



Minutes

Finance, Policy, Operations and Legislation Committee

Wednesday, 11 March 2020 at 6.00pm

Table of Contents

Contents	Page
1. Official opening, welcome and acknowledgement	1
2.1. Attendance	1
2.2. Apologies	1
2.3. Leave of absence	1
3. Disclosures of interests	1
4. Responses to previous questions taken on notice	1
5. Public question time	2
6. Petitions	2
7. Deputations	2
7.1 Special deputations	2
7.2 Presentations	2
8. Confirmation of minutes	2
9. Elected member communication	2
10. Reports and recommendations	3
10.1 Committee delegation	3
FPOL2003-1 CRITERIA FOR KINGS SQUARE HOSPITALITY LEASE	3
FPOL2003-2 SOUTH TERRACE SPEED REDUCTION	14
FPOL2003-3 CITY OF FREMANTLE INVITED TO HOST THE HIROSHIMA-NAGASAKI ATOMIC BOMB EXHIBITION	20
10.2 Council decision	22
FPOL2003-4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION	22
FPOL2003-5 RATES WAIVER – 7A WATKINS STREET FREMANTLE	25
FPOL2003-6 PROPOSED PRIVATE APARTMENT INVESTMENT POLICY	28
FPOL2003-7 BUDGET AMENDMENTS - FEBRUARY 2020	33
FPOL2003-8 NOTICE OF MOTION BY CR SAM WAINWRIGHT – REQUEST FOR CONSULAR SUPPORT FOR JULIAN ASSANGE	37
FPOL2003-9 NOTICE OF MOTION BY CR MARIJA VUJCIC – PROBITY AUDIT, HOSPITALITY LEASE	39

12. Urgent business	44
13. Late items	44
FPOL2003-10 PROPOSED SPECIAL MEETING OF COUNCIL TO CONSIDER MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF ELECTORS	44
14. Confidential business	46
15. Closure	46
Minutes Attachments (under separate cover)	1
FPOL2003-4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION	4
FPOL2003-6 PROPOSED PRIVATE APARTMENT INVESTMENT POLICY	9

FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE

Minutes of the Finance, Policy, Operations and Legislation Committee
held in the North Fremantle Community Hall
on 11 March 2020 at 6.00 pm.

1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6:00 pm.

2.1. Attendance

Dr Brad Pettitt	Mayor
Cr Hannah Fitzhardinge	Presiding Member/Beaconsfield Ward
Cr Jenny Archibald	Deputy Presiding Member/East Ward
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Bryn Jones	North Ward (<i>Deputy Member</i>)
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Ms Michelle Brennand	Director Community Development
Mr Matt Hammond	Manager Economic Development and Marketing
Ms Charlie Clarke	Manager Governance
Mr Paul Dunlop	Manager Communications and Events
Mr David Janssens	Manager Infrastructure Engineering
Mr Sri Sriranjana	Principal Engineer
Mr Dwight Kostusik	Traffic and Design Officer
Ms Melody Foster	Meeting Support Officer

There were 5 members of the public in attendance.

2.2. Apologies

Cr Doug Thompson	North Ward
------------------	------------

2.3. Leave of absence

Nil

3. Disclosures of interests

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

Nil

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

That the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 19 February 2020 be confirmed.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

9. Elected member communication

Nil

10. Reports and recommendations

10.1 Committee delegation

FPOL2003-1 CRITERIA FOR KINGS SQUARE HOSPITALITY LEASE

Meeting date:	11 March 2020
Responsible officer:	Manager Economic Development and Marketing
Decision making authority:	Committee
Agenda attachments:	Nil
Additional information:	Nil

SUMMARY

The purpose of this report to present an updated set of selection criteria for the leasing of the commercial hospitality tenancy located adjacent to the Walyalup Civic Centre.

This report recommends that Council approve the original criteria of August, 2017, with adjustments to placement of the criteria in mandatory or desirable category.

BACKGROUND

At Ordinary Council dated 7 August 2017 Council adopted the “criteria for use” for the hospitality space within the City’s new administration building.

The following is weighted selection criteria that was approved and used to assess expressions of interest for the hospitality premises. In conjunction with Council’s resolution (shown in italics) officers included criteria that assessed the applicants’ experience and financial capacity to deliver their proposal:

Council Criteria and Overview of Business (Weighting 30%)

1. *Mandatory - the business must;*

- a. *Pay market rent.*
- b. *Be a business that is considered a “destination” in itself.*
- c. *Be open on both Saturday and Sundays.*
- d. *Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.*
- e. *Not sell takeaway or packaged alcohol.*
- f. *Be externally focused and physically integrate with the public realm.*

2. *Desirable;*

- a. *12 – 16 hours per day operation.*
- b. *Businesses that operate later in the day over businesses that operate earlier in the day.*
- c. *Seven days per week trading, with a minimum of six days per week.*
- d. *A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle’s overall visitor offering.*

- e. *A business that does not sell takeaway food as normal part of its operations.*

3. General

- a. Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.
- b. Provide examples of your beverage offering and proposed pricing.
- c. Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.
- d. Provide an overview of key marketing activities you propose to undertake to support the business.
- e. What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?

4. Environmental Considerations

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- Waste Management
- Water consumption
- Energy consumption
- Materials utilised in plant operation, cleaning and general operations.
- Management, assessment and implementation of environmental initiatives.

5. Experience & Personnel (Weighting 20%)

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- Information on hospitality locations which you have been and are currently involved
- Provide information on your role and length of time at each location.
- Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.
- Provide an overview on how you intend to staff the offering.
- Are you an investor or independent operator?

6. Design, Fit Out and Concept (Weighting 20%);

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. Financials (Weighting 30%)

Please note that full completion of this section is required in order to meet the selection criteria.

- Proposed Rent per annum exclusive of GST
- Outline any proposed incentive requests if applicable.

- **Financial Return:** Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

Metier, who is acting on behalf of the City to lease the hospitality and retail spaces, commenced the leasing campaign for the hospitality space on 5 December 2018. The campaign included general advertising and targeted approaches towards operators that aligned with the weighted criteria. It was particularly focused on boutique operators and brands that were not currently located in Fremantle.

The campaign resulted in receiving one offer from Fremantle Doctor Restaurant and Bar Pty Ltd (FDRB). The City received the initial offer from FDRB in May 2019. Terms were negotiated over a period of seven months resulting in a recommendation being brought to Council for consideration.

At the Ordinary Meeting of Council on the 29th January, Council resolved to approve a Lease between the City of Fremantle and the Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle; and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease. The council approval included amendments to the original terms and conditions that had been proposed by the prospective tenant. The amended terms and conditions are outlined in 'FPOL2001-9 Proposed Lease for Civic Building Hospitality Space'.

Officers proceeded to finalise negotiations based on amended terms and conditions which resulted in the prospective tenant requesting further changes to terms and conditions which were not in line with those approved by Council. As a result, on the 3rd March 2020 officers advised FDRB Pty Ltd that the City will be declining the revised offer and will be putting the leasing opportunity back out to tender. FDBAR were advised that they can re-apply as part of the tender process.

FINANCIAL IMPLICATIONS

The amendment of selection criteria does not pose any considerable financial implications however may result in a different rate of rental return and/or incentive contribution in line with market expectations for respective types and sizes of hospitality operators that may be eligible. Any notable financial implications will be presented to council as part of a tender approval process.

