



Minutes

Ordinary Meeting of Council

Wednesday, 23 September 2020, 6.00pm



Table of Contents

Contents	Page
1 Official opening, welcome and acknowledgment	1
2.1 Attendance	1
2.2 Apologies	1
2.3 Leave of absence	1
3. Applications for leave of absence	2
4. Disclosures of interest by members	2
5. Responses to previous public questions taken on notice	2
6. Public question time	2
7. Petitions	4
8. Deputations	4
8.1 Special deputations	4
8.2 Presentations	4
9. Confirmation of minutes	4
10. Elected member communication	4
11. Reports and recommendations from committees	5
11.1 Planning Committee 2 September 2020	5
11.2 Finance, Policy, Operations and Legislation Committee 9 September 2020	6
FPOL2009-5 PROPOSED PROPERTY LOCAL LAW AMENDMENT 2020	6
FPOL2009-7 ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS POLICY	15
FPOL2009-8 ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER PROFESSIONAL DEVELOPMENT POLICY	20
FPOL2009-9 BUDGET AMENDMENTS - AUGUST 2020	22

FPOL2009-10	STAN REILLY SITE – REVOCATION OF EXISTING MANAGEMENT ORDER	38
C2009-5	SWAN RIVER CROSSING	50
FPOL2009-11	NOTICE OF MOTION - GREEN WASTE RECOVERY – SUBMITTED BY CR SAM WAINWRIGHT	52
11.3 Strategic Planning and Transport Committee 16 September 2020		54
SPT2009-3	PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS	54
SPT2009-4	CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES	58
12. Reports and recommendations from officers		67
C2009-1	MONTHLY FINANCIAL REPORT - AUGUST 2020	67
C2009-2	STATEMENT OF INVESTMENTS – AUGUST 2020	71
C2009-3	SCHEDULE OF PAYMENTS AUGUST 2020	78
13. Motions of which previous notice has been given		80
14. Urgent business		80
15. Late items		80
16. Confidential business		80
C2009-4	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW AUGUST 2020 - CONFIDENTIAL REPORT	81
17. Closure		81

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **Wednesday, 23 September 2020** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Jenny Archibald	East Ward
Cr Su Groome	East Ward
Cr Geoff Graham	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Cr Sam Wainwright	Hilton Ward
Cr Frank Mofflin	Hilton Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Ms Michelle Brennand	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure
Ms Marisa Spaziani	Director People and Culture
Ms Charlie Clarke	Manager Governance
Mr Paul Dunlop	Manager Communications and Events
Ms Tanya Toon-Poynton	Meeting Support Officer

There were approximately 35 members of the public and 1 member of the press in attendance.

2.2 Apologies

Nil

2.3 Leave of absence

Cr Adin Lang

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Cr Frank Mofflin's request for a leave of absence from 5 October 2020 to 11 October 2020 (inclusive) is approved.

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

4. Disclosures of interest by members

Nil

5. Responses to previous public questions taken on notice

Nil

6. Public question time

The following member of the public made a statement and asked a question in relation to a matter not on the agenda, a summary of this question and responses is included below:

Question - Michelle Sheehy (representing the Construction Forestry Maritime Mining Energy Union (CFMEU))

In relation to the EBA negotiations with CFMEU members employed by the City, will the council reaffirm our City's values, of fairness, inclusiveness and compassion, so the parties can come together and negotiate an agreement that removes the clause in dispute and which restores fairness and job security to workers in Fremantle.

Response - Chief Executive Officer

The Chief Executive Officer advised the matter would be going to the Fair Work Commission for conciliation and that the Executive would be further considering the position of the City through that process.

Response - Mayor, Brad Pettitt

Mayor Pettitt advised that Council are unable to deal with the matter but would be briefed by the CEO, to enable better understanding. Mayor Pettitt also noted the process that is underway and his confidence that the process will be undertaken appropriately.

The following members of the public asked questions in relation to the Urgent Business regarding the Swan River Crossing as distributed in the additional documents, a summary of these questions and responses is included below:

Question 1 - Ann Forma

Can Council communicate the result of this vote to relevant government ministers and will it communicate it widely to the media?

Response - Mayor Brad Pettitt

Yes, Council's position will be communicated widely via press release. Council will also write to relevant members of parliament.

Question 2 - Rebecca Clarkson

How will Council show leadership on this issue, and how can you support the community and work in parallel with us?

Response - question taken on notice.

Question 3 - Sandy Clarkson

Have the council been in contact Main Roads and the Commonwealth Governments on the inadequacy of the planning?

Response - Mayor Brad Pettitt

Yes, and Minister Ben Morton has asked the Council to write to him following the meeting letting him know the Council's position on this matter.

Question 4 - Andrew Luobikis

What has been discussed between Council and Main Roads over the consultation period, and can the discussion be detailed in a letter to me?

Response - question taken on notice.

Question 5 - Andrew Luobikis

If the proposed motion is carried, how much will be spent and what kind of budget will be put forward to counter this?

Response - question taken on notice.

The following members of the public spoke in relation to the Urgent Business regarding the Swan River Crossing as distributed in the additional documents:

Ian Ker
Bindi House
Lee Phillips
Michael Tucak

7. Petitions

Cr Doug Thompson presented a petition with 157 signatures requesting that the whole of the Rule Street Park be designated as a “dog off lead’ area, in addition to the pathway along the top of the cliff that is already designated as a “dog off lead’ area.

