



# Agenda

## Ordinary Meeting of Council

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Wednesday, 15 December 2021, 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, 15 December 2021** in the Walyalup Civic Centre - Council Chamber, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Glen Dougall', written over a faint circular stamp.

Glen Dougall  
**A/Chief Executive Officer**

10 December 2021



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**CITY OF FREMANTLE**

**Ordinary Meeting of Council**

**Agenda**

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**1. Official opening, welcome and acknowledgement**

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

**2. Attendance, apologies and leave of absence**

There are no previously received apologies or approved leave of absence.

**3. Applications for leave of absence**

Cr Su Groome requests a leave of absence from 8/12/2021 to 18/01/2021 inclusive.

**4. Disclosures of interest by members**

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

**5. Responses to previous public questions taken on notice**

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

**6. Public question time**

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

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

**7. Petitions**

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

**8. Deputations**

**8.1 Special deputations**

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

There are no special deputation requests.



## **8.2 Presentations**

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

## **9. Confirmation of minutes**

### **OFFICER'S RECOMMENDATION**

**Council confirm the minutes of the Ordinary Meeting of Council dated 24 November 2021.**

## **10. Elected member communication**

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



## **11. Reports and recommendations from committees**

### **11.1 Planning Committee 1 December 2021**

#### **PC2112-5 SCOTT STREET, NO. 36 (LOT 35), SOUTH FREMANTLE – ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE (TG DA0362/21)**

<b>Meeting Date:</b>	1 December 2021
<b>Responsible Officer:</b>	Manager Development Approvals
<b>Decision Making Authority:</b>	Committee
<b>Agenda attachments:</b>	1. Amended development plans
<b>Additional information:</b>	1. Site Photos 2. Heritage Assessment

### **SUMMARY**

Approval is sought for a two-storey ancillary dwelling at 36 Scott Street, South Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Ancillary dwelling plot ratio area
- Boundary walls (west, east)
- Lot boundary setback (west)

The application is recommended for conditional approval.

### **PROPOSAL**

#### **Detail**

Approval is sought for a two-storey ancillary dwelling to an existing Single house at 36 Scott Street in South Fremantle. The proposed works include:

- The demolition of an existing rear garage/outbuilding to the site.
- A shed addition to the eastern site boundary.
- A two-storey ancillary dwelling comprising:
  - A living room,
  - Ensuite,
  - Bedroom, and
  - Mezzanine (a small flexible space, for another family member to sleep on short visits, or as a separate private reading/study space).
- Decking to the site and the creation of a parking bay adjacent to the ancillary dwelling accessed via a roller door.

The applicant submitted amended plans on 3 November 2021 including the following:

- Obscured glazing and screening to upper floor windows.
- Clarification of vehicle movements into the proposed parking bay.



Amended development plans are included as attachment 1.

### Site/application information

Date received: 26 August 2021  
 Owner name: S L Pearce  
 Submitted by: M J Campbell  
 Scheme: Residential R30  
 Heritage listing: Individually Listed Category 3 and South Fremantle Heritage Area  
 Existing land use: Single house  
 Use class: Single house  
 Use permissibility: P



### CONSULTATION

#### External referrals

Nil required.

#### Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal included elements which sought to vary the deemed-to-comply requirements of the R-Codes and Council policies. The advertising period concluded on 22 September 2021, and two submissions were received. The following issues were raised (summarised):



Element	Officer Comment
A submitter was concerned about overlooking towards their properties from the upper floor windows and requested the inclusion of obscured glazing to these windows.	In response to these concerns, the applicant included obscured glazing to the north facing stairwell window, and a privacy screen to the upper floor mezzanine window (south facing).
A submitter was concerned that the proposed two storey ancillary dwelling would comprise an overdevelopment of the lot and unduly impose on neighbouring properties.	The overall floor area of the ancillary dwelling is discussed further in the officer comment section of the report, however it is noted that the proposed development satisfies the deemed-to-comply open space requirements of the Residential Design Codes, and that two storey development is permitted in accordance with LPS4 sub area 4.3.3.
The submitter was concerned that the parking bay shown on the plans would not be readily usable due to the limited width of the laneway.	The applicant provided updated plans confirming turning circles for the parking bay.
The submitters objected to the removal of the existing tree from the site.	The City is not able to require the retention of trees on private property that are not individually listed on the Significant Tree Register. It is noted that while one tree is being removed, another is being retained.
Submitters objected to the intensification of vehicle movements through the rear lane due to the increase in noise and dust.	The applicant has noted that the rear parking bay may not be used often by the intended inhabitant of the dwelling as they are intended to be an elderly person who does not often use a car. There is also currently a garage in this location.
Submitters were concerned about the proposed boundary walls resulting in an impact upon the privacy of their rear yards.	The proposed boundary walls are discussed further in the officer comment section of the report.

## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Ancillary dwelling plot ratio (floor) area
- Boundary walls (west, east)
- Lot boundary setback (west)

The above matters are discussed below.



## **Background**

The subject site is located on the northern side of Scott Street in South Fremantle. The site has a land area of approximately 435m<sup>2</sup> and is currently occupied by a Single house and rear garage. The site is zoned Residential and has a density coding of R30. The site is individually heritage listed (level 3) and located within the South Fremantle Heritage Area.

Access is provided to the site via the rear private Right of Way as well as a crossover providing access to two open car parking bays on Scott Street.

A search of the property file has revealed the following history for the site:

- DA0504/09 – Rear addition and loft to existing Single house.
- DA141/09 – Garage addition, demolition of outside toilet, pool, and outbuilding

## **Demolition**

The application proposes the removal of the rear outbuilding on site to facilitate the works subject to this application. This outbuilding was constructed in the late 2010s and is not considered to be of heritage significance. As a result the demolition of this building is supported in accordance with LPS4 cl. 4.14.

## **Heritage impact**

The proposed dwelling is located to the rear of an existing Level 3 Heritage Listed dwelling. The proposed addition is not considered to have an undue impact on the contribution of the dwelling to the character of the street due to its location at the rear of the site.

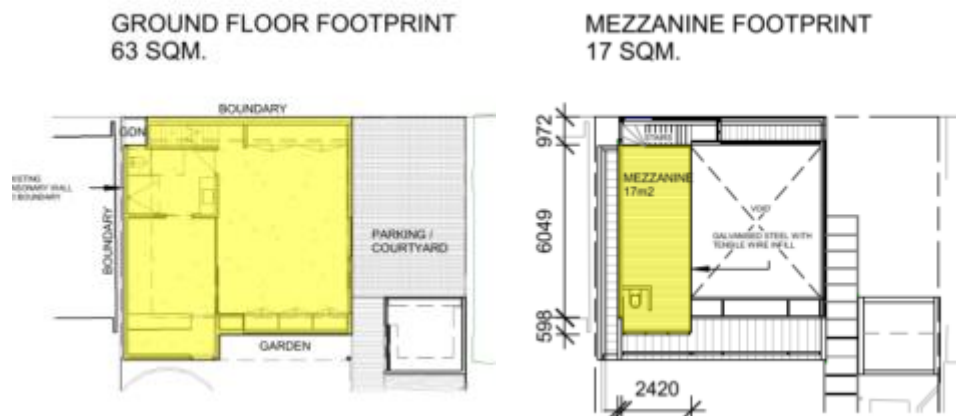
## **Ancillary dwelling plot ratio (floor) area**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
R-Codes 5.1.1 – Ancillary Dwellings	70m <sup>2</sup> plot ratio area	80m <sup>2</sup> plot ratio area	10m <sup>2</sup>

The plot ratio area of the ancillary dwelling is considered to meet the Design principles of the R-Codes in the following ways:

- The ancillary dwelling is considered to be of a size commensurate to the size of the subject property. A 70m<sup>2</sup> ancillary dwelling is able to be permitted on a site as small as 350m<sup>2</sup>. The additional site area of the property (435m<sup>2</sup>) is consistent with the area of the ancillary dwelling.
- The ancillary dwelling has been located to limit its impact upon adjoining properties by being located adjacent to the neighbouring outbuilding which is built up to the property boundary.
- As the ancillary dwelling is two storeys, its building footprint is not significant. This helps to provide slightly greater deep soil planting area and the retention of an existing tree to the south of the building which will help to positively contribute to the amenity of its setting.
- The additional area of the ancillary dwelling over and above the deemed-to-comply site area requirement is considered to improve the liveability and utility of the space.





**Figure 1** - Images demonstrating the area of the ancillary dwelling.

### Boundary walls (west, east)

Element	Requirement	Proposed	Extent of Variation
Western boundary wall (Bedroom)	1m setback	0m	1m
Eastern boundary wall (shed)	1m setback	0m	1m

The wall to the western boundary is considered to meet the Design principles of the R-Codes in the following ways:

- The majority of the wall aligns with the existing boundary wall of the neighbouring property, with only 1m of the boundary wall not matching with the neighbouring development.
- This 1m portion of wall is not considered to impose undue building bulk onto the neighbouring property, noting that this portion of wall will be next to the rear of an existing outbuilding.
- The wall does not impose on the privacy of the neighbouring property as the structure does not include unscreened windows close to the subject boundaries.
- The shade cast by the building at midday on midwinter will fall over the subject site, not the neighbouring property.
- The wall will not be readily visible from the primary street, and boundary walls for buildings in rear yards are common in the immediate locality.

The shed wall to the eastern boundary is considered to meet the Design principles of the R-Codes in the following ways:

- The wall does not impose on the privacy of the neighbouring property as the structure does not include unscreened windows close to the subject boundaries and the shed is a non-habitable structure.
- The shade cast by the building at midday on midwinter will fall over the subject site.
- The wall will not be readily visible from the primary street, and boundary walls for buildings in rear yards are common in the immediate locality.
- The wall is of limited length resulting in a small area of building bulk for the neighbouring property, with the remainder of the boundary being clear of development.



### **Visual Privacy**

The proposal plans demonstrate the screening of the southern face of the upper floor mezzanine to provide visual privacy. A condition of approval is recommended requiring that the screen meet the standard requirements of the R-Codes.

### **Lot boundary setback (west)**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Upper floor mezzanine	1.2m	0.81m	0.39m

The upper floor setback is considered to meet the Design principles of the R-Codes in the following ways:

- The wall adjoins the neighbouring rear outbuilding which is built up to the property boundary, resulting in little to no direct building bulk impact onto the neighbouring outdoor living areas or habitable rooms.
- The wall includes no windows, limiting its privacy impact. The southern window of the mezzanine is to be screened.
- The shade cast by the development will fall over the subject site at midwinter.

### **CONCLUSION**

As discussed in the officer comment section of this report, the proposed ancillary dwelling development is considered to appropriately satisfy the relevant deemed-to-comply requirements and design principles of the R-Codes. Accordingly, the application is recommended for approval, subject to conditions.

### **STRATEGIC IMPLICATIONS**

#### Green Plan 2020

1. The proposal includes the removal of a tree in the rear yard of the property in the area of the proposed outbuilding and parking bay. There is one other tree that is being retained.
2. No development approval is required for the removal of trees on private property that are not on the Significant Tree Register.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil



## **OFFICER'S RECOMMENDATION**

**Moved: Cr Bryn Jones**

**Seconded: Cr Geoff Graham**

### **Council:**

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Ancillary Dwelling addition to existing Single house at No. 36 (Lot 35) Scott Street, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 3 November 2021. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.
5. Prior to the issue of a Building Permit for the development hereby approved, a detailed drawing showing how the upper floor mezzanine window located on the south elevation, is to be screened in accordance with Clause 5.4.1C1.2 of the Residential Design Codes by either:
  - a) fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
  - b) fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
  - c) a minimum sill height of 1.60 metres above the internal floor level,

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

6. Prior to occupation/ use of the development hereby approved, the boundary wall located on the eastern and western boundaries shall be of a clean finish in any of the following materials:
  - coloured sand render,
  - face brick,
  - painted surface,



and be thereafter maintained to the satisfaction of the City of Fremantle.

7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes

- i) A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- ii) Fire separation for the proposed building works must comply with Part 3.7.2 of the Building Code of Australia

**COMMITTEE DECISION ITEM PC2112-5**

**Cr Su Groome requested the item be referred to the Ordinary Meeting of Council.  
Seconded by Cr Bryn Jones.**

**Carried: 6/0**  
**Cr Bryn Jones, Cr Geoff Graham,**  
**Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



**PC2112-7 CHESTER STREET, NO. 22 (LOT 93) SOUTH FREMANTLE -  
DEMOLITION OF EXISTING SINGLE HOUSE (TG DA0391/21)**

**Meeting Date:** 1 December 2021  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Agenda attachments:** 1. Development Plans  
**Additional information:** 1. Site Photos  
2. Heritage Assessment

**SUMMARY**

**Approval is sought for the demolition of the existing Single house at No. 22 Chester Street in South Fremantle.**

The proposal is referred to the Planning Committee (PC) as City Officers do not have delegation to determine an application for the demolition of a dwelling in the South Fremantle Heritage Area. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) in regard to the proposed demolition of an existing dwelling in a Heritage Area.

The application is recommended for conditional approval.

**PROPOSAL**

**Detail**

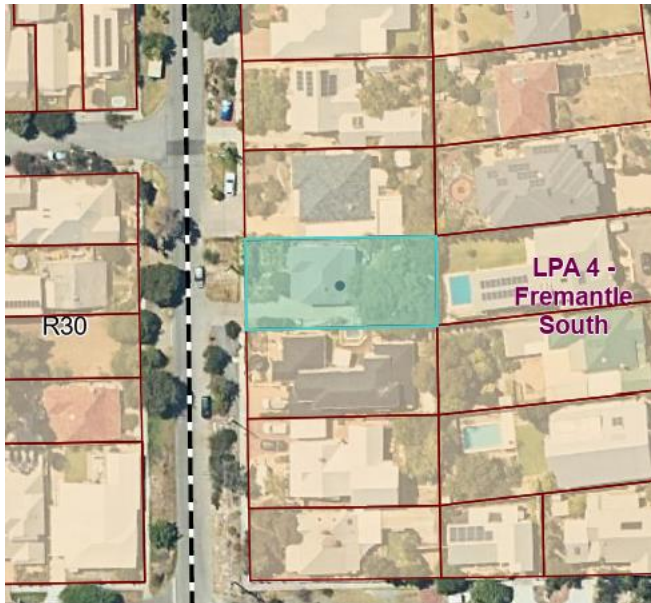
Approval is sought for the demolition of the existing dwelling at 22 Chester Street, South Fremantle.

Development plans are included as attachment 1.

**Site/application information**

Date received: 9 September 2021  
Owner name: A & C Hughes  
Submitted by: A & C Hughes  
Scheme: Residential R25  
Heritage listing: South Fremantle Heritage Area  
Existing land use: Single house  
Use class: N/A (dwelling to be demolished)  
Use permissibility: N/A





## **CONSULTATION**

### **External referrals**

Nil required.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal involved the demolition of a dwelling in the South Fremantle Heritage Area. The advertising period concluded on 8 October 2021, and one submission was received. The following issues were raised (summarised):

- The submitter was concerned with regard to the treatment of existing asbestos on the property and ensuring that it is safely removed.

The applicant is advised of their responsibilities with respect to asbestos removal as a part of the recommendation.

## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4. The application seeks discretionary assessment of the following:

- Demolition of a dwelling in a heritage area.

The above matters are discussed below.

### **Background**

The subject site is located on the eastern side of Chester Street, South Fremantle. The site has a land area of approximately 612m<sup>2</sup> and is currently occupied by an existing dwelling. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the South Fremantle Heritage Area.



Under the current zoning of Residential R25, the subject site would not be readily subdivided. It is noted that the applicant provided indicative development plans for the lot, however these plans have not been lodged for formal consideration, with the subject application relating only to the demolition of the existing dwelling.

A number of outbuildings exist on the subject site, however the demolition of structures such as decks, patios and outbuildings in heritage areas are exempt from requiring development approval.

The existing dwelling dates back approximately to the 1950s, with approval issued for the construction of a timber framed dwelling in 1951.

A search of the property file has revealed no recent development applications for the property, however the development history of the property is discussed in the attached heritage assessment and in the officer comment section below.

### **Demolition**

Demolition of any place requires careful consideration because it potentially removes most of its heritage significance except for the intangible historical and social values that are not dependant on physical fabric. In considering these applications, in accordance with clause 4.14 of LPS4, Council must be satisfied that *the building or structure*:

- (a) *has limited or no cultural heritage significance, and*
- (b) *does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

The subject property is located within the South Fremantle Heritage area and the existing dwelling is not one which contributes to the statement of significance for the heritage area. The dwelling is not individually listed on the City's Heritage List.

The City's heritage assessment notes that this section of Chester Street does not comprise of an intact group of heritage dwellings. The dwelling itself was constructed in the 1950s and does not meet the threshold for inclusion on the City's Heritage List and has been found to have limited heritage significance as an example of an early 1950s residence which was constructed as a part of the post-World War 2 development of South Fremantle.

In accordance with the above and the attached heritage assessment, as the dwelling is of limited significance and is not considered to make a significant contribution to the broader cultural heritage significance and character of the locality, the demolition is recommended for approval. It is supported on the condition that an archival record of the dwelling be prepared prior to the demolition of the building. The archival record is to comprise plans and photos of the building to ensure that it is appropriately recorded.

### **Future development of the site**

Although the applicant has not confirmed the future intended development outcome for the site, the site is not readily capable of being subdivided under the R25 density coding, and any new dwelling would be subject to further approval from the City of Fremantle.



## **CONCLUSION**

In accordance with the attached heritage assessment and the above assessment against the requirements of LPS4, the application is recommended for approval, subject to conditions.

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **OFFICERS RECOMMENDATION**

**Moved: Cr Bryn Jones    Seconded: Cr Su Groome**

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing Single house at No. 22 (Lot 93) Chester Street, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 9 September 2021. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Prior to the issue of a demolition permit for the development hereby approved, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:
  - a) Measured drawings
    - i. A site plan prepared at 1:200 scale,
    - ii. floor plan(s) of the building 1:100 scale
    - iii. four elevations prepared at 1:100 scale.
  - b) Record Photographs. High quality digital colour photographs to be taken of the building (once vacated). Photos are to be clearly labelled with a description of what is depicted in the photograph and the date taken. A plan at 1:100 scale is to be provided to show the position, direction and number of each photograph. Photos to include:
    - i. A general/overall photo of the building to be demolished;
    - ii. Photos of each of the four elevations;
    - iii. Internal photos of all rooms; and
    - iv. Photos of any architectural features.