LEGAL IMPLICATIONS

In accordance with Council's Leasing of City Property in a competitive manner policy the City is obligated to advertise commercial properties in an open and competitive manner when they become available for lease.

With respect to the manner in which the City can lease commercial property, any lease must comply with the requirements of Section 3.58 of the Local Government Act 1995; the Commercial Tenancy (Retail Shops) Act 1985 (WA) (Retail Shops Act); and the Commercial Tenancy (Retail Shops) Agreements Regulations 1985 (WA).

CONSULTATION

The premise has been marketed via standard real estate channels online as well as advertising in the West Australia Real Estate section for a period of six weeks. Metier in conjunction with City officers have and will continue to target a database of over 100 contacts external to Fremantle. These companies, brands and individuals have been approached individually regarding the hospitality opportunity within the City's civic building.

Any future tender that is inclusive of the selection criteria proposed will be advertised in an open and competitive manner and via standard real estate marketing channels. Companies on the existing database will be reinvited to apply.

Leasing Process

The City will undertake a process in line with Section 3.58 of the Local Government Act 1995 which relates to disposing of property. Under this section 'dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not; and property includes the whole or any part of the interest of a local government in property, but does not include money.

Pursuant to section 3.58 the City will undertake the following process:

- Deliver a public tender process in line with the City's purchasing policy that invites submissions addressing a set of council approved criteria.
- Upon selection of the preferred tenderer and agreement on lease terms and conditions, proposed lease terms and conditions will be presented to council for approval.
- Should no compliant tenders be received, and the City is required to pursue the disposal of the property outside of a tender process, the City will be required to give public notice of the agreed terms associated with any disposal, and invite public submissions over a period of no less than 2 weeks.
- The details provided as part of the public submission process will include but may not be limited to:
 - the names of all other parties concerned; and
 - the consideration to be received by the local government for the disposal; and;
 - the market value of the disposal, which is to be determined no more than 6 months prior the proposed date of disposal, or by resolution of council if the valuation was obtained more than 6 months prior.
- Any public submissions received would be presented to council for consideration prior to the full execution of any lease secured outside of a tender process.

OFFICER COMMENT

Lettable commercial space being offered as part of the City's new civic building has come on to the market at a challenging time for the retail and hospitality sectors. Feedback collected directly from prospective tenants via the City's leasing agent has suggested that operators who currently maintain a national and/or international presence have put a hold on considering any new premises in Australia, let alone WA or Fremantle. This is based on many operators deciding to consolidate operations within existing locations to mitigate current risks associated with unfavourable economic conditions, as opposed to making any moves to expand.

This has been coupled with a preference from prospective tenants to consider space that is already constructed so that they can adequately determine the physical 'look and feel' of the space and also consider its surrounding environment (foot traffic, design, activation etc.). Given Kings Square remains under construction, many have opted to 'wait and see' before making a decision to invest.

Whilst the current criteria approved by council is sound and would result in a strong outcome, the criteria coupled with the increasingly challenging leasing environment may be resulting in a limited response to the opportunity.

Initial feedback has suggested that an adjustment in the current selection criteria may facilitate a greater response and therefore the ability to negotiate a more favourable outcome for both the City and prospective tenants.

Officers believe that there is merit in maintaining the current criteria, although it may benefit from having mandatory and desirable criteria slightly reprioritised in order to encourage engagement with a broader number of operators.

To do this officers propose shifting the following criteria out of 'mandatory' and in to 'desirable' criteria:

- *"Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing."*
- *"Be a business that is considered a "destination" in itself."*

It is also proposed that the assessment of desirable criteria is based on the extent to which 'some or all' of the desirable criteria are met, as opposed to presenting an expectation that all desirable criteria should be met collectively.

On this basis the proposed amended set of criteria would be as follows:

1. *The following criteria is mandatory and must be met in order to be considered for the tenancy:*
 - a. *Pay market rent.*
 - b. *Not sell takeaway or packaged alcohol.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Be externally focused and physically integrate with the public realm.*

2. *The following criteria is desirable and businesses able to meet some or all of this criteria will be considered more favourable than others who do not:**
 - a. 12 – 16 hours per day operation.
 - b. Businesses that operate later in the day over businesses that operate earlier in the day.
 - c. Seven days per week trading, with a minimum of six days per week.
 - d. A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle's overall visitor offering.
 - e. A business that does not sell takeaway food as normal part of its operations.
 - f. Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.
 - g. Be a business that is considered a "destination" in itself.

**Note: Whilst only submissions that align with some or all of the desirable criteria will be considered, businesses are also invited to provide a second submission outlining alternative concepts that may or may not align with the criteria below.*

3. General

- a. *Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.*
- b. *Provide examples of your beverage offering and proposed pricing.*
- c. *Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.*
- d. *Provide an overview of key marketing activities you propose to undertake to support the business.*
- e. *What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?*

4. Environmental Considerations

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- *Waste Management*
- *Water consumption*
- *Energy consumption*
- *Materials utilised in plant operation, cleaning and general operations.*
- *Management, assessment and implementation of environmental initiatives.*

5. Experience & Personnel (Weighting 20%)

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- *Information on hospitality locations which you have been and are currently involved*

- *Provide information on your role and length of time at each location.*
- *Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.*
- *Provide an overview on how you intend to staff the offering.*
- *Are you an investor or independent operator?*

6. Design, Fit Out and Concept (Weighting 20%)

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. Financials (Weighting 30%)

Please note that full completion of this section is required in order to meet the selection criteria;

- *Proposed Rent per annum exclusive of GST*
- *Outline any proposed incentive requests if applicable.*

Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

It should be noted that whilst an agreed set of criteria can assist in selecting a proposed concept, terms and conditions provided within a lease must be in line with the Commercial Tenancy (Retail Shops) Act 1985 (WA) (Retail Shops Act); and the Commercial Tenancy (Retail Shops) Agreements Regulations 1985 (WA). Criteria such as opening hours and nature of the business's operations cannot be controlled under a lease.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council approve the following assessment criteria for the City's ground floor commercial hospitality space located adjacent to the Walyalup Civic Centre:

Council Criteria and Overview of Business (Weighting 30%)

1. *The following criteria is mandatory and must be met in order to be considered for the tenancy:*
 - a. *Pay market rent.*
 - b. *Not sell takeaway or packaged alcohol.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Be externally focused and physically integrate with the public realm.*
2. *The following criteria is desirable and businesses able to meet some or all of this criteria will be considered more favourable than others who do not:**

- a. 12 – 16 hours per day operation.
- b. Businesses that operate later in the day over businesses that operate earlier in the day.
- c. Seven days per week trading, with a minimum of six days per week.
- d. A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle's overall visitor offering.
- e. A business that does not sell takeaway food as normal part of its operations.
- f. Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.
- g. Be a business that is considered a "destination" in itself.

**Note: Whilst only submissions that align with some or all of the desirable criteria will be considered, businesses are also invited to provide a second submission outlining alternative concepts that may or may not align with the desirable criteria below.*

3. General

- a. Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.
- b. Provide examples of your beverage offering and proposed pricing.
- c. Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.
- d. Provide an overview of key marketing activities you propose to undertake to support the business.
- e. What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?

4. Environmental Considerations

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- Waste Management
- Water consumption
- Energy consumption
- Materials utilised in plant operation, cleaning and general operations.
- Management, assessment and implementation of environmental initiatives.

