wall height in storeys, as well as a maximum external wall height in metres. The current storey limit for both Area A (proposed Area 1a/1b) and Area B (proposed Area 2) allows for a 4m floor to ceiling height for the ground floor to adequately
provide for commercial land uses and facilities, and 3m floor to ceiling heights for the upper floors.

The table below (Figure 3) provides a full comparison of external wall and building heights for the current, proposed and surrounding residential density codes.

**Figure 3 - Current Sub Area 7.3.1 and R Code building height requirements**

<table>
<thead>
<tr>
<th>Residential Density Code</th>
<th>Top of external wall</th>
<th>Top of external wall (concealed roof)</th>
<th>Top of pitched roof</th>
<th>Plot ratio (multiple dwellings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R20/R30/R40 (R Codes heights)</td>
<td>6m</td>
<td>7m</td>
<td>9m</td>
<td>R30 multiple dwelling = 0.5</td>
</tr>
<tr>
<td>R60 (multiple dwellings) (R Codes heights)</td>
<td>9m</td>
<td>10m</td>
<td>12m</td>
<td>0.7</td>
</tr>
<tr>
<td>R60 Sub Area 7.3.1 (LPS4 heights)</td>
<td>-</td>
<td>11m max. external wall Three storey limit</td>
<td>Max. 33 degree roof pitch</td>
<td>0.7</td>
</tr>
<tr>
<td>R80 (R Codes heights)</td>
<td>12m</td>
<td>13m</td>
<td>15m</td>
<td>1.0</td>
</tr>
<tr>
<td>R100 (R Codes heights)</td>
<td>12m</td>
<td>13m</td>
<td>15m</td>
<td>1.25</td>
</tr>
<tr>
<td>R100 Sub Area 7.3.1 (LPS4 heights)</td>
<td>14m max. external wall Four storey limit</td>
<td>Max. 33 degree roof pitch</td>
<td>1.25</td>
<td></td>
</tr>
</tbody>
</table>

To maintain the provision of a floor to ceiling height of 4m at ground floor level for commercial tenancies in the Local Centre, officers propose retention of the existing building height in metres in LPS4 as a permitted building height for both Areas, being 11m for proposed Area 2 and 14m for proposed Area 1a and 1b. For each Area, the permitted building height allows one metre additional height compared to that allowed for ‘top of external wall (concealed roof)’ in the R Codes for R80 and R100 density development.

Additionally, a new development control to require a minimum façade height of 7m (two storeys) is proposed for those lots with frontage to South St and Carrington St to reinforce the significance of the Local Centre and to provide a consistent streetscape with a sense of enclosure and more urban scale.

To ensure the provision of a 4m ground level floor to ceiling height in any new development, the following requirement is proposed to be included in the re-formatted ‘Specific Development Controls’ of the Sub Area as follows:

f) In the front elevation of all new development the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.
The above requirement would still allow the development of the same number of storeys as currently set out for each Area, and therefore officers recommend the removal of the existing storey requirement, in addition to the removal of the current roof pitch requirement, which is considered a redundant design feature within the current planning context of this area.

**Area 1b - additional building height**

In consideration of the Hilton Local Centre as the largest of the nodes for intensification along the South St transit corridor, and in line with Council’s previous resolution supporting the principle of increased building height in the Hilton Local Centre, officers recommend that Amendment 64 should include an additional building height allowance of three metres (generally equivalent to one storey) to the Permitted Building Height for those properties in proposed Area 1b (i.e. on the north side of South Street) as follows:

\[ e) \text{ Council may permit a maximum building height of 17 metres for Area 1b where the portion of building exceeding the Permitted Building Height of 14 metres is sufficiently setback from the street façade so as to not be visible from the street(s) adjoining the development site.} \]

Officers consider the properties in Area 1b, being located to the north of South St, have capacity to be developed at slightly greater height than properties on the south side of South St because any potential overshadowing from the additional building height will generally fall to the south onto the South St road reserve, and not onto existing residential properties as would be the case with additional height in Area 1a.

A consistent streetscape to South St could be maintained through the requirement that the additional three metres of building height is set back from the street façade so as to not be ‘visible from the street’ as defined in the City’s Scheme as below:

**Visible from the street:** will be based on an assumed line of sight measured at a perpendicular angle to the boundary of the development site and the street or public open space, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level. An area of public open space will be considered to have an assumed street width of 20 metres for the purpose of this definition.

**MRS Primary Regional Road reserve**

The Sub Area currently contains the following development control relating to the MRS Primary Regional Road (PRR) reserve:

- The maximum building setback from the lot boundary with South Street is 5 metres, unless Council at its discretion has varied the prescribed setback in order to achieve an improved design outcome or due to road widening;

The South Street PRR reserve encroaches approximately 10 metres into lots directly fronting South Street on both sides of the road. In the past Main Roads WA have allowed for some development activity on the part of freehold lots within the road reservation, for
example removable structures or turning space for vehicular access, and only restricted
development at all to a reduced setback of 5m into the lots. The current Scheme provision
above reflects this approach. However in recent planning applications received by the City
for development on lots affected by the South Street road reservation Main Roads have
prohibited any development or associated activity from being proposed within the full 10m
depth of the reserve area including any structures, turning circles or car parking.

Ultimately this protection of the reservation may prove beneficial if it facilitates the
provision of improved public transport infrastructure and services along South Street,
consistent with the policy aims of the City’s Integrated Transport Strategy. However, in the
short term it is not clear what the Department of Transport or Main Roads WA plans or
timeframes are for the road reservation, and the requirement for all development along the
corridor to be setback at least 10 metres from the reserve boundary significantly reduces
the potential land area for medium to high density development as proposed through this
Amendment. However, in acknowledgement of the current position of Main Roads WA to
oppose any development in the PRR reserve, the existing provision of Sub Area 7.3.1 has
been retained and updated from 5m to 10m as follows:

g) The minimum street setback shall be 10 metres at the lot boundary to South
Street, and the maximum street setback shall be 12 metres at the lot boundary to
South Street, unless Main Roads WA has no objection to a reduced street setback.

A maximum street setback has been provided to ensure a consistent frontage of buildings
to South Street, and allows provision for a reduced street setback should Main Roads’
current position change.

With consideration that the significant area of land under the PRR reserve will likely remain
unutilised by Main Roads or the Department of Transport in the near future, and the risk
the void area of reserve could impact upon the amenity and streetscape of the Local
Centre, officers propose that the temporary use of the reserve for such uses as alfresco
dining and/or landscaping (or similar) associated with new development should be
supported, subject to no objection from Main Roads, as set out in the recommended
Scheme provision below:

b) In the event of no objection from Main Roads, Council may approve the
temporary use of land zoned Primary Regional Road Reserve under the
Metropolitan Region Scheme for purposes ancillary to new development on the lot,
including alfresco dining area and landscaping.

Main Roads WA and the Department of Transport will be formally consulted on the
controls proposed above, and the Amendment as a whole, during the advertising process.
Some preliminary consultation on an informal basis is currently being undertaken with
these agencies.

CONSULTATION

Should Council resolve to initiate this amendment to the Scheme, it will be referred to the
Environmental Protection Authority (EPA) for assessment, prior to the commencement of
advertising. Assuming the EPA does not require an environmental assessment the
amendment will be publicly advertised for not less than 42 days in accordance with the
Planning and Development Act 2005, the Town Planning Regulations 1967 and the City’s Local Planning Policy 1.3 - Public Notification of Planning Approvals. Given the high level of previous community engagement with property owners in the area and the local community generally during previous scheme amendment processes relating to the Hilton centre over a number of years, officers have not considered it necessary to undertake any preliminary community consultation prior to formal initiation of the scheme amendment that is the subject of this report.

CONCLUSION

In line with Council’s previous resolution on 24 September 2014, this report recommends the initiation of an amendment to LPS4 to increase density and increase building height in the Hilton Local Centre, South Street. This amendment forms the first of a suite of amendments being prepared to give effect to Council’s strategic aim of facilitating the development of nodes of higher density development along South Street, having regard to its current and future potential as a primary public transport corridor that can support intensive transit-served development.

The proposed amendment up-codes the Local Centre whilst retaining with some revisions key provisions of Sub Area 7.3.1, including controls over maximum building height, measures to manage traffic impacts, vehicle access and parking layout, and promotion of ground level activation.

Given the City has previously identified the Hilton Local Centre as focal point for increased investment and renewal through redevelopment, and that under the current Scheme controls to date very few redevelopment applications have been received, it is considered that revised planning controls to further encourage redevelopment and population growth in this location are appropriate. Council is therefore recommended to resolve to initiate Scheme Amendment No. 64 as set out in the Officer’s recommendation below.