- c) Documentary evidence
    - i. Certificate of title
- 3. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

**Advice notes**

- i. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- ii. A demolition permit is required to be obtained for the proposed demolition work.  
The demolition permit must be issued prior to the removal of any structures on site

**Lost: 4/2**

**For:**

**Cr Bryn Jones, Cr Su Groome**

**Against:**

**Cr Geoff Graham Cr Andrew Sullivan, Cr Adin Lang, Cr Ben Lawver**

**COMMITTEE DECISION ITEM PC2112-7**

**Cr Bryn Jones requested the item be referred to the Ordinary Meeting of Council.  
Officers to draft reason for refusal**

**Carried: 6/0**

**Cr Bryn Jones, Cr Geoff Graham,**

**Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



## **ALTERNATIVE OFFICER RECOMMENDATION**

**REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of the existing Single house at No. 22 (Lot 93) Chester Street, South Fremantle, as detailed on plans dated 9 September 2021, for the following reasons:**

- 1. The existing house is considered to be of some heritage significance and demolition is contrary to clause 4.14.1 of the City of Fremantle Local Planning Scheme No. 4, and clause 67(2)(k) and (l) of the Deemed provisions by virtue of being detrimental to the heritage significance of the locality.**



**11.2 Finance, Policy, Operations and Legislation Committee 8 December 2021**

**FPOL2112-3 GILBERT FRASER RESERVE SCOREBOARD**

**Meeting date:** 8 December 2021  
**Responsible officer:** Manager Parks and Landscape  
**Decision making authority:** Committee  
**Attachments:** Nil  
**Additional information:** 1. Visual of the proposed scoreboard

**SUMMARY**

**Approval is sought for the installation of a permanent electronic scoreboard at Gilbert Fraser Reserve, North Fremantle.**

**The proposal is referred to the Finance, Policy, Operations and Legislation Committee due to the nature of some of the comments received during the community consultation period.**

**This report recommends that Council support the installation of an electronic scoreboard at Gilbert Fraser Reserve.**

**BACKGROUND**

The City were approached by the North Fremantle Football Club, through the landlord consent process, to support the installation of an LED digital electronic scoreboard at Gilbert Fraser Reserve, North Fremantle. In the club's application to the City, they provided the following information:

*"North Fremantle Football Club currently uses a manual scoreboard located quite a way from the main hall and requires volunteers to update for each game, rain, hail or shine. NFFC are readying for when Perth Football League may move to a live scoring system. Fremantle Mosman Park cricket club is in Division 1 of the WA Suburban Cricket Association and currently uses dilapidated manual magnetic scoreboards and the club wishes to upgrade the facility and support for playing teams which can support multi-match scores for both home grounds at the facility, as well as connectivity with the online MyCricket live scoring platform.*

*In conjunction with the upgrade to the facility scoreboards, both clubs also wish to provide an additional service to its members, supporters and the community by adding a live-streaming service for broadcasting matches online. This facility will also work well for the many Primary schools who use the ground for school and interschool carnivals plus offer the local Community an enhanced venue for operating Community Events.*

*LED video scoreboards are perfect for schools and sporting complexes offering multi use by many sports and community groups. It will enable not only games scores but sponsorship and player advertising, club plus community announcements.*



*It will benefit both the sporting clubs and also the many primary schools who use the oval for their sports days. This will also enable clubs to offer sponsors more exposure and therefore attract more sponsorship funds back into the clubs and facilities.*

*The Community will also have a great opportunity to run Community based events using this new enhancement.*

*The high quality display of LED video scoreboards means they can also be used to show movies, do live streaming and show television thus providing clubs and communities with the opportunity to use the scoreboards other than just on match days."*

## **FINANCIAL IMPLICATIONS**

This project is fully funded by the North Fremantle Associated Clubs through a combination of contributions and grant money. The ongoing maintenance of the scoreboard will be the responsibility of the Clubs.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

The proposed LED scoreboard is not required to go through the formal Development Application process. However, the project was consulted to the local community to give the opportunity to provide feedback for Council consideration.

The advertising period concluded on 8 October 2021 and consulted as follows:

- 48 residents consulted by letter.
- 4 properties (5 residents) commented
- 44 residents did not comment.

The following issues relevant to the scoreboard were raised (summarised):

<b>Issue raised</b>	<b>Officer comment</b>
Submitter objects to the location of the scoreboard.	The proposed location of the scoreboard is discussed in the officer comment section.
Submitter objects to a permanent scoreboard.	The benefits of the proposed scoreboard are noted by the club in their submission in the background section.
Submitter objects to the scale and size of the scoreboard.	The proposed size of the scoreboard is described in the officer comment section.
Submitter concerned about the hours of operation of the scoreboard.	The hours of operation of the scoreboard are discussed in the officer comment section.
Submitter concerned about the visual impact of the scoreboard.	A visual of the proposed scoreboard (prepared by the club) is provided as additional information to this report.
Submitter concerned the scoreboard is not	The heritage assessment is discussed in



in keeping with the heritage value of the reserve.	the officer comment section.
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The following North Fremantle Associated Clubs support the proposal:

- North Fremantle Football Club
- Fremantle Mosman Park Cricket Club
- Fremantle Phantoms Masters Football Club
- East Fremantle Junior Cricket Club
- Fire and Emergency Services Competition Games
- Indian Dragon Boat Club.

The North Fremantle Associated Clubs have also received a letter of support from North Fremantle Primary School.

## **OFFICER COMMENT**

The proposal is for a LED scoreboard to be installed and positioned on the river side of the oval in front of the fire service access track and its existing infrastructure. The scoreboard is specifically for cricket and football use. However, as an LED screen, it can be used for a range of community, school, sporting or other events.

### External Referrals

The subject site falls wholly within the development control area of the Department of Biodiversity, Conservation and Attractions (DBCA), meaning planning application is required to be lodged with and determined by DBCA. The City lodged an application with DBCA on 4 November 2021 and are awaiting approval. Should Council approve the installation of the sign, the installation will also be subject approval and any conditions of DBCA.

### Scoreboard Description

The LED scoreboard in total is approximately 6m high by 3.8m wide. The digital panels are mounted on it from 3m in height (to deter vandalism) with the dimensions of the panels approximately 2.8m high and 3.8m wide. A visual of the proposed scoreboard, prepared by the club, is attached as additional information to this report.

The scoreboard is set back against the far side of the oval to be viewed from the pavilion. It also needs to fit in with existing infrastructure while accommodating the boundaries and buffer area required for football and cricket field configurations. The scoreboard has minimal impact on the use of the reserve for the public.



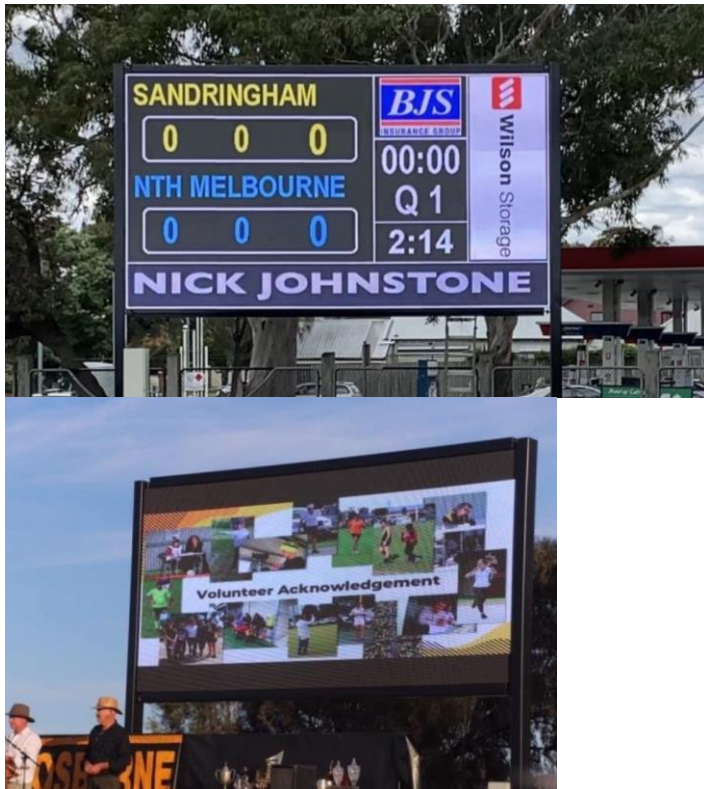


Image: Indicative only example of LED Scoreboard



Image: Scoreboard location in relation to infrastructure and the cricket and football boundaries and buffer zones.



### Scoreboard use

The club has advised the following anticipated usage of the electronic scoreboard:

- Football (April-September):
  - Saturday day matches 9am to 5pm
  - Saturday night matches 5-8pm (if required, and in conjunction with light tower use).
- Cricket (October-March):
  - Saturdays weekly 12pm to 6pm
  - Sundays fortnightly 2pm to 6pm.
- North Fremantle Primary School, seasonal user and community use:
  - Occasional weekday daylight use for school athletic carnivals, etc (9am-4pm, estimated twice annually)
  - Occasional evening use for school and community events (e.g. 5-9pm, estimated twice annually)
  - Masters football 2-3 Sundays per winter season 10am-5pm.

When the scoreboard is not being used the club has advised it will not be left on and it is anticipated it will be covered to prevent vandalism.

### Heritage

This proposal to construct a new light tower and scoreboard at the Gilbert Fraser Reserve does not need to be referred to the Heritage Council as this property is not included on the State Heritage Register.

Gilbert Fraser Reserve is included on the City of Fremantle Heritage List and the Local Heritage Survey as a management category Level 1B place. A conservation management plan was prepared for this place in 2010 and it is used by the City to guide the conservation and management of change at the place.

The City of Fremantle has considered the impact of this proposal on the significant fabric and heritage values of the Gilbert Fraser Reserve as identified in the conservation management plan and has found that the work will not negatively affect these values or any heritage fabric.

Originally developed as the North Fremantle Oval in 1895, Gilbert Fraser Reserve was created for playing organised sport such as football, cricket and cycling. Over the last 125 years there has been ongoing modification of the ground as sporting uses have come and gone, sporting codes have evolved and technology has changed. The construction of the scoreboard is seen as part of the ongoing evolution of this sports oval and a necessity to ensure the continuing of the historic sports usage.

The score board is a modest structure that will have little impact upon the expansive views of the grandstand from the river and visa versa. These structures can be removed when no longer required with no impact on the significant fabric of the place.



### Installation

While this is a club led project, the installation can utilise the infrastructure installed for the sports floodlighting upgrade limiting disturbance to the public during installation. The cost for installation and the ongoing maintenance of the sign is fully funded by the clubs through contributions and grant money.

### Summary

Officers recommends that Council support the installation of an electronic scoreboard at Gilbert Fraser Reserve subject to the hours of use being restricted.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **OFFICER'S RECOMMENDATION**

1. Council approve the installation of the LED scoreboard at Gilbert Fraser Reserve, North Fremantle, subject to:
  - a. Approval and any conditions from the Department of Biodiversity, Conservation and Attractions.
  - b. Hours of use being limited to sporting event use, school use and other community or approved events.

### **Amendment 1**

**Moved: Cr Rachel Pemberton**

**Seconded: Nil**

Council does not support the installation of the LED scoreboard at Gilbert Fraser Reserve ~~Refuse the application~~ due to LPP2.14 which states that "Advertisements in the form of an Animated signs will not be supported by Council."

**Amendment lapsed:  
due to no seconder**

### **AMENDMENT 2**

**Moved: Cr Rachel Pemberton**

**Seconded: Mayor, Hannah Fitzhardinge**

To amend part 1b of the Officer's Recommendation to read as follows:

- 1b Hours of use being limited to sporting **and community** event use, school use and other community or approved events.

**Amendment lost: 2/3**

**For**

**Cr Rachel Pemberton Mayor Hannah Fitzhardinge**

**Against**

**Cr Jenny Archibald, Cr Doug Thompson, Cr Fedele Camarda**



**COMMITTEE RECOMMENDATION ITEM FPOL2112-3**  
**(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Fedele Camarda**

- 1. Council approve the installation of the LED scoreboard at Gilbert Fraser Reserve, North Fremantle, subject to:**
  - a. Approval and any conditions from the Department of Biodiversity, Conservation and Attractions.**
  - b. Hours of use being limited to sporting event use, school use and other community or approved events.**

**Carried: 4/1**

**For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Fedele Camarda**

**Against**

**Cr Rachel Pemberton**

**The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.**



## **FPOL2112-5 FREMANTLE BOAT SHOW AND SEAFOOD FESTIVAL**

**Meeting date:** 8 December 2021  
**Responsible officer:** Acting Director City Business  
**Decision making authority:** Council  
**Attachments:** Nil  
**Additional information:** Nil

### **SUMMARY**

**The purpose of this report is to present a sponsorship proposal for the Fremantle Boat Show and Seafood Festival for consideration. The proposal seeks to enter into a 3-year sponsorship agreement with the City which requests the provision of in-kind support by way of event fee waivers.**

**This report recommends that Council authorise the Chief Executive Officer to negotiate a 3-year sponsorship agreement with the event organiser for the 2022, 2023 and 2024 events.**

### **BACKGROUND**

In 2018, the City of Fremantle in collaboration with the Destination Marketing Working group developed and launched the City's Destination Marketing Strategic Plan. Following the launch, officers have delivered a range of initiatives that seek to achieve objectives outlined in the plan, with the primary and overarching objective being to attract more visitors to Fremantle.

A key pillar within the strategy relates to major events. The strategy identifies events as being key drivers in stimulating the economy by giving people a specific reason to visit a destination, while at the same time promoting the Brand. In recognising this, the strategy includes the following strategic objective and associated action:

- *Ensure that Fremantle's spirit and vibrancy is reflected through major events that increase visitation to the city or promote its Brand - to achieve this the City should proactively seek out and bid for major events that will generate vibrancy, utilise Fremantle's existing infrastructure and align with its unique Brand values.*

Officers have identified the Boat Show as a being a major event that achieves strong alignment with this strategic objective. As such, officers have been working with Premiere Events, the event management company that delivers the show to seek opportunities to attract the event to Fremantle.

In 2019, the State Government delivered a process that sought expressions of interest to host and deliver an international lobster festival. This was in response to a Government proposal to make more lobster available to the domestic market in order to support demand within the tourism sector.



The City of Fremantle partnered with Fremantle Ports to submit a proposal to host the festival in Fremantle. Due to a series of challenging factors at the time, the State Government chose not to deliver the festival and the EOI process did not identify a preferred outcome.

Given the intent of the State Government to support the development of such an event, it was proposed by officers that an additional seafood festival component be added to the Boat Show concept in order to provide a freely accessible and family friendly activation.

The event organiser was open to pursuing the opportunity and has subsequently built a Seafood festival component into the broader boat show event concept. The event organiser has previous experience in delivering the Fremantle Seafood Festival which was held at Fremantle Fishing Boat Harbour in the past.

Officers met with a variety of stakeholders to further develop the Seafood Festival component including the WA Fishing Industries Council, the WA Rock Lobster Council and the Department of Primary Industries and Regional Development (DPIRD).

Officers also met with the Office of the former Hon. Minister for Fisheries Peter Tinley and submitted a request for sponsorship to DPIRD to gauge their interest in supporting the Seafood Festival component.

Following Hon. Don Punch's appointment as Minister for Fisheries and Innovation, officers have also briefed his office and are currently in discussions relating to the support of the festival.

Officers have now been able to arrive at a proposed sponsorship arrangement with the event organiser that will secure the event for Fremantle over a period of three years, as well as provide the value add of an additional seafood festival component.

This agreement was initially tabled for Council endorsement in early 2021, however due to a critical nationwide shortage of new recreational vessels resulting from overwhelming consumer demand associated with the pandemic, the event organiser was unable to deliver the boat show component.

Supply issues have now eased, and the event organiser wishes to pursue a 2022 event with a 3-year sponsorship arrangement from 2022 onwards, with the first event set to be held in March 2022. Officers are also working closely with the event organiser to secure financial support from the State Government.



## **OFFICER COMMENT**

### ***Event Overview***

The Fremantle Boat Show and Seafood Festival is proposed to be held at the Esplanade Reserve and Fishing Boat Harbour early 2022.

There will be a paid ticketed Boat Show component held at the Esplanade Reserve and a Free publicly accessible 'Big Boat Marina' and Seafood Festival (with some paid ticketed components) held at Fishing Boat Harbour and Bathers Beach.

The Seafood Festival offering will be presented in conjunction with the Boat Show component and intends to celebrate WA's abundance of seafood and the role Fremantle has played and will continue to play in the history of the industry. With a strong focus on fresh organic local produce, the Fremantle Seafood Festival also intends to promote WA's premium wines, and boutique beverages. It is intended that the festival is positioned as a state level event and promotes the rest of the State as well.

The Festival is expected to attract locals and visitors, food and wine enthusiasts, and families. The Fishing Boat Harbour location holds an iconic connection to the industry. The Seafood Festival has so far received strong in-principal support from the WA Fishing Industry Council (WAFIC) and the Western Rock Lobster Council (WRLC).

The Seafood Festival intends to provide interactive experiences that facilitate the education of consumers and recreational fishers on:

- The industry, its supply chain, its sustainability credentials and building trust in industry practices
- The product the industry produces (i.e., fish, crayfish, seafood) and the value chain associated with it (i.e., restaurants, markets, gourmet product, chefs – where to buy local seafood)
- The environment and practices to ensure the ongoing sustainability of the fishery
- The success of the management of our recreational fishery and how this is achieved
- The soon to be launched Seafood WA brand
- The role of key DPIRD agencies and other industry bodies

Some of the concepts currently being considered in order to achieve these educational outcomes include:

- Back of boat sales of fresh seafood product at the event
- Short boat rides for event attendees to experience pulling live crayfish up in pots
- Provide event attendees access to crayfish unloading, grading, sizing and processing activities given the event will align with a high catch period
- Display and demonstrations of how crayfish pots are manufactured and how they work
- Cooking demonstrations
- Educational talks on lobster and seafood lifecycles, supply chains, export processes, including the 'day in the life of' story telling from fisherman, captains, divers etc.



- Live cooking demonstrations, food theatre, tastings, and casual/ala carte dining.
- How to cook it (i.e., simple essentials so people aren't scared of ruining it when they cook it)
- Marquees with educational opportunities including parts of the supply chain. This can include Department of Fisheries, Marine Safety, and other relevant agencies.