5. Experience & Personnel (Weighting 20%)

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- Information on hospitality locations which you have been and are currently involved
- Provide information on your role and length of time at each location.

- *Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.*
- *Provide an overview on how you intend to staff the offering.*
- *Are you an investor or independent operator?*

6. Design, Fit Out and Concept (Weighting 20%)

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. Financials (Weighting 30%)

Please note that full completion of this section is required in order to meet the selection criteria.

- *Proposed Rent per annum exclusive of GST*
- *Outline any proposed incentive requests if applicable.*

Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

Cr Hannah Fitzhardinge moved the officer's amended recommendation, as follows:

COMMITTEE RECOMMENDATION ITEM FPOL2003-1
(Officer's amended recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

- 1. *Call for public tenders for the lease of the ground floor commercial hospitality space adjacent to the new Walyalup Civic Centre in accordance with section 3.58 of the Local Government Act 1995 and part 2 below;***
- 2. *Approve the following assessment criteria for the City's ground floor commercial hospitality space tender in part 1 above being:***

The City of Fremantle is seeking proposals for the development of a distinctive food and beverage venue that enhances community activity and attracts residents, workers and visitors to spend time in our new civic precinct.

It is envisaged the venue will operate every day, including morning and into the evenings. The venue shall be designed to integrate with and activate its surrounds. The menu, operating hours and business model shall be structured to offer affordable, accessible and appealing food options throughout the day for a range of customers, including but not limited to families using the playground and the Civic Centre, community members who regularly access the library and other Council activities, and those who live, work in and visit Fremantle.

It is recognised that a liquor license may be required to improve sustainability of the business, particularly those operating in to the evening, however

Council seeks a venue with a focus on the sale of food and a family-friendly environment, rather than a venue that is predominately a bar. Take-away alcohol sales will not be accepted.

The tenancy is offered as a commercial lease, with financial terms and incentives may be negotiated with the proponents. Such negotiations may reflect the extent to which the tenancy delivers the mentioned outcomes envisaged by the City.

The following information is required to assist the City in determining the most suitable proponent:

Suitability of contractual terms;

The tenancy forms part of the City's commercial property portfolio and as such is seeking to achieve an outcome that is commercial in nature and in line with current market expectations. Please provide details on the following:

- **Proposed rent payable**
- **The duration of lease being requested**
- **Any proposed financial incentives being requested**
- **Level of contribution from the tenant for fitout**

Suitability of business;

The tenancy is located in the Kings Square precinct directly adjacent to the newly constructed Walyalup Civic Centre. Due to the prominence of this location it is the City's preference that the tenancy is family friendly in nature and remains activated for as long as possible, which in addition to during the day may include in to the evenings and throughout the weekend. Please provide details on the following:

- **Days of trade**
- **Operating hours per day**
- **Proposed look and feel of the concept including brand values and any visuals**
- **Customer demographics and strategies around how you will engage each demographic in this new location, both in terms of marketing and activating the tenancy**
- **If a liquor license is being sought provide details on the type of license and type of beverages being offered**
- **Any initiatives or intentions to align with and/or add value to the existing business mix in the immediate area**
- **How the business will embrace or align with the brand values of Fremantle's destination brand 'This is Fremantle'**
- **Outline your approach to the design and fit-out of the space including the fit out concept and floor plan. Where possible, include a design brief**

Management experience;

The City is seeking an highly experienced operator who has delivered similar successful businesses in the past. Please provide details on the following:

- ***Information on hospitality locations which you have been and/or are currently involved***
- ***Provide information on your role and length of time at each location***
- ***Detail your experience in applying for Liquor Licenses including its outcome and/or in operating a licensed venue***
- ***Provide an overview on how you intend to staff the offering***
- ***Specify whether you are an investor, independent operator, or franchisee***
- ***Provide information (business plan/financials) that demonstrates the financial and operational sustainability and capacity of the business***

Environmental objectives;

Please provide details on proposed approaches to the following with regard to achieving environmental sustainability outcomes:

- ***Waste management***
- ***Water consumption***
- ***Energy consumption***
- ***Materials utilised in plant operation, cleaning and general operations***
- ***Management, assessment and implementation of environmental initiatives***

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

The amended recommendation incorporates the public tender process and broadens the tender criteria to attract more diverse businesses.

Cr Andrew Sullivan Moved to refer the item to the Ordinary Meeting of Council on Wednesday, 25 March 2020 for Council decision.

Seconded: Cr Bryn Jones

FPOL2003-2 SOUTH TERRACE SPEED REDUCTION

Meeting date:	11 March 2020
Responsible officer:	Manager, Infrastructure Engineering
Decision making authority:	Committee
Agenda attachments:	Nil
Additional information:	<ol style="list-style-type: none">1. Petition for Reduced Speed and Traffic Calming 01 - South Terrace - City of Fremantle2. Petition for Reduced Speed and Traffic Calming 02 - South Terrace - City of Fremantle3. Petition for Reduced Speed and Traffic Calming 03 - South Terrace - City of Fremantle

SUMMARY

On 27 November 2019, residents of South Fremantle submitted a petition requesting the City of Fremantle:

- 1. Submit as a matter of urgency an application to Main Roads WA regarding the installation of a permanently reduced speed zone of 40km/h.***
- 2. Provide appropriate funding to fast-track the completion of traffic calming including the removal of the temporary speed humps.***

This report provides some context in respect to traffic calming on South Terrace and subsequently recommends that Council:

- 1. Request officers formally seek approval from Main Roads WA for a lower speed limit of 40km/h on South Terrace between Wray Avenue and Douro Road.**
- 2. Note that officers will continue to develop proposals for permanent streetscape treatments to South Terrace and funding proposals will be included for consideration as part of the City's ten year financial plan.**

BACKGROUND

The City of Fremantle has been engaged with the South Fremantle community for a number of years regarding streetscape improvements and traffic calming to the South Terrace route from Douro Road to South Street. The work done to date includes extensive community consultation and feedback on issues for both the local community on South Terrace and the surrounding streets and businesses in the area.

An Urban Design consultant was employed by the City in 2016 to both engage the local community and businesses with a series of workshops as well as provide expertise to the best urban outcome for the project in terms of amenity and aesthetics. The preferred design focused on the raised intersection (node) concept.

Speeding along South Terrace was highlighted as a major issue for the community and as such, traffic calming and a lowered speed limit were identified as key objectives of any future works. Reduced vehicle speeds are needed to achieve the community's driven

goals of creating a safer environment for pedestrians and cyclists as well as rejuvenating the urban environment to support the growing business hubs.

As an interim measure to reduce speeds, temporary speed cushions were placed at intervals along the 1.1km route in 2017. These were very effective at reducing the speeds along South Terrace.

In 2018, the City completed its first intersection streetscape improvement at the intersection of Little Lefroy Lane and Sydney Street (node 1), which permanently replaced the interim speed cushions at this section of South Terrace. The City also announced plans for similar treatments at four other intersections along South Terrace (2. Jenkin Street. 3. Scott Street. 4. Charles Street and 5. Nelson Street).

In 2019, the City completed drainage improvements to the second intersection streetscape improvement at Jenkin Street and the budget to complete the remainder of the streetscape improvements has been included for consideration as part of the ten year financial plan.