OFFICER’S RECOMMENDATION

1.   That council resolve, pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No. 4 as follows:

   a) As shown on the map below, amend the Scheme map to apply a residential density coding of:

      i)  R100 to 273 (Lot 888), 277 (Lot 303), 279 (Lot 700), 283 (Lot 6), 285 (Lot 500), 290 (Lot 50), 292 (Lot 13), 294 (Lot 14), 296 (Lot 102), 297 (Lot 80), 299 (Lot 73/81), 304 (Lot 1, 2, 3, 4, 16, 17, 54, 55, 56 and 57) and 312 (Lot 30) South Street, 190 (Lot 1), 192a (Lot 1) and 192b (Lot 2) Carrington Street, 17 (Lot 20), 19 (Lot 101), 42 (Lot 6) and 44 (Lot 5) Victor Street, and 3 (Lot 1) and 3a (Lot 2) Lee Avenue, Hilton; and

      ii) R80 to 180 (Lot 16 and 1696), 186A (Lot 1), 186B (Lot 2), 188 (Lot 11) Carrington Street, 1 (Lot 17) and 3 (Lot 18) Hughes Street, and 15 (Lot 19), 38 (Lot 8), 40 (Lot 7) Victor Street, Hilton.
b) Amending Clause 12.12 Schedule 12: Local Planning Areas (Development Requirements) Local Planning Area 7 – Hilton by inserting the following:

### SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREA

<table>
<thead>
<tr>
<th>Sub Area 7.3.1</th>
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<tbody>
<tr>
<td><strong>LEGEND</strong></td>
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<tr>
<td>🟢 Area 1</td>
</tr>
</tbody>
</table>

**Land Use**

a) Notwithstanding the provisions of Table 1 – Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street and Carrington Street.

b) In the event of no objection from Main Roads, Council may approve the temporary use of land zoned Primary Regional Road Reserve under the Metropolitan Region Scheme for purposes ancillary to new development on the lot, including alfresco dining area and landscaping.

**Building height and setbacks**

c) Clause 7.1 'Height requirements' and clause 7.2 'Matters to be considered in applying general and specific height controls' of Local Planning Area 7 do not apply.

d) Permitted building heights shall be in accordance with the requirements set out in the table below:
<table>
<thead>
<tr>
<th>Area</th>
<th>Permitted Building Height (Metres)</th>
<th>Minimum Façade Height (Metres) to South Street and Carrington Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>14m</td>
<td>7m</td>
</tr>
<tr>
<td>1b</td>
<td>14m</td>
<td>7m</td>
</tr>
<tr>
<td>2</td>
<td>11m</td>
<td>7m</td>
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</tbody>
</table>

e) Council may permit a maximum building height of 17 metres for Area 1b where the portion of building exceeding the Permitted Building Height of 14 metres is sufficiently setback from the street façade so as to not be visible from the street(s) adjoining the development site.

f) In the front elevation of all new development the first floor level must be at least 4 metres above the level of the footpath adjacent to the site.

g) The minimum street setback shall be 10 metres at the lot boundary to South Street, and the maximum street setback shall be 12 metres at the lot boundary to South Street, unless Main Roads has no objection to a reduced street setback.

**Car parking and vehicle access**

h) Vehicle access to development sites with frontage to South Street and Carrington Street shall be taken from an alternative public road where it is available.

i) Vehicle access shall be coordinated with adjoining lots in order to minimise the number of crossovers to the public road(s).

j) Vehicle parking shall be provided below ground level or at the rear of buildings.

k) For new development with frontage to South St and Carrington Street, a Traffic Impact Assessment is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.

**Other design requirements**

l) Buildings shall incorporate active ground level frontages to South Street and Carrington Street.

m) The maximum aggregate width of spaces between or to the side of building(s) on the lot at ground level on the frontage to South Street shall be no more than 8 metres.

2. That the Mayor and Chief Executive Officer be authorised to execute the relevant Scheme Amendment documentation.

3. That the Local Planning Scheme Amendment be submitted to the Environmental Protection Authority requesting assessment prior to commencing public consultation.
4. That upon receipt of the environmental assessment from the Environmental Protection Authority, the amendment be advertised for a period of not less than 42 days, in a local circulating newspaper.

5. That the Local Planning Scheme Amendment be submitted to the Western Australian Planning Commission for information.

COMMITTEE DECISION

MOVED: Cr R Pemberton

That consideration of proposed Scheme Amendment No. 64 be deferred to the next appropriate Special Projects Committee meeting to enable officers to investigate and provide further advice on the following matters:

a. retention of dual density provisions in the scheme, but with options for revised criteria for development at the higher density, including possible mandatory ground floor uses, and parking arrangements that would not require easements or purchase of right of ways;

b. possibility of greater height on certain larger lots where criteria for higher density development are satisfied;

c. revised minimum facade height requirements to ensure at least two storey development to South Street and Carrington Street; and

d. possible inclusion of residential properties at 286/288 Carrington Street in Scheme Amendment

Additionally, prior to reporting back to Special Projects Committee on the above matters, officers should undertake consultation with land owners within the area and with Main Roads WA on control of the South Street road reservation and public realm improvement opportunities.

CARRIED: 7/0

<table>
<thead>
<tr>
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<tr>
<td>Mayor, Brad Pettitt</td>
<td></td>
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<tr>
<td>Cr Jon Strachan</td>
<td></td>
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<tr>
<td>Cr Rachel Pemberton</td>
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<tr>
<td>Cr Simon Naber</td>
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<tr>
<td>Cr Ingrid Waltham</td>
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<tr>
<td>Cr Sam Wainwright</td>
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<td>Cr Bill Massie</td>
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</table>
EXECUTIVE SUMMARY

The internal auditors from the firm William Buck have been invited to the meeting as requested by the committee at their last meeting on 16 December 2014.

The Information Technology internal audit report is submitted as a separate item in this agenda. The progress on the internal audit work program in 2014/2015 is outlined in the COMMENT section below.

The Outstanding Items List is attached and has been structured to include all items including risk management.

BACKGROUND

The program is based on 20 days of activity per financial year.

COMMENT

Internal audits are scheduled as follows:-

- Events and Functions commencing 20 April 2015.

The Outstanding Item List has been expanded to cover all items outstanding flagged by the Audit and Risk Management Committee therefore now includes the items relating to risk management.

In the current status column of the Register of Outstanding Items officers have made some observations and/or recommendations to assist the committee in its ongoing consideration of the items.

RISK AND OTHER IMPLICATIONS

Financial
Nil
Legal
Nil

Operational
The internal audits to be undertaken by the city's internal auditors and will require the co-operation of relevant City of Fremantle staff.

Organisational
Nil.

CONCLUSION
That the information and report be received.

STRATEGIC AND POLICY IMPLICATIONS
Nil

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required

OFFICER'S RECOMMENDATION

1. The internal audit progress report for March 2015 and items identified as completed be received.

Cr A Sullivan MOVED an amendment to Part 1 and add an additional Part 2 of the Officer's Recommendation to read as follows:

1. The internal audit progress report for March 2015 and items identified as completed be received and note concerns related to high risk projects.

2. Seek the appropriate officer to attend the next Audit Risk Management Committee Meeting to present their status report on items 5.1, 5.3, 5.5, 6.1 and the outstanding IT report.

CARRIED: 3/0

<table>
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<tr>
<th>For</th>
<th>Against</th>
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</table>
COMMITTEE DECISION

MOVED: Cr D Thompson

1. The internal audit progress report for March 2015 and items identified as completed be received and note concerns related to high risk projects.

2. Seek the appropriate officer to attend the next Audit Risk Management Committee Meeting to present their status report on items 5.1, 5.3, 5.5, 6.1 and the outstanding IT report.

CARRIED: 3/0

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
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<tbody>
<tr>
<td>Cr Doug Thompson</td>
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<td>Cr Andrew Sullivan</td>
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<tr>
<td>Mr Phillip Draber</td>
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</tbody>
</table>

REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

The Committee whilst noting the Local Government Reform process had delayed completion of many matters, the Committee expressed concerns in relation to incomplete updates in relation to high priority items on the report.
AC1503-2  COMPLIANCE AUDIT RETURN FOR 2014 TO BE ADOPTED

DataWorks Reference: 102/003
Disclosure of Interest: Nil
Meeting Date: Council 25 March 2015
Previous Item: Nil
Responsible Officer: Glen Dougall, Director Corporate Services
Actioning Officer: Melody Foster, Governance Officer
Decision Making Authority: Council
Agenda Attachments: Compliance Audit Return 2014

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive the Compliance Audit Return 2014 and adopt the return to be submitted to the Director General of the Department of Local Government and Communities prior to the 31 March 2015.

BACKGROUND

In accordance with the Act, each local government authority is required to carry out a compliance audit for the period 1 January to 31 December in each year as instructed by the department. The return consists of 78 questions relating to the local government’s compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered “high risk”. Questions are generally asked in a positive phrase where a ‘yes’ response indicates compliance and a ‘no’ response indicates non-compliance in the majority of cases.

The audit committee is required under section 14 (3A) of the Local Government (Audit) Regulations 1996 to review the completed compliance audit return and report the results to council, prior to the return being adopted by council and submitted to the department by 31 March 2015.

COMMENT

The Audit Committee will review the City’s Compliance Audit Return 2014 at its meeting of the 17 March 2015, the report and attachment along with any comments from the committee will be forwarded to Council for consideration.

This year the City has undertaken an independent review internally. The 2014 return has seen the City of Fremantle achieve a 97.4% compliance rating which is the same as the previous two years.
Of the 78 questions asked in the return, a total of 2 questions were answered 'No', which indicates non-compliance. These questions are listed below with a response from the officer.

### Disclosure of Interest

<table>
<thead>
<tr>
<th>No</th>
<th>Reference</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>s5.76(1) Admin Reg 23 Form 3</td>
<td>Was an annual return lodged by all continuing elected members by 31 August 2014.</td>
<td>There were three Elected Members that did not submit their annual return prior to the 31 August 2014. Two of the returns were received within a week of the due date. One of the Elected Members was on extended leave and their return has since been received.</td>
</tr>
</tbody>
</table>
| 7  | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all designated employees by 31 August 2014. | There were five employees that did not submit their annual return prior to the 31 August 2014.  
  - Two of the employees submitted their returns within a week of the due date.  
  - One of the employees (with an expenditure delegation only) submitted their return two months after the due date. As this is not a first occurrence, this employee has been notified that their delegation has been withdrawn until further notice.  
  - There are two employees that are yet to submit their returns. Both have been notified that their delegations have been withdrawn until their return has been received. |

### RISK AND OTHER IMPLICATIONS

**Financial**

Nil

**Legal**

In accordance with section 7.13 (i) of the Local Government Act 1995 and regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996, local governments are required to carry out an audit of compliance for the period 1 January to 31 December in each year. After carrying out the compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
After the audit committee has received the compliance audit return, it is to be;
(a) presented to the council at a meeting of the council;
(b) adopted by the council; and
(c) recorded in the minutes of the meeting of which it is adopted.