Noting that the above-mentioned concepts are still at varying stages of development, it has been confirmed that the 2022 Festival will at minimum include the following activations:

- Tastes of Fremantle Stage – a stage area that will feature cooking demonstrations from local chefs who will all present their signature seafood dishes
- Seafood Masterclasses
- “Tastes of the Regions” display and barbecue
- Wine and seafood tastings
- Fresh seafood market – visitors can buy fresh seafood off the back of the boat
- Festival village with food stalls
- Industry functions
- All food-based items used as part of these activities will be locally sourced from Western Australia to achieve alignment with Buy West, Eat Best principles

### ***Target audiences***

It is estimated that the Seafood Festival component could attract up to 20,000 people across three days. While there is potential for growth over a three-year period, the 2022 Festival would mainly be targeted at local and possibly interstate visitors due to travel restrictions associated with COVID-19.

Target audiences for 2022 include:

- Local people who are visiting the Fishing Boat Harbour precinct
- Tourists/Visitors who are already in Perth/Fremantle
- Families seeking free entertainment
- Food and wine enthusiasts
- Interstate couples/individuals, families looking to travel within Australia

Given the Seafood Festival component coincides with the proposed Fremantle Boat Show, potential visitors could also include:

- People interested in buying a boat
- People interested in fishing

Participants in the Festival are likely to include:

- Guest chefs
- Entertainers/Special guests
- People involved in the fishing industry
- Wine producers
- Restaurateurs
- Exhibitors and their staff



- Local businesses
- Event staff and volunteers

### ***Event objectives***

The Seafood Festival component will aim to:

- Celebrate and promote Western Australia's premium seafood and prosperous aquaculture industry
- Share the history of the Western Australian fishing industry and Fremantle's connection to the industry
- Build national and (in future years) international awareness around WA's seafood industry
- Foster new business to business relationships as well as strengthen existing partnerships on a local, national and international level
- Nurture the relationship between the wider community and Western Australia's marine life and the fishing industry
- Educate on the importance of sustainability and conservation of Western Australia's marine life
- Promote the 'brand' of Western Australian seafood and encourage people to 'buy fresh and buy local'
- Facilitate the education of consumers and recreational fishers on:
  - The industry, its supply chain, its sustainability credentials and building trust in industry practices
  - The product the industry produces (i.e., fish, crayfish, seafood) and the value chain associated with it (i.e., restaurants, markets, gourmet product, chefs – where to buy local seafood)
  - The environment and practices to ensure the ongoing sustainability of the fishery
  - The success of the management of our recreational fishery and how this is achieved
  - The soon to be launched Seafood WA brand
  - The role of key DPIRD agencies and other industry bodies

### ***Event growth and sustainability***

The event organiser has a broad 3-year plan for the Seafood Festival component which involves achieving the following outcomes:

Year 1 (2022):

- Introduce the event and build an audience
- Develop promotions and awareness of the event to attract participants
- Present free aspects of the Festival
- Marketing the event will be locally focused, with some national media and promotion
- Strong focus on building on the existing Festival database for future marketing purposes
- Educating the public within Western Australia on WA seafood industry and fishing industry, including the increase in aquaculture and sustainable fishing
- Educating the public on cooking techniques for seafood

Year 2 (2023):

As the Festival evolves and grows, it will present an ideal opportunity to convey the important message of sustainability and conservation to the public.



In addition, the organiser intends to begin promoting the event to an international audience.

- Increased marketing activity nationally and internationally
- Working with tourism agencies to promote the event as a reason to visit WA and Fremantle
- International guests invited to attend Festival
- Potentially extending the Festival over a longer time period (one to two weeks)
- Including corporate events such as sponsored events and lunches/dinners
- Engaging the community to encourage other local activities to coincide with the Festival
- Educating visitors across the country on the WA seafood industry and fishing industry, including the increase in aquaculture and sustainable fishing

Year 3 (2024):

The long-term plan is to continue to build the event and promote to an international market. The event has potential to be run over two weekends and can attract international chef's attendance and participation. Tickets will be sold for the event, with further ticketing for some activities within the Festival.

- Invite international celebrity guests
- Work with travel organisations and Tourism WA to promote the event to an international market
- Continue to grow the Festival in exhibitors and attractions
- With the Festival well established, corporate sponsorship can be expanded
- Higher visitor numbers and exhibitor numbers will increase revenue
- The Festival will become a major event in Western Australia for the fishing industry, hospitality and tourism
- National and International marketing will continue to be expanded

### ***Planned marketing activity for the festival***

The event organiser intends to promote the Seafood Festival component via an extensive advertising and marketing campaign through Seven West Media (WA); as well as via social and digital media, and relevant targeted media platforms. Marketing for the 2022 Festival will be focused on a local and national markets.

The Festival marketing plan will focus on promoting the Festival, personalities attending and the various activities and events taking place over the weekend. The marketing schedule will incorporate tv, radio, digital and print. Social media will play a major role in building awareness and creating an online community/forum for the event, to engage visitors and encourage interaction through promotions, and acting as a main driver for online ticket sales to ticketed events.

Proposed promotions are likely to include:

7 West Media:

- One hour TV special on Channel 7 the week prior to the Festival. This will be based on the WA seafood and fishing industry and will include cooking segments with local and celebrity chefs
- 32-page lift out in the West Australian newspaper that focuses on the Seafood Festival and the WA industry, with advertising support from exhibitors



- TV Advertising on 7, 7TWO and 7Mate
- Print advertising in The West Australian newspaper
- Digital advertising on thewest.com.au
- Posts on <https://www.facebook.com/TheWestAustralianFood>
- Articles on <https://au.news.yahoo.com/thewest/lifestyle/food>

Other:

- Website [www.fremantleseafoodfestival.com.au](http://www.fremantleseafoodfestival.com.au)
- Social Media
  - Facebook – A targeted advertising campaign will run through Facebook, linking viewers to the Festival’s own Facebook page. Facebook promotions will include videos, photos and competitions, and will be “boosted” to reach a wider targeted audience
  - Instagram – The Festival has a strong Instagram page and regularly shares images relevant to Fremantle and to the Festival itself. Instagram competitions will run to encourage interaction with followers
  - YouTube – A schedule of short videos are planned featuring recipes – brief instructions on how to cook particular seafood dishes will be promoted by the Festival’s YouTube channel. Future plans for YouTube include a dedicated WA Seafood program, where a production team and recognised presenter will travel to different areas of WA to review and promote different seafood, and share recipes
- Local newspaper advertising – Fremantle Cockburn Gazette and Fremantle Herald
- Digital promotions – Visit Fremantle website listing and articles, City of Fremantle events page, e-newsletters and blogs
- Links with the Festival’s guests and personalities – promotions via their networks
- Google advertising
- Radio promotions via 96FM, 6PR and Nova 93.7
- Public relations
- E-Newsletters to existing database

***Proposed sponsorship arrangements***

In order to support the achievement of both the Fremantle Boat Show and the Fremantle Seafood Festival as a combined event, the event organiser has requested support from the City by way of a sponsorship arrangement. The City’s support is required in order to assist in establishing the event so it can continue to build its financial sustainability across a 3-year period.

The following support has been requested as part of a 3-year sponsorship agreement.

- 2021/22 Financial Year:
  - Supply of Esplanade Reserve and Bathers Beach event area with a 100% reduction in event hire fees
  - The City of Fremantle will be responsible for costs associated with any repair of the lawn required as a result of the event
  - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event



- 2022/23 Financial Year:
  - Supply of Esplanade Reserve and Bathers Beach event area with a 75% reduction in fees.
  - Premiere events will be responsible for costs associated with any repair of the lawn required as a result of the event
  - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event
- 2023/24 Financial Year:
  - Supply of Esplanade Reserve and Bathers Beach event area with a 50% reduction in fees
  - Premiere events will be responsible for costs associated with any repair of the lawn required as a result of the event
  - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event

An additional three-year agreement will be considered based on the outcomes and performance of the first three years.

As part of the provision of this in-kind support under a sponsorship agreement, the City would expect to receive the following benefits in return:

- The Organiser may not operate “Fremantle Boat Show- incorporating the Fremantle Seafood Festival” (the brand) outside of Fremantle during specified event operating dates as agreed upon annually, within the term of this agreement without prior written consent from the City of Fremantle.
- City of Fremantle to be acknowledged and featured as a major sponsor on all media releases and communications across print, digital and social mediums in the following ways:
  - City of Fremantle logo and destination brand logo on corporate facing collateral including media releases and sponsors section of event website
  - The City of Fremantle destination brand to be acknowledged and featured as the Principal/Major Partner (whatever is the highest level of sponsorship) across all promotional and marketing materials including print, digital and social mediums as follows;
- City of Fremantle logo and destination brand logo in Principal Partner position on all marketing and communication collateral both corporate and consumer facing
- City of Fremantle logo and destination brand logo and link on website
- Verbal acknowledgement of City of Fremantle as Principal/Major Partner at event functions
- Incorporation of destination brand logo on event signage including but not limited to;
  - Event barriers
  - Marquee gables
  - Flags
  - Staff uniforms



- Additional engagement with the City's destination brand through:
  - Inclusion of destination brand logo on all consumer facing collateral
  - Destination brand messaging included in website content and editorial pitches
  - Ability to place destination brand signage, banners and collateral at the event
    - Tag @cityoffremantle and destination brand social media handles (and hashtags) in all social media posts
    - Provision of 100 x complimentary tickets for consumer competitions
    - Promotion of Fremantle as a destination using destination brand key messaging on event website and social media posts
    - Ticket holder EDMs to include destination brand logos, messaging, destination offer and other city event information
    - Unlimited access to any professional photography and videography taken during the event in years of the agreement, for use by the City for general distribution license free in perpetuity
    - Consumer announcements throughout the event e.g. 'while you're in Fremantle... (City of Fremantle to supply content)
- Speaking opportunity at launch events
- City of Fremantle resident discount on tickets
- Event organiser to engage with local Fremantle businesses, community groups and service providers to participate in the event as suppliers
- Use of the event's intellectual property –the right to use the logo in City of Fremantle communications, and the right to use event images (video and photography)
- City to have the option to supply and display destination marketing content in the ticketing area
- Opportunity for the City of Fremantle to contribute to post event survey and for that specific data to be shared with the City of Fremantle

## **FINANCIAL IMPLICATIONS**

The proposed sponsorship offering and associated sponsorship benefits to be received by the City has been determined in line with the City of Fremantle Grants and Sponsorship Policy.



An overview of the total in-kind financial contribution by way of fee waiver proposed over the three-year term is provided below.

<b>Value of Waivers</b>	<b>Year 1 (21/22)</b>	<b>Year 2 (22/23)</b>	<b>Year 3 (23/24)</b>	<b>Total</b>
Value of event hire fee waivers (Esplanade Reserve and Bathers Beach)	\$97,500	\$73,125	\$48,750	\$219,375
Value of turf remediation cost (if required)	\$17,500	Nil	Nil	\$17,500
<b>Total</b>	<b>\$115,000</b>	<b>\$73,125</b>	<b>\$48,750</b>	<b>\$236,875</b>

After waivers, the City estimates it will collect the following fees from the event organiser over the term of the agreement.

<b>Fees Payable</b>	<b>Year 1 (21/22)</b>	<b>Year 2 (23/24)</b>	<b>Year 3 (24/25)</b>	<b>Total</b>
Est. event hire fees (Esplanade Reserve and Bathers Beach)	\$0	\$24,375	\$48,750	\$73,125

## **LEGAL IMPLICATIONS**

Sponsorship will be provided under a contractual agreement between Premiere Events (the event organiser) and the City. The City will be recognised as the principal partner for the event. Provision of sponsorship will be subject to approval of the event by the City of Fremantle, and the event organiser seeking all other necessary approvals.

## **CONSULTATION**

A variety of stakeholders have been engaged and consulted with throughout the development of the concept including but not limited to:

- Office of the former Hon. Minister for Fisheries Peter Tinley, and Office of the current Minister for Fisheries, Hon. Don Punch MLA
- Department of Primary Industries and Regional Development
- WA Fishing Industries Council (WAFIC)
- WA Rock Lobster Council
- Tourism Western Australia
- Department of Transport
- Fishing Boat Harbour Traders Group
- City of Fremantle Destination Marketing Working Group
- Fremantle Chamber of Commerce



Upon final confirmation of the event, the broader business community will be consulted in order to encourage businesses to engage with, participate in and leverage the event.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL212-5** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Hannah Fitzhardinge**

**Council authorise the Chief Executive Officer to negotiate a three-year event sponsorship agreement that includes the following essential terms:**

- **Year 1 (2021/22 Financial Year)**
  - The City will provide a 100% reduction in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.
  - The City will be responsible for costs associated with any repair of the turf required as a result of the event.
  - Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.
- **Year 2 (2022/23 Financial Year)**
  - The City will provide a 75% reduction in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.
  - Premiere events will be responsible for costs associated with any repair of the turf required as a result of the event.
  - Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.
- **Year 3 (2023/24 Financial Year)**
  - The City will provide a 50% reduction in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.
  - Premiere events will be responsible for costs associated with any repair of the turf required as a result of the event.
  - Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.

**Carried: 4/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton**



**FPOL2112-6 MY HOME PROJECT – REQUEST FOR BUILDING PERMIT FEE  
REDUCTION**

**Meeting date:** 8 December 2021  
**Responsible officer:** Manager Strategic Planning  
**Decision making authority:** Council  
**Attachments:** 1. Nil  
**Additional information:** 1. Nil

**SUMMARY**

**On 4 March 2020, Council resolved to support a Development Application for construction of housing for people experiencing homelessness (targeting women over 55 years in age) at 5 Congdon Street, North Fremantle. The project is being funded through a combination of combination of sources and charitable contributions, using state government land (pending its being required for its reserved purpose) and will be managed by a public housing provider.**

**The applicant has requested that the City reduce the Building Permit fee applicable to the development. Council's Local Planning Policy 1.2 makes provision for the reduction of planning application fees in certain circumstances, but not building application fees. However, in this instance, given the alignment between the project and the City's strategic objectives (including the recently adopted Homelessness Plan), officers recommend that Council exercise discretion to support the request.**

**BACKGROUND**

'My Home' is a new initiative to provide housing for homeless people, operated by a housing provider, at no cost to government. 'My Home' is a proposed 3-way partnership between government, not-for-profit and the private sector, and is based on the Housing First model. The Housing First model is guided by the principle that a homeless individual's primary need is to obtain stable housing firstly, followed by the provision of support services that can help the individual re-engage with the community and ultimately become self-sufficient.

In late 2019, the My Home project team sought approval for a housing development of 18 lightweight self-contained single bedroom units to provide housing on land that is owned by the State Government and is reserved for long-term public transport uses. The proposal sought to make use of (currently) surplus public land in a well serviced locations as an 'interim use' to provide housing for those in need. It was originally proposed to be managed by Foundation Housing but is now to be run by St Pats. The intention is that if and when the land is required for its reserved purposes, the housing can be relocated and the land made available for its vested purpose.

The project team have indicated that the proposal, which is based on schemes operational in the eastern states and internationally, will accommodate over 55's women in this initial trial.

On 4 March 2020, Council considered a development application for the project and resolved to recommend its approval to the Western Australian Planning Commission



(WAPC) subject to conditions (refer Item PC2003-7). The WAPC subsequently issued approval.

The applicant has requested that the City support the proposal by waiving or reducing the Building Permit fees applicable. The purpose of this report is to consider that request.

Council's Local Planning Policy 1.2 makes provision for the reduction of planning application fees by 50% in certain circumstances, including where the applicant is a not-for-profit organisation. The Manager Development Services can authorise reductions in planning fees where requests for reductions comply with this policy. However, the policy does not make similar provision for building fees to be reduced, and states that a complete waiver of building fees will not be supported under any circumstances. Consequently, the current request is being presented to Council for consideration.

### **FINANCIAL IMPLICATIONS**

Waiver of 50% the City's Building Permit fee for the application would equate to between \$2,488 and \$4,190 (depending on whether it is privately certified)

### **LEGAL IMPLICATIONS**

Nil.

### **CONSULTATION**

Nil. The development application was advertised for public comment prior to approval.

### **OFFICER COMMENT**

Homelessness is a significant issue in Fremantle and in Western Australia (and Australia) more generally.

On 24 November 2021, Council adopted a Homelessness Plan (FPOL2111-8) which recognises the City's primary role being in relation to:

- Accessible information
- Support and assistance
- Advocacy

Action 8 recommends that Council "*Advocate to WA State Government to deliver a sustainable supply of support and diverse social housing and accommodation options.*" The State Government's contribution of the land for this development aligns with this recommendation.

Section 3 of Council's 'Innovative and Affordable Housing' policy states that Council will:



*Consider supporting temporary use of surplus public land and reserves in suitable locations to accommodate low cost housing pending requirement for its longer term reserved purpose.*

The estimated cost of the project is \$2,618,980. The applicable building fee would consequently be \$13,802.02 for a certified application (preferred) which comprises:

- Building Service Levy: 0.137% of estimated value of works
- Construction Industry Training Fund (CTF) levy: 0.2% of estimated value of works
- City's Building Permit Fee: 0.19% of estimated value of works for Certified Application (or 0.32% for Uncertified)

The City does not normally vary its fees by seeking to recoup a proportion of the costs it incurs in providing the service, however, in this case, it could be considered as an in-kind contribution towards a very noteworthy and innovative initiative. A 50% City Building Permit Fee waiver is consequently recommended. The City is unable to waive the BSL or CTF levies as the City merely collects these levies on behalf of state agencies and has no authority to exercise discretion to vary them.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

## **OFFICER'S RECOMMENDATION**

Council approve the waiver or refund of up to 50% of the City's Building Permit Fee (excluding applicable levies) payable for the My Home development at 5 Congdon Street, North Fremantle as an in-kind contribution towards the project.

## **AMENDMENT 1**

**Moved: Cr Rachel Pemberton**

**Seconded: Cr Doug Thompson**

**The recommendation be amended to read as follows:**

**Council approve a one-off grant/financial contribution equivalent to 100% ~~approve the waiver of up to 50%~~ of the City's Building Permit Fee (excluding applicable levies) valued at \$4,976.06 payable for the My Home development at 5 Congdon Street, North Fremantle as an in-kind contribution towards the project.**

**Amendment Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



**COMMITTEE RECOMMENDATION FPOL2112-6**

**(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Doug Thompson**

**Council approve *a one-off grant/financial contribution equivalent to 100% of the City's Building Permit Fee (excluding applicable levies) valued at \$4,976.06 payable for the My Home development at 5 Congdon Street, North Fremantle as an in-kind contribution towards the project.***

**Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



## FPOL2112-7 STRATEGIC COMMUNITY PLAN REVIEW WORKING GROUP

**Meeting date:** 8 December 2021  
**Responsible officer:** Manager Strategic Planning  
**Decision making authority:** Council  
**Attachments:** 1. Draft Terms of Reference  
**Additional information:** 1. Nil

### SUMMARY

On 24 March 2021, Council approved a methodology for review of the Strategic Community Plan, focussed around building on past engagements and focus areas, and examining key issues and challenges to realising community goals. The project commenced with internal review of status, and appointment of consultants to coordinate the community engagement component of the exercise. The purpose of this report is to consider the establishment of a Working Group to provide input into the review process (particularly the engagement component). The Working Group is also proposed to facilitate coordination with engagement associated with the State Government initiated Future of Fremantle project.