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council confirm the minutes of the Ordinary Meeting of Council dated 26 August 2020.

Carried: 11/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton

Against

Cr Marija Vujcic

Cr Doug Thompson requested the Chief Executive Officer confirm that the City of Fremantle Minutes are produced in accordance with the requirements of the *Local Government Act 1995* and applicable Regulations.

The Chief Executive Officer confirmed that the Minutes are produced in accordance with the legislation.

10. Elected member communication

Cr Marija Vujcic advised the meeting that she was not comfortable with what had happened at the meeting in relation to the Construction Forestry Maritime Mining Energy Union (CFMEU) and City workers coming to lobby Council. Cr Vujcic commented that she did not think that such matters reflect well on the City.

Cr Vujcic went on to say that she did not think it was a good look for the City to have employees who had worked for the City for 30 years feeling so aggrieved that they needed to come and make a protest at a Council Meeting.

11. Reports and recommendations from committees

11.1 Planning Committee 2 September 2020

Nil.

11.2 Finance, Policy, Operations and Legislation Committee 9 September 2020

FPOL2009-5 PROPOSED PROPERTY LOCAL LAW AMENDMENT 2020

Meeting date:	9 September 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	Local Government Property Local Law showing proposed amendments
Additional information:	Nil

SUMMARY

This report seeks Council approval to initiate amendment of the City of Fremantle Local Government Property Local Law 2002; by making a City of Fremantle Local Government Property Amendment Local Law 2020 in accordance with Section 3.12 of the *Local Government Act 1995*:

This report recommends Council approve public notice be given, in accordance with the *Local Government Act 1995*, of its intention to make a City of Fremantle Property Amendment Local Law 2020, the purpose and effect of which is as follows:

- Purpose:** To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.
- Effect:** To establish the requirements with which any person using or being on all local government property within the district, must comply.

BACKGROUND

Section 3.5 of the *Local Government Act 1995* confers the legislative function of local government to make local laws under the *Local Government Act 1995* in addition to the legislative power to make local laws conferred on local governments by any other written law. A local law made under this section, is inoperative to the extent that it is inconsistent with the *Local Government Act 1995* or any other written law.

Where a power to make a local law is conferred on a local government, regulations usually prescribe the permitted content of the local law, to ensure provisions are not deemed ultra vires. WALGA and some relevant State departments, produce a number of model local laws based on the permitted content. Council may then choose to include or exclude the content in the adopted local law for the district; however, the content of the local law cannot alter the provisions of the primary legislation.

In reviewing the City of Fremantle Leisure centre operations in line with the Department of Health and Royal Life Saving Society's codes of practice and guidelines for safe pool operations, and uncertainty relating to lost and abandoned property on Fremantle local government property it is considered that the City's Property Local Law contains some provisions that are outdated and do not align with best practice provisions specifically for the operation of swimming pool management but also in some other areas of the local law.

In addition to updating some provisions in the local law it is considered desirable to adopt a new provision to enable the City to make a determination controlling smoking in specific areas of local government property. With the ongoing development in the City and the existing preference for the City's property to be available to be used for social activities for all it is considered desirable to be able to restrict certain areas of local government property to smoke free areas. It is anticipated that smoke free areas will improve the amenity in Fremantle by reducing litter from cigarette butts and to eliminate exposure to cigarette smoke by users of local government property.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that for the purposes of Section 3.12 of the *Local Government Act 1995*, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

The purpose and effect of the *City of Fremantle Property Amendment Local Law 2020* are as follows:

Purpose: To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.

Effect: To establish the requirements with which any person using or being on all local government property within the district, must comply.

In accordance with Section 3.12(3) of the *Local Government Act 1995*, the City is required to give local public notice of the proposed City of Fremantle Property Amendment Local Law 2020 inviting submissions for a period of no less than six (6) weeks after the notice is given.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report. However by providing the City with the ability to make a determination to prohibit a certain activity from local government property in the district, any determination made will have financial implications relating to resourcing the enforcement of that determination.

LEGAL IMPLICATIONS

If Council resolves to amend the local law, the procedure is the same as the procedure for making a local law and is set out in Section 3.12 of the *Local Government Act 1995*, as summarised below:

- **Council initiate process** - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) *Local Government (Functions and General) Regulations 1996*
- **Local public notice** – s3.12(3) of the Act

- **Notification to the Minister** - s3.12(3)(b) of the Act
- **Considering Submissions** – s3.12(4) of the Act
- **Gazettal notice** – s3.12(5) of the Act
- **Giving public notice** – s3.12(6) of the Act
- **Explanatory Memoranda** – s3.12(7) of the Act
- **Commencement of local laws** - s3.14 of the Act
- **Review by Government** - s3.17 of the Act

CONSULTATION

This report is seeking council approval to initiate the process to amend the City of Fremantle Local Government Property Local Law in accordance with the Local Government Act 1995. The City will give local public notice for at least a six week period, identifying where and during which hours (if appropriate) the proposed local law can be viewed.

OFFICER COMMENT

City officers evaluated the content of the current local law, looking specifically at:

- What can be included in the local law
- What provisions are working
- What provisions are not working, and why?
- What is permitted to be included in the local law and what do we need/want in the local law?

In comparison with the sector position and trends, officers also considered the following:

- Resource and budget requirements needed to enforce the provisions of the local law.
- Community requirements, including ease of understanding and improved amenity for all.