The return is to be signed by the Mayor and Chief Executive Officer and is to be submitted to the Director General of the Department of Local Government and Communities by 31 March following the period to which the return relates.

Operational
Nil

Organisational
Nil

CONCLUSION

Of the 78 questions contained in the 2014 Compliance Audit Return, 2 questions have been answered as non-compliant which represents a 97.4% compliance rate. The City is continuously monitoring areas of non-compliance and looking into ways to improve. Unfortunately in some cases non-compliance is out of our control, however we will endeavour to make improvement where possible.

STRATEGIC AND POLICY IMPLICATIONS
Nil

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required

OFFICER’S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr D Thompson

1. Council adopt the completed Compliance Audit Return of the City of Fremantle for the period 1 January 2014 to 31 December 2014 as attached and accept the actions for correction as contained within this report, and

2. Council approve the Mayor and Chief Executive Officer signing the joint certification of the City of Fremantle 2013 Compliance Audit Return and forward of the completed document to the Director General of the Department of Local Government and Communities by 31 March 2015.
CARRIED: 3/0

<table>
<thead>
<tr>
<th>For</th>
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<tbody>
<tr>
<td>Cr Doug Thompson</td>
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<td>Mr Phillip Draber</td>
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</table>
EXECUTIVE SUMMARY

The Western Australian Electoral Commissioner has written to the City offering to undertake the 2015 elections as full postal elections. In order to accept this offer, the Council is required to resolve that the Electoral Commissioner is responsible for the conduct of the elections and that the method will be a postal election.

BACKGROUND

The Local Government Act 1995 only permits the Western Australian Electoral Commissioner to conduct full postal elections for local government. At its ordinary meeting of 15 December 2003, Council resolved that future elections be conducted as full postal subject to:

- Confirmation by Council prior to the election.
- Confirmation of costs.

COMMENT

The next ordinary elections are due in October 2015. As per previous years the Electoral Commissioner has confirmed in writing that he is willing to undertake the 2015 elections as full postal.

The estimated cost to conduct the 2015 ordinary elections provided by the Electoral Commission is $74 000 including GST, and excludes the following:

- non-statutory advertising;
- any legal expenses other than those that are determined to be borne by the WA Electoral Commission in a Court of Disputed Returns;
- the provision of one local government staff member to work in a polling place on election day; and
- Any additional postage rate increases by Australia Post.

That estimate has been based on 20 200 electors with a response rate of approximately 38%, six vacancies, the count to be conducted at the offices of the City and a standard
Australia Post delivery service charge (which includes the proposed increase in postal rates effective 2 March 2015).

The estimated costs are slightly down from the 2013 elections (2013 was estimated at $75,000). Under the Local Government Act 1995, the Commission is required to conduct local government elections on a full cost recovery and recent experience has demonstrated that the Commission final costs are within their estimate.

The recommendation provides for the Electoral Commissioner to be responsible for the ordinary and any other elections in 2015, which means if any extraordinary vacancies should arise, the approvals are in place to proceed with those elections as full postal.

Council has conducted full postal elections since 2003 and has high levels of voter participation compared to other local authorities.

**RISK AND OTHER IMPLICATIONS**

**Financial**
Only risk seen is for legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.

**Legal**
Under the Local Government Act 1995 only the Western Australian Electoral Commissioner can conduct full postal local government elections.

**Operational**
Whilst the appointment is for the Western Australian Electoral Commissioner to conduct the elections, the City is still responsible for the preparation of the owners and occupiers roll used in the elections and provides administrative support for the election process.

**Organisational**
The organisation is responsible for inducting and training any newly elected councillors as a result of the elections.

**CONCLUSION**
It is recommended the Council appoint the Western Australian Electoral Commissioner to conduct the 2015 elections as full postal elections.

**STRATEGIC AND POLICY IMPLICATIONS**
This item does not recommend any change in the process that has operated since 2003.

**COMMUNITY ENGAGEMENT**
Nil
VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER’S AND COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

1. In accordance with section 4.20(4) of the Local Government Act 1995, the City of Fremantle Council declare the Electoral Commissioner be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and

2. In accordance with section 4.61(2) of the Local Government Act 1995, the City of Fremantle Council decides the method of conducting the elections will be as postal elections.

CARRIED: 7/0

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EXECUTIVE SUMMARY

The $138,716.52 of debts from the Library Management System are considered irrecoverable and are submitted for approval to write off.

BACKGROUND

Under the Local Government Act 1961 (section 6.12 (1) (c), a local government may write off any amount of money. The debts for which write off approval is sought were incurred by library members prior to 2009 and are gst exclusive. All debts are recorded in the Library Management System and are recouped when members next use the library. A debt collection agency is used to recover amounts exceeding $65.00 by any individual when no response to an invoice is received.

COMMENT

Fremantle City Library charges fines for late return of library materials, as well as replacement costs for lost or damaged items as per the City’s Fees and Charges Schedule. Library fines are intended as a deterrent for late returns, encouraging return of materials by the due date, up to $2.00 per item, and capped for individuals and families to ensure payment capacity. Item replacement costs are charged as per the State Library of Western Australia’s depreciated price schedule, and range from $2.00 to $30.00 for most items.

Whilst the majority of these amounts are recouped from library members, there are a good many that are unable to be recovered due to people leaving the area, ceasing to use the library or passing away.

When the Library automated in 1996, outstanding debts from the previous manual system were migrated to the new Library Management System (LMS). Due to limitations of the LMS, records of unpaid fines and replacement costs have remained in the database against the members’ records for many years, even when the debtor is obviously not going to return to the library. Staff have worked with the LMS vendor over the past year to overcome the challenges in extracting historic data from the system, and have been able to produce records of all outstanding debts for the required period. Annual amounts are:
1996 and prior $2,610.80
1997 $10,275.80
1998 $10,160.95
1999 $9,865.50
2000 $12,614.45
2001 $11,217.00
2002 $11,959.70
2003 $13,782.90
2004 $11,806.90
2005 $11,970.92
2006 $10,818.00
2007 $11,117.60
2008 $10,516.00

RISK AND OTHER IMPLICATIONS

Financial

Library fines are accepted on a cash basis, so there is no direct budget impact if these debts are written off.

Legal

Section 6.12 (1) (c) of the Local Government Act 1995 provides authority for the Council to write off outstanding monies.

Operational

Approval of write off of these irrecoverable debts will enable library member and financial records to be deleted from the LMS, making database use and storage less cumbersome.

Organisational

Nil

CONCLUSION

These debts are over six years old, with many dating back to the 1990s, writing off the amounts will enable a database cleanup with old records able to be eliminated.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Absolute majority required.

OFFICER’S AND COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

That Council approves the write off of aged bad debts totalling $138,716.52 from the Library Management System that are considered to be irrecoverable.

CARRIED: 7/0

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EXECUTIVE SUMMARY

The City adopted its annual budget for 2014/2015 on 2 July 2014 with an estimated municipal surplus brought forward from 30 June 2014 of $1,969,947 and estimated municipal surplus at 30 June 2015 of $100,000.

After the budget review adopted by Council on 25 February 2015 the surplus was reduced to $0.00.

This report highlights any issues that may impact on the financial position to 30 June 2015 and the opening funds for the 2015/2016 Budget.

BACKGROUND

The 2014/15 budget was adopted on 2 July 2014 with an estimated municipal surplus brought forward from 30 June 2014 of $1,969,947 and estimated municipal surplus at 30 June 2015 of $100,000.

At its meeting on 23 July 2013 (Item SGS1407-11 refers), Council adopted nature and type as the preferred reporting format with 2.5% and a threshold of $300,000 as the level for explanation of variances.

At the budget review adopted by Council on 25 February 2015 the municipal surplus at 30 June 2015 was estimated at $0.00.
COMMENT

In finalising the 2014/15 budget, it was estimated that we would have a closing municipal surplus at 30 June 2014 of $1,969,947 which in turn became the opening municipal surplus in the 2014/15 budget. The external auditor has now issued an unqualified audit certificate for the financial statements to 30 June 2014 with a surplus of $1,856,988.

A review of the annual budget is required to be undertaken no earlier than 31 December in the financial year and that review was adopted by Council on 25 February 2015. The $112,959 deficit between the estimated and actual closing position at 30 June 2014 as reported in the previous paragraph was addressed as part of the budget review.

Organisational Comment
The State Administrative Tribunal (SAT) made orders to quash the differential rates imposed by the City on undeveloped properties in the 2012-13, 2013-14 and 2014-15 financial years. At its meeting of 26 November 2014, Council reimposed new differential rates and readopted budgets for the three (3) years. The total estimated cost impact of the SAT decision over the three years is $86,247. This matter was also included in the February 2015 budget review.

The annual budget review was adopted by council on 25 February 2015 and as a result the variances that are required to be reported by nature and type were reduced considerably. In the recurrent budget there were only employee costs that exceeded the threshold levels for reporting on the variance.