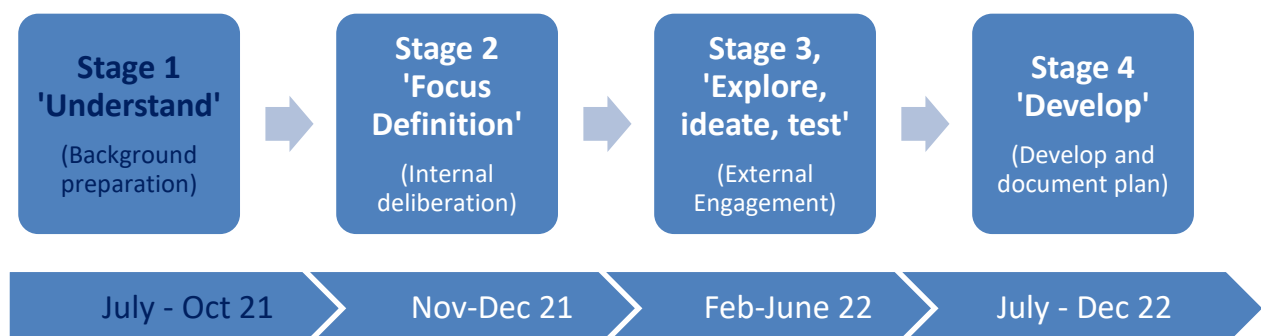
This report recommends that Council establish a Strategic Community Plan Review Working Group for the purposes of providing input into the review of the Plan and nominate up to 5 elected members including a presiding member.

### BACKGROUND

On 24 March 2021, Council considered a report regarding the review of the Strategic Community Plan and resolved to:

1. *Endorse the broad engagement methodology for the Strategic Community Plan review outlined in Attachment 1.*
2. *Support 'in principle' inclusion of the budget estimate of \$173,500 for engagement on the Strategic Community Plan review in the draft 21/22 budget. (FPOL2103-9)*

The project program proposed 4 key stages:





Following adoption of the budget in June 2021, consultants were sought to coordinate stages 1-3, and 361 Degrees Consulting was appointed.

The purpose this report is to propose the establishing of a Working Group to provide input in the review process, specifically the community engagement.

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

The Working Group is proposed to guide and provide advice on community engagement on the Strategic Community Plan review.

## **OFFICER COMMENT**

The review of the Strategic Community Plan and proactive involvement of the community in this process provides an important opportunity to facilitate meaningful engagement and civic participation. It also provides the opportunity for collective problem solving, partnership, connection and capacity building consistent with objectives of the current Strategic Community Plan.

The establishment of a Working Group will allow for a more direct involvement of elected members in developing the process, with the Working Group providing recommendations to Council on how the project should proceed.

The establishment of a Working Group will also provide efficient mechanisms for coordination of this process with the Future of Fremantle project to ensure that their activities and engagements are complementary rather than duplicative and confusing.

Draft Terms of Reference are provided in Attachment 1 and propose inclusion of up to five elected members and a representative of the Future of Fremantle project team. The option to invite stakeholder and community representatives to contribute to the Group also provides an opportunity for direct input, collaboration and codesign.

The Group will not have any decision-making authority and its scope relates to the establishment and delivery of the engagement process and recommendations on how to respond to the outcomes of this process: the actual development of the revised Strategic Community Plan (Stage 4 of the project) will draw on the engagement conclusions and involve the input of all Elected Members.



The timeframe to establish the Working Group and ensure clarity between this project and the Future of Fremantle project is likely to delay the project by a couple of months however as the only requirement for completion of the review is the 4-year timeframe stipulated in the current *Local Government (Administration) Regulations*, this is not of concern as the current plan was last reviewed in 2019, and so falls comfortably within these limitations.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2112-7** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

#### **Council:**

- 1. Approve the establishment of a 'Strategic Community Plan Review Working Group' in accordance with the following Terms of Reference provided in Attachment 1.**
- 2. Appoint the following elected members (up to 5), and the Presiding Member, to the Strategic Community Plan Review Working Group, as per the Terms of Reference:**
  - a. Cr. Su Groome**
  - b. Cr. \_\_\_\_\_**
  - c. Cr. \_\_\_\_\_**
  - d. Cr. \_\_\_\_\_**

**Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



## **FPOL2112-8 REQUEST FOR SPONSORSHIP – WINTERWORLD 2022-2024**

**Meeting date:** 8 December 2021  
**Responsible officer:** Acting Director City Business  
**Decision making authority:** Council  
**Attachments:** 1. Winterworld Sponsorship Proposal

### **SUMMARY**

**The purpose of this report is to seek in-principle support from Council to sponsor the Winterworld event over a three-year term from 2022 to 2024.**

**This report recommends that Council authorise the Chief Executive Officer to negotiate a three-year sponsorship agreement with the event organiser for the 2022, 2023 and 2024 events.**

### **BACKGROUND**

Winterworld is an engaging winter activation that brings families into Fremantle throughout the winter school holidays. This winter activation has become a staple and much anticipated annual activity on the WA events calendar. The event attracts over 100,000 visitors to Fremantle each year.

The City previously entered a three-year sponsorship with Winterworld for events in 2019, 2020 and 2021, however due to COVID-19 and the associated event restrictions, the event was unable to be held in 2020 or 2021.

The event organiser wishes to proceed with a 2022 event and has requested a renewed three-year sponsorship agreement to secure the event for the destination as it continues to grow, and to relocate the event from the Esplanade Reserve, to Walyalup Koort to support the delivery of outcomes identified in the City's Walyalup Koort Interim Place Development Action Plan.

### **FINANCIAL IMPLICATIONS**

The proposed three-year sponsorship agreement will be funded via base operating budget allocated to Economic Development, in line with the City's Grants and Sponsorship Policy.

An overview of total financial contribution (cash and in-kind) proposed over the three-year term is provided below.

	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
Cash contribution	\$35,000	\$25,000	\$15,000	\$75,000
In-kind contribution (waiver of event related fees)	\$35,000	\$35,000	\$35,000	\$105,000
<b>Total (cash and in-kind)</b>	<b>\$70,000</b>	<b>\$60,000</b>	<b>\$50,000</b>	<b>\$180,000</b>



## **LEGAL IMPLICATIONS**

Sponsorship will be provided under a contractual agreement between Kinn & Co. (the event organiser) and the City, in line with the City's Grants and Sponsorship Policy. Provision of sponsorship will be subject to approval of the event by the City of Fremantle, and the event organiser seeking all other necessary approvals.

## **CONSULTATION**

The proposed sponsorship offering has been determined in line with the City of Fremantle Grants and Sponsorship Policy and in line with the City's Destination Marketing Strategic Plan, and Walyalup Koort Interim Place Development Plan.

## **OFFICER COMMENT**

The 2018 and 2019 events were held across the July school holidays and have been attended by more than 100,000 visitors each year.

The Winterworld brand has undergone a significant refresh and has been refined to elevate its positioning within the marketplace and broaden its appeal to families, teens and young adults, while aligning to the high-quality design, cultural and activation offerings presented within FOMO and the Walyalup Koort surrounds.

This partnership presents an exciting opportunity to relocate the event from the Esplanade Carpark to the newly redeveloped Walyalup Koort. Walyalup Koort is to become the heart of Fremantle, and utilising Winterworld's popularity, the event is expected to drive significant visitation to the area throughout the Winter season.

The 2022, 2023 and 2024 events are proposed to include (but is not limited to) the following activities (subject to event approval):

- Outdoor ice-skating rink with roof only structure with "snow" during each session
- WA's largest real snow pit
- Firepits for roasting marshmallows
- A winter slide
- Roving and interactive entertainment
- Figure skating demonstrations
- Fairy face painters
- The National Hotel's Cabin Bar and Winter Lounge
- Ice hockey demonstrations
- Storytime and proposed partnership with the library
- Under 18s event targeted at 13-17 year olds
- A WA first *Dinner on the Ice* in conjunction with local restaurants
- Drag on Ice (Drag Queen show on the ice)
- Winterworld Essentials Kit (Branded tote bag with socks, gloves, information on Fremantle, local business offers etc)



The 2022 event will see a focus on elevating the site's look and feel to ensure it remains at the forefront of visitor experience and aligns to the aesthetics and standards presented within the newly developed Walyalup Koort.

Kinn & Co will also engage with businesses surrounding Walyalup Koort to collaboratively program and promote their existing offerings, and will continue their THINK LOCAL strategy, ensuring local businesses and services are provided an opportunity to participate in or leverage Winterworld where possible. The THINK LOCAL strategy also ensures Fremantle is promoted as a destination throughout the event's marketing campaigns.

Winterworld offers a strong opportunity for collaborative marketing campaigns and tactical co-op promotional opportunities for businesses.

As per previous years, Winterworld will work with the local accommodation, hospitality, and tourism operators to develop Skate + Stay Packages (ice skating, 2-3 nights accommodation and other Fremantle based tours/activities). These packages are housed on a dedicated page on the website and form the lead messaging in the regional digital advertising campaign.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2112-8** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

#### **Council:**

- 1. Provide in-principle support for the three-year sponsorship agreement and authorise the Chief Executive Officer to negotiate a three-year event sponsorship agreement with the event organiser that includes the following essential terms:**
  - a. Provision of a \$75,000 cash contribution over a three year-period to be funded via base operating budget subject to approval via the annual budget process.**
  - b. Waiver of fees associated with holding the event to the value of \$105,000 over a three year-period.**

**Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



## **FPOL2112-9 BUDGET AMENDMENTS - NOVEMBER 2021**

**Meeting date:** 8 December 2021  
**Responsible officer:** Acting Manager Finance  
**Decision making authority:** Council  
**Agenda attachments:** Nil  
**Additional information:** Nil

### **SUMMARY**

**To adopt various budget amendments to the 2021/22 budget account numbers as detailed below in accordance with the Budget Management Policy.**

**This report recommends that Council approves the required budget amendments to the adopted budget for 2021/22 as outlined in the report.**

### **BACKGROUND**

In accordance with the Budget Management Policy, this report provides details of proposed amendments to the 2021/22 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

### **FINANCIAL IMPLICATIONS**

The financial implications are detailed in this report.

### **LEGAL IMPLICATIONS**

#### ***Local Government Act 1995:***

##### **Section 6.2 (1)**

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

##### **Section 6.8 (1) and (2)**

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

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



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

Where expenditure has been incurred;

- (a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
- (b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council.

### ***Local Government (Financial Management) Regulations 1996:***

#### **Regulation 33A**

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

### **CONSULTATION**

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

### **OFFICER COMMENT**

The following amendments are proposed to be made to the adopted/revised budget for 2021-22.

#### **1. Budget amendments for proposed expenditure for an additional purpose or release of quarantined funds.**

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

Item	Account #	Account Details	2021/22 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
1.1		<p>These works are required to revert the Fremantle Oval building back to a sporting facility to accommodate Perth Glory in line with the requirements of their executed Licence Agreement.</p> <p>Phase 1 works are required to facilitate the office accommodation and preparation for Perth Glory’s initial occupancy (December/January) – works include wall demolitions, internal partition walling players area and gym and upstairs offices (current IT area).</p> <p>The licence agreement with Perth Glory includes an upfront payment of \$141,342, this equates to six months payment and can offset the first stage works. Budget will be transferred from unallocated funding in the Infrastructure Project Fund to initiate these works.</p> <p>Phase two works (Showers and Changerooms) are more complex and will be subject to future tender and are anticipated for delivery early in 2022.</p> <p>The estimated cost for phase 2 works is approximately \$180,000. This is</p>				



Item	Account #	Account Details	2021/22 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
<b>anticipated to be recovered within the first year payments.</b>						
	NEW.4471	Lease – 70 Parry Street	0	141,342		141,342
	300170.1606	Program – Infrastructure Recovery	(227,126)		102,000	(125,126)
	300XXX.1606	P-12068 Design and construct – 70 Parry St Fit out (Stage 1)	0		(243,342)	(243,342)

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

Chief Executive Officer (CEO) has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there are insufficient funds allocated, where:

- The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount; and
- There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

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

Item	Account Details	Account #	2021/22 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	

**3. Carried forward projects estimate budget amendments.**

The proposed budget amendments to the FY 2021/22 budget as shown below, are related to prior year capital projects not completed as anticipated.

Item	Account Details	Account #	2021/22 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	



## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

### **COMMITTEE RECOMMENDATION ITEM FPOL2112-9** (Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

**Council approves the required budget amendments to the adopted budget for 2021/22 as outlined below:**

Item	Account #	Account Details	2021/22 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Amended Budget
1.1	<p>These works are required to revert the Fremantle Oval building back to a sporting facility to accommodate Perth Glory in line with the requirements of their executed Licence Agreement.</p> <p>Phase 1 works are required to facilitate the office accommodation and preparation for Perth Glory's initial occupancy (December/January) – works include wall demolitions, internal partition walling players area and gym and upstairs offices (current IT area).</p> <p>The licence agreement with Perth Glory includes an upfront payment of \$141,342, this equates to six months payment and can offset the first stage works. Budget will be transferred from unallocated funding in the Infrastructure Project Fund to initiate these works.</p> <p>Phase two works (Showers and Changerooms) are more complex and will be subject to future tender and are anticipated for delivery early in 2022. The estimated cost for phase 2 works is approximately \$180,000. This is anticipated to be recovered within the first year payments.</p>					
	NEW.4471	Lease – 70 Parry Street	0	141,342		141,342
	300170.1606	Program – Infrastructure Recovery	(227,126)		102,000	(125,126)
	300XXX.1606	P-12068 Design and construct – 70 Parry St Fit out (Stage 1)	0		(243,342)	(243,342)

**Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



**FPOL2112-10 CONSIDERATION OF AMENDMENT TO THE SPICER  
DEVELOPMENT DEED (8-10 HENDERSON STREET, FREMANTLE)**

**Meeting date:** 8 December 2021  
**Responsible officer:** A/Chief Executive Officer  
**Decision making authority:** Council  
**Attachments:** Nil.  
**Additional information:**

**SUMMARY**

The property development arm of Spicer Street Pty Ltd (Forrest Entity/Minderoo), Fiveight (Spicer Purchaser), have formally requested the City to consider a review of the January 2021 proposed amendment to the Spicer Development Deed (SDD) between the City and Spicer Street Pty Ltd for the property at 8-10 Henderson Street Fremantle, known as the Spicer Site.

The review request proposes to amend the rate equivalent payment clause which was approved by Council in January 2021. The review seeks to amend how the payment may be imposed. The review also seeks to amend the clauses providing approved reasons for a delay to the milestone dates.

This report recommends that Council agree to these amendments by including the provision of a “drop dead” date being set for the reasonable completion of the project, upon which a rate equivalent payment may be imposed, and acceptance of the requested amendments to the approved reasons for delay clause, subject to the easement for Paddy Troy Mall being applied immediately.

**BACKGROUND**

The City entered into a contractual agreement with Sirona Capital in May 2013 for the sale of the former Spicer property as part of the Kings Square Project. This contractual agreement was in the form of the Project Development Deed (PDD). Since the PDD was first entered into, settlement dates for the other properties involved have been amended twice, each time the consequence has had a flow on effect to move the Spicer settlement as well. In late 2018 the property settled to Sirona and was then immediately sold. The condition of approval of the sale was that the Spicer Purchaser is required to enter into a development deed on substantially the same terms as that between the City and Sirona Capital Pty Ltd. At the Ordinary meeting of Council held on 12 December 2018, the following was adopted;

*“Council consent to:*

- 1. The transfer of 8-10 Henderson Street, Fremantle, (known as the former Spicer Site) by Sirona Capital Management Pty Ltd (Sirona) to Spicer Street Pty Ltd (Forrest Entity);*
- 2. The assignment of the Project Development Deed (PDD) as amended and originally dated 10 May 2013, as it relates to the development of the Spicer Site to the Forrest Entity; and*



3. *The modifications to the PDD recommended by the City's lawyers needed to give effect to the above,*

*Subject to the following conditions:*

- a. the transfer of the Spicer Site by the City to Sirona takes place within a time acceptable to the Chief Executive Officer;*
- b. Sirona observes and performs all of its obligations in the PDD in relation to the development of the Spicer Site until the transfer to the Forrest Entity occurs;*
- c. the Forrest Entity agrees to assume all of Sirona's post settlement obligations in relation to the development of the Spicer Site;*
- d. the parties to the PDD and the Forrest Entity enter into documents to effect the above that are acceptable to the Chief Executive Officer upon advice from the City's lawyers and that the Mayor and Chief Executive Officer are authorised to execute such documents; and*
- e. the City is not required to pay the costs of any other party to the PDD or the Forrest Entity in relation to this matter."*

One of the conditions provided in the Spicer Development Deed (SDD) is for the development of the property to reach substantial commencement by December 2022 with other milestone dates set to ensure progress towards this date. The SDD defines the "Spicer Substantial Commencement Date" as;

- "(a) the date being 24 months from the date that Sirona Capital Management Pty Ltd as trustee for the Kings Square No. 2 Unit Trust becomes the registered proprietor of the Spicer Property; or*
- (b) such later date agreed to by the Spicer Purchaser and the City pursuant to clause 8.2.*

*Substantial Commencement means in relation to the Spicer Development;*

- (a) demolition of existing Buildings and Improvements;*
- (b) (if the development is to include a basement) completion of the site works, including excavation to basement level and completion of construction works to a ground floor slab level (including the pouring of a ground floor slab); and*
- (c) (if the development is not to include a basement) completion of the site works and completion of the structural works to a first floor level (including the pouring of a first floor slab), and Substantially Commence shall have a corresponding meaning."*

At the Ordinary meeting of Council held on 27 January 2021, the following was adopted;

*Council approve a request from Spicer Street Pty Ltd for a one-off extension to the Spicer Substantial Commencement Date as defined under the Spicer Development Deed dated 19 December 2018, subject to the following conditions;*

- 1. Consideration of a one only extension for two years to 19 December 2022.*
- 2. An amendment to the Spicer Development Deed dated 19 December 2018, to allow for;*
  - a. Milestone dates for each step in the development approval process up to substantial commencement as;*



<i>Preparation Development Plans and Specifications</i>	<i>19 June 2021</i>
<i>Development Application to be lodged</i>	<i>19 September 2021</i>
<i>Building Permit to be obtained</i>	<i>19 June 2022</i>
<i>Spicer Substantial Commencement Date</i>	<i>19 December 2022</i>

- b. *The right for the City to commence re-purchase action for failure to achieve any milestone date.*
  - c. *A rate equivalent payment to be paid by Spicer Street Pty Ltd, if any milestone date is missed on and from the date that the milestone date should have been achieved until Practical Completion.*
  - d. *an easement, 8 metres in width, be registered to ensure suitable access to Paddy Troy Mall from William Street between the Spicer property and the Fremantle Malls property.*
3. *A two stage development would be accepted as long as the first stage:*
- a. *the development application to be lodged by 19 September 2021,*
  - b. *at least 2,600m<sup>2</sup> of gross floor area fronting Henderson Street, and*
  - c. *is not less than 50% of the approved development.*

The above milestone dates were established to allow the City to charge rate equivalent charges against Fiveight with any missed milestone. Fiveight have suggested that these be modified to have the rate equivalent charge hold only until the milestone action is remedied or completed. The amendment also provided for the easement over the site to allow adequate access to Paddy Troy Mall from William Street.