City officers drafted the amendments to the Local Law, considering the above criteria the amendments to the Local Law will provide the mechanism to control additional activities on local government property, including by way of determination.

The proposed changes are detailed in the below table and the City of Fremantle Local Government Property Local Law 2002 (consolidated) is attached to this report, with green text highlighting the proposed additions and red, struck through text highlighting the proposed removals.

As a point of clarification, this report is not recommending that smoking be banned on all local government property, but that the City be able to make a determination relating to specific areas, where it is believed that banning smoking where it is causing significant adverse environmental impacts due to cigarette butts or it is in the interest of better community health and amenity.

Council Report explanatory table		
Amendment		Justification
2.8 (k) New subclause	(k) smoking in an area designated by the City as an area that smoking is prohibited.	This amendment is intended to allow the City to make a determination to prohibit smoking in specific areas of the City as sign posted.
3.2 (5) Amend clause	(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.	This amendment is intended to clarify the expectations relating to the responsibility of permit applicants to comply with all provisions as required by the City.
3.3 (4) new clause	(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.	This amendment is intended to allow the City to amend permit conditions when necessary.
3.9 (2) Amend clause	(2) The provisions of this Part shall apply to an application for the renewal of a permit mutatis mutandis as though it was a new application for a permit.	This amendment is intended to promote 'plain English' principles.
4.1 (1)(c) New subclause	(1) A person shall not in or on any local government property behave in a manner which – (a) is likely to interfere with the enjoyment of a person who might use the property; or (b) interferes with the enjoyment of a person using the property. (c) places the public at risk or interferes with the safety of others.	This amendment is intended to expand restrictions on behaviour on local government property that places the public at risk or interferes with the safety of others.
4.3 Amend Title	4.3 Taking, or injuring or damaging any fauna or flora	This amendment is intended to include flora within the clause to allow the local government to issue a penalty for the damage/removing flora or fauna from local government property.
4.3 (3) & (4) New clauses	(3) A person must not remove or damage or attempt to remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the local government. (4) In this clause "flora" means all vascular plants.	This amendment is intended to include flora within the clause to allow the local government to better protect both flora and fauna on local government property and to issue a penalty for the damage/removal of flora or fauna from local government property.

<p>Delete Part 5, Division 1</p>	<p>Division 1 – Swimming pool areas 5.1 – When entry must be refused</p> <p>(1) – A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –</p> <p>(a) – in her or his opinion is –</p> <p>(i) – under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;</p> <p>(ii) – suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or</p> <p>(iii) – under the influence of liquor or a prohibited drug; or</p> <p>(b) – is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.</p> <p>5.2 – Consumption of food or drink may be prohibited</p> <p>(1) – A person shall not consume any food or drink in an area where consumption is prohibited by a sign.</p>	<p>Aquatic Facilities are governed by the following legislation and Code. Where a local law is inconsistent with the legislation, or legislated code, by default, it is invalid.</p> <p>The provisions in the City’s local law are inconsistent with the prevailing legislation and are considered redundant.</p> <ul style="list-style-type: none"> • Health (Miscellaneous Provisions) Act 1911 • Health (Aquatic Facilities) Regulations 2007 <p>“Code means the “Code of practice for the design, construction, operation, management and maintenance of aquatic facilities”, published by the Chief Health Officer under the Act on 1 June 2007 as amended by the Chief Health Officer from time to time, and any code of practice under the Act that replaces the Code;</p> <p>6. Adoption of Code and relationship to these regulations</p> <p>(1) The Code is adopted to the extent to which it is applied by these regulations.</p> <p>(2) These regulations prevail over the provisions of the Code to the extent to which the provisions of the Code are inconsistent with these regulations.”</p> <ul style="list-style-type: none"> • Department of Health – Code of Practice for the design, Construction, Operation, Management & Maintenance of Aquatic Facilities
<p>Update title</p>	<p>Division 2 Division 1 - Beaches</p>	<p>Amending a title.</p>
<p>Renumber clauses</p>	<p>Renumber existing clauses 5.3 – 5.6 AS 5.1 – 5.4 respectively</p>	<p>Renumbering</p>

Delete Part 5, Division 4	<p>Division 4 – Toilet blocks and change rooms</p> <p>5.7 – Only specified gender to use entry of toilet block or change room</p> <p>(1) – Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –</p> <p>(a) – females, then a person of the male gender shall not use that entry of the toilet block or change room; or</p> <p>(b) – males, then a person of the female gender shall not use that entry of the toilet block or change room.</p>	This local law allows the City to erect signage if conditions of use are necessary. Therefore, this provision is considered unnecessary.
Update Title	Division 5 Division 4 - Golf course	Amending a title.
Renumber clauses	Renumber existing clauses 5.8 and 5.9 AS 5.5 and 5.6 respectively	Renumbering
9.2 (1) Replace clause	<p>(1) – An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.</p> <p>(1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –</p> <p>(a) refuse to allow that person to enter local government property; and</p> <p>(b) if the person is on local government property, direct the person to leave the local government property.</p> <p>(2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.</p> <p>(3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.</p>	This amendment is intended clarify the conditions by which the City may address any potential anti-social activity by enabling authorised officers to restrict access of individuals to local government