Employee Costs
Employee costs are $1,003,233 under year to date budget with the major reason being unfilled positions as follows:-

- There are unfilled positions in some business units. However, with agency labour which is expensed under Materials and Contracts, if we exclude City Works agency labour it is $351,000 over year to date budget which means that level of saving is required from the employee budget.
- City Works is $354,000 under year to date budget and most of that would relate to unfilled wages positions however they do not necessarily translate to budget savings as the work is likely to be undertaken by contractors and expensed under Materials and Contracts.

Capital Program
Excluding the $7,800,000 for the acquisition of 2 Jones Street O'Connor and with 67% of the financial year elapsed, capital expenditure is still lagging against year to date budget as can be seen from the following graph.
The capital works quarterly information to 31 December 2014 tabled at the February 2015 council meeting indicates a far more advanced progress on the works program than the attached financial reports as the majority of the cost of a project is incurred in the construction phase where as the percentage complete in the quarterly works report is a measure of the effort expended and generally does not align with the expenditure percentage. At this point in the schedule, the majority of construction is yet to be done and therefore the majority of the cost is yet to be incurred.

Cash investments
With cash investments, action continues to implement the revised policy SG41 to limit investments in financial institutions which provide direct or indirect support of fossil fuel companies. During the month, funds on deposit decreased by $800,000 plus with new investments of $2 million with Wide Bay Australia and $4,034,520 with Rural Bank it enabled the city to reach the 56% mark for investments with financial institutions listed as not supporting unlocking of carbon activities (http://www.marketforces.org.au/banks/map). This was an increase of 6% on the previous month.

Looking forward, the current financial institutions with which we have investments and don't support the unlocking of carbon are all at or slightly above their counter party limits under the city’s investment policy. Therefore to further increase our total percentage whilst maintaining returns and risk will become more difficult as we need to identify new and suitably rated financial institutions that are offering competitive interest rate returns.

Below is a graph showing the cash investment situation at 28 February 2015 and the carbon support/non-support position by financial institution.
Purchase Card Expenditure Reports
Officers had not finalised the detail for their February 2015 purchases at the time this agenda closed so the February 2015 purchase card report will be tabled at the April 2015 meeting.

RISK AND OTHER IMPLICATIONS

Financial
This report is provided to enable Council to keep track of how the allocation of costs and receipt of revenues is tracking against the budget. It is also provided to identify any issues against budget which Council should be informed of.

Legal
Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with explanation of any material variances to be prepared and presented to an ordinary meeting of council.

Under section 6.10 of the Local Government Act 1995 and Local Government (Financial Management) Regulation 12(1);

a) Council has delegated authority to the CEO under item 3.2, Accounts for Payment - Authorisation Of, to make payments from the municipal fund and trust fund.

The lists of accounts paid are presented in accordance with Local Government (Financial Management) Regulations 13(1) and (3)

Operational
This report is provided to Council to keep track of the operational issues affecting the implementation of projects and activities provided for under the 2014/15 adopted budget by reporting actual revenue and expenditure against budget.

Organisational
No direct impact but results year to date may highlight matters that have arisen or may need to be addressed in the future.

CONCLUSION
The financial statements as attached for further review of payments made during February 2015 and cash deposits at the end of February 2015. Also attached is the year to date statement of financial activity and statement of financial position for information.

STRATEGIC AND POLICY IMPLICATIONS
Nil

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required

OFFICER’S AND COMMITTEE RECOMMENDATION
MOVED: Cr A Sullivan

1. The City of Fremantle Financial Report including the Statement of Financial Activity, Statement of Financial Position and Statement of Closing position for the period ended 28 February 2015 is received,

2. Council receives the payments authorised under delegated authority and detailed in the list of invoices for February 2015, presented as per the summaries set out in the attached schedules and include creditors that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED: 7/0

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MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
Nil.

REPORTS BY THE MAYOR OR OFFICERS OF COUNCIL
STATUTORY COUNCIL ITEMS
Nil.

COUNCIL ITEMS
C1503-1 INFORMATION REPORT - MARCH 2015

ACCEPTANCE OF TENDER FCC434/14 FOR SOUTH TERRACE LIGHTING UPGRADE PARRY STREET TO WRAY AVENUE
ECM Reference: 39/073
Author: Glen Dougall Director Corporate Services
Agenda Attachments: FCC434/14 FOR SOUTH TERRACE LIGHTING UPGRADE PARRY STREET TO WRAY AVENUE

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for South Terrace Lighting Upgrade Parry Street to Wray Avenue to be awarded to High Speed Electrics for the sum of $295,250.00 excluding GST.

ACCEPTANCE OF TENDER FCC435/14 FOR REMEDIAL AND COMPLIANCE WORKS AT 1-13 SOUTH TERRACE EVAN DAVIES BUILDING
ECM Reference: 39/073
Author: Glen Dougall Director Corporate Services
Agenda Attachments: FCC435/14 FOR REMEDIAL AND COMPLIANCE WORKS AT 1-13 SOUTH TERRACE EVAN DAVIES BUILDING

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Remedial and Compliance Works at 1-13 South Terrace Evan Davies Building to be awarded to RCR Resources Pty Ltd for the sum of $206,804.99 excluding GST.
ACCEPTANCE OF TENDER FCC437/15 HARVEY BEACH RIVER WALL REPAIRS

ECM Reference: 39/073
Author: Glen Dougall Director Corporate Services
Agenda Attachments: FCC437/15 HARVEY BEACH RIVER WALL REPAIRS

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Harvey Beach River Wall Repairs to be awarded to MMM WA Pty Ltd for the sum of $51,000.94 excluding GST.

ACCEPTANCE OF TENDER FCC438/15 FOR COMPLIANCE AND ESSENTIAL MAINTENANCE WORKS AT VICTORIA PAVILION FREMANTLE OVAL

ECM Reference: 39/073
Author: Glen Dougall Director Corporate Services
Agenda Attachments: FCC438/15 FOR COMPLIANCE AND ESSENTIAL MAINTENANCE WORKS AT VICTORIA PAVILION FREMANTLE OVAL

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Compliance and Essential Maintenance Works at Victoria Pavilion Fremantle Oval to be awarded to PRC Building Services Pty Ltd for the sum of $394,129.19 excluding GST.

OFFICER’S RECOMMENDATION

The information report for March 2015 be received.
C1503-2 CANTONMENT HILL WORKING GROUP DRAFT MASTER PLAN

ECM Reference: 039/068
Disclosure of Interest: Nil
Meeting Date: 25 March 2015
Previous Item: Nil
Responsible Officer: Peter Pikor, Director Infrastructure and Project Delivery
Actioning Officer: Lionel Nicholson, Manager City Works
Decision Making Authority: Council
Agenda Attachments: Cantonment Hill detail design concepts for Architectural, Landscape and Interpretation works

EXECUTIVE SUMMARY

The City of Fremantle established the Cantonment Hill Working Group in April 2013 to participate in the implementation of the approved master plan and associated first stage works for Cantonment Hill.

The Working Group was supported by Consultants to develop a draft detail concept designs for Architectural, Landscape and Interpretation works on Cantonment Hill.

This report presents the Final Draft Concepts for Cantonment Hill recommended by the Cantonment Hill Working Group. The draft plans propose the site has extensive upgrades and investment to achieve a sustainable place of interest for both visitors and locals. The draft plans are submitted for consideration of budget funding, implementation and activation strategies for phasing any works.

BACKGROUND

In April 2013, Council resolved that the Cantonment Hill community based working group be formed to undertake implementation of the Master Plan in accordance with the City’s major strategic imperatives.

The Cantonment Hill Working Group (CHWG) was formed with objective of implementing stage 1 of the Master Plan for Cantonment Hill that addresses the following:

- the development objectives and philosophy,
- protection of the cultural heritage significance of the site,
- allocation of land uses including recreation and open space areas,
- landscape plan together with management strategy
- public access plan
The area which includes the Cantonment Hill Reserve, Tuckfield Street open space and Signal station and surrounds is significant at the local, state and national level and has the following classifications;

- Listed by the National Trust September 1980
- Placed on the Register of the National Estate October 1982
- Listed by the Heritage Council of WA June 1997
- Fremantle Heritage Municipal Inventory

It is proposed that Council implements restoration and upgrade works Cantonment Hill that will:

- Ensure adequate protection of the cultural heritage significance.
- Identify opportunities for community use and access to the site.
- Protect the area in terms of its natural and built features and protection of community values.
- Implement development strategies and stages that are consistent with the City’s strategic plan, deliver sustainable outcomes and fulfil statutory obligations.

In order for any works to occur on Cantonment Hill, consent from the Minister for Indigenous Affairs under Section 18 of the Aboriginal Heritage Act 1972 must be obtained.

The Working Group first met in July 2013 and has met to on a regular basis to develop the concepts over the past 18 months.

The activities of the Working group entailed interactive workshops, site visits, Cantonment Hill site clean-up by the community and extensive consideration of possibilities and issues facing the Cantonment Hill environment and community.

**COMMENT**

The heritage significance of this area gives priority to the conservation and ongoing management of all aspects of the surviving landscape, buildings and grounds.

The area is recognised to have cultural heritage significance based on ethnographic, historic, aesthetic, social and scientific values. The place has ethnographic significance to Aboriginal people.

The Working Group developed its own methodology in accordance with the City’s Strategic Plan, Development and Land use Policy D.G.F30 for this area including the specified precincts, Green Plan, Conservation Principles and Bush Forever site classification to achieve the following essential outcomes;

- Integrated management stages and plans of potential design proposals
- Priority actions and possible stages of implementation
- Presenting the detail concept designs to Council for consideration

The implementation of the detailed concept designs will require a staged approach spanning several years and will depend on the success of securing funding. Strategies
and priorities should seek to align with the short term activation and long term implementation.