Since purchasing the site, various Minderoo entities have met with the City to discuss various development options which meet the SDD and Urban Design Guidelines. A formal development application was submitted to Council in June, 2021, in accordance with the set milestone and has been reviewed through the Development Advisory Committee. Fiveight have asked the application to be placed on hold whilst they undertake a further internal review of the design.

## **FINANCIAL IMPLICATIONS**

There is limited direct financial implication from considering this request to review. The immediate financial implication is any associated legal costs associated with negotiating the amendments.

The SDD contemplates options to buy the property back if substantial commencement is not achieved by the set milestone date. The SDD requires particular steps to take place for buy-back to occur. The financial implication to this is the cost of re-purchasing the property. In the event that:

- (i) *the Spicer Purchaser fails to Substantially Commence the Spicer Development by the Spicer Substantial Commencement Date; and*
- (ii) *this document is terminated prior to the date on which the Spicer Purchaser has Substantially Commenced the Spicer Development by:*

- (A) *either party pursuant to clause 17.6;*



- (B) *the City as a result of a Project Default pursuant to clause 18.3; or*
- (C) *the City pursuant to clause 20(c)(i)(B), then the City shall have the option to re-purchase the Spicer Property, from the Spicer Purchaser for the Re-Purchase Price, in accordance with the provisions of this clause.*

A further, albeit indirect, cost for considering such a request is the loss of rate income from the development not being commenced on time and therefore not being completed within the original considered timeframe.

## **LEGAL IMPLICATIONS**

As noted above, the SDD has provision for the Spicer Purchaser to substantially commence development of the property within a determined timeframe (19 December 2022), with one of the remedies being that the City has the right to re-purchase the property if this is not achieved.

The SDD describes the process for a re-purchase below;

- (a) *The parties must use reasonable endeavours to complete the process contained in this clause 9.3 in a timely manner.*
- (b) *The City must undertake a Business Plan Process.*
- (c) *If the outcome of the Business Plan Process is that the City decides to proceed with the repurchase of the Spicer Property then the City must, within 28 days of making its decision to proceed, give an Exercise Notice to the Spicer Purchaser.*
- (d) *If the Exercise Notice is not received by the Spicer Purchaser within 8 months of the date on which it received the Initiation Notice, then the City's option to repurchase the Spicer Property automatically and irrevocably lapses.*
- (e) *The Spicer Purchaser may not dispute or object to the validity of the Exercise Notice on grounds that the City has not complied with any requirements contained in the LGA relating to the Business Plan or the Business Plan Process.*
- (f) *Within 30 days of the City giving the Exercise Notice to the Spicer Purchaser;*
  - (i) *each party must obtain a valuation of the Market Value as at the date of the Exercise Notice;*
  - (ii) *the "parties must exchange copies of the valuations obtained under clause 9.3(f)(i); and*
  - (iii) *the Spicer Purchaser must notify the City of what the Spicer Purchaser considers to be the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date.*
- (g) *The parties must then, acting through the Strategic Liaison Group, meet in good faith and endeavour to agree on the Re-purchase Price.*
- (h) *If the parties have not reached agreement on the Re-purchase Price within 40 days of the City giving the Exercise Notice, then;*
  - (i) *either party may request that the President of the Australian Property Institute (Inc) (Western Australia Division) appoint an independent Valuer;*
  - (ii) *the Valuer appointed under clause 9.3(h)(i) must use its best endeavours to determine:*
    - (A) *the Market Value; and*
    - (B) *the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date, within 20 Business Days after being appointed and give the Valuer's determination (which will be a valuation in writing outlining the reasons for it) to the parties;*



- (iii) *the Valuer must act as an expert and not as an arbitrator;*
- (iv) *the fees of the Valuer will be payable by the Spicer Purchaser and the City in equal shares;*
- (v) *clause 21.5 will apply as if the Valuer is the Expert described in that clause;*
- (vii) *the Valuer's decision on the Market Value and the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date will be final and binding on the parties for the purpose of determining the Repurchase Price; and*
- (vii) *the Re-purchase Price shall be taken to be determined on the date of the Valuer's decision.*

The City is also required to commence this process by way of notice to the Spicer Purchaser within 90 days of the event failure. The City would need to undertake this step by 20 December 2022, if it were to proceed with this remedy rather than consider a request to extend the date.

## **CONSULTATION**

Nil for this consideration.

## **OFFICER COMMENT**

After considerable discussion on how the rate equivalent charges would be applied and what area the easement would cover, Fiveight are now seeking some further amendment.

### ***Rate Equivalent Payment***

Fiveight has sought to review the proposed amendment to this outcome to allow the charge to only apply whilst a milestone remains outstanding (for the time the milestone is outstanding). Their request is that this payment should be withdrawn once the milestone has been met (remedied).

This would result in the City possibly receiving payment for short periods of time. If a milestone is achieved two months after the date, the City would only receive two month's worth of rate equivalent payment. This would deliver little by way of penalty for non-achievement of the milestone from the City's perspective.

As a counter to this, the City has re-stated the goal of the SDD is to achieve satisfactory development of the site, in accordance with the Deed. Rather than a "piecemeal" approach to equivalent rating, setting a drop dead date for project completion may result in the achieving the same outcome as the original intention of January 2021 proposal.

The City would commence to charge an equivalent rate from this date regardless of what stage the development is at unless the building construction had been completed prior to this date in which the City would be charging the actual rate.

This would then provide an incentive to achieve the project and see the City maintain its intention of development of the site and suitable rate income generation.

### ***Paddy Troy Easement***



Fiveight have also sought for the easement to be placed on the property post development (after completion of the build) so that they would not be restricted in using the site for construction purposes. The preference of the City is that the easement be placed immediately.

Fiveight have agreed to immediate placement of the easement if the City is agreeable to their proposed changes in the rate equivalent payment and delay clauses of the Deed.

As per the report tabled to council in January, 2021, the easement is a significant improvement to the SDD for the City and guarantees the connection to the mall for the future.

### **Summary**

In summary, the request to review the proposed changes to the SDD approved by Council in January 2021, by Fiveight in discussions since that time are supportable.

The intention of the original Deed was for the appropriate development of the site as part of the renewal of the town centre. Achieving suitable development has been the goal of the City from the outset. The further suggested amendments currently being proposed allow for this to occur, still allow the City to achieve suitable rate revenue by a reasonable completion time with the suitable implementation of the easement for access to Paddy Troy mall.

For these reasons it seems suitable to recommend approval of the suggested amendments to the Spicer Development Deed.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2112-10** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

**Council approve the following amendments to the Spicer Development Deed dated 19 December, 2018, and the resolution FPOL2101-15 of January 2021, as amended;**

- 1. Consideration of a one only extension to the Spicer Substantial Commencement Date for two years to 19 December 2022.**
- 2. An amendment to the Spicer Development Deed dated 19 December 2018, to allow for;**
  - a. Milestone dates for each step in the development approval process up to substantial commencement as;**

<b>Preparation Development Plans and Specifications</b>	<b>19 June 2021</b>
<b>Development Application to be lodged</b>	<b>19 September 2021</b>
<b>Building Permit to be obtained</b>	<b>19 June 2022</b>



**Spicer Substantial Commencement Date**

**19 December 2022**

- b. The right for the City to commence re-purchase action for failure to achieve any milestone date.**
  - c. A rate equivalent payment to be paid by Spicer Street Pty Ltd, from the *designated date of estimated* Practical Completion.**
  - e. an easement, 8 metres in width, be registered *as soon as possible upon signing* to ensure suitable access to Paddy Troy Mall from William Street between the Spicer property and the Fremantle Malls property.**
- 3. A two stage development would be accepted as long as the first stage:**
- a. the development application to be lodged by 19 September 2021,**
  - b. *at least 2,600m<sup>2</sup> of gross floor area fronting Henderson Street, and***
  - c. is not less than 50% of the approved development.**

**Carried: 5/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda**



## 12. Reports and recommendations from officers

### C2112-1 LOCAL GOVERNMENT REFORM PROPOSALS 2021 – SUBMISSION TO DLGSC

<b>Meeting date:</b>	15 December 2021
<b>Responsible officer:</b>	Manager Governance
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Review summary and comment table.</li> <li>2. 2017 and 2019 Council Endorsed LGA review submissions.</li> </ol>
<b>Additional information:</b>	<ol style="list-style-type: none"> <li>1. DLGSC Information sheets - one for each theme.</li> </ol>

### SUMMARY

The State Government has announced a significant package of major reforms for WA local government. This report recommends that council make a submission to the Department of Local Government Sport and Cultural Industries (DLGSC).

### BACKGROUND

On 20 June 2017, the then Minister for Local Government announced a review of the *Local Government Act 1995*. This was to be the first major review since the Act was introduced.

WALGA conducted a comprehensive consultation process to provide Member Local Governments with as much opportunity as possible to contribute and to determine its advocacy position on whether proposed changes would be dealt with in Phase 1 or Phase 2 of the intended review.

At that time, the following key issues were identified as priorities:

Gifts	<p>Exempt gifts received in a genuinely personal capacity</p> <p>Gift declarations threshold to commence at \$500.00 with no upper limit</p> <p>Gift provisions to apply to Elected Members and CEO only</p>
Regional Subsidiaries	<p>Amend Regulations to permit borrowings</p> <p>Amend Regulations to permit dealing in land transactions</p> <p>Amend Regulations to permit trading undertakings</p>
Rating Exemptions	<p>Charitable Purposes provisions</p> <p>Rate Equivalency Payments of Government Trading entities</p>
Financial Management Issues	<p>Borrowings</p> <p>Investments</p> <p>Fees and Charges</p> <p>Financial ratios</p>
Administration	<p>Electors' General Meetings to be optional</p> <p>Designated Senior Officer section to be reviewed</p> <p>Public Notices (modernisation of the Act to acknowledge electronic means)</p>
Functions of Local	Tender Thresholds



Governments	Establish Council Controlled Organisations (Local Government Enterprises) Regional Council provisions (review of compliance requirements)
Poll Provisions relating to amalgamations and boundary adjustments	The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.

The first phase of amendments was introduced to Parliament in 2019 and the second phase of the Local Government Act review process happened throughout 2019-20.

The overall review of the *Local Government Act 1995* included policy development and consultation related to all areas of the Act together with a focus on the following subjects:

Agile	Smart	Inclusive
<ul style="list-style-type: none"> <li>• Beneficial Enterprises</li> <li>• Financial Management</li> <li>• Rates</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Efficiencies</li> <li>• Local Laws</li> <li>• Council Meetings</li> <li>• Interventions</li> </ul>	<ul style="list-style-type: none"> <li>• Community engagement</li> <li>• Integrated Planning and Reporting</li> <li>• Complaints Management</li> <li>• Elections</li> </ul>

Council provided submissions during both phases of the initial review Phase one submission was made at the ordinary meeting of council held on 27 September 2017 and Phase two submission at the ordinary meeting of council held on 30 January 2019.

It is suggested that these submissions be forwarded again with this most recent submission to reiterate Council's position and to request some feedback be provided on the previous reforms' summary.

More recently, on 10 November 2021 the current Minister for Local Government announced 'sweeping reforms to the Local Government Act' stating that the proposed reforms had been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report and that the intention of these reforms is to provide for a stronger, more consistent framework for local government across Western Australia.

The proposed reforms are based on the following six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.



A copy of the Phases 1 and 2 submissions are included as an attachment to this report and a summary of the current proposed reforms, under each of the six themes, is provided below. For more information the DLGSC's information sheets are also provided as additional information to this report.

<b>Theme 1: Early Intervention, Effective Regulation and Stronger Penalties</b>
<b>1.1 Early Intervention Powers</b>
<ul style="list-style-type: none"> <li>• Inspectors/ inspectorate</li> <li>• Power to consider and determine outcome for minor and serious complaints (inc. penalties)</li> <li>• Lg's still to manage behavioural complaints</li> <li>• Power to order Lg's to address non-compliances</li> <li>• standards panel replaced by conduct panel</li> <li>• Breach penalties proposed to be strengthened</li> </ul>
<b>1.2 Local Government Monitors</b>
<ul style="list-style-type: none"> <li>• Panel of monitors to support inspector</li> <li>• Appointed by inspector to 'proactively fix' problems in lg's</li> <li>• Former mayors/CEO's, financial, dispute resolution, HR, procurement and legal experts</li> <li>• LG's can request monitors be appointed</li> </ul>
<b>1.3 Conduct Panel</b>
<ul style="list-style-type: none"> <li>• Replaces standards panel (right to address new panel)</li> <li>• Suitably qualified experts (no sitting EM's)</li> <li>• Inspector will provide evidence</li> <li>• Power to impose stronger penalties (suspend councillors)</li> <li>• Power to refer to courts for serious issues</li> <li>• Suspension - 3 months main penalty (1+ breach)</li> <li>• Allowances/use of emails suspended also</li> <li>• Multiple suspensions will lead to disqualification</li> </ul>
<b>1.4 Review of Penalties</b>
<ul style="list-style-type: none"> <li>• Penalties for LG Act breaches to be strengthened</li> <li>• Suspension - 3 months main penalty (1+ breach)</li> <li>• Allowances/use of emails suspended also</li> <li>• Multiple suspensions will lead to disqualification</li> <li>• Allowances suspended for non-completion of mandatory training</li> </ul>
<b>1.5 Rapid Red Card Resolutions</b>
<ul style="list-style-type: none"> <li>• Consistent Meeting Procedures/Standing Orders</li> <li>• PM's have the power to 'red card' any attendee who interrupts/disrupts meetings (after warnings)</li> <li>• Inspector to be notified of each 'red card' use</li> <li>• Non compliance and misuse may be penalised by inspector</li> </ul>
<b>1.6 Vexatious Complaint Referrals</b>
<ul style="list-style-type: none"> <li>• CEO to have the power to refer complaints to the inspectorate to assess and determine if vexatious</li> </ul>
<b>1.7 Minor Other Reforms</b>



- sector wide 'guidance notes' on how lg's should meet the requirements of the LG Act.
- Inspector given power to issue notices – to rectify non-compliances with the LG Act.

Council cannot form a position on 'guidance notes' as it is not clear how this system will provide an improvement over the existing 'guidance notes' or 'guidelines' that are already provided by the DLSC.

Refer to Council's position on 1.1 Early Intervention Powers and 1.2 Local Government Monitors in regard to an inspector being given powers to issue notices.

## **Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity**

### **2.1 Resource Sharing**

- Band 2, 3 and 4 LG's could share a CEO and pay higher remuneration (i.e. level 3 & 4 share a CEO and remunerate at Band 1 level)

### **2.2 Standardisation of Crossovers**

- Standardise Crossover approval processes
- Standardised design and construction standards to be developed

### **2.3 Introduce Innovation Provisions**

- Enable exemptions to LG Act for trial/pilot projects and emergency responses.

### **2.4 Streamline Local Laws**

- Change review period - 15 years then lapse
- Model LL's to have reduced advertising requirements

### **2.5 Simplifying Approvals for Small Business and Community Events**

- consistent approvals for outdoor dining, small business signage and community events

### **2.6 Standardised Meeting Procedures, Including Public Question Time**

- Including PQT processes and all general processes

### **2.7 Regional Subsidiaries**

- Research to learn how to provide benefit to public within relevant LG's
- Flexible and innovative but transparent and accountable
- Potentially facilitate financing of initiatives
- Align employee conditions to member LG's

## **Theme 3: Greater Transparency & Accountability**

### **3.1 Recordings and Live-Streaming of All Council Meetings**

- All LGs to record and bend 1 & 2 to live stream
- Smaller LG's - audio recording
- Recordings to be published in line with Minutes

### **3.2 Recording All Votes in Council Minutes**

- Individual votes to be recorded and published in Minutes
- Regulations to prescribe how this is done

### **3.3 Clearer Guidance for Meeting Items that may be Confidential**

- Confidential rules to be more specific and limited
- Written consent of Inspector may be sought
- Recordings of confidential items to be submitted to DLSC



### **3.4 Additional Online Registers**

New registers – content to be via regulation:

- Lease Register - (either as lessor or lessee)
- Community Grants Register - all grants and funding
- Interests Disclosure Register - all disclosures made by EM's at council
- Applicant Contribution Register - for funds collected, such as cash-in-lieu for public open space , parking etc
- Contracts Register that discloses all contracts above \$100,000.

### **3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published**

- CEO KPIs to be published in Minutes as soon as agreed
- KPIs and results published in Minutes of performance review meetings
- CEO can provide written comments alongside KPIs

## **Theme 4: Stronger Local Democracy and Community Engagement**

### **4.1 Community and Stakeholder Engagement Charters**

- LG's to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community.
- A model Charter would be published to assist local governments who wish to adopt a standard form.

### **4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)**

- Every four years, band 1 and 2 LG's to hold an independent ratepayer satisfaction survey.
- Results required to be reported publicly at council meeting and published on website.
- LG's required to publish a response to the results.

### **4.3 Introduction of Preferential Voting**

- adopted as the method to replace the current first past the post system
- provides voters with more choice and control over who they elect.
- all other states use a form of preferential voting for local government.

### **4.4 Public Vote to Elect the Mayor and President**

- Mayor to be elected by electors, not council.