This financial year (2019/20), Council adopted a budget to renew the road surfacing on South Terrace between South Street and Jenkin Street and these works will include other improvements in keeping with the design principles adopted for South Terrace i.e. additional street trees and adjusted side street holding lines through build-outs onto South Terrace). These works are scheduled to take place between March and May 2020.

As part of the background traffic monitoring, an area wide traffic data collection exercise has occurred before and after the speed cushions were installed. A further survey was conducted in 2019 after the completion of the Little Lefroy Lane and Sydney Street intersection works. The vehicle survey data collected, over a week, allows a comparison of average daily vehicle volumes, speeds and vehicle types using the road.

The data showed a decrease in average speeds along South Terrace and more importantly the 85th% speed of traffic, used as the standard metric when investigating traffic conditions, was between 35 to 40km/h.

Main Roads Western Australia is responsible for the signage and pavement markings on all public roads within Western Australia. Any changes to the regulatory controls, except parking, must first be submitted to Main Roads WA for approval and subsequent installation. This includes speed limits and traffic signals. The current default speed limit for local roads including South Terrace which is under the care of the City of Fremantle is 50km/h.

For a road to be signed at a speed below the default of 50km/h, Main Roads WA would need to be satisfied that the new speed would be sustainable and not rely on drivers complying with the signage alone.

The City of Fremantle has previously engaged with Main Roads WA regarding a lowered speed limit on South Terrace during the concept development (before any improvement works were completed) on South Terrace. The advice was to make an application for the desired speed once all of the permanent improvements were completed with supporting evidence that speeds are near the target lowered speed. Officers initially intended on

completing the five permanent intersection streetscape improvements before formally seeking a speed reduction on South Terrace from MRWA.

The petition presented to council in November 2019 requests the application for a lowered speed limit prior to the five permanent intersection treatments being completed and also requests that appropriate funding is provided to fast track the completion of these intersection treatments that will allow for the interim speed cushions to be removed.

FINANCIAL IMPLICATIONS

There may be some additional works to satisfy the Main Roads WA speed zoning guidelines for a reduced speed limit along South Terrace. These may include the implementation of threshold or entry statements to assist as visual cues at the entry points to the reduced speed zone, but until a formal application is lodged with Main Roads WA, this is currently unknown. The signage and pavement markings associated with the new speed limit would be installed and maintained by Main Roads WA at their expense.

The budget required to complete the four remaining intersection improvements along South Terrace are currently unknown as detailed designs and cost estimates have not been completed. The total cost of the Little Lefroy Lane and Sydney Street project was \$427,131.00. Though not like for like, a similar scale of costs should be expected for each project location plus any intermediate improvements.

LEGAL IMPLICATIONS

Main Roads Western Australia have guidelines for the implementation of different speed limits on various roads which take into account the physical characteristics of the road, the land use fronting the roadway and also the role the route has in the wider network. As the sole governing body for all regulatory signage and line marking in Western Australia, Main Roads WA will ultimately decide if the requested speed is approved.

CONSULTATION

MySay Freo has a dedicated page to the South Terrace Improvement program which clearly outlines the Council's intent. Further consultation with the immediately effected residents and businesses will be required at each location as localised issues are resolved.

OFFICER COMMENT

Under the current Main Roads WA guidelines, South Terrace would qualify for a linear speed zone of 40km/h and an application could now be made on this basis.

Given the recent application of area speed zones in recent years such as the City of Vincent and locally, North Coogee in the City of Cockburn, consideration could be given to expanding the scope of the community petition request to investigate alternatives that would offer a wider community benefit.

For example, there may also be merit in applying an area speed zone to the South Fremantle roads bounded by South Street, Marine Terrace, Douro Road and Hampton Road. Whilst some additional investigation and data collection may be necessary for this, data would suggest that the speed environment within these roads would support a 40km/h limit and could also be considered in this proposal.

The above considerations however are beyond the scope of the petition request, but could offer wider benefits for the community through providing a safer road environment in the South Fremantle area around South Terrace.

Removal of the existing speed cushions should not be done until the permanent streetscape improvement projects (at the five nominated intersections) are fully implemented. Given the scale of the works involved, this would not be practical both from a budget and also resource perspective and should be staged at reasonable intervals over the coming financial years.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Council:

1. Request officers formally seek approval from Main Roads WA for a lower speed limit of 40km/h on South Terrace between Wray Avenue and Douro Road.
2. Note that officers will continue to develop proposals for permanent streetscape treatments to South Terrace and funding proposals will be included for consideration as part of the City's ten year financial plan.

Amendment 1:

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

To amend part 1 of the officer's recommendation, to include the words shown in green italics, to read as follows;

1. Request officers formally seek approval from Main Roads WA for a lower speed limit of 40km/h on South Terrace between:
 - i. Douro Road and South Street; and*
 - ii. South Street and Wray Avenue.*

And note as part of the application, that the City's preference is to undertake both projects at the same time, but will consider a staged approach in the above order of priority.

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright

Reason for change:

The traffic calming exercise has always been focussed on South Terrace south of South Street. It is recognised that this South Fremantle precinct has numerous nodes of commercial and alfresco activity that warrant the street environment being treated as a shared space. The section of South Terrace north of South Street does not have these characteristics and functions more exclusively as a distributor space rather than a destination. Furthermore, the section north of South Street includes many more bus routes, including the Circle Route, and is developed with on-road bike paths. Combining the two areas together in the one speed zone reduction application will likely lessen the chances of approval from MRWA. The amendment will focus the application on the built up areas where speed reduction is most critical.

Amendment 2:

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

To add an additional part 3, to read as follows;

- 3. *Request officers to continue to develop temporary and permanent proposals and accelerated funding options for:***
- ***improved threshold/gateway treatments at each end of the South Terrace South Fremantle strip;***
 - ***a permanent streetscape node in the vicinity of the Orient Street intersection; and,***
 - ***additional temporary speed humps in the area between Scott Street and Orient Street.***

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

a) As stated in the report, threshold treatments at each end may be a conditional requirement of MRWA before granting approval for a lower speed zone. These treatments may need to be prioritised in order to deliver the lower speed zone. In any case, the threshold treatments should be prioritised to alert drivers to the true character of the shared zone before they enter the strip.

b) The section of South Terrace between Scott Street and McLaren Street does not include any temporary traffic calming devices and the average speed in this area is higher than elsewhere along the strip. Recent developments have strengthened the level of commercial activity in the area and the soon to be completed distillery will likely add significantly more activity. There is now a higher priority to develop a node in this area than previously existed and there is a demonstrated need to further lower speeds to an acceptable level.

c) As a node in this area may not be deliverable in the coming financial year, the placement of some temporary traffic calming devices is needed to reduce average speeds in this area to levels achieved elsewhere along the strip.

Cr Hannah Fitzhardinge moved the officer's recommendation as amended:

COMMITTEE DECISION ITEM FPOL2003-2

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

- 1. Request officers formally seek approval from Main Roads WA for a lower speed limit of 40km/h on South Terrace between:
 - i. Douro Road and South Street; and*
 - ii. South Street and Wray Avenue.***

And note as part of the application, that the City's preference is to undertake both projects at the same time, but will consider a staged approach in the above order of priority.