**RISK AND OTHER IMPLICATIONS**

**Financial**
The City’s Long Term Financial plan indicates plus $2 million budget is available for co-funding projects at the site.

**Legal**
The City will need to obtain the required approvals from the Heritage Council of WA, Department of Planning and other stakeholders before starting the next stage including detail design and construction.

**Operational**
Implementation of the stages can be carried out with internal resources or external contractors pending strategic and budget priorities.

**Organisational**
The implementation and activation works will draw resources from multiple business units and require the preparation of a detailed project management plan.

**CONCLUSION**
The Cantonment Hill Working Group adopted a visionary holistic approach to produce a comprehensive set of detailed concept architectural, landscape and interpretation aspects to guide the future look and feel of the area.

In progressing the detail concept designs additional design concepts were requested to consider commercial initiatives. The working group requested that this report highlight that these are believed to fall outside the scope of the Master Plan.

The plans identify options and stages for extensive upgrades and investment, including commercial possibilities, to achieve a sustainable place of interest for both visitors and locals.

To achieve the identified potential outcomes will require significant allocation of funds including by way of grant funding and/or private investment.

**STRATEGIC AND POLICY IMPLICATIONS**

*Strategic Imperative - Character*
Sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history.

*Strategic Imperative - Urban Renewal & Integration*
Provide a great place to live, work and play through growth and renewal
COMMUNITY ENGAGEMENT

The process of setting up the working groups supports community engagement, participation and facilitation. It is envisaged as the stages of the project are implemented further community information sessions will take place.

The development of the Cantonment Hill Master Plan underwent extensive community consultation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S RECOMMENDATION

That Council;

1. Receives the draft detail concept plans for architectural, landscape and interpretation works from the Cantonment Hill Working Group.

2. Thanks the Cantonment Hill Working Group for their efforts in developing the detail design concept designs for Cantonment Hill.
EXECUTIVE SUMMARY

The purpose of this report is to recommend Council adopt the *City of Fremantle Alfresco Dining Local Law 2014 (No.2)*.

BACKGROUND

At the Ordinary Meeting of Council on 22 October 2014, the City of Fremantle Council resolved by absolute majority to adopt and advertise the *City of Fremantle Alfresco Dining Local Law 2014 (No 2)* and repeal the *City of Fremantle Alfresco Dining Local Law 2014*.

COMMENT

The purpose and effect of the *City of Fremantle Alfresco Dining Local Law 2014 (No. 2)* was noted in the agenda of the Ordinary Meeting of Council on 28 January 2015, and recorded in the minutes.

The purpose and effect is as follows:

Purpose and effect
(1) The purpose of the local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district.
(2) The effect of this local law is to control alfresco areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.

On 2 February 2015, a notice was posted on the City of Fremantle’s Public Notice Board and copies of the proposed local law were made available for public viewing at [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au) under ‘Community Engagement’, at the Customer Service Centre and at the Library.

On 3 February 2015, a copy of the proposed *City of Fremantle Alfresco Dining Local Law 2014 (No. 2)* was provided to the Minister for Local Government & Communities along with a copy of the state wide public notice as published in The West Australian
3 February 2015, a copy of the local public notice as published in the Fremantle Gazette on 3 February 2015 and the National Competition Policy form.

The proposed *City of Fremantle Alfresco Dining Local Law 2014 (No. 2)* was advertised for a period of 42 days and no public submissions were received by the City of Fremantle.

On 10 March 2015, Parliament disallowed the *City of Fremantle Alfresco Dining Local Law 2014*. A Notice about the disallowance will be gazetted within 28 days.

On 13 March 2015, the City of Fremantle received an email from the Legislation Branch of the Department of Local Government & Communities stating they will be unable to provide comments regarding the proposed *City of Fremantle Alfresco Dining Local Law 2014 (No 2)* by the close of the submission period (ie. 18 March 2015) but it is anticipated that comments will be provided by 10 April 2015.

On page 75 of the Minutes – Ordinary Meeting of Council on 22 October 2014, it was stated that “the newly created *City of Fremantle Alfresco Dining Local Law 2014* was published in the government gazette on 18 July 2014 and subsequently the City received correspondence from the Department of Local Government & Communities identifying a number of shortfalls in the local law”. The Minutes also stated that “these shortfalls should ideally have been communicated to the City prior to gazetral of the local law; however these matters were not brought to the City’s attention until after the gazetral date”.

These statements were made in error and it has been confirmed the Department’s comments were submitted to the City by email on 4 March 2014. A second copy of the Department’s comments was requested by the City and the comments were resent by the Department on 5 August 2014. The City of Fremantle’s officers acknowledge their error and apologise to the Department of Local Government & Communities for this misrepresentation of the facts.

**RISK AND OTHER IMPLICATIONS**

**Financial**

Nil

**Legal**

The City is required to follow the local law adoption procedure as prescribed in the *Local Government Act 1995*.

**Operational**

The proposed local law will improve and simplify the current application, assessment and licensing process for outdoor eating areas as well as providing improved enforcement pathways for City officers.

**Organisational**

The proposed local law will serve as a standalone law to manage the use of City land for alfresco dining. The City has a number of other policies and local laws that relate to
activities in the road reserve and these will continue to be enforced by relevant business units.

CONCLUSION

The City’s Alfresco Dining Local Law 2014 (No. 2) will serve to support the City’s strategic vision and simplify management of alfresco dining areas. The City has prepared a modern and relevant local law that seeks to achieve greater flexibility for business proprietors as well as simplifying the approvals and compliance procedures for City officers. The City considers the proposed local law to represent best practice for the management of City owned/managed space for dining and other compatible uses.

STRATEGIC AND POLICY IMPLICATIONS

City of Fremantle Strategic Plan 2010 – 2015
Strategic Imperative 1 – Strengthen Fremantle’s economic capacity
Strategic Imperative 2 - Provide a great place to live, work and play through growth and renewal.

COMMUNITY ENGAGEMENT

The City advertised the draft local law for a period of 42 days in accordance with the requirements of the Local Government Act 1995. No public submissions were received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER’S RECOMMENDATION

1. That Council resolve to adopt the City of Fremantle Alfresco Dining Local Law 2014 (No. 2).

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

ALFRESCO DINING LOCAL LAW 2014 (No. 2)

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Fremantle resolved on [insert date] to make the following Local Law.

Part 1 – Preliminary

1.1 Citation
This local law may be cited as the *City of Fremantle Alfresco Dining Local Law (No. 2) 2014.*

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette.*

1.3 Repeal

The *City of Fremantle Alfresco Dining Local Law 2014* as published in the Government Gazette on 18 July 2014 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

In this local law, unless the context otherwise requires –

*Act* means the *Local Government Act 1995*;

*alfresco dining area* means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both to the public or the consumption of food or beverages or both by the public;

*alfresco dining* means outdoor dining or drinking or both in a public place;

*authorised person* means the CEO or any other person authorised by the local government under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;

*CEO* means the Chief Executive Officer of the local government;

*Council* means the Council of the local government;

*district* means the district of the local government;

*food business* has the same meaning as the *Food Act 2008*;

*fee* means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

*furniture* means chairs, tables, waiter’s stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco dining area;

*Health Act* means the *Health Act 1911*;

*licence* means a licence issued by the local government under this local law to set up and conduct an alfresco dining area;
**licence period** means the period referred to in clause 2.9;

**licence plan** means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;

**licensee** means a proprietor of a food business who holds a valid licence;

**Liquor Control Act** means the *Liquor Control Act 1988*;

**local government** means the City of Fremantle;

**local public notice** has the meaning given to it in section 1.7 of the Act;

**month** means calendar month;

**nuisance** means –

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or

(c) interference which causes material damage to land or other property on the land affected by the interference;

**public place** means any thoroughfare, pedestrian mall or local government property;

**proprietor** has the same meaning as the *Food Act 2008*;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**utility** means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

**valid**, in relation to a licence issued under this local law, means current and for which all the associated fees have been paid in full; and

**vehicle crossing** means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.
2.1 Licence required

Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place –

(a) other than in a portion of a public place adjoining a food business;

(b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);

(c) unless the person is the holder of a valid licence issued under this local law; and

(d) other than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

2.2 Exemptions

(1) The local government may exempt a person or class of persons in writing from the requirement to have a licence.

(2) Any exemption in subclause (1) may be exercised-

   (a) on the application of a person; or

   (b) at the local government’s discretion.

(3) An exemption in subclause (1) may be given subject to any conditions the local government sees fit.

(4) An exemption may apply to, or be in respect of –

   (a) a particular event, street festival, carnival or activity approved by the Local government;

   (b) particular goods or services; or

   (c) a period of time.

2.3 Application for a licence

(1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).

(2) An application for a licence under this local law shall-

   (a) be in the form determined by the local government;
(b) be signed by the proprietor of a food business adjacent to the portion of
the public place to which the application relates;

(c) provide the information required by the form; and

(d) be forwarded to the CEO together with any fee imposed and determined by
the local government.

(3) The local government may require an applicant to provide additional
information reasonably related to an application before determining the
application.

(4) The local government may require an applicant to give local public notice of
the application for a licence.

(5) The local government may refuse to consider an application for a licence
which is not in accordance with subclause (2) or where the applicant has not
complied with subclauses (3) or (4).

2.4 Relevant considerations in determining application for licence

In determining an application for a licence, the local government is to have regard
to –

(a) any relevant policies of the local government; and

(b) any other matters that it considers to be relevant.