<p>9.3 (1) Replace clause</p>	<p>(1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.</p> <p>(1) An article left on any local government property, and not claimed within a period of 1 month, may be disposed of by the CEO or an authorised person –</p> <p>(a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the local government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;</p> <p>(b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner they think fit; or</p> <p>(c) in any other case, by donation to a not for profit body incorporated under the Associations Incorporations Act 1987.</p>	<p>This amendment is intended to clarify the way in which any unclaimed property left on local government property may be disposed of.</p>
<p>New penalties</p>	<p>8 4.3(1) - Taking or injuring any fauna -125 9 4.3(3) - Removing or damaging any flora - 125</p>	<p>Introduction of 2 new penalties relating to the taking or injuring of flora or fauna from local government property.</p>
<p>Renumber Penalties</p>	<p>Renumber existing penalties 8 - 27 AS 10 - 29 respectively</p>	<p>Renumbering</p>

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2009-5 **(Officer’s recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve public notice be given, in accordance with the *Local Government Act 1995*, of its intention to make a City of Fremantle Property Amendment Local Law 2020, the purpose and effect of which is as follows:

Purpose: To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.

Effect: To establish the requirements with which any person using or being on all local government property within the district, must comply.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

To amend new clause 3.3 (4) of the proposed Property Local Law Amendment 2020 to read:

- (4) The local government may, at any time, amend a condition of approval and the amended condition takes effect 30 days when after written notice of it is given to the permit holder.

Amendment carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

PROCEDURAL MOTION

At 6.38 the following procedural motion was moved:

COUNCIL DECISION ITEM FPOL2009-5

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

The item be deferred to the Finance, Policy, Operations and Legislation Committee meeting on Wednesday, 14 October 2020 to enable officers to prepare a further amendment to the proposed local law.

Carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

Reason for deferral:

Officers are seeking further legal advice on the definition of “local government property”, therefore it is recommended that this item be deferred to the next Finance, Policy, Operations and Legislation Committee meeting for officers to prepare the appropriate amendments prior to consideration of public notice being given.

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

The following items be adopted en bloc as recommended:

FPOL2009-7 Adoption of City of Fremantle Elected Member and Chief Executive Officer Attendance at Events policy.

FPOL2009-8 Adoption of City of Fremantle Elected Member Professional Development Policy.

Carried en bloc: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

**FPOL2009-7 ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER AND
CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS POLICY**

Meeting date:	9 September 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	1. Elected Member and Chief Executive Officer Attendance at Events Policy
Additional information:	Nil

SUMMARY

Following review of the Local Government Act 1995, local governments are now required to adopt an Elected Member and Chief Executive Officer Attendance at Events Policy.

This report recommends that Council adopt the Elected Member and Chief Executive Officer Attendance at Events Policy (attachment 1) which will replace the Attendance at Events and Functions Policy.

BACKGROUND

In 2017, a review of the Local Government Act 1995 (the Act) was announced. On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament.

The amendments to the Act included a new gifts framework and the requirement for all Local Governments to develop and publish a policy covering the attendance of the Mayor, Elected Members and the Chief Executive Officer at events. The Department of Local Government, Sport and Cultural Industries explained the reasons for change: -

“It is important that Council members and Chief Executive Officers make decisions – and are seen to be making decisions – free from influence.

The amendments also recognise that there is a valid role for Council members in attending events but makes this a decision of Council in accordance with a published policy.”

Given the important role of elected members and the Chief Executive Officer as decision makers in positions of power, the new framework is purported to reflect the community’s expectations that decision makers in local government are free from improper influence.

The City of Fremantle had an existing policy prior to the legislated changes; however, as there have been some additional requirements set out in the amendments, a new policy has been developed for consideration by Council.

In the main, a gift or ticket to, or that otherwise relates to a person’s attendance at, an event that is in accordance with the policy will be exempt from the new conflict of interest provisions at meetings, that have also been introduced.

As per the new requirements of the Act the Elected Member (or Chief Executive Officer) who accepts a ticket under the new policy will not be required to disclose the interest at a meeting where the donor has a matter before Council and will be able to participate in the decision-making process (or the provision of advice to Council for the Chief Executive Officer).

FINANCIAL IMPLICATIONS

Some of the events contained within the policy will have a financial cost associated with attendance. Once the final policy is adopted, the City can consider the impact of these financial costs through the annual budget review process.

LEGAL IMPLICATIONS

All Western Australian local governments are required to adopt a policy around the attendance of elected members and the Chief Executive Officer at events. Failure for the City to adopt a policy would put the City in breach of its legislative obligations.

The new section 5.90A of the Act that relates to the need for a policy is detailed as follows:

“5.90A. Policy for attendance at events

- (1) In this section —
 - event** includes the following —
 - (a) a concert;
 - (b) a conference;
 - (c) a function;
 - (d) a sporting event;
 - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
 - (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.

* Absolute majority required.

- (3) A local government may amend* the policy.

* Absolute majority required.

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government’s official website.”

CONSULTATION

The City has updated Elected Members during the process of legislative amendment to raise awareness of the requirement to adopt this policy.

OFFICER COMMENT

In accordance with the section 5.62(1B) of the Act attendance at an event in accordance with this policy will exclude the Elected Member from the requirement to disclose an interest when the donor of the ticket has a matter before Council (or a committee).

However elected members and the Chief Executive Officer still have gift disclosure obligations under the Act.

In view of this, the policy reflects even though elected members are exempt from disclosing interests relating to gifts exempted by the policy elected members and the Chief Executive Officer still have gift disclosure requirements under sections 5.87A – 5.87C of the Act.