- 2. Note that officers will continue to develop proposals for permanent streetscape treatments to South Terrace and funding proposals will be included for consideration as part of the City's ten year financial plan.**
- 3. Request officers to continue to develop temporary and permanent proposals and accelerated funding options for:
 - o improved threshold/gateway treatments at each end of the South Terrace South Fremantle strip;*
 - o a permanent streetscape node in the vicinity of the Orient Street intersection; and,*
 - o additional temporary speed humps in the area between Scott Street and Orient Street.***

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

FPOL2003-3

**CITY OF FREMANTLE INVITED TO HOST THE HIROSHIMA-
NAGASAKI ATOMIC BOMB EXHIBITION**

Meeting Date: 11 March 2020
Responsible Officer: Manager Governance
Decision Making Authority: Committee
Agenda Attachments: Nil

SUMMARY

The Mayor has been invited to host the Hiroshima-Nagasaki Atomic Bomb Exhibition, produced by the Hiroshima Peace Memorial Museum and the city of Nagasaki, in the foyer of the City's new civic building.

This report seeks council approval to consider the inclusion of funds into the 2020/2021 budget to allow the City to host the Hiroshima-Nagasaki Atomic Bomb Exhibition early in 2021.

BACKGROUND

Mayor Pettitt has been invited, through the Mayors for Peace organisation, to host the Hiroshima-Nagasaki Atomic Bomb Exhibition, produced by the Hiroshima Peace Memorial Museum and the city of Nagasaki, in the foyer of the City's new civic building.

The City of Fremantle has been a member of Mayors for Peace for many years and Mayor Pettitt has continued that membership since his election to Mayor for the City of Fremantle almost 10 years ago. In recent years Fremantle has taken a leadership role with Mayors for Peace expanding its membership and advocacy in the region.

This exhibition is designed to tell the story of what happened in Hiroshima and Nagasaki by nuclear bombs, on August 6 and 9, 1945 and the consequences of atomic bombings.

"Hiroshima and Nagasaki experienced the horrors of nuclear weapons for the first time in human history. The two cities were destroyed instantly, and many lives were lost. Among those who managed to survive, sufferings inflicted by the A-bomb radiation continue even to this day.

In order to avoid such tragedy from happening again, Hiroshima City and Nagasaki City have been appealing to the world to recognize the importance of peace. Since 1995, we have been holding Hiroshima-Nagasaki Atomic Bomb Exhibitions all over the world. In order to convey the realities of the atomic bombings and the present status of nuclear issues in the hope of arousing international sentiment toward nuclear abolition, the exhibition is hosted in one or two cities overseas a year mainly in nuclear nations, suspected nuclear nations, and cities active in nuclear abolition campaigns.

Hiroshima Peace Memorial Museum"

FINANCIAL IMPLICATIONS

It is anticipated that to properly curate and display the exhibition and to host a small 'opening night' function will cost approximately \$7,000.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

It is suggested that the exhibition be held in the foyer of the City's new civic building for a minimum period of six weeks. It is further recommended that the Mayor host an 'opening night' occasion to thank those involved and share the exhibition further.

This exhibition continues the efforts of the City of Fremantle to support and promote the Mayors for Peace Organisation and its mission:

"The purposes of the "Mayors for Peace" are to contribute to the attainment of lasting world peace by arousing concern among citizens of the world for the total abolition of nuclear weapons through close solidarity among member cities as well as by striving to solve vital problems for the human race such as starvation and poverty, the plight of refugees, human rights abuses, and environmental degradation."

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2003-3 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council request a budget allocation of \$7,000 to host the Hiroshima-Nagasaki Atomic Bomb Exhibition, be included for consideration as part of the Draft 2020/2021 budget deliberation process.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

10.2 Council decision

FPOL2003-4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION

Meeting date: 11 March 2020
Responsible officer: Director City Business
Decision making authority: Council
Agenda attachments: 1. Deed of Variation
Additional information: 1. Nil

SUMMARY

The Western Australian Local Government Association (WALGA) has formally written to the City of Fremantle seeking consent to a variation to the Trust Deed for the Local Government House Trust (the Trust).

The proposed Deed of Variation is presented to Council for consideration and is recommended that the Council consent to the proposed variation as shown in Attachment 1 of this report.

BACKGROUND

The Local Government House Trust (the Trust) is a unit trust created for the purpose of providing building accommodation for WALGA.

The Trust's Board of Management is seeking a variation to the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 percent of all beneficiaries in order to execute the Deed of Variation. The City is a unit holder and beneficiary to the Trust and as a beneficiary, the City of Fremantle is requested to consent to the proposed Deed of Variation by a resolution of Council.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the *Income Tax Assessment Act 1936*.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Compliance with the Trust Deed.

CONSULTATION

Nil

WALGA COMMENT

The Chief Executive Officer of WALGA, Nick Sloan, has provided the following advice in relation to the proposed variation to the Trust Deed.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. Removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. Ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
 22.1 Any Trustee of the Trust may retire as Trustee of the Trust. **The Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
 22.3 **The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**
 22.4 **The Beneficiaries may at any time by Special Resolution:**
 (a) **remove a Trustee from the office as Trustee of the Trust; and**
 (b) **appoint such new or additional Trustee.**
3. Variation 2.3 insert a new clause 13A
13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

OFFICER COMMENT

City of Fremantle officers have considered the proposed amendments to the Trust Deed and do not believe the variation will have any impact or pose any risk to the City and therefore have recommended that the Council consent the proposed Deed of Variation as shown in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2003-4 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council gives consent to a variation to the Trust Deed for the Local Government House Trust as provided in Attachment 1.

Carried: 7/0
Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright

FPOL2003-5 RATES WAIVER – 7A WATKINS STREET FREMANTLE

Meeting date: 25 March 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Pension concession application (confidential)
Advice from OSR regarding concession (confidential)
Letter to Ratepayer (confidential)
Rate notice PID 5082 (confidential)
Email request for waiver (confidential)

SUMMARY

This report recommends that Council grant a rates waiver of \$2,500 for the rates owed by the ratepayer at 7A Watkins Street Fremantle, due to an administrative error whereby a State Government Pension Rebate was granted and property rates allowed to be deferred, however the applicant was ineligible under the Rates and Charges (Rebates & Deferrals) Act 1992 (the Act) as the possession of land is under a “Inter Vivos” agreement rather than title ownership.

BACKGROUND

An application for State Government Rebate was received for the property located at 7A Watkins Street, Fremantle in 2003 that was granted by the City. The application described the applicant as a life tenant which under the Act is eligible for a State Government Rebate. Whilst a life tenant is eligible to claim a full State Government Rebate life tenants are unable to defer payment of rates.

In addition, the application was incorrectly recorded on the rate record and as a consequence the system automatically transferred the rates to deferred when no payments were received.

Late in 2019, officers suspected an error had occurred and sought confirmation from the Office of State Revenue of the ratepayer’s eligibility to defer. The advice received confirmed an Inter Vivos agreement (between two living parties) as opposed to a life tenancy. Such agreements are not entitled to a State Government Rebate nor have a right to defer. The ratepayer was notified of the error and provided with an amended rate notice. The deferred rates (\$18,055.91) were reversed to current becoming due and payable. On receipt of the notification, the ratepayer submitted a request for a concession of \$5,000 on the basis of it being an error of the City and included, subject to the request being granted, a commitment to pay the remaining balance in full.