### **4.5 Tiered limits on the number of Councillors**

- Smaller councils based on population numbers
- Up to 5,000 = 5 EM's total
- 5,000 – 75,000 = 5 – 9 EM's total
- Above 75,000 = 9-15 total

### **4.6 No Wards for small councils (bands 3 & 4)**

- Less complex voting
- Fairer distribution of votes

### **4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter**

Electoral rules to be tightened

- Combat sham leases
- 12-month new term requirement
- Home based businesses no longer able to register a person to vote or run for council
- Basis of eligibility to be published for each candidate



#### **4.8 Reform of Candidate Profiles**

- Longer profiles to provide sufficient info to make informed decision when voting

#### **4.9 Minor other electoral reforms**

- Standard processes for re-counts
- Clearer rules on candidates use of Electoral Roles

### **Theme 5: Clear Roles and Responsibilities**

#### **5.1 Introduce Principles in the Act**

New principles:

- The recognition of Aboriginal Western Australians
- Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)
- Community Engagement
- Financial Management.

#### **5.2 Greater Role Clarity**

- 5.2.1 - Mayor or President Role
- 5.2.2 - Council Role
- 5.2.3 - Elected Member (Councillor) Role
- 5.2.4 - CEO Role

#### **5.3 Council Communication Agreements**

- State – Minister have agreements already
- Council – CEO to be introduced
- Specify what info & how & when provided to EM's
- Template to be provided by DLGSC – auto application if not adopted in timeframe.

#### **5.4 Local Governments May Pay Superannuation Contributions for Elected Members**

- Council to decide through vote to add to existing allowances

#### **5.5 Local Governments May Establish Education Allowances**

- Local LG's may pay education expenses for EM's (defined max) - tuition costs for education directly related to their role.

#### **5.6 Standardised Election Caretaker period**

- State-wide caretaker period proposed
- No major decisions made (criteria to be developed)
- Incumbent EM's – not represent LG, not to use any LG resources
- Consistent election conduct rules for all candidates

#### **5.7 Remove WALGA from the Act**

- To provide clarity that WALGA is not a State Government entity.

#### **5.8 CEO Recruitment**

- State DLGSC to have panel of pre-approved members to be on LG recruitment panels as independent member
- Council to select member from that list
- If wanting to approve outside of list – will need Inspector approval.



<b>Theme 6: Improved Financial Management and Reporting</b>
<b>6.1 Model Financial Statements and Tiered Financial Reporting</b>
<ul style="list-style-type: none"> <li>• LG's tiered – larger = greater requirements and smaller = fewer requirements</li> <li>• std templates for Annual Financial Statements for band 1 and 2 lg's (simpler for 3 &amp; 4)</li> <li>• Online registers required (3.4)</li> </ul>
<b>6.2 Simplify Strategic and Financial Planning</b>
<p>Greater use of templates proposed (for use or adaptation by lg's)</p> <ul style="list-style-type: none"> <li>• Simplified plans:</li> <li>• Strategic community – high level objective, “short form” (8 years)</li> <li>• Asset management – consistently forecast maintenance costs (10 years)</li> <li>• Long term Financial - long term financial management and sustainability issues, and investments and debts</li> </ul> <p>Use of one page service and project proposals – with costs outlined – made available at council – to become service plans and project plans and added to yearly budget</p>
<b>6.3 Rates and Revenue Policy</b>
<ul style="list-style-type: none"> <li>• Rates and Revenue Policy - required to provide ratepayers with a forecast of future costs of providing local government services</li> <li>• To reflect Asset Management Plan and Long Term Financial Plan – to forecast what rates would need to be, to cover unavoidable costs</li> <li>• Template to be provided</li> </ul>
<b>6.4 Monthly Reporting of Credit Card Statements</b>
<ul style="list-style-type: none"> <li>• Credit card usage by LG employees to be tabled at OCM each month</li> </ul>
<b>6.5 Amended Financial Ratios</b>
<ul style="list-style-type: none"> <li>• Financial ratios calculation and indicators to be reviewed</li> </ul>
<b>6.6 Audit Committees</b>
<ul style="list-style-type: none"> <li>• Chair of committee to be independent – not an EM or an employee</li> <li>• Committees to consider proactive risk management</li> <li>• Shared regional committees</li> <li>• Required to include a majority of independent members</li> </ul>
<b>6.7 Building upgrade finance</b>
<ul style="list-style-type: none"> <li>• LG's to be able to provide loans to third parties (i.e. cladding, heritage, green energy)</li> <li>• Limits and criteria to be developed</li> </ul>
<b>6.8 Cost of Waste Service to be Specified on Rates Notice</b>
<ul style="list-style-type: none"> <li>• waste charges to be separately shown on rate notices (for all properties which receive a waste service).</li> </ul>

## FINANCIAL IMPLICATIONS

Nil.



## LEGAL IMPLICATIONS

Nil.

## CONSULTATION

Elected members have been consulted in the preparation of this proposed submission and have been provided with the relevant information to allow them to also make a personal submission if so desired.

## OFFICER COMMENT

Submissions, both 'council endorsed' and individually made, must be submitted to the DLGSC by Friday 4 February 2022.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

## OFFICER'S RECOMMENDATION

1. Council supports local government reform in principle, while noting that:
  - a. reform should not add more time/process/cost to the work of the administration but simplify processes and systems.
  - b. local government must be further consulted in the development of proposed policy provisions before implementation.

Theme one - Earlier intervention, effective regulation and stronger penalties	
Early Intervention Powers and Local Government Monitors	
2.	<p><b>Council welcomes the simplification of regulatory process and greater transparency, but there are concerns with the centralisation of power to a State Government appointed and un-elected inspectorate.</b></p> <p><b>More information and a clearer understanding, of how 'Early Intervention Powers', 'Local Government Monitors' and other related reforms will be implemented, is needed before council can form an informed response or position.</b></p>
Conduct Panel	
3.	<p><b>Council supports, as outlined in 1.4 below, the strengthening of penalties relating to elected member behaviour however more information is required before council can form a position on the introduction of a new 'conduct panel' as it is not clear how this panel differs from the current one or will provide an improved service to users.</b></p>
Review of Penalties	
4.	<p><b>Council Supports the strengthening of those penalties relating to Local Government Act breaches by elected member.</b></p>

Rapid Red Card Resolutions
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<b>5.</b>	<b>Council cannot form a position on ‘red card resolutions’ as it is not clear how this system will accomplish simplification, clarity or better control than the provisions already included in most meeting procedures and code of conduct policy provisions.</b>
Vexatious Complaint Referrals	
<b>6.</b>	<b>Council cannot form a position on ‘vexatious complaint referrals’ as it is not clear how this process of referral will clarify or simplify the process of determining that a complainant is vexatious. It also appears to have the potential to unreasonably lengthen an already potentially tense situation.</b>
Minor Other Reforms	
<b>7.</b>	<b>Council cannot form a position on ‘guidance notes’ as it is not clear how this system will provide an improvement over the existing ‘guidelines’ that are already provided by the DLGSC. Refer to Council’s position on 1.1 Early Intervention Powers and 1.2 Local Government Monitors regarding an inspector being given powers to issue notices.</b>
Theme two - Reducing red tape, increasing consistency and simplicity	
Resource Sharing	
<b>8.</b>	<b>Council supports reform to allow local governments to share CEO’s and offer remuneration in certain circumstances.</b>
Standardisation of Crossovers	
<b>9.</b>	<b>Council supports standardised approval processes that simplify and clarify requirements for crossovers.</b>
<b>10.</b>	<b>Council does not support any standardisation measures that do not take into account and support the preservation of heritage and other unique approval requests.</b>
Introduce Innovation Provisions	
<b>11.</b>	<b>Council supports reform to allow local governments to trial/pilot projects and emergency responses.</b>
Streamline Local Laws	
<b>12.</b>	<b>As previously outlined, in Phase 1- 27 September 2017 and Phase 2 – 30 January 2019 council submissions in response to the most recent review of the Local Government Act 1995, Council supports the reduction of red tape.</b>
Simplifying Approvals for Small Business and Community Events	
<b>13.</b>	<b>Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.</b>
Standardised Meeting Procedures, Including Public Question Time	
<b>14.</b>	<b>Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.</b>
Regional Subsidiaries	
<b>15.</b>	<b>Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.</b>



Theme three - Greater transparency and accountability	
Recordings and Live-Streaming of All Council Meetings	
<b>16.</b>	<b>Council supports recording and livestreaming its meetings and has already adopted policy position to accomplish this.</b>
Recording All Votes in Council Minutes	
<b>17.</b>	<b>Council supports recording all votes in Council minutes and has already been capturing that information for more than 15 years.</b>
Clearer Guidance for Meeting Items that may be Confidential	
<b>18.</b>	<b>Council supports clearer guidance on what meeting items may be considered confidential and the provision of an approval process to classify items as confidential outside of provisions where necessary.</b>
Additional Online Registers	
<b>19.</b>	<b>Council supports additional information in the form of 'online register' being published to its website.</b>
Chief Executive Officer Key Performance Indicators (KPIs) be Published	
<b>20. Council:</b>	<ul style="list-style-type: none"> <li>• <b>strongly opposes the publication of its CEO's Key Performance Indicators as over and above what is reasonable for public scrutiny of an employee's employment contract. Accountability for the CEO's performance lies with Council, not the community.</b></li> <li>• <b>notes, this would be particularly problematic in small communities and/or where the CEO lives locally and would make it difficult for Council to include KPIs that are related to performance issues.</b></li> </ul>
Theme four - Stronger local democracy and community engagement	
Community and Stakeholder Engagement Charters	
<b>21.</b>	<b>Council supports the adoption of a community and stakeholder engagement charter that benefits the community's understanding of the LG's processes and decisions.</b>
Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)	
<b>22.</b>	<b>Council supports the requirement for local governments to undertake ratepayer satisfaction surveys.</b>
Introduction of Preferential Voting	
<b>23.</b>	<p><b>Council continues to support Optional preferential voting, as outlined in its submissions to Phase 1 - 27 September 2017 and Phase 2 – 30 January 2019 of the most recent review of the Local Government Act 1995.</b></p> <p><b>It should be noted that optional preferential voting was also the recommendation of the Local Government Review Panel.</b></p>
Public Vote to Elect the Mayor and President	
<b>24.</b>	<b>Council supports the election of a local government's Mayor by its electors.</b>
Tiered limits on the number of Councillors	
<b>25.</b>	<b>Council does not have enough information to form a position on the 'tiered limits of number of councillors. More information is needed to understand the application of the proposed reform relating to how the number of elected members is determined within the individual ranges given. For instance, is it intended that there will be bands within each tier?</b>



No Wards for small councils (bands 3 & 4)	
<b>26.</b>	<b>Council supports the proposal to remove Wards from smaller local government to provide less complex voting and a fairer distribution of votes.</b>
Electoral Reform – Clear Lease Requirements for Candidate and Voter	
<b>27.</b>	<b>Council strongly supports the introduction of tightened rules that provide clear lease requirements for candidate nomination and elector enrolment provisions.</b>
Reform of Candidate Profiles	
<b>28.</b>	<b>Council supports longer candidate profiles being provided during elections to allow electors to form more informed positions before committing their votes.</b>
Minor other electoral reforms	
<b>29.</b>	<b>Council supports:</b> <ul style="list-style-type: none"> <li>• <b>Standard processes for re-counts</b></li> <li>• <b>Clearer rules on candidates use of Electoral Rolls</b></li> </ul> <b>and reiterates its previous support for the introduction of online voting.</b>
Theme five - Clear roles and responsibilities	
Introduce Principles in the Act	
<b>30.</b>	<b>Council supports the introduction of principles relating to the following areas into the Act:</b> <ul style="list-style-type: none"> <li>• <b>The recognition of Aboriginal Western Australians</b></li> <li>• <b>Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</b></li> <li>• <b>Community Engagement</b></li> <li>• <b>Financial Management.</b></li> </ul>
Greater Role Clarity	
<b>31.</b>	<b>Council supports greater role clarity for:</b> <ul style="list-style-type: none"> <li>• <b>Mayor or President</b></li> <li>• <b>Council</b></li> <li>• <b>Councillor</b></li> <li>• <b>CEO</b></li> </ul>
Council Communication Agreements	
<b>32.</b>	<b>Council supports the introduction of council communication agreements for clearer guidelines on communication expectations between council and the CEO.</b>
Local Governments May Pay Superannuation Contributions for Elected Members	
<b>33.</b>	<b>Council supports the introduction of the ability to pay elected members superannuation contributions.</b>
Local Governments May Establish Education Allowances	
<b>34.</b>	<b>Council strongly supports the provisions of expanded and more appropriate professional development for elected members to undertake training that better equips them to undertake the role.</b>
Standardised Election Caretaker period	
<b>35.</b>	<b>Council supports a standardised caretaker period and policy in principle, however, highly recommends the incorporation of appropriate exemption processes.</b>



Remove WALGA from the Act
<b>36. Council supports removing WALGA from the Act to provide clarity that it is not a State Government entity.</b>
CEO Recruitment
<b>37. Council supports the introduction of a pre-approved panel of independent members for appointment to its CEO recruitment panel.</b>

Theme six - Improved financial management and reporting.
Model Financial Statements and Tiered Financial Reporting
<b>38. Council supports clarity in financial reporting and the introduction of standardised statements and tiered financial reporting requirements intended to help achieve this. Council also supports the provision of online registers to promote clarity and transparency in financial reporting.</b>
Simplify Strategic and Financial Planning
<b>39. Council supports simpler and more streamlined strategic and financial planning requirements for local governments.</b>
Rates and Revenue Policy
<b>40. Council supports the implementation of policy and procedure that better forecasts future costs for providing local government services and what rates may be required to properly manage the local governments assets.</b>
Monthly Reporting of Credit Card Statements
<b>41. Council supports monthly reporting of credit card statements and notes that these statements are already provided by the City.</b>
Amended Financial Ratios
<b>42. Council supports the review of financial ratios calculation and indicators to better reflect the accurate underlying financial position of the local government.</b>
Audit Committees
<b>43. Council does not support the management of this committee being taken out of the control of local government. Local governments must take responsibility for and engaging with its audit and risk committees.</b>
Building upgrade finance
<b>44. Council supports the provision of loans to third parties for building upgrade in principle but would need to understand the proposed limits and criteria in details to be able to form a firm position.</b>
Cost of Waste Service to be Specified on Rates Notice
<b>45. Council does not support the cost of waste services being specified on rates notices.</b>



**C2112-2 CITY OF FREMANTLE STANDARDS FOR CEO RECRUITMENT,  
PERFORMANCE AND TERMINATION POLICY**

<b>Meeting date:</b>	15 December 2021
<b>Responsible officer:</b>	Manager Governance
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Proposed City of Fremantle standards for CEO recruitment, performance and termination policy
<b>Additional information:</b>	1. Current adopted Guideline standards for CEO recruitment, performance and termination

**SUMMARY**

**Legislative changes early in 2021 required local governments to comply with minimum standards covering the “recruitment, selection, performance review and early termination of chief executive officers” and a tight deadline was provided for the adoption of a policy.**

**The Department of Local Government, Sport and Cultural Industries (DLGSC) provided a model guideline at that time and this is what was adopted by the city to enable it to meet the requirements within the timeframe. Having now worked with these guidelines for almost a year, it is recommended that a clearer and less complex set of standards be adopted.**

**BACKGROUND**

The *Local Government (Administration) Amendment Regulations 2021*, outlining CEO Standards Regulations, including the Recruitment, Performance Management and Termination of the CEO were gazetted on 2 February 2021 and took effect on 3 February 2021. Councils were given 3 months to adopt CEO standards that incorporated the Model Standards.

At the Ordinary Meeting of Council held on 28 April 2021 the City adopted a model guideline for the recruitment, selection, performance review and early termination of local government Chief Executive Officers as provided by the DLGSC to support local governments in complying with tight timelines for adoption.

Having now attempted implementation over the last few months it has become clear that these guidelines, which expand on the actual requirements included in the relevant legislation, are clunky, imprecise, and difficult to work with.

Since that adoption, WALGA has reviewed the requirements of Schedule 2 of the Regulations and has recommended a policy model that basically recreates that schedule and the legislative requirements included in it and which does not create unnecessary or additional administration.

Section 5.39B(4) of the Local Government Act 1995 provides that the Local Government may include in its adopted standards, provisions in addition to the provisions specified in



the Model Standards, but that any additional provision has no effect to the extent that it is inconsistent with the Model Standards.

It is recommended that additional provisions (to WALGA's model), are included in the proposed policy:

**8A Independent human resources consultant**

- the employment of an independent Human Resources consultant

**8B local government officer support capacity**

- the capacity of local government employees to assist with the process.

These provisions are intended to allow the recruitment panel to seek independent expert human resources support and advice as required and to clarify the kind of support services that may be undertaken by employees of the City.

It is also suggested that council amend the Chief Executive Officer Recruitment and Selection Panel's Terms of Reference at this time, by amending section 2. "Functions", to provide clarification of the panel's role, as follows:

**2. Functions**

**2.1 The Panel is to:**

- a. act in an impartial and transparent manner, in accordance with any confidentiality provisions and employment principles required under relevant Council policy and legislation.
- b. provide advice and recommendations to Council in relation to the following matters:
  - ~~• Assessing applications~~
  - ~~• Recommending candidates for interview and/or conducting interviews~~
  - ~~• Recommending preferred candidates~~
  - Selection criteria and job description form
  - Outcome of applicant assessments, with consideration of:
    - Each applicant's knowledge, experience, qualifications, and skills being assessed against the selection criteria
    - Verification of any academic, or other tertiary level, qualifications the applicant claims to hold
    - If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend this to Council
  - Preferred candidates for interview
  - Preferred candidates for selection, with consideration of:
    - the outcome of appropriate reference checks to verify the applicant's character, work history, skills, performance and any other claims made by the applicant.
  - Contract of employment and remuneration package
- c. Participate in interviews of council approved preferred candidates



## **FINANCIAL IMPLICATIONS**

Nil.

## **LEGAL IMPLICATIONS**

Local Governments must adopt CEO Standards that incorporate the Model Standards under s.5.39B(2) of the *Local Government Act 1995*.

Key features of the *Local Government (Administration) Amendment Regulations 2021* require local governments to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

## **CONSULTATION**

Nil.

## **OFFICER COMMENT**

Local Governments must adopt CEO Standards that incorporate the Model Standards under s.5.39B(2) of the *Local Government Act 1995*.

The *Local Government (Administration) Amendment Regulations 2021* amended the *Local Government (Administration) Regulations 1996* (Admin Regs) and inserted the Model Standards for the recruitment, performance review and termination of Local Government CEOs (Model Standards) as Schedule 2.