Changes to the Act also mean that the notifiable and prohibited gift limits that used to apply to elected members under the Local Government (Rules of Conduct) Regulations 2007 have been removed, meaning elected members are no longer restricted by previous gift limits.

Exemptions:

One of the complexities associated with the new provisions introduced in the Act, is that the definition of an “event” includes conferences. Elected Members and the Chief Executive Officer are entitled to attend conferences and training events to further their professional development and provisions are already in place under the Elected Members’ Professional Development Policy and internal protocols for the Chief Executive Officer.

It is therefore suggested the policy provisions be excluded to apply to conferences and training events that are covered under other approved documents of the City.

It is also recommended that the policy does not apply where an Elected Member or the Chief Executive Officer is the City’s representative on a board or external organisation where the Elected Member or the Chief Executive Officer is required to attend an event for the purposes of fulfilling their role on the board or external organisation.

Gifts:

In a legislative sense, the acceptance of a ticket to an event could be considered a ‘gift’ as per the definition under the Act. However, one of the difficulties presented to local governments is the highly legalistic definition of a “gift” under the Act, and the way that it applies to elected members and the Chief Executive Officer in terms of disclosure requirements and the application of the requirements under the new policy.

As per section 5.57 of the Act, a gift is defined in the following way:

“**gift** means:

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution.”

In essence a ‘gift’, has three components:

1. Any disposition of property, or the conferral of any other financial benefit.
2. Made by one person in favour of another.
3. Without ‘adequate’ consideration passing from the recipient to the donor.

In the definition of ‘gift’, while the first two components above are relatively easy to determine, the third component of consideration is an important and crucial concept in terms of whether something is a gift or not. In plain terms consideration is ‘something of value’ to a person.

With any gift therefore it is necessary to assess:

1. the value of the gift received by the Elected Member or the Chief Executive Officer
2. the value of any consideration, if any, passing from that Elected Member or employee to the person (or organisation) providing the gift.

There are often significant practical difficulties in determining each of those two values. However, if the value of the second outweighs the value of the first, it is not deemed a gift.

This is an important concept in terms of where an elected member accepts a ticket and is performing their role at an event as a community representative (such as where they may network and liaise with community individuals / groups within the district).

Clarification within the policy has been attempted in circumstances where the attendance at an event by an Elected Member would be seen to be in the fulfilment of their role as an Elected Member.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL2009-7
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Adopts the Elected Member and Chief Executive Officer Attendance at Events Policy (attachment 1).**
- 2. Deletes the Attendance at Events and Functions Policy.**

Carried by absolute majority, en bloc: 12/0
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

**FPOL2009-8 ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER
PROFESSIONAL DEVELOPMENT POLICY**

Meeting date: 9 September 2020
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: 1. Elected Member Professional Development Policy
Additional information: Nil

SUMMARY

Following the review of the Local Government Act 1995 local governments are required to adopt an Elected Member Professional Development Policy. The City of Fremantle has an existing policy prior to the legislated changes; however, as there have been some additional requirements set out in the amendments a new policy has been developed for consideration by Council.

This report recommends that Council adopt the Elected Member Professional Development Policy shown at attachment 1 which will replace the Elected Member Professional Development Policy 2018.

BACKGROUND

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed by parliament. The Amendment Act addressed the complex and significant role that the Mayor and Elected Members take on when elected to Council.

One of the significant changes to the Act included an introduction of compulsory universal training for candidates and Elected Members. The changes to the Act also require the City to endorse a policy on continuing professional development for Elected Members.

FINANCIAL IMPLICATIONS

The financial implications to the City are not known yet but there will be costs associated with training and professional development. These additional costs will be addressed during the Budget Review process.

LEGAL IMPLICATIONS

Section 5.128 of the Local Government Act 1995 provides that Council is required to adopt, by an absolute majority of council, an Elected Member Professional Development Policy. Council are also required to review this policy after each ordinary election under this Section.

The Chief Executive Officer is required to publish an up-to-date version of this policy on the City's official website.

CONSULTATION

The City has updated Elected Members during the process of legislative amendment to raise awareness of the requirement for compulsory training and the requirement to update the City's Elected Member Professional Development Policy.

This Policy has been referred through McLeod's Solicitors for feedback and review before presentation to Council for consideration.

OFFICER COMMENT

The Mayor and Elected Members of the City of Fremantle will be required to undertake compulsory training within 12 months of being elected to Council. The compulsory training focuses on five core units:-

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interests; and
- Understanding financial reports and budgets.

It is estimated that the training will take between five and ten days to complete and once completed is valid for five years.