The City has considered the request has merit, but counter offered an amount of \$2,500 concession as a more proportionate to the quantum of the financial consideration. A concession of \$2,500 is equivalent to approximately two years rates for this property (which is on minimum rate). The applicant had agreed to this offer, which is subject to council agreement.

It is beneficial to the City that the balance of \$15,555.91 is paid in full as opposed to the debt being paid by special arrangement over a longer period of time.

FINANCIAL IMPLICATIONS

Provision is made for rates concessions in the annual budget each year; the 2019/20 shows the estimated rates concession budget as \$233,162, current concessions granted total \$228,958. The impact on the provision account for this waiver is as follows:

Budget Item Name	100240.5969 Rate Concession
Budgeted Amount	233,162
Expenditure to Date	(228,598)
Proposed Cost	(2,500)
Balance	231,098

LEGAL IMPLICATIONS

Local Government Act 1995

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation

to a rate or service charge.

** Absolute majority required.*

The Chief Executive Officer's delegated authority to write off of a debt, not being due to an administrative error, is for debts not exceeding \$20,000. Due to this being an administrative error Council is required to authorise the waiver of rates.

CONSULTATION

Information gained from OSR in attachments

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-5 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve a waiver of \$2,500.00 of rates for 7A Watkins Street Fremantle, in favour of the ratepayer (referenced in the confidential attachments) due to an administrative error in the consideration of an application under the Rates and Charges (Rebates & Deferments) Act 1992 made in 2003.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

FPOL2003-6

PROPOSED PRIVATE APARTMENT INVESTMENT POLICY

Meeting Date: 11 March 2020
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: 1. Private Apartment Investment Policy
Additional Information: Nil

SUMMARY

Since the development of the 2010 Community Strategic Plan Council has been engaged in encouraging residential development within Fremantle to encourage population growth, in particular to improve the residential population in proximity to the Fremantle CBD.

The current economic circumstances have made it more difficult to acquire financial support for developers and prospective purchasers in the residential apartment market place. This has affected both the ability for developers to source funding to undertake development and prospective purchasers from achieving loan support to consider purchasing. In 2015 the City considered supporting the purchase of private apartments within the Fort Knox development on Queen Victoria Street to assist an early development in achieving its milestone sales target to commence the development. Since then, council has informally considered supporting some other developments, more recently a development in White Gum Valley that met significant environmental outcomes.

During these deliberations there has been discussion on the need to develop a policy on this matter to ensure there are clear guidelines and consistency in any consideration. The lack of a policy makes it difficult to ensure consistency in consideration.

This report proposes that council consider the adoption of a policy for the circumstances in which council may consider support for a private residential apartment development to achieve a sales target milestone by purchasing up to two (2) properties in any one development, subject to meeting specific criteria.

BACKGROUND

The 2010 Community Strategic Plan focussed on improvement in the economic position of Fremantle and the re-establishment of Fremantle as the second city of Western Australia. This emphasis has remained with each review of the Strategic Plan since. Much of this emphasis has been focussed on ensuring opportunities to increase the residential population of Fremantle, more specifically within the CBD of Fremantle which would improve the vibrancy and add value to the weekday economy.

FINANCIAL IMPLICATIONS

It is not possible to consider financial implications until an actual situation arises.

Property purchases for investment purposes is a speculative investment and the property market can be unpredictable. The business case can take market and risk aspects into

consideration to assist in consideration, however no absolute guarantee can be provided. A requirement to purchase at a reduced price (ie 90%) of the market price/value is one way to mitigate this risk.

The use of loan funds ensures that municipal cashflow is not affected, however any borrowing may impact the capacity to borrow for other purposes. There are limits on the City's capacity to borrow, and consequently an assessment will be made of the City's borrowing limit and financial capacity on a case by case basis. This will also include an assessment of other current or anticipated loan obligations.

LEGAL IMPLICATIONS

Local Government Act 1995.

CONSULTATION

Nil for the consideration of this policy.

OFFICER COMMENT

The proposed policy will provide guidelines for consideration if circumstances arise where significant progress is made towards reaching sales milestone for residential apartment development within the CBD of Fremantle, but where a very small number (up to two (2)) of sales is needed to achieve the milestone.

There are several criteria which will need to be considered in such a circumstance.

TYPES OF DEVELOPMENT

Located in CBD:

Primarily, any consideration should be limited to the CBD of Fremantle as this is the primary location in achieving significant economic outcomes through residential development. This would ensure improved catchment for weekday economic activity, the CBD is well serviced by alternative transport services and would add to general vibrancy expected in a CBD environment.

Located Outside CBD:

Consideration could be provided for supporting apartment development outside the CBD area. Any development would need to meet sound sustainability and design principles and demonstrate innovation in diversity and affordability.

PRE-CONDITIONS FOR PURCHASE

Milestone Target

Any consideration to invest/purchase should only be made where the development can demonstrate a legitimate opportunity for development threshold to be met and therefore the development would commence upon council purchase and construction would

commence within twelve (12) months of milestone being met. To be clear, any proposal for the City to purchase must be the final required purchase to meet the milestone.

The development must also demonstrate that a genuine attempt is being made to achieve the development milestone and be satisfied that the purchase is necessary to ensure the development proceeds.

Put Option Contract

The investment/purchase is only to be made via a "Put Option" contract, whereby the development will continue to market the property/s for sale and the City is only required to finalise a purchase if the property is not sold at the point of final payment being required. If another purchaser provides a written contract offer for the apartment/s that Council has offered to purchase or the sales milestone is met through other apartment purchases during the construction period, the contractual agreement is terminated and the City's deposit and any other payments towards purchase are to be refunded.

The City may also choose to market the property for sale or sell the contracted apartments during the construction period.

The purchase contract will also contain a condition that the contract is terminated within twelve (12) months of being signed.

Purchase Price

The purchase payment price for council is to be no more than 90% of the listed sales price or to be no more than 90% of an independent valuation obtained no more than six (6) months prior to the purchase date.

Maximum Number of Apartments being Purchased

The maximum number of apartments to be purchased in any single development is to be two (2).

Type of Apartments Purchased

The type of apartments purchased by the City to be either single or double bedroom apartments that suit entry level type property and keeps the financial level of investment reasonable.

FINANCING OF PURCHASE AND ASSESMENT OF BUSINESS CASE

Business Case

Any decision to purchase should only be made if supported by a positive business case to do so. Criteria would need to be established for developing the business case and the term of the business case should cover a maximum of three years. If an appropriate return cannot be achieved within three (3) years, then support should not be offered.

The business case criteria would include;

Cost	
Purchase Cost	Purchase price should be a maximum of 90% of the advertised sales price or independent market valuation. Other purchase costs such as fitout etc.
Holding Costs	These would include loan interest, risk interest and maintenance costs property management fees, insurance etc.
Future Sales Costs	Agent selling fees, valuations costs
Revenue	
Holding Revenue	Rent income from tenant leasing whilst holding.
Rates	Consideration of additional rate revenue provided from the completed development.
Future Sale	Income received from future sale of the property. Future value to be determined by past 5 year average of REIWA growth rates for the relevant suburb.

Financing Purchases

Purchases should only be made via specific external loan borrowings, subject to the City's borrowing limit and financial capacity. The investment is to be supported by a net positive business case. There are limits on the City's capacity to borrow, and consequently an assessment will be made of the City's borrowing limit and financial capacity on a case by case basis. This will also include an assessment of other current or anticipated loan obligations.