2.5 Decision on application for licence

(1) The local government may, in respect of an application for a licence-

   (a) approve the application unconditionally or subject to any conditions; or

   (b) refuse to approve the application.

(2) The local Government may refuse an application for a license if it its opinion -

   (a) the proposed alfresco area does not conform with the requirements of this
local law or any other relevant law;

   (b) the proposed alfresco area does not conform with the requirements of any
relevant policies of the local government;

   (c) the use of the proposed alfresco area is likely to cause a nuisance; or

   (d) the proposed licensee has been convicted during the preceding 5 years of
an offence against –

   (i) this local law;
(ii) the Health Act;
(iii) the Liquor Control Act; or
(iv) any other written law that affects alfresco dining.

(3) If the local government approves an application for a licence, it is to issue to the applicant a licence in the form determined by the local government.

(4) If the local government refuses to approve an application for a licence, it is, as soon as practicable after the decision is made –

(a) to give the applicant written notice of, and written reasons for, the refusal; and

(b) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

(5) Where a clause of this local law refers to conditions which may be imposed on a licence of which are to be taken to be imposed on a licence, the clause does not limit the power of the local government to impose other conditions on the licence under subclause (1)(a).

2.6 Conditions which may be imposed on a licence

The local government may approve an application for a licence subject to conditions relating to –

(a) the area or location to which the licence applies;

(b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;

(c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;

(d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business;

(e) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles;

(f) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;

(g) the obtaining of public risk insurance in an amount and on the terms reasonably required by the local government;

(h) the grant of another approval, permit, licence or authorisation which may be required under any written law;
(i) the duration and commencement of the licence;

(j) the placement of advertising on furniture within the alfresco dining area;

(k) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;

(m) the payment of costs associated with the local government preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.

2.7 Compliance with conditions

Where –

(a) an application for a licence has been approved subject to conditions; or

(b) a licence is to be taken to be subject to conditions under this local law,

the licensee shall comply with each of those conditions.

2.8 Amendment of licence conditions

(1) A licensee may apply in writing to the local government to amend any of the terms of conditions of the licence.

(2) The local government may, in respect of an application under subclause (1) –

(a) amend the licence, either in accordance with the application or otherwise as it sees fit; or

(b) decline to amend the licence.

(3) The local government may, at any time, amend any of the terms and conditions of the license.

(4) If the local government amends a licence under this clause, it is to notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification.

(5) If the local government amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made –

(a) to give the licensee written notice of, and written reasons for, its decision to amend; and
(b) inform the licensee of his or her rights, under part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.9 Duration of licence

A licence is valid for twelve months from the date on which it is issued, unless it is –

(a) otherwise stated in this local law or in the licence; or

(b) cancelled under clause 2.12

2.10 Renewal of licence

(1) A licensee may renew the licence by paying the fee imposed and determined by the local government.

(2) The provisions of the local law relevant to the license which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.

2.11 Transfer of licence

(1) An application for the transfer of a valid licence is to –

(a) be in the form determined by the local government;

(b) provide the information required by the form;

(c) be signed by the licensee and the proposed transferee of the licence; and

(d) be forwarded to the CEO together with any transfer fee imposed and determined by the local government.

(2) The local government may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).

(3) The local government may approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval.

2.12 Cancellation of suspension of licence

(1) A licence may be cancelled by the local government on any one or more of the following grounds –

(a) the licensee has not complied with –

(i) a condition of the licence; or
(ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;

(b) if it is relevant to the activity regulated by the licence –

(i) the licensee is an undischarged bankrupt, or is in liquidation;

(ii) the licensee has entered into a composition arrangement with creditors; or

(iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the licensee’s undertakings or property;

(c) the proprietor of the food business changes; or

(d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.

(2) The local government may cancel or suspend a licence if the local government or a utility requires access to or near the place to which a licence applies, for the purposes of the carrying out works in or near the vicinity of that place.

(3) If the local government cancels or suspends a license under this clause, it is, as soon as practicable after the decision is made –

(a) to give the licensee written notice of, and reasons for, the decision; and

(b) inform the licensee of his or her rights, under part 9, Division 1 of the Act, to object to, and apply for review of, the decision; and

(c) the cancellation or suspension takes effect from the date on which the licensee is served with the cancellation or suspension notice.

(4) On the cancellation of a licence, the licensee shall return the licence as soon as practicable to the local government.

(5) On the cancellation or suspension of a licence, the licensee is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the licence.

(6) Where a licence is cancelled or suspended through no fault of the licensee, the local government shall refund to the licensee all or part of the license fee in respect of what would otherwise have been the balance of the terms of the licence.

2.13 Display and production of licence

A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person.
Part 3 – Enforcement

3.1 Direction of authorised person to be obeyed

(1) A licensee who is given a lawful direction by an authorised person shall comply with that direction.

(2) A licensee shall not obstruct or hinder an authorised person in the performance of that person’s duties.

3.2 Notice to repair damage to public place

Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the local government may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the local government.

3.3 Removal and impounding of goods

Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any furniture may be removed and impounded under regulation 29 of the Regulations by an authorised person.

3.4 Public access

No person shall set up or conduct an alfresco dining area that prohibits public access to that area unless that area is located on private land.

3.5 Offences

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) A person who commits an offence under this local law shall be liable, on conviction to a penalty not exceeding $5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day of part of a day during which the offence has continued.

3.6 Infringement and infringement withdrawal notice

For the purposes of this local law –

(a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
3.7 Offence description and Modified Penalty

The amount appearing in the final column of Schedule 1 directly opposite an offence described in that schedule is the modified penalty for that offence.

3.8 Authorised persons

Unless expressly state otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

Schedule 1

City of Fremantle

Alfresco Dining Amendment Local Law 2014

Offences and Modified Penalties

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause No.</th>
<th>Nature of Offence</th>
<th>Modified Penalty</th>
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<tr>
<td>1</td>
<td>2.1(c)</td>
<td>Set up or conduct an alfresco dining area without a valid licence</td>
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<td>2</td>
<td>2.7</td>
<td>Failure to comply with a condition of licence</td>
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<td>3</td>
<td>2.13</td>
<td>Failure to produce to an authorised person a valid licence when requested to do so</td>
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</tr>
<tr>
<td>4</td>
<td></td>
<td>Other offences not specified</td>
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</tbody>
</table>


The Common Seal of the City of Fremantle } was affixed by authority of a } resolution of the Council in the } presence of: }

CHIEF EXECUTIVE OFFICER

MAYOR
EXECUTIVE SUMMARY

To consider a request from Match Property Group to purchase up to five (5) apartments in their Heirloom Development at 36 Queen Victoria Street, Fremantle (Fort Knox).

It is recommended that Council consider entering into an agreement with Match for the purchase of three single bedroom units and two of the two bedroom units to assist with the development achieving the required sales target to begin development.

BACKGROUND

Match Property Group acquired the property known as Fort Knox in Queen Victoria Street, Fremantle, around mid 2008. The developer then lodged a planning application which was approved in late 2008. This approval was later extended for time in October, 2010.

Match have been marketing the building for pre-sales and sale over the past three years. Since that time Sirona Capital has joined with Match to undertake the development and market 187 apartments of various sizes for sale.

In late 2012 Match approached the City to consider acquisition of some of these apartments when first offered for sale to assist in achieving their pre-sales target and getting the development underway. At that time the City discussed the possible purchase of up to five (5) apartments as it was considered a vital piece in development commencing in the east end, although discussions never lead to a formal proposal being put to council for consideration.

COMMENT

The City of Fremantle adopted the East End Scheme Amendment in 2011. The development approval for the Fort Knox building in Queen Victoria Street was seen as a great start to the potential for renewal of this part of Fremantle and the commencement for change. Unfortunately the time it has taken to reach the point of redevelopment of the site has been slow. Part of the site was developed by Department of Housing in 2011, but the substantive building remains undeveloped.
Match Property Group recently sought assistance in getting to the final stages of pre-sales. It has advised the need to reach pre-sales of 125 apartments and is currently at 118. It has sought re-consideration of earlier discussion for the City to consider acquisition. Of the remaining pre-sales target of 7 apartments, Match are seeking consideration for the City to purchase five (5).

The sales information attached show the list of available apartments and their price.

Benefits of Agreement

The main intent of the agreement is to support Match in achieving their pre-sales target so they can activate their finance agreement and begin development of the site. Match believe they could start development as early as April, 2015 if pre-sales target is met by the end of March. The type of agreement being offered to Match allows the City to ensure that it only purchases apartments if absolutely necessary, and keeps the incentive with Match to find an alternative buyer prior to settlement. This is achieved as the agreement requires the purchase to be made at a discount to the current list prices. The City is therefore seeking a lower purchase price than the general public. This also provides a second benefit in that if the City does acquire some or all of the proposed apartments, it is able to minimise the risk of a capital loss when it needs or chooses to sell. It is not the intention of the City to hold the property longer than required. The City may sell as soon as it deems reasonable or before settlement if it finds another buyer in the meantime.

The commencement of this project would be a great outcome to further consolidate the East End Structure Plan. The Plan is now several years old and is the main area for residential growth to meet the renewal for the City. This includes economic benefits of increasing the population around the CBD and the value add for local CBD businesses and revenue to the local economy and the City. This development certainly assists in the Strategic Imperative to increase the residential population in and around the CBD.

The approved development for this property ensures good heritage conservation of this property within a prominent entry point to the Central Business District. The approved development application ensures high quality conservation for the fabric of the building along with ability to activate both Queen Victoria and Beach Streets with high quality residential apartments. These apartments are slightly larger than other apartments coming onto the market and should hold as a good investment in the medium term.