Elected Members will be exempt from undertaking compulsory training if they have completed any of the following courses within the last five years:-

- Council Member Essentials;
- 52756WA - Diploma of Local Government (Elected member); or
- LGASS00002 - Elected Member Skill Set.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL2009-8 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Adopt the Elected Member Professional Development Policy as included at attachment 1.**
- 2. Delete the Elected Member Professional Development Policy 2018.**

Carried by absolute majority, en bloc: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

FPOL2009-9 BUDGET AMENDMENTS - AUGUST 2020

Meeting date: 9 September 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2020/2021 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 2020/21 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2020/2021 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 July 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 2020/2021 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	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
1.1	Additional Grant funding received for Federal Domestic Violence to fund junior solicitor and upgrade IT software at Fremantle Legal Centre.					
	100553.4321	Provide Legal Aid - Family + Domestic Violence	127,643	108,274		235,917
	100553.7111	Provide Legal Aid - Family + Domestic Violence	(84,152)		(60,334)	(144,486)
	100553.7143	Provide Legal Aid - Family + Domestic Violence	(9,407)		(8,740)	(18,147)
	100553.7144	Provide Legal Aid - Family + Domestic Violence	(1,866)		(600)	(2,466)
	100553.6823	Provide Legal Aid - Family + Domestic Violence	(400)		(18,600)	(19,000)
	200xxx.6823	P - Upgrade IT software Fremantle Legal Centre	0		(20,000)	(20,000)

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

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

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

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
2.1	The City of Fremantle, together with Town of Mosman Park and in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to continue the coastal monitoring program for Port, Leighton and Mosman beaches. Implementing the coastal monitoring program was recommended in the Coastal Adaptation Plan adopted by Council in 2017, and will provide critical data for use in the coastal adaptation design and implementation for Port Beach. This budget adjustment will enable the City to match partner contributions and meet the conditions of grant and allow the City to accept the grant.					
	200466.6824	P-11708 Plan – Coastal monitoring			(37,500)	(37,500)
	200466.4313	P-11708 Plan – Coastal monitoring		11,932		11,932
	200466.3915	P-11708 Plan – Coastal monitoring - Muni Surplus 19/20		135		135
	200467.3911	P-11708 Plan – Coastal monitoring - Muni Surplus 20/21		6,683		6,683
	200466.4327	P-11708 Plan – Coastal monitoring		18,750		18,750
2.2	As requested by Council in December 2019, the City of Fremantle, in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to complete the design component of the Port Beach Coastal Adaptation Option. This budget adjustment will enable the City to match partner contributions and meet the conditions of the grant and allow the City to accept the grant.					
	300110.1606	P-11823 Design and construct-Port Beach coastal adaptation	(29,564)	0	(25,484)	(55,048)
	300110.3915	P-11823 Design and construct-Port Beach coastal adaptation	25,000	0	0	25,000
	300110.4226	P-11823 Design and construct-Port Beach coastal adaptation	0	13,384	0	13,384
	300110.4299	P-11823 Design and construct-Port Beach coastal adaptation	4,564	0	0	4,564
	300110.4313	P-11823 Design and construct-Port Beach coastal adaptation	0	6,050	0	6,050
	300110.3911	P-11823 Design and construct-Port Beach coastal adaptation - Muni contribution 20/21	0	6,050	0	6,050

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	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
3.1	<p><u>Unspent Municipal Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>The carry forward projects with an adjustment to unspent municipal funds for 20-21 are:</p> <ul style="list-style-type: none"> P-11842 Design and construct-Westgate Mall courtyard P-11884 Design and Construct -Recycle Shop P-11867 Design-Booyeembara Part-Mountain Bike Trail 													
	300119.1606	P-11842 Design and construct-Westgate Mall courtyard	(34,703)		(2,077)	(36,780)								
	300119.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$36,780</td> </tr> <tr> <td>Total</td> <td>\$36,780</td> </tr> </table>	Unspent muni	\$36,780	Total	\$36,780								
	Unspent muni	\$36,780												
Total	\$36,780													
	300160.1606	P11884 Design and Construct - Recycle Shop	(6,000)		120	(5,880)								
	300160.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$5,880</td> </tr> <tr> <td>Total</td> <td>\$5,880</td> </tr> </table>	Unspent muni	\$5,880	Total	\$5,880								
	Unspent muni	\$5,880												
Total	\$5,880													
	200782.1606	P-11867 Design-Booyeembara Part-Mountain Bike Trail	(5,930)		4,091	(1,839)								
	200782.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$1,839</td> </tr> <tr> <td>Total</td> <td>\$1,839</td> </tr> </table>	Unspent muni	\$1,839	Total	\$1,839								
	Unspent muni	\$1,839												
Total	\$1,839													
3.2	<p><u>Grant/Unspent Grant Funded Carried Forward Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>Carry forward projects with an adjustment to unspent grant funds for 20-21 are:</p> <ul style="list-style-type: none"> Operate volunteering program P-11879 -Design and construct -Rockwall Port Beach <p>Carry forward projects with further grant funds to be received in 20-21 are:</p> <ul style="list-style-type: none"> P11876 - Renovation Fremantle Netball Club 													
	100474.6823	Operate volunteering program												
	100474.4399	<table border="1"> <tr> <td>Grant 20/21</td> <td>\$34,836</td> </tr> <tr> <td>Muni 20/21</td> <td>\$3,289</td> </tr> <tr> <td>Unspent grant</td> <td>\$1,240</td> </tr> <tr> <td>Total</td> <td>\$39,365</td> </tr> </table>	Grant 20/21	\$34,836	Muni 20/21	\$3,289	Unspent grant	\$1,240	Total	\$39,365	(38,125)		(1,240)	(39,365)
	Grant 20/21	\$34,836												
Muni 20/21	\$3,289													
Unspent grant	\$1,240													
Total	\$39,365													
100474.4328														
	300163.1606	P-11879 -Design and construct - Rockwall Port Beach	(65,294)		(6,556)	(71,850)								
	300163.4299	<table border="1"> <tr> <td>Unspent grant</td> <td>\$35,925</td> </tr> <tr> <td>Unspent muni</td> <td>\$35,925</td> </tr> <tr> <td>Total</td> <td>\$71,850</td> </tr> </table>	Unspent grant	\$35,925	Unspent muni	\$35,925	Total	\$71,850						
	Unspent grant	\$35,925												
	Unspent muni	\$35,925												
Total	\$71,850													
300163.3915														