HOLDING PERIOD

Uses

The respective property will only be used for a residential purpose. The property will be managed on a commercial basis and leased through a qualified real estate agent for a term of no greater than twelve (12) month periods. This will allow council to consider selling options at regular intervals.

Holding Review

The property value should be reviewed at regular intervals of approximately twelve (12) months to consider whether an opportunity exists to sell. This could align with the tenancy agreements mentioned above. Once the property value has achieved a level to cover associated costs of purchasing and holding costs the property will be listed for sale.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council adopt the Private Apartment Investment Policy as shown in Attachment 1.

AMENDMENT 1

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

Amend the Private Apartment Investment Policy to include Affordable Housing under the Pre-conditions for Purchase section, as follows:

Affordable Housing

Preference will be given to developments providing housing options which support affordability, diversity and disability access. This does not mean that developments not supporting affordable housing options will not be considered.

Amendment carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

To add criteria that ensures preference is given to developments that support affordable housing (where possible) and disability access.

COMMITTEE RECOMMENDATION ITEM FPOL2003-6

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council adopt the Private Apartment Investment Policy (as amended) as shown in Attachment 1.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

FPOL2003-7 BUDGET AMENDMENTS - FEBRUARY 2020

Meeting date: 11 March 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2019/20 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

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

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

Where expenditure has been incurred;

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

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	EV charging point installed. Remaining budget requested to install a containment bay for the temporary storage of road sweeper and gulley cleaner waste as required by Department of Water and Environmental Regulation (DWER)					
	300109.1606	P-10284 Design and construct-EV Charge point	(20,000)		17,500	(2,500)
	399999.1606	P-xxxxx Slab for disposal of sweeper tailings	-		(17,500)	(17,500)
1.2	Establish new budget of \$8,500 for the operating project of Cultural Convergence - sharing our story which is fully funded from Department of Communities grant					
	200xxx.4227	P-xxxxx Cultural Convergence - Sharing our story - Grant	-	8,500		8,500
	200xxx.6823	P-xxxxx Cultural Convergence - Sharing our story – Operating expense	-		(8,500)	(8,500)
1.3	Increase in budget for P-10350 Design and Construct Fremantle Park Sport and Community Centre to include additional works which is fully funded by a contribution from Tennis Australia.					
	300075.1606	P-10350 Design and	(3,673,246)		(68,121)	(3,741,367)

		construct-Fremantle Park Sport and Community Centre				
	300075.4214	P-10350 Design and construct-Fremantle Park Sport and Community Centre	-	68,121		68,121

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

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

- 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 #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
2.1	Reduced scope and budget for P-11876 Renovation of Fremantle Netball Club offset by a reduced contribution by the Netball club for this fully funded project.					
	300154.1606	P11876 - Renovation Fremantle Netball Club – Capital expense	(140,000)		20,000	(120,000)
	300154.4222	P11876 - Renovation Fremantle Netball Club - Grant	140,000	(20,000)		120,000

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-7 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	EV charging point installed. Remaining budget requested to install a containment bay for the temporary storage of road sweeper and gulley cleaner waste as required by Department of Water and Environmental Regulation (DWER)					
	300109.1606	P-10284 Design and construct-EV Charge point	(20,000)		17,500	(2,500)
	399999.1606	P-xxxxx Slab for disposal of sweeper tailings	-		(17,500)	(17,500)
1.2	Establish new budget of \$8,500 for the operating project of Cultural Convergence - sharing our story which is fully funded from Department of Communities grant					
	200xxx.4227	P-xxxxx Cultural Convergence - Sharing our story - Grant	-	8,500		8,500
	200xxx.6823	P-xxxxx Cultural Convergence - Sharing our story – Operating expense	-		(8,500)	(8,500)
1.3	Increase in budget for P-10350 Design and Construct Fremantle Park Sport and Community Centre to include additional works which is fully funded by a contribution from Tennis Australia.					
	300075.1606	P-10350 Design and construct-Fremantle Park Sport and Community Centre	(3,673,246)		(68,121)	(3,741,367)
	300075.4214	P-10350 Design and construct-Fremantle Park Sport and Community Centre	-	68,121		68,121
2.1	Reduced scope of works and budget for P-11876 Renovation of Fremantle Netball Club offset by a reduced contribution from the Netball club for this fully funded project.					
	300154.1606	P11876 - Renovation Fremantle Netball Club – Capital expense	(140,000)		20,000	(120,000)
	300154.4222	P11876 - Renovation Fremantle Netball Club - Grant	140,000	(20,000)		120,000

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

FPOL2003-8

**NOTICE OF MOTION BY CR SAM WAINWRIGHT – REQUEST
FOR CONSULAR SUPPORT FOR JULIAN ASSANGE**

Meeting date:	11 March 2020
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Agenda attachments:	1. Nil
Additional information:	1. Interview with Nils Melzer the UN Special Rapporteur on Torture and Cruel and Degrading Treatment (31 January 2020) 2. Amnesty International statement (21 February 2020)

ELECTED MEMBER SUMMARY

WikiLeaks publisher Julian Assange is in very poor health and threatened with extradition from the UK to the USA to face espionage charges for his publishing activity. If convicted, he faces 175 years imprisonment and therefore needs urgent consular support to help him prepare his defence.

Allowing the extradition of a non-US citizen to face charges for alleged crimes not even committed on US soil would create an extraordinary legal precedent, effectively endorsing US extraterritorial authority over the whole world. It would also amount to a serious attack on free speech and the ability of journalists to do their job.

Amnesty International's Deputy Director for Europe, Massimo Moratti has said the UK must not extradite Mr Assange to the US because of his organisations concerns for his human rights in the event that should happen.

UN Special Rapporteur on Torture and Cruel and Degrading Treatment Nils Melzer has also expressed his grave concern about Mr Assange's conditions of detention and ability to receive a fair trial should he be extradited. In an interview on ABC Radio National Melzer warned that Mr Assange could die in prison before going to trial and asserted that the British Government's handling of the extradition could contravene international human rights law.

A petition initiated by broadcaster Phillip Adams and signed by over 300,000 people calling for the release of Mr Assange was tabled in the federal parliament (on 10 February in the House of Representatives by Andrew Wilkie MP, and in the Senate on 12 February by Senator Peter Whish-Wilson).

Julian Assange is an Australian citizen and as such it is the fundamental responsibility of the Australian Government to ensure his human rights are not violated.

REASON FOR MOTION

In response to a request by community members including the Perth 4 Assange campaign group asking that the City of Fremantle council take a public position on the issue. Similar resolutions have been passed by City of Darebin, City of Yarra, City of Moreland and Byron Shire Council.

OFFICER COMMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-8
(Elected member motion)

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

Council:

- 1. Does not support the extradition of Julian Assange from the UK to the US.**
- 2. Write to the Australian Foreign Affairs Minister requesting that the Australian Government take immediate action to ensure British authorities protect the human rights of Julian Assange and that his health conditions are addressed as a matter of priority.**
- 3. Issue a public statement for dissemination through its regular media channels advising of the council's position and inform the federal member for Fremantle of the same.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

**FPOL2003-9 NOTICE OF MOTION BY CR MARIJA VUJCIC – PROBITY
AUDIT, HOSPITALITY LEASE**

Meeting date: 11 March 2020
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil

ELECTED MEMBER SUMMARY

Oath of Office

".....having being elected to the office of Councillor of the City of Fremantle, declare that I take the office upon myself and will duly, honestly and with integrity fulfill the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the Local Government (rules of conduct) and regulations 2007".