This Schedule forms the basis for WALGA's template policy and is what is being recommended for adoption with minor amendment as described in the above report.

Amendments to the Chief Executive Officer Recruitment and Selection Panel's Terms of Reference are being suggested to provide clarification on the functions that are expected to be undertaken by the Panel.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required



## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Adopt the City of Fremantle Standards for CEO Recruitment, Performance and Termination Policy (ATTACHMENT 1).**
- 2. Revoke all previous City policy relating to the Recruitment, Performance and Termination of the Chief Executive Officer.**
- 3. Replace Section 2 “Functions” of the Chief Executive Officer Recruitment and Selection Panel’s Terms of Reference with the following wording:**

#### **2. Functions**

##### **2.1 The Panel is to:**

- a. Act in an impartial and transparent manner, in accordance with any confidentiality provisions and employment principles required under relevant Council policy and legislation.**
- b. provide advice and recommendations to Council in relation to the following matters:**
  - Selection criteria and job description form**
  - Outcome of applicant assessments, with consideration of:**
    - Each applicant’s knowledge, experience, qualifications, and skills being assessed against the selection criteria**
    - Verification of any academic, or other tertiary level, qualifications the applicant claims to hold**
    - If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend this to Council**
  - Preferred candidates for interview**
  - Preferred candidates for selection, with consideration of:**
    - the outcome of appropriate reference checks to verify the applicant’s character, work history, skills, performance and any other claims made by the applicant.**
  - Contract of employment and remuneration package**
- c. Participate in interviews of council approved preferred candidates**



**C2112-3      JOB DESCRIPTION FORM FOR THE POSITION OF CHIEF  
EXECUTIVE OFFICER**

**Meeting date:** 15 December 2021  
**Responsible officer:** Manager People and Culture  
**Decision making authority:** Council  
**Attachments:** Proposed Job Description Form - Chief Executive Officer  
**Additional information:** Nil

**SUMMARY**

**This report presents the recommendation of the CEO Recruitment and Selection Panel, to adopt the proposed Job Description Form (JDF) for the position of Chief Executive Officer, as provided in attachment 1 of this report.**

**BACKGROUND**

Council established a CEO Recruitment and Selection Panel in April 2021, to undertake the CEO recruitment process on behalf of the Council. Following the ordinary elections, Council appointed panel members, including Mayor, Hannah Fitzhardinge, Cr Frank Mofflin (Deputy Mayor), Cr Jenny Archibald, Cr Doug Thompson, Cr Geoff Graham and Mr Rob McDonald, as the independent panel member.

At the Council meeting held 28 April 2021, the following timeline for the CEO recruitment process was adopted:

Date	Process	Status
April	Appoint Council Members to the Chief Executive Officer Recruitment and Selection Panel, until the Ordinary Council Election in October 2021.	Completed 28 April 2021
May	Appointment of an independent panel member, until the Ordinary Council Election in October 2021.	Completed 26 May 2021
June/July	Appoint a recruitment consultant.	Completed September 2021
June/July /August	The Chief Executive Officer Recruitment and Selection Panel to draft selection criteria, job description and employment contract.	Completed 7 December 2021 Employment contract – still to be completed
October/ November	New Council to appoint a new Chief Executive Officer recruitment and selection panel, including independent member/s.	Completed 27 October 2021
	New panel to recommend criteria, JDF and contract for Council endorsement.	Completed 7 December 2021



	New Council to consider and endorse criteria.	Proposed 15 December 2021
	Advertise CEO position.	To occur following adoption of the JDF

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

The Chief Executive Officer recruitment and selection process will be undertaken in accordance with Schedule 2 (Model standards for Chief Executive Officer recruitment performance and termination) of the *Local Government (Administration) Regulations 1996*.

In accordance with the above provision, the proposed JDF is to be approved by an absolute majority of Council.

The position of Chief Executive Officer is to be advertised in accordance with section 5.36(4) and 5.37(3) of the *Local Government Act 1995* and regulation 18A of the *Local Government (Administration) Regulations 1996*.

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

It is recommended that local governments carefully consider the role of the CEO. This includes the CEO's legislated powers and functions, and their role as the head of the administrative arm of the local government.

The CEO Recruitment and Selection Panel (the Panel) appointed by Council, have reviewed the existing CEO position description and carefully considered the essential skills, knowledge and experience required for the CEO position, with consideration of the needs of the community and the City of Fremantle as an organisation.

The Panel at its meeting held on 7 December 2021, finalised their review of the JDF and approved to recommend the proposed JDF (provided in Attachment 1), to Council for consideration prior to advertising.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required



## **OFFICER'S RECOMMENDATION**

**Council approve:**

- 1. the Job Description Form (JDF) for the position of Chief Executive Officer of the City of Fremantle, as provided in Attachment 1.**
- 2. the position of Chief Executive Officer being advertised in accordance with section 5.36(4) of the *Local Government Act 1995* and regulation 18A of the *Local Government (Administration) Regulations 1996*.**



## C2112-4 MONTHLY FINANCIAL REPORT - NOVEMBER 2021

**Meeting date:** 15 December 2021  
**Responsible officer:** A/Manager Finance  
**Decision making authority:** Council  
**Attachments:** 1. Monthly Financial Report – 30 November 2021  
**Additional information:** Nil

### SUMMARY

The monthly financial report for the period ending 30 November 2021 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

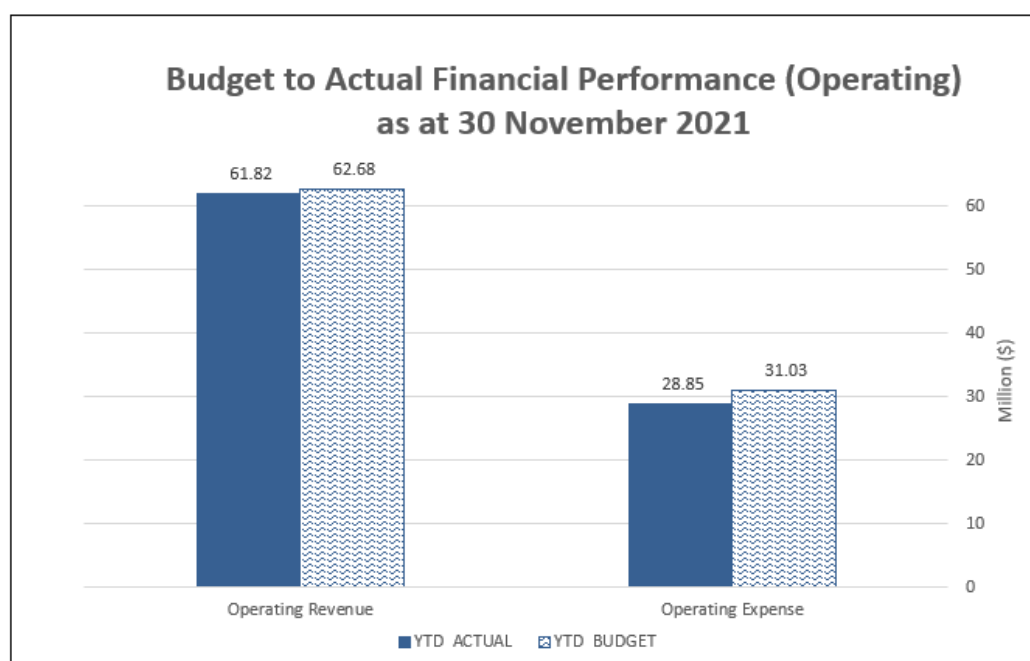
This report provides an analysis of financial performance for November 2021 based on the following statements:

- Statement of Comprehensive Income by Nature & Type and by Program;
- Rate Setting Statement by Nature & Type and by Directorate; and
- Statement of Financial Position with Net Current Assets.

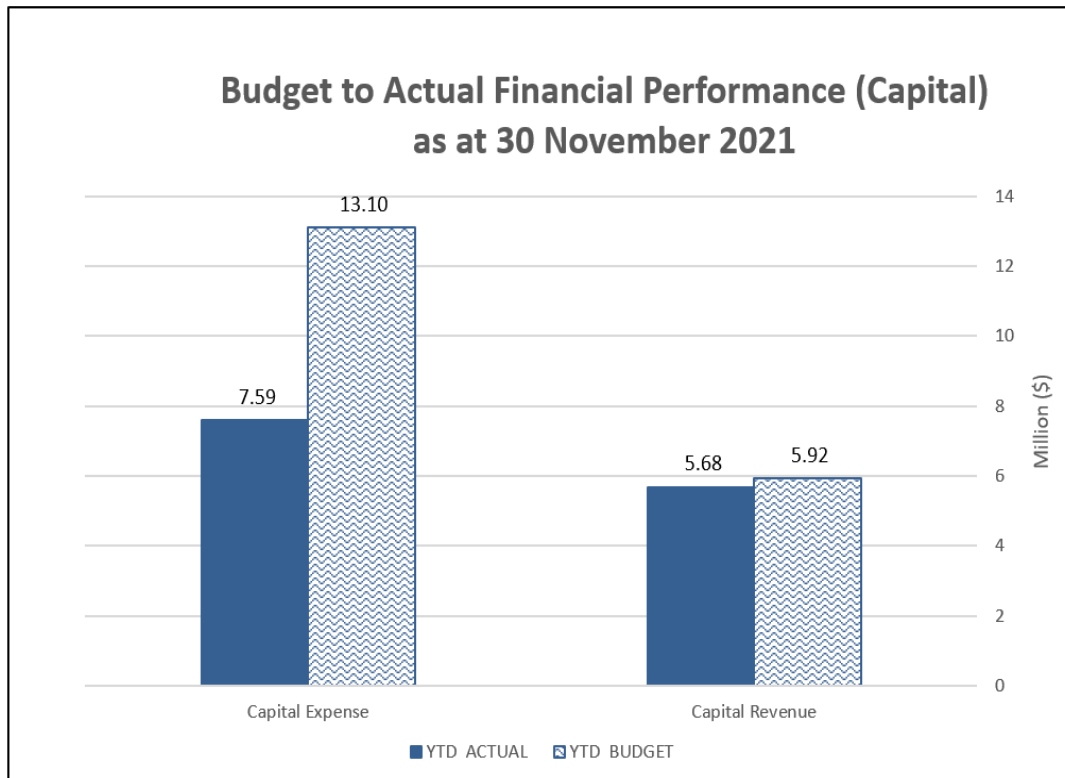
The budget figures in this report represent the Amended Budget. Further, this financial report for the period ending 30 November 2021 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums and includes transactions & events that occurred to 25<sup>th</sup> of November 2021 in order to prepare a report for the December 2021 council meeting.

### BACKGROUND

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 30 November 2021.







**RATE SETTING STATEMENT BY NATURE AND TYPE - FOR THE PERIOD ENDED 30 NOVEMBER 2021**

Description	Amended YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance %
<b>Opening Surplus</b>	3.72	11.25	7.53	201.99%
<b>OPERATING</b>				
Rate Revenue	50.19	50.03	(0.16)	(0.33%)
Revenue	12.49	11.79	(0.70)	(5.63%)
Expenses	(31.03)	(28.85)	2.18	7.04%
Non-Cash Adj.	4.08	4.02	(0.06)	
	<b>35.73</b>	<b>36.99</b>	<b>1.26</b>	<b>3.53%</b>
<b>INVESTING</b>				
Capital Revenue	5.92	5.68	(0.24)	(4.13%)
Capital Expenses	(13.10)	(7.59)	5.51	42.10%
<b>FINANCING</b>				
Repayment Loans & Leases	(0.98)	(0.66)	0.32	33.05%
Reserve Transfers	10.07	5.49	(4.58)	(45.51%)
Total of Investing and Financing activities	<b>1.91</b>	<b>2.92</b>	<b>1.01</b>	<b>52.88%</b>
<b>Closing Surplus</b>	<b>41.36</b>	<b>51.16</b>	<b>9.80</b>	<b>23.70%</b>



**STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE - FOR THE PERIOD ENDED 30 NOVEMBER 2021**

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Amended Budget as follows:

Income	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
<b>Revenue</b>				
Rates (including Annual Levy)	50,368,590	50,205,104	(163,486)	(0.32%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	2,150,383	1,595,871	(554,512)	(25.79%)
Fees and Charges	9,072,567	8,935,997	(136,570)	(1.51%)
Interest Earnings	470,256	428,561	(41,695)	(8.87%)
Reimbursement Income	439,656	458,984	19,328	4.40%
Other Income	175,597	184,313	8,716	4.96%
<b>Total Operating Income</b>	<b>62,684,241</b>	<b>61,817,635</b>	<b>(866,606)</b>	<b>(1.38%)</b>
Expenses	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
<b>Expenses</b>				
Employee Costs	(14,845,459)	(14,728,517)	116,942	0.79%
Employee costs - Agency Labour	(138,097)	(640,484)	(502,386)	(363.79%)
Materials and Contracts	(9,558,137)	(7,570,624)	1,987,513	20.79%
Depreciation on Non-Current Assets	(4,077,937)	(3,973,006)	104,931	2.57%
Interest Expenses	(61,830)	(242,776)	(180,946)	(292.65%)
Utility Charges (gas, electricity, water)	(711,407)	(613,735)	97,672	13.73%
Insurance Expenses	(770,650)	(375,603)	395,047	51.26%
Other Expenditure	(867,936)	(701,041)	166,895	19.23%
<b>Total Operating Expenses</b>	<b>(31,031,453)</b>	<b>(28,845,784)</b>	<b>2,185,669</b>	<b>7.04%</b>

Further explanation of material variances, excluding rates income and employee variances, is included under officers' comments.

**FINANCIAL IMPLICATIONS**

This report is provided to enable Council to assess how revenue and expenditure are tracked against the budget. It is also provided to identify any budget issues which the Council should be informed of.

**LEGAL IMPLICATIONS**

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



## **CONSULTATION**

Nil

## **OFFICER COMMENT**

The overall performance for the City of Fremantle for the period ended 30 November 2021 resulted in an additional \$9,803,595 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

### *Increase in anticipated year to date position*

- Increased carry forward funds from FY20/21 of \$7,522,387. This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end of year closing journals, accruals etc. A final opening position figure for FY20/21 will be determined upon completion of the City's external audit and reported in the mid-year budget review report to Council;
- Reduced operating expenditure of \$2.19m to YTD budget;
- Reduced capital expenditure of \$5.52m to YTD budget;

Partially offset by:

### *Reduction in anticipated year to date position*

- Reduction in transfer from Reserves (Capital) of \$4.58m to YTD budget.
- Reduction in fees and charges revenue \$554k to YTD budget.


## **Explanation of Material Variances**

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in FY2021/22 for reporting material variances as 10% or \$100,000, whichever is greater (Item C2106-1 refers Council meeting on 23 June 2021).



The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year to date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Rate Setting Statement by Nature and Type.



The below comments are to be read in conjunction with the Rate Setting Statement in the attached Financial Report:

Description	Variance Amount	Comment
<b>Net current assets at the start of the financial year</b>	<b>7,522,387</b>	
<b>Major Variances:</b>		
Fees and Charges	2,425,327	Permanent variance - favourable variance primarily attributed to: <ul style="list-style-type: none"> <li>▪ Art centre memberships &amp; commissions +\$516k</li> <li>▪ Car park fees +\$369k</li> <li>▪ Fremantle Leisure Centre +\$600k</li> <li>▪ Health licences +\$164k</li> <li>▪ Property leases +\$712k</li> <li>▪ Statutory planning fees +\$141k</li> </ul>
Other Revenue	4,210,886	Permanent variance - favourable variance primarily attributed to: <ul style="list-style-type: none"> <li>▪ Recovery of Pindan bonds +\$3.67m</li> <li>▪ Containers for Change income +\$378k not included in the original budget (income associated with this initiative is offset by operational costs).</li> </ul>
Expenditure from Operating Activities	858,693	Permanent variance - Favourable variance largely related to employee cost savings.
Capital Grants and Subsidies/Contributions for the development of Assets	(3,311,150)	Accounting variance - grant funds are recorded in accordance with accounting standard AASB 15 Revenue from Contracts with Customers. Under this standard, income is only recognised when contract performance obligations are fulfilled.  The reduction in capital grants shown here is offset by reduced capital expenditure on grant funded projects.
Proceeds from Disposal of Assets	(4,964,010)	Permanent variance - due to disposal of Quarry Street not realised in FY20/21 (\$5m).  Variance to budget impacted favourably by: <ul style="list-style-type: none"> <li>▪ Proceeds on disposal of Road Sweeper variance to budget \$20k (\$80k budget v. \$100k actual).</li> <li>▪ Disposal of Iveco Compactor \$16k, not included in FY20/21 original budget.</li> </ul>
Capital Expenditure	6,298,827	Permanent variance - attributed primarily to the following projects: <ul style="list-style-type: none"> <li>▪ Underspend on Walyalup Koort capital works due to builder liquidation &amp; project delays (\$3.2m);</li> <li>▪ Fremantle Golf Course project timing variance (\$3.6m);</li> <li>▪ Fremantle Park Carpark (\$450k);</li> <li>▪ Arthur Head Wall stabilisation (\$525k); and</li> <li>▪ Infrastructure Recovery project (\$465k).</li> </ul>







Description	Variance Amount	Comment
Reserve Transfers To - Capital	5,772,519	Permanent variance - attributed to: <ul style="list-style-type: none"> <li>Disposal of Quarry street was not realised in FY20/21 and therefore no transfer of funds to reserve as originally budgeted.</li> <li>Transfer of \$710k of funds from Trust bank account to Public Open Space Reserve in accordance with revised accounting standards.</li> </ul>
Reserve Transfers From - Capital	(2,902,303)	Permanent variance - primarily attributed to an underspend on Walyalup Koort capital works in FY20/21 due to builder liquidation & project delays.  Funding of the project from the Investment Reserve did not occur to the level originally budgeted.
General Rates Income	1,186,799	Permanent variance - favourable variance related to FY20/21 Interim rate income budget \$200k v. \$1.4m actual.
<b>Operating Grants, Subsidies and Contribution</b>	<b>(554,512)</b>	 <b>(25.79%)</b>
<b>Major Variances:</b>		
Provide legal aid - vulnerable women	55,835	The city received additional grant funding to deliver legal services for vulnerable women.
Conduct South lawn events	(30,000)	Timing variance – delayed due to COVID restrictions. Budget expected to be utilised in Mar-Jun22.
Conduct arts centre marketing activities	(53,940)	Timing variance - delay in receipt of funds. Funds are expected to be received by the City in the following month.
P-12031 Program - Reveal Aboriginal Artist 2022	(75,000)	Timing variance - delay in receipt of funds. Funds are expected to be received by the City in the following month.
Monitor city insurances (excluding workers compensation)	(81,009)	Variance due to changes in the recognition of expenditure pre-payments to recognise once contract obligations performed - Budget to be adjusted at mid year review.
Maintain Roads	(99,760)	Timing variance - delay in receipt of funds. Funds are expected to be received in December, 21.
Operate Fremantle arts centre	(107,948)	Timing variance - Delay in receipt of funds. Funds are expected to be received by the City in the following month.
Coordinate arts centre exhibitions	(197,775)	
<b>Materials and Contracts</b>	<b>1,987,513</b>	 <b>20.79%</b>
<b>Major Variances:</b>		
Maintain Sports Grounds	188,806	Timing variance – works commenced later than budgeted, budget to be fully utilised in the financial year.
Administer the emergency services levy (ESL)	150,000	Incorrect allocation of costs – journal processed post reporting date to correct.