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
	300154.1606 300154.4222	P11876 - Renovation Fremantle Netball Club <table border="1"> <tr> <td>Grant 20-21</td> <td>\$18,690</td> </tr> <tr> <td>Total</td> <td>\$18,690</td> </tr> </table>	Grant 20-21	\$18,690	Total	\$18,690	0		(18,690)	(18,690)				
Grant 20-21	\$18,690													
Total	\$18,690													
3.3	<p><u>Multiyear Projects – Kings Square</u> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> • P-10297 Construct-Walyalup Civic Centre and Library • P-10295 Design and construct - Newman Court public realm • P-11680 Design and construct - Kings Sq playspace 													
	300000.1606 300000.3923 300000.3914	P-10297 Construct-Walyalup Civic Centre and Library <table border="1"> <tr> <td>Unspent Loan</td> <td>\$591,826</td> </tr> <tr> <td>Investment Reserve</td> <td>\$18,154,064</td> </tr> <tr> <td>Total</td> <td>\$18,745,890</td> </tr> </table>	Unspent Loan	\$591,826	Investment Reserve	\$18,154,064	Total	\$18,745,890	(14,000,000)		(4,745,890)	(18,745,890)		
Unspent Loan	\$591,826													
Investment Reserve	\$18,154,064													
Total	\$18,745,890													
	300085.1606 300085.3923	P-10295 Design and construct - Newman Court public realm <table border="1"> <tr> <td>Investment Reserve</td> <td>\$1,508,359</td> </tr> <tr> <td>Total</td> <td>\$1,508,359</td> </tr> </table>	Investment Reserve	\$1,508,359	Total	\$1,508,359	(1,498,029)		(10,330)	(1,508,359)				
Investment Reserve	\$1,508,359													
Total	\$1,508,359													
	300051.1606 300051.3915 300051.4223	P-11680 Design and construct - Kings Sq playspace <table border="1"> <tr> <td>Grant 20-21</td> <td>\$342,000</td> </tr> <tr> <td>Unspent Muni</td> <td>\$71,385</td> </tr> <tr> <td>Muni 20-21</td> <td>\$258,000</td> </tr> <tr> <td>Total</td> <td>\$671,385</td> </tr> </table>	Grant 20-21	\$342,000	Unspent Muni	\$71,385	Muni 20-21	\$258,000	Total	\$671,385	(671,403)		18	(671,385)
Grant 20-21	\$342,000													
Unspent Muni	\$71,385													
Muni 20-21	\$258,000													
Total	\$671,385													
3.4	<p><u>Reserve Funded Projects</u> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> • P-11843 Design and construct- Markets Building Services • P-11670 Design and construct-Leisure Centre Pool Roof 													
	300121.1606 300121.3923	P-11843 Design and construct- Markets Building Services <table border="1"> <tr> <td>Fremantle Market Conservation Reserve</td> <td>\$223,800</td> </tr> <tr> <td>Total</td> <td>\$223,800</td> </tr> </table>	Fremantle Market Conservation Reserve	\$223,800	Total	\$223,800	(222,600)		(1,200)	(223,800)				
Fremantle Market Conservation Reserve	\$223,800													
Total	\$223,800													
	300123.1606 300123.3923	P-11670 Design and construct- Leisure Centre Pool Roof <table border="1"> <tr> <td>Leisure Centre</td> <td>\$57,600</td> </tr> </table>	Leisure Centre	\$57,600	(19,535)		(38,065)	(57,600)						
Leisure Centre	\$57,600													

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
		Upgrade Reserve				
		Total	\$57,600	\$223,800	Total	

End of financial year adjustments for 30 June 2020 are still ongoing therefore further budget amendments for carried forward projects will be presented to Council next month. Once completed the final overall effect on the end of year surplus, unspent grant funds and reserve funds movements for carried forward projects will be reported to Council through the budget amendment report.

4. Budget amendment to release quarantined base operating expenditure

Through the budgetary process it was requested that \$15,000 be quarantined in the base operating budget and further information be brought back to Council on the sponsorship of the Fremantle Chamber of Commerce Business Awards.

The City supports the Business Awards every year via sponsorship of three award categories (Sustainability Initiative Award, Contribution to Fremantle Award, Leadership Award). The awards recognise the achievements and contribution of exceptional Fremantle businesses to the community. The contribution from the City is \$10,000 (excl. GST). The City's sponsorship of the awards is an important demonstration of support for both the Chamber and the Fremantle business community and the awards event also provides an important opportunity to connect and engage with business community stakeholders. The Chamber has confirmed that the awards dinner will be going ahead this year and as such the City intends to sponsor the awards to the amount of \$10,000 (excl. GST). The remaining \$5,000 will be rolled back into the Economic Development program.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2009-9 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve the required budget amendments to the adopted budget for 2020/2021 as outlined below:

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
1.1	Additional Grant funding received for Federal Domestic Violence to fund junior solicitor and upgrade IT software at Fremantle Legal Centre.					
	100553.4321	Provide Legal Aid - Family + Domestic Violence	127,643	108,274		235,917