It is incumbent upon us as the elected Councillors and custodians for protecting financial and community interests of Fremantle ratepayers and to scrutinise the process, implications and costs associated with purchases and services which extends to lease negotiations of significant value: financial, community and reputation.

As elected Councillors we are not only duty bound but required to observe the Policy Objective, as stated in the City of Fremantle Investments: Property and Other Non-Current Assets Policy:

"... primary objective in relation to the investment of funds is to maximise the return of those investments to provide an ongoing source of funding to help the City meet its community service obligations and thereby minimise the rate impost on ratepayers...

[Policy] to maximise returns on the City' investments and ensure that the existing investment base is not eroded."

Our City of Fremantle policies and guidelines are predicated on common law and statute legislation which underpin the principles required for transparency, governance, and accountability. In particular, financial arrangements that use and negotiate large amounts of ratepayers' money, require us to exercise a high standard of scrutiny in our fiduciary duty.

As elected Councillors our Oath of Office delegates to us the responsibility and often the burden of making decisions without fear or favour.

Our policies and processes are based on compliance with the Local Government Act, 'the Act' and regulations which clearly articulate the simple Objectives and Principles of good governance achieved through:

- Open and Competitive Tendering
- Ensuring a high level of transparency, probity and accountability
- Open and Competitive tendering
- Ensuring a high level of transparency, probity and accountability
- Adopting a best value approach

- Fulfilment of our fiduciary duty and duty of care to our electors/ constituents who elected us to represent their best interests.

The Local Govt Act, 1995 and the relevant Regulations, require the utmost stringency in the application of due processes that do not expose ratepayers to high levels of risk.

The Risk Management Policy and the Risk Management Guidelines form the City of Fremantle Risk Management Framework. And within that Framework, risk is identified as

“the effect of uncertainty on objectives, and an effect is either a positive or negative deviation from what is expected.

The strong prima facie case points to the major financial variations that have taken place from the original scope and criteria of the EOI.

Therefore, in terms of Reputation, this puts governance into question, and potentially, without independent scrutiny, the City at risk for future financial activity.

In the Risk Management Guidelines, Under Table 1- Risk Reference Consequence Rating:

The Risk Category applied to a Financial Impact of \$1-4 million is Major.

The flow on effects from this are unsubstantial to the community and particularly the Risk Category of Reputation.

The specific Policy under which the City of Fremantle and its Officers are required to comply is the *Leasing of City property in a Competitive Manner* which clearly states:

“This Policy enables interested parties to compete in an open and competitive manner for City land and properties...when they become available for lease. It aims to achieve a strong financial return on investment and strong community outcomes from the City’s property portfolio”.

Councillors are obligated to, in exercising our fiduciary duty, to get the best market value for our investors, the ratepayers. Our role as the community’s representatives requires us to pursue an outcome for this space in alignment with the community’s expectations.

This Motion provides the ‘check and balance’ required to ensure that the right decision is made in the best interests of ratepayers, in an independent review of the process taken since 2018 about the Lease arrangements and negotiations: costs, determination of criteria, variations of arrangements, targets, advertising, everything involved to the recent withdrawal of the proponent and proposal, and its alignment with our purpose and role as protectors of ratepayer monies and interests, and the purpose of the hospitality space for lease within our original criteria for the Civic Building.

The negative feedback from ratepayers is enough reason for Councillors to provide that additional scrutiny that this motion would provide for the City of Fremantle.

If in doubt, then go the extra mile to restore confidence in our elected members.
This Motion provides Councillors with the power to act.

OFFICER COMMENT

An item was presented to the January 2020 ordinary council meeting seeking consideration of terms between the City and proposed tenant to lease the hospitality space within the new civic building in Kings Square. At this meeting council resolved a counter offer proposal.

Officers have presented the counter offer to the proposed tenant and received a counter offer from the proposed tenant.

The proposal from the tenant was outside the parameters of the council decision from January, 2020, and therefore was declined and the propose lease negotiations concluded.

The negotiations for the proposed lease were conducted in accordance with section 3.58 of the Local Government Act 1995. This section states;

“3.58. *Disposing of property*

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

It is considered that a review of probity would need to be undertaken in accordance with the requirements of section 3.58 of the Local Government Act 1995 and decisions made by council in negotiating the conditions of the proposed lease which led to the council decision in January, 2020, albeit that the lease has now not proceeded.

Officers have yet to seek a formal quote to undertake such an audit and it is difficult to do so without specific terms. The cost of such could be estimated to be between \$5,000 and \$10,000.

The City has used a probity auditor in the past. These have been for procurement matters when dealing with multiple tenderers to ensure equity in providing information to tenders, clarifying questions in the tender process and evaluation against the tender criteria. In this instance it is considered more of a process audit of legislation and relevant council policy.

Due to the fact that the specific proposed lease negotiations with Fremantle Doctor Bar and Restaurant Pty Ltd have concluded, officers do not consider an audit of this process necessary in this instance.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-9
(Elected Member motion)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

That Council engage an Independent Probity Auditor to assess the financial, reputational and community risk in the Council's proposed lease for the Civic Building Hospitality Space.

LOST: 0/7

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

12. Urgent business

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

Nil

13. Late items

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

FPOL2003-10 PROPOSED SPECIAL MEETING OF COUNCIL TO CONSIDER MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF ELECTORS

Meeting date:	11 March 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	Nil
Additional information:	Nil

SUMMARY

The purpose of this report is to seek approval for a proposed Special Meeting of Council to consider the motions moved at the Annual General Meeting of Electors (AGME).

This report recommends that Council approves the holding of a Special Meeting of Council on Wednesday, 22 April 2020 at 6.00 pm in the North Fremantle Community Hall, to consider the motions moved at the Annual General Meeting of Electors held on 9 March 2020.

BACKGROUND

The City's Annual General Meeting of Electors/Special Meeting of Electors policy requires the motions moved at the AGME be considered at a Special Meeting of Council. The details of the Special Meeting of Council will be determined at the Ordinary Meeting of Council following the annual general meeting of electors.

FINANCIAL IMPLICATIONS

There are no financial implications related to this report.

LEGAL IMPLICATIONS

Local Government Act 1995
Section 5.4, Calling Council meetings

CONSULTATION

No consultation was undertaken in relation to this report.

OFFICER COMMENT

In order to comply with the requirements of the *Local Government Act 1995* and the Annual General Meeting of Electors / Special Meeting of Electors policy, the special meeting to consider the motions moved at the AGME is to be held before the Ordinary Council Meeting scheduled for 29 April 2020.

There is already a meeting of the Strategic Planning and Transport Committee scheduled for this date, this meeting will be amended to accommodate the Special Council Meeting.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-10 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve to hold a Special Meeting of Council on Wednesday, 22 April 2020 at 6.00 pm in the North Fremantle Community Hall, Fremantle to consider the motions moved at the Annual General Meeting of Electors held on 9 March 2020.

Carried: 6/1

For

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

Against

Cr Andrew Sullivan

14. Confidential business

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

Nil

15. Closure

The Presiding Member declared the meeting closed at 7.42pm.