<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
Collection & Disposal - Domestic - FOGO	137,617	Timing variance – delay in receipt of supplier invoices. October & November payments are yet to be paid.
Maintain business systems - Other	118,065	Budgeting variance - budget phasing to be adjusted at mid year review.
Maintain Medians, Verges and Street Gardens	116,191	Timing variance – work commenced later than budgeted, budget to be fully utilised in the financial year.
Maintain major plant - allocated	105,486	Accounting variance – required journals will be prepared to correct the Plant overhead allocation.
Collection & Disposal – Domestic – Residual Waste	96,339	Timing variance – delay in receipt of supplier invoices. October & November payments are yet to be paid.
Maintain PC's tablets printers and accessories	90,064	Timing variance – due to delay in equipment delivery.
Maintain trees – road reserves and car parks	86,305	Timing variance – delay in invoicing, budget expected to be fully utilised in the financial year.
P-11830 Program – Biennale festival	78,182	Budget to be adjusted in mid year review as the amount was budgeted under an incorrect GL code.
Conduct Street art festival	77,241	Timing variance – budget phasing to be adjusted at mid year review.
Maintain Soft Landscaping – Recreation Reserves	67,429	Timing variance – work commenced later than expected, budget to be fully utilised in the financial year.
Operate Fremantle arts centre	67,258	Timing variance – budget phasing to be adjusted at mid year review.
Maintain & operate public toilets	61,686	Timing variance – delay in receipt of supplier invoices.
Operate and maintain parking ticket machines	56,973	This is a contingency budget for pre-maintenance. It is expected to be fully utilised in the financial year.
Coordinate arts centre exhibitions	54,936	Timing variance – budget phasing to be adjusted at mid year review.
Operate car park 31 Fishing Boat Harbour Fremantle	54,719	Timing variance – delayed receipt of rent expense for the car park. Budget is expected to be fully utilised in the financial year.
Conduct South lawn events	53,457	Timing variance – delayed due to COVID restrictions. Budget expected to be utilised in Mar-Jun 2022.
Domestic – collect & dispose - recycled waste	51,831	Recycling fees charged by SMRC are variable and subject to change quarterly dependent upon ability to sell the resources. Fees were favourable during the September/October/November period with a reduction of \$20 per tonne.
Collect & dispose green waste (Verge)	41,849	Accounting variance – will be adjusted to move the cost to the correct account.
Operate car park 12A and 12B beach Street Fremantle	(47,843)	Accounting variance – lease journal to be prepared and posted as per Accounting Standard AASB 16.
Interest payment Loan 307 Civic & Library Building	(57,235)	Timing variance – budget phasing to be adjusted to reflect accrual based accounting.
Operate car park 19 Roundhouse Fremantle	(63,688)	Accounting variance – lease journal to be prepared and posted as per Accounting Standard AASB 16.
Conduct Fremantle festival	(76,144)	Timing variance – budget phasing to be adjusted at mid year review



Description	Variance Amount	Comment
Maintain heavy vehicles – allocated	(78,216)	Accounting variance – required journals will be prepared to correct the Plant overhead allocation.
<b>Interest Expenses</b>	<b>(180,946)</b>	 <b>(292.65%)</b>
Interest payment Loan 307 Civic & Library Building	(180,946)	Timing variance – budget phasing to be adjusted to reflect accrual-based accounting.
<b>Insurance Expenses</b>	<b>395,047</b>	 <b>51.26%</b>
<b>Major Variances:</b>		
Monitor city insurances (excluding workers compensation)	322,202	Variance is mainly due to insurance expense being recognised on accrual basis whereas the budget was prepared on a cash basis.
Maintain Walyalup Civic Centre	40,000	Insurance will be adjusted upon completion of WCC project.
<b>Other Expenses</b>	<b>166,895</b>	 <b>19.23%</b>
<b>Major Variances:</b>		
Support CAT bus service	78,489	Timing variance – delay in receiving invoices. October & November invoices are yet to be paid.
Lead community development directorate	43,650	Budget duplicated - to be adjusted at mid year review.
Support 20 Homes 20 Lives	43,200	Budget duplicated - to be adjusted at mid year review.
P-11960 Contribution-Sculpture at Bathers Beach	40,000	Timing variance – budget to be utilised from December 2021.
P-11830 Program - Biennale festival	(78,182)	The budget is reflected under the incorrect GL code and it will be adjusted in the mid year review.
<b>Capital Expense Purchase – Community Land &amp; Buildings</b>	<b>3,238,786</b>	 <b>33.84%</b>
<b>Major Variances:</b>		
P-10297 Construct-Walyalup Civic Centre and Library (KS)	2,301,960	The 2021/22 WCC budget has been amended following the recovery of insurance bonds from the builder post liquidation.
P-11829 Design and construct-Kings Square Commercial tenancy	399,194	Timing variance – due to delays with the construction of WCC. To be spent on commercial & visitor centre fit-outs.
P-10260 Program - Arthur Head - Wall stabilisation	356,808	Timing variance - project delayed due to material shortages and delays in delivery of materials.
P-11838 Design and construct-Kings Square change facility	149,789	Timing variance – project to be completed in line with WCC project.
P- 10898 Relocation – AV Equipment & Installation (KS)	97,643	Timing variance – installation is rescheduled to align with the completion of WCC
P-11882 Design and construct - Fremantle Golf Course	(214,799)	Timing variance - YTD actual expenditure was higher than budgeted however, the full year budget is to be utilised.



Description	Variance Amount	Comment
<b>Capital Expense Purchase – Infrastructure Parks</b>	<b>1,392,557</b>	 <b>64.72%</b>
<b>Major Variances:</b>		
P-10295 Design and construct-Kings Square Public Realm Newman	695,514	Timing variance – delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in the financial year.
P-11819 Design and construct - Dick Lawrence - Playspace	159,933	
Program- Infrastructure Recovery	158,844	Budget being reallocated to other projects through budget adjustments in the following months.
P-11904 Design and construct- Gilbert Fraser - Lighting	130,328	Timing variance – delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in December 2021.
P-11912 Design and construct - Coral Park Irrigation Upgrade	59,040	Timing variance – delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in the financial year.
<b>Capital Expense Purchase – Infrastructure Other</b>	<b>497,009</b>	 <b>88.75%</b>
<b>Major Variances:</b>		
P-11823 Design and construct-Port Beach coastal adaptation	248,691	Timing variance – delay in receiving invoices. Budget to be utilised in full.
P-12057 Contribution - Westgate Mall courtyard	80,000	The project is behind the schedule due to delays with a York Property Group Development. A detailed report will be submitted to Council in January 2022.
P11983 - Design and Construct - Leighton Beach Access	50,000	Timing variance – work has commenced, and the budget will be utilised in the next quarter.
<b>Capital Expense Purchase – Plant &amp; Equipment</b>	<b>161,250</b>	 <b>41.03%</b>
<b>Major Variances:</b>		
P-12045 Design and construct - Leisure Centre - Shade sail	150,000	Timing variance - project is rescheduled to align with the Fremantle Leisure Centre renovation.
<b>Repayment of Operating Lease</b>	<b>325,203</b>	 <b>95.90%</b>
Repayment of Operating Lease	325,203	Budget recognises total lease expenditure whereas actual contains only interest component of the lease payments in accordance with accounting standard AASB 16.
<b>Reserve Transfers</b>	<b>(4,582,300)</b>	 <b>(45.51%)</b>
Transfer from Reserve (Restricted) - Capital	4,505,480	Recovery of insurance bonds from builder post liquidation to be transferred to Reserve.



## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

**Council receives the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 30 November 2021.**



**C2112-5 STATEMENT OF INVESTMENTS – NOVEMBER 2021**

**Meeting date:** 15 December 2021  
**Responsible officer:** A/Manager Finance  
**Decision making authority:** Council  
**Attachments:** 1. Investment Report – 30 November 2021  
**Additional information:** Nil

**SUMMARY**

**This report outlines the investment of surplus funds for the month ending 30 November 2021 and provides information on these investments for Council consideration.**

**This report recommends that Council receive the Investment Report for the month ended 30 November 2021, as provided in Attachment 1.**

**The investment report provides a snapshot of the City's investment portfolio and includes:**

- **Portfolio details as at November 2021;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

**BACKGROUND**

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

The City has committed to carbon neutrality and to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.

To this end the City will review and manage its investment portfolio to identify financial institutions which support either direct or indirect support of fossil fuel companies and has limited these investments in these institutions to the minimum whilst maintaining compliance with the investment policy.



## **FINANCIAL IMPLICATIONS**

To date actual investment interest earned is \$81,462 against a year-to-date budget of \$90,604 and full year adopted budget of \$200,000.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.35% for the month of 30 November 2021. The City's actual portfolio return in the last 12 months is 0.38%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.02% (refer Attachment 1 point 8).

## **LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

A comprehensive Investment Report for the month ending 30 November 2021 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

### **1. Portfolio details as at 30 November 2021**

At period end, the City's investment portfolio totalled \$61.12m. The market value was \$61.18m, which takes into account accrued interest.

The investment portfolio is made up:

Cash Investments (<= 3 months)	\$18.62m
Term Deposits (> 3 months)	\$42.50m
<b>TOTAL</b>	<b>\$61.12m</b>

Of which:

Unrestricted cash	\$53.27m
Restricted cash (Reserve Funds)	\$ 7.14m
Restricted cash (Trust Funds)	\$ 0.71m
<b>TOTAL</b>	<b>\$61.12m</b>



The current amount of \$53.27m held as unrestricted cash represents 68.5% of the total adopted budget for operating revenue (\$77.76m)

## **2. Portfolio counterparty credit framework (as at 30 November 2021)**

The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

### **Counterparty credit framework**

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

<b>Credit quality</b>	<b>Maximum % of total investments</b>
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

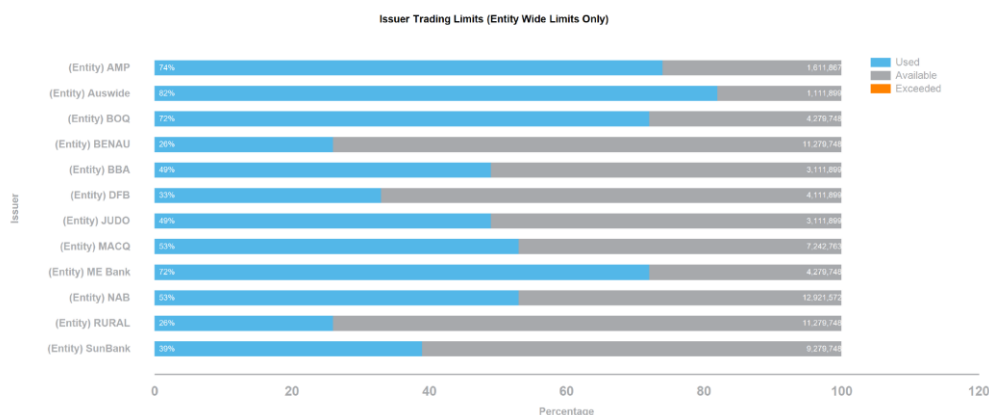
The following graphs provide details of the funds invested at the end of this month as per the City's investment portfolio relative to the threshold allowed by the investment policy.

### **Portfolio Credit Framework Limits As At 30 November 2021**

Tier	Portfolio Allocation \$	Portfolio Allocation %	Tier Maximum Allocation	Tier Used %	Tier Available %	Tier Exceeded %
Tier 1	14,581,975.00	23.86%	100.00%	23.86%	76.14%	0.00%
Tier 2	29,037,018.36	47.51%	60.00%	79.18%	20.82%	0.00%
Tier 3	17,500,000	28.63%	35.00%	81.8%	18.2%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100%	0.00%
	61,118,993.36	100.00%		100.00%		

Values used in the above calculations exclude interest for term deposits and other simple interest securities





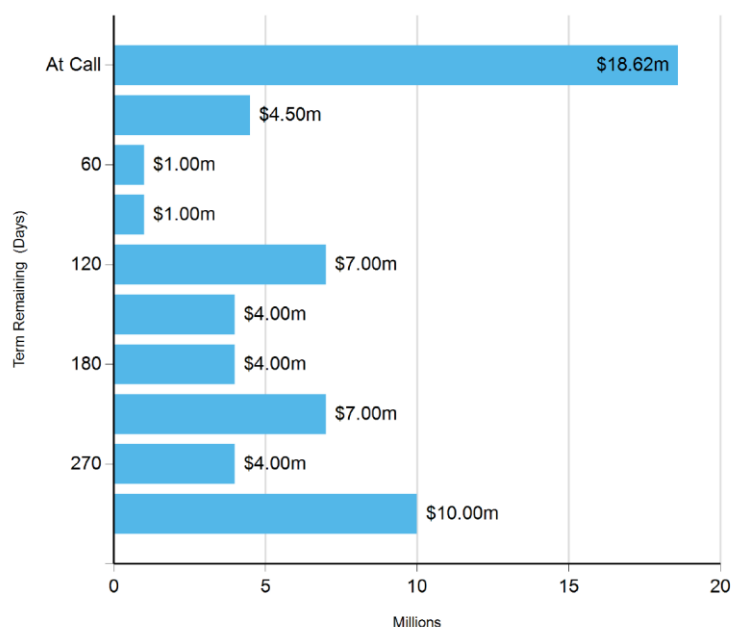
As reported in the above graphs at 30 November 2021, the portfolio was compliant with the issuer trading limit (Attachment 1).

### 3. Portfolio Liquidity Indicator (as at 30 November 2021)

The below graph provides details on the maturity timing of the City's investment portfolio. Currently all investments will mature in one year or less.

Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

Face Value by Term Remaining



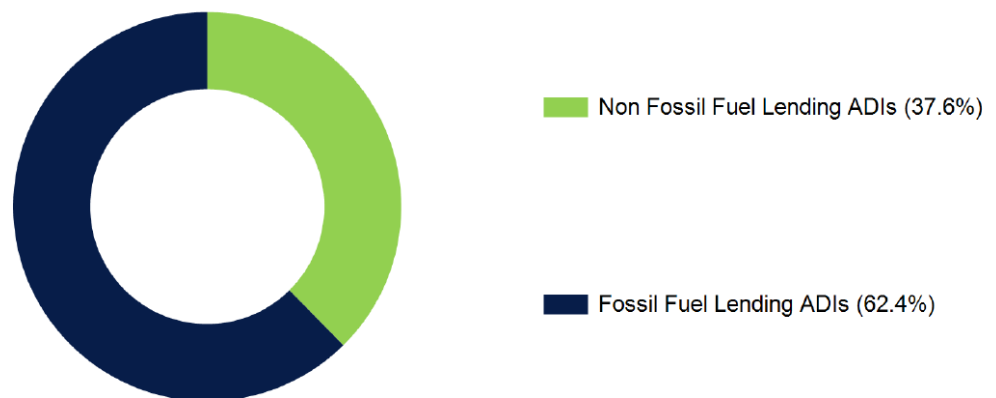
### 4. Portfolio Summary by Fossil Fuels Lending ADIs (as at 30 November 2021)



At the end of this month, \$23m (37.6%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI’s).

In order to address the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in “Green Investments”. However, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.

**Fossil Fuel vs  
Non Fossil Fuel  
Lending ADI**



#### **5. Interest Income for Matured Investments (For 1 November 2021 to 30 November 2021)**

During the month of November 2021 interest income earned from matured investments was \$16,273.97 (refer Attachment 1 point 9).

#### **6. Investing Activities (For 1 November 2021 to 30 November 2021)**

During the month of November 2021, three (03) new term deposit investments were acquired for a total of \$7m.

Full details of the institution invested in, interest rate, number of days and maturity date are provided in the attached report (Attachment 1).

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **OFFICER'S RECOMMENDATION**

**Council receives the Investment Report for the month ending 30 November 2021, as provided in Attachment 1.**



**C2112-6 SCHEDULE OF PAYMENTS NOVEMBER 2021**

**Meeting date:** 15 December 2021  
**Responsible officer:** A/Manager Finance  
**Decision making authority:** Council  
**Attachments:** Schedule of payments and listing  
Purchase Card Transactions  
***Attachments viewed electronically***

**Additional information:** Nil

**SUMMARY**

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending November 2021, as required by the *Local Government (Financial Management) Regulations 1996*.

**BACKGROUND**

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of November 2021, is provided within Attachment 1 and 2.

**FINANCIAL IMPLICATIONS**

A total of \$6,122,467.90 in payments were made this month from the City's municipal and trust fund accounts

**LEGAL IMPLICATIONS**

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
  - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
    - (a) *the payee's name; and*
    - (b) *the amount of the payment; and*
    - (c) *the date of the payment; and*
    - (d) *sufficient information to identify the transaction.*
  - (2) *A list of accounts for approval to be paid is to be prepared each month showing*
    - (a) *for each account which requires council authorisation in that month —*
      - (i) *the payee's name; and*
      - (ii) *the amount of the payment; and*



- (iii) *sufficient information to identify the transaction; and*
- (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

The following table summarises the payments for the month ending November 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

<b>Payment Type</b>	<b>Amount (\$)</b>
Cheque / EFT / Direct Debit	\$3,719,266.35
Purchase card transactions	\$ 60,686.95
Salary / Wages / Superannuation	\$2,342,514.60
Other payments ( <i>as outlined in Attachment 1</i> )	Nil
<b>Total</b>	<b>\$6,122,467.90</b>

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending November 2021.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Accept the list of payments made under delegated authority, totalling \$6,122,467.90 for the month ending November 2021, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending November 2021, as contained within Attachment 2.**



**13. Motions of which previous notice has been given**

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

**14. Urgent business**

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

**15. Late items**

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

**16. Confidential business**

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

**17. Closure**