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
	100553.7111	Provide Legal Aid - Family + Domestic Violence	(84,152)		(60,334)	(144,486)
	100553.7143	Provide Legal Aid - Family + Domestic Violence	(9,407)		(8,740)	(18,147)
	100553.7144	Provide Legal Aid - Family + Domestic Violence	(1,866)		(600)	(2,466)
	100553.6823	Provide Legal Aid - Family + Domestic Violence	(400)		(18,600)	(19,000)
	200xxx.6823	P - Upgrade IT software Fremantle Legal Centre	0		(20,000)	(20,000)
2.1	The City of Fremantle, together with Town of Mosman Park and in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to continue the coastal monitoring program for Port, Leighton and Mosman beaches. Implementing the coastal monitoring program was recommended in the Coastal Adaptation Plan adopted by Council in 2017, and will provide critical data for use in the coastal adaptation design and implementation for Port Beach. This budget adjustment will enable the City to match partner contributions and meet the conditions of grant and allow the City to accept the grant.					
	200466.6824	P-11708 Plan – Coastal monitoring			(37,500)	(37,500)
	200466.4313	P-11708 Plan – Coastal monitoring		11,932		11,932
	200466.3915	P-11708 Plan – Coastal monitoring - Muni Surplus 19/20		135		135
	200467.3911	P-11708 Plan – Coastal monitoring - Muni Surplus 20/21		6,683		6,683
	200466.4327	P-11708 Plan – Coastal monitoring		18,750		18,750
2.2	As requested by Council in December 2019, the City of Fremantle, in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to complete the design component of the Port Beach Coastal Adaptation Option. This budget adjustment will enable the City to match partner contributions and meet the conditions of the grant and allow the City to accept the grant.					

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget				
	300110.1606	P-11823 Design and construct-Port Beach coastal adaptation	(29,564)	0	(25,484)	(55,048)				
	300110.3915	P-11823 Design and construct-Port Beach coastal adaptation	25,000	0	0	25,000				
	300110.4226	P-11823 Design and construct-Port Beach coastal adaptation	0	13,384	0	13,384				
	300110.4299	P-11823 Design and construct-Port Beach coastal adaptation	4,564	0	0	4,564				
	300110.4313	P-11823 Design and construct-Port Beach coastal adaptation	0	6,050	0	6,050				
	300110.3911	P-11823 Design and construct-Port Beach coastal adaptation - Muni contribution -20/21	0	6,050	0	6,050				
3.1	<p><u>Unspent Municipal Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>The carry forward projects with an adjustment to unspent municipal funds for 20-21 are:</p> <ul style="list-style-type: none"> P-11842 Design and construct-Westgate Mall courtyard P-11884 Design and Construct -Recycle Shop P-11867 Design-Booyeembara Part-Mountain Bike Trail 									
	300119.1606 300119.3915	P-11842 Design and construct-Westgate Mall courtyard	(34,703)		(2,077)	(36,780)				
		<table border="1"> <tr> <td>Unspent muni</td> <td>\$36,780</td> </tr> <tr> <td>Total</td> <td>\$36,780</td> </tr> </table>	Unspent muni	\$36,780	Total	\$36,780				
Unspent muni	\$36,780									
Total	\$36,780									
	300160.1606 300160.3915	P11884 Design and Construct -Recycle Shop	(6,000)		120	(5,880)				
		<table border="1"> <tr> <td>Unspent muni</td> <td>\$5,880</td> </tr> <tr> <td>Total</td> <td>\$5,880</td> </tr> </table>	Unspent muni	\$5,880	Total	\$5,880				
Unspent muni	\$5,880									
Total	\$5,880									
	200782.1606 200782.3915	P-11867 Design-Booyeembara Part-Mountain Bike Trail	(5,930)		4,091	(1,839)				
		<table border="1"> <tr> <td>Unspent muni</td> <td>\$1,839</td> </tr> <tr> <td>Total</td> <td>\$1,839</td> </tr> </table>	Unspent muni	\$1,839	Total	\$1,839				
Unspent muni	\$1,839									
Total	\$1,839									
3.2	<p><u>Unspent Grant Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>Carry forward projects with an adjustment to unspent grant funds for 20-21 are:</p> <ul style="list-style-type: none"> Operate volunteering program P-11879 -Design and construct -Rockwall Port Beach 									

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
	Carry forward projects with further grant funds to be received in 20-21 are: <ul style="list-style-type: none"> P11876 - Renovation Fremantle Netball Club 													
	100474.6823 100474.4399 100474.4328	Operate volunteering program <table border="1"> <tr> <td>Grant 20/21</td> <td>\$34,836</td> </tr> <tr> <td>Muni 20/21</td> <td>\$3,289</td> </tr> <tr> <td>Unspent grant</td> <td>\$1,240</td> </tr> <tr> <td>Total</td> <td>\$39,365</td> </tr> </table>	Grant 20/21	\$34,836	Muni 20/21	\$3,289	Unspent grant	\$1,240	Total	\$39,365	(38,125)		(1,240)	(39,365)
Grant 20/21	\$34,836													
Muni 20/21	\$3,289													
Unspent grant	\$1,240													
Total	\$39,365													
	300163.1606 300163.4299 300163.3915	P-11879 -Design and construct - Rockwall Port Beach <table border="1"> <tr> <td>Unspent grant</td> <td>\$35,925</td> </tr