The City has already invested some $1.9 million in improvements to the streetscape along Queen Victoria Street between Parry Street and Ord Street. This project was undertaken as an incentive to get the East End development going. Getting development moving in this location would add to the investment already made and ensure benefits begin to flow.

Cautions to Agreement

This arrangement has not been offered by the City to any previous developer. This may be considered a precedent for future developers in similar position. Whilst the City is able to consider any proposal in providing good governance to the district, the City could not
possibly be able to fund every and any development in this way and the selection process may be open to differing interpretation and opinion.

Whilst the City is seeking to purchase at a discounted rate to the listed prices, the residential apartment market is currently at the bottom of the cycle for capital growth and it is not expected these apartments will appreciate at or above CPI over the next two to three years. It is not intended to hold these properties longer then needed, but a slow capital growth market may see the City holding until the market appears right. This would mean there is an opportunity cost of these funds for another purpose during this period.

The agreement may not ensure that development occurs if Match are not able to activate their financial agreement for reasons outside of their control. Whilst we consider this issue a low risk, it should be noted. The City has proposed a sunset clause on the agreement to ensure Match are encouraged to start. The sunset date is for commencement of the development by August, 2015 and completion within three years.

**RISK AND OTHER IMPLICATIONS**

**Financial**

It is anticipated that the City will fund this agreement using unallocated funds in the Investment Reserve. The reserve currently holds $12 million in unallocated funds. The amount needed to execute the agreement if all five (5) units are purchased is $3 million.

Settlement would occur in approximately two years from development commencement. At that time the City could look at funding through the Investment Reserve or through loan funding. Borrowing costs for the City are around 2.5% at this time and may remain low for some time. A consideration of the options can be considered closer to the settlement date.

**Legal**

The City will enter into a formal agreement with Match. It is a legally binding document which provides the sales price, discount being sought, condition and maintenance of apartments, finish of fittings and the like. These ensure the quality and condition of the property.

The agreement will only be applicable between Match and the City of Fremantle and will not be transferrable. This will ensure that if Match sell out of the project/property, the City will not be required to fulfil the agreement.

**Operational**

As the development is yet to reach pre-sales target and would not reach the target if council entered into an agreement today, it may be appropriate to delegate the ability to enter into an agreement to the Chief Executive Officer. Once the pre-sales component reaches a level that any City purchase would ensure the target is reached, the CEO could enter the City into an agreement.

**Organisational**
There are no policies or precedence to this arrangement. As outlined in the report an agreement in this situation is seen on balance as favourable to ensure this development reaches its milestone pre-sales target to commence development.

**CONCLUSION**

On balance, an agreement between Match and the City to purchase up to five (5) apartments at 36 Queen Victoria Street supports the imperative to increase the residential population of the CBD of Fremantle and supports the investment already made by Council in this location.

The development provides good heritage outcomes for the Fort Knox building and a variety of quality and size of apartments which aligns to the desire for diversity.

**STRATEGIC AND POLICY IMPLICATIONS**

Urban Renewal and Integration – Innovative and renewed city and suburban areas.

**COMMUNITY ENGAGEMENT**

Nil.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**OFFICER’S RECOMMENDATION**

1. Council supports the proposal for the City of Fremantle to enter into an agreement to purchase up to five (5) apartments in the Match development at 36 Queen Victoria Street, Fremantle, based on the following essential criteria;

   a) Satisfactory discount on the list price of the chosen apartments,
   b) Up to three (3) one bedroom and Two (2) two bedroom apartments being purchased,
   c) the agreement making provision for the condition, finish and maintenance requirements of the apartments before settlement,
   d) the City being able to sell these apartments prior to settlement if it chooses,
   e) commencement of development occurs by August, 2015,
   f) completion of Development occurs by August 2018,
   g) the agreement only applies to Match and cannot be transferred.

2. Council approves delegated authority for the Chief Executive Officer to enter into an agreement with Match for the purchase of up to five (5) apartments at 36 Queen Victoria Street, Fremantle, based on the criteria listed in part 1 above and subject to the acquisition ensuring that the pre-sales target for the commencement of the development would be attained.
EXECUTIVE SUMMARY

After commencing a program of local government boundary reform in 2009, and accepting recommendations for reform in the metropolitan area from the Local Government Advisory Board in October 2014, the Premier announced in February 2015 that the whole program of reform had failed and the government would abandon its plans.

This report is presented for two reasons:

1. to advise council of the total cost committed by the City towards this program of reform since the announcement by the Minister for Local Government in July 2013 that made it clear the government was forcing its reform program on local government; and
2. to report on the benefits to the organisation of undertaking the reform work.

BACKGROUND

Local government reform in WA has been on the agenda for a considerable number of years. In the mid 2000’s in response to growing pressure from other levels of government, WALGA initiated a ‘Sustainability Study’ which resulted in a major report being produced in 2009.

A new State Government was elected in September 2008 and in mid 2009 the Minister for Local Government initiated a voluntary reform process which sought to reduce the number of local government authorities across the state, but that was relatively unsuccessful in achieving that objective. Further, the industry had progressed little on the WALGA Sustainability report recommendations and as a result, on 12 June 2011 the Minister announced an independent review of local government in the Perth Metropolitan area. An expert Panel was established and was required to report its findings to the Minister no later than 30 June 2012. A major task for the panel was to make recommendations to the Minister on how the number of local governments in the Perth metropolitan area could be reduced.
The Panel sought broad input from all interested stakeholders and undertook research to allow it to develop its draft report which it released in April 2012 for public comment. That report contained 23 key findings without recommendations, although many of the key findings suggested pretty clearly the recommendations that would follow.

The Panel then concluded its work with its final report being presented to the Minister for Local Government in July 2012. The Minister released the report in October 2012 which recommended that the City of Fremantle be merged with the Town of East Fremantle and the City of Melville.

In July 2013, the Minister outlined his preferred solution for the metropolitan area (which was inconsistent with the City’s principles for reform) and requested that local governments submit a proposal to the Local Government Advisory Board (LGAB). The Minister also stated that proposals were to be consistent with his proposals and if they weren’t he would submit his own proposals. Local governments were given until October to prepare proposals.

Whilst the City of Fremantle had supported boundary reform in the metropolitan area, it did not support such a radical proposal that risked the City losing its identity and brand. The community of Fremantle similarly did not support the recommendations and together with the council was ultimately successful in having the government change its position to one that ensured Fremantle remained a strategic centre with a local administration.

The City of Fremantle proposal was to amalgamate the City of Fremantle and the Town of East Fremantle. It also sought to rationalise its eastern boundary with the City of Melville to a line down the middle of Stock Road, and extend its southern boundary into the City of Cockburn to a line generally along Phoenix Road capturing Hamilton Hill and North Coogee.

The July 2013 announcement signalled a real intent to “force” local government reform. The mantra of voluntary reform was redundant. From that date, most local governments – the City of Fremantle included – commenced preparations in earnest for a changed local government arrangement in the metropolitan area.

Most local governments complied, although the Minister did lodge a number of his own proposals. A year later in October 2014, the government announced that it had accepted most of the recommendations of the LGAB, including the City of Fremantle proposal. It also confirmed its previous indications that the reforms were to be implemented for 1 July 2015.

**COMMENT**

The July 2015 implementation date had been flagged for some time. In view of the “forced” nature of the reform from July 2013, this time has been selected as the point in time when reform costs should be recorded. Although there were costs incurred prior to this date, those costs were mostly incurred in engaging in the industry discussions, preparing submissions and meeting with various stakeholders, including the expert panel, WALGA, and the Minister.

The CEO had an excellent understanding of the effort that would be required to successfully implement the new arrangements through many engagements with his
Eastern States counterparts who had experienced amalgamations in their states; and so despite the uncertainty of any outcome, in order to meet the July 2015 target date it was essential to prepare the organisation early for the very difficult and complex task of amalgamation and boundary changes occurring at the same time. This preparation was commenced in July 2013.

The approach taken by the CEO to implement reform was previously reported to council in late 2014. As noted in those reports a number of Technical Teams were established to undertake the detailed work required to ensure services were maintained and managed through and post implementation with minimal disruption to residents and ratepayers. Their work was overseen by a Steering Committee that directed the effort and liaised with Council and the LIC.

Last month when the government announced it was not proceeding with its reform program, the Technical Teams were tasked to finalise their work by:

1. finalising all documentation and ensuring it was recorded (completed);
2. estimating their time spent on reform work to enable costs to be established; and
3. providing a summary report on lessons learned and identifying any benefits that may have come from the work they undertook.

Costs

A table of estimated costs is shown below for information. WALGA is coordinating an industry response to government that seeks to recover at least some of the costs incurred by local governments through the reform period. WALGA is seeking from local governments only those costs that would have been eligible for funding under the governments funding guidelines.

It should be noted that those costs do not include existing staff costs or the cost of backfilling for existing staff when they were assigned reform responsibilities. Staff costs for positions appointed solely for the purpose of reform are eligible costs under the guidelines. The CEO is currently preparing that information for WALGA.

The estimated staff costs include overhead costs such as accommodation, IT, motor vehicle, superannuation, insurances, etc. and represent an estimated 8,937 hours involving a total of 97 staff members. This investment in time is the equivalent of approximately 3 full time staff for the period measured.

Unfortunately, there is little chance of recovering any of this part of the cost from government. This cost is an opportunity cost absorbed by the staff of the City and the staff would have been paid in the normal course of business. The fact that staff were able to absorb the extra responsibilities associated with reform and still maintain effective service delivery to the community during this time is credit to their individual and collective commitment to Fremantle. A small recognition function has been arranged to thank the key members of staff involved.

There were also significant direct costs incurred through the engagement of various external suppliers. Much of this cost would have been eligible for funding had the reform gone ahead, so will be part of the submission of costs to WALGA. However, at this
stage the government has not given any indication it will reimburse any of these costs, so it is expected that the WALGA campaign will be an essential element of gaining such a commitment from government. To support that campaign, it is also recommended that the Mayor write to the Minister separately on behalf of council seeking a commitment for reimbursement of eligible costs.

It should be noted that some of the costs incurred won’t be completely wasted costs. Upgrades to systems and important data collection costs are costs that would have eventually been incurred by the City – it’s just that these costs were brought forward to meet reform objectives. However, costs such as mail-outs to residents, team leader costs, and some workshop costs designed specifically for reform outcomes are the types of costs which have little beneficial application given that reform is not proceeding.

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<th>REFORM COSTS</th>
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<tr>
<td>STAFF</td>
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<td>CONSULTANT NAME</td>
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<td>TOTAL ESTIMATED REFORM COST</td>
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Lessons Learned

From the Steering Groups perspective, some key observations and learnings from this exercise were:

- the organisation displayed high levels of energy and commitment to the reform program. It was clear there was a desire to implement reform effectively and efficiently for the benefit of all stakeholders;
- as an organisation we are more open to change than we may have thought;
we have good in-house capacity to deal with complex matters;
our systems and processes are often better than our neighbouring local
governments, although of course there is always room for improvements;
we managed the change process very effectively from an internal perspective;
we participated in the process more collaboratively and professionally than many
other local governments;
our staff do work together as a team and across business units and directorates;
there are real opportunities to share resources across the region and deliver
services through an up-scaled service delivery model;
many in our community would still prefer to receive communications from the City in
hard copy. This something that will be discussed through the budget discussions; and
we have a timely opportunity to continue with our organisational cultural change
program – and will continue to do so.

Each Technical Team leader has provided a “two-page” paper on what they learned from
the reform process and what benefits (if any) came from the work they did. The following
is a summary of their responses:

- the structure used to implement the reform was very clear and its methodology
  worked for this exercise;
- communications with and between the Steering Group and the Technical Teams
  were regular and informative;
- the templates that were developed through the regional work were user friendly and
  ensured information being sought from, and delivered to, neighbouring local
governments was consistent;
- there could have been more opportunities for Technical Teams to meet amongst
  themselves as there was more information that needed to be shared between
  teams;
- good relationships have been established with peers at neighbouring local
governments that should provide benefits for years to come;
- an alignment of systems and processes within our region would make any future
  reform a lot easier to implement, including resources and service delivery sharing
  models;
- a program of short term staff exchanges would be beneficial to both the individuals
  and their organisations;
- uncertainty of outcome and the lack of direction from the government (Department)
  made it very difficult to plan with any certainty. It also meant our proposed
  partners in reform were not always accommodating;
- through the planning exercise it became evident that adjacent local governments
  had varying models of service delivery and scope of services. It would appear the
  City of Fremantle has the most complex/broad array of services, however more
  limited resources;
- the current administration building can accommodate additional staff;
- lack of certainty around funding made planning very difficult;
- we now have a much greater understanding/knowledge of legislation;
- unfortunately there was too much competiveness from our neighbours, rather than
  collaboration and cooperation. Perhaps if the last hurdle had been crossed that
  would have changed;
• there are opportunities for benchmarking within the sector given we now have similar data sets;
• organisations that are more data driven will be in a better position to implement structural reform when it eventuates;
• many opportunities to change our service delivery and business processes were identified during workshops, however working to the very tight timeframe meant there was no opportunity to progress;
• local HACC providers expressed interest in providing HACC services to the Fremantle region and open discussions were progressed in relation to how to best service this client group; and
• the government underestimated the communities readiness to accept reform of local government;

In addition to these general comments, a number of specific service improvement opportunities were identified which will be progressed by the relevant business unit. Some of these opportunities require funding, such as providing an on-line development application system, whilst others involve improving processes. A comprehensive review of park operations and the staff structure to support those operations will be undertaken as a key improvement opportunity.

However, most Technical Team leaders were of the opinion that the City of Fremantle’s service delivery is as good if not better than our neighbouring local governments.

RISK AND OTHER IMPLICATIONS

Financial
As discussed in this report, the costs of the reform program for the City were significant and other than a grant of $50,000 received from government to date, the City is left to carry the costs. A coordinated campaign to have the government reimburse at least some of these costs is being undertaken by WALGA.

Legal
Nil

Operational
Now that the reform program has ceased, the organisation is now in a position to refocus on progressing its revitalisation strategy for Fremantle and improving its services to the community.

Organisational
As for operations above

CONCLUSION

This report is provided to close this episode of local government reform, noting that continuing efforts will be made to recover as much of the costs incurred as possible.
STRATEGIC AND POLICY IMPLICATIONS

As discussed in the report

PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

That Council:

1. receives the report noting that efforts are being made to recover costs incurred through the local government reform program; and

2. acknowledges and thanks the staff for the work they undertook and the professional manner in which that work was undertaken.
CONFIDENTIAL MATTERS

C1503-6  GREEN BEAN CAFE - COMPENSATION REQUEST

DataWorks Reference:  L039
Disclosure of Interest:  Nil
Meeting Date:  22 October 2014
Previous Item:  Nil
Responsible Officer:  Glen Dougall, Director Corporate Services
Actioning Officer:  Nadine Hume, Property Services Administrator
Decision Making Authority:  Council
Agenda Attachments:  Green Bean Café Business Value Letter
                       GMO Independent Business Valuation

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.
SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION

The Council adopted a Community Engagement Policy in December 2010 to give effect to its commitment to involving citizens in its decision-making processes.

The City values community engagement and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective community engagement requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

<table>
<thead>
<tr>
<th>How consultative processes work at the City of Fremantle</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The City's decision makers</strong></td>
</tr>
<tr>
<td>1. The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.</td>
</tr>
<tr>
<td><strong>Various participation opportunities</strong></td>
</tr>
<tr>
<td>2. The City provides opportunities for participation in the decision-making process by citizens via its council appointed working groups, its community precinct system, and targeted community engagement processes in relation to specific issues or decisions.</td>
</tr>
<tr>
<td><strong>Objective processes also used</strong></td>
</tr>
<tr>
<td>3. The City also seeks to understand the needs and views of the community via scientific and objective processes such as its bi-ennial community survey.</td>
</tr>
<tr>
<td><strong>All decisions are made by Council or the CEO</strong></td>
</tr>
<tr>
<td>4. These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).</td>
</tr>
<tr>
<td><strong>Precinct focus is primarily local, but also city-wide</strong></td>
</tr>
<tr>
<td>5. The community precinct system establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.</td>
</tr>
<tr>
<td><strong>All input is of equal value</strong></td>
</tr>
<tr>
<td>6. No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.</td>
</tr>
<tr>
<td><strong>Decisions will not necessarily reflect the majority view received</strong></td>
</tr>
</tbody>
</table>
| 7. Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or
<table>
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<th>How consultative processes work at the City of Fremantle</th>
</tr>
</thead>
<tbody>
<tr>
<td>limitations associated with the issue.</td>
</tr>
<tr>
<td><strong>Decisions made for the overall good of Fremantle</strong></td>
</tr>
<tr>
<td><strong>8</strong>. The Local Government Act requires decision-makers to make decisions in the interests of “the good government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.</td>
</tr>
<tr>
<td><strong>Diversity of view on most issues</strong></td>
</tr>
<tr>
<td><strong>9</strong>. The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.</td>
</tr>
<tr>
<td><strong>City officers must be impartial</strong></td>
</tr>
<tr>
<td><strong>10</strong>. City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City's management to defend those City officers.</td>
</tr>
<tr>
<td><strong>City officers must follow policy and procedures</strong></td>
</tr>
<tr>
<td><strong>11</strong>. The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard.</td>
</tr>
</tbody>
</table>
## How consultative processes work at the City of Fremantle

### Community engagement processes have cut-off dates that will be adhered to.

1. As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, community engagement processes need to have defined and rigorously observed cut-off dates, after which date officers will not include ‘late’ input in their analysis. In such circumstances, the existence of ‘late’ input will be made known to decision-makers. In most cases where community input is involved, the Council is the decision-maker and this affords community members the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.

### Citizens need to check for any changes to decision making arrangements made

1. The City will take initial responsibility for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting the City’s website, checking the Fremantle News in the Fremantle Gazette or inquiring at the Customer Service Centre by phone, email or in-person.

### Citizens are entitled to know how their input has been assessed

1. In reporting to decision-makers, City officers will in all cases produce a community engagement outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.

### Reasons for decisions must be transparent

1. Decision-makers must provide the reasons for their decisions.

### Decisions posted on the City’s website

1. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at the City’s website under ‘community engagement’ or at the City Library or Service and Information Centre.
Agenda - Ordinary Meeting of Council
25 March 2015

Issues that Council May Treat as Confidential

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
   a) all council meetings; and
   b) all meetings of any committee to which a local government power or duty has been delegated.

2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
   a) a matter affecting an employee or employees;
   b) the personal affairs of any person;
   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;
   d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
   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.
      Where the trade secret or information is held by, or is about, a person other than the local government.
   f) a matter that if disclosed, could be reasonably expected to -
      i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
      ii) endanger the security of the local government’s property; or
      iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
   g) information which is the subject of a direction given under section 23 (Ia) of the Parliamentary Commissioner Act 1971; and
   h) such other matters as may be prescribed.

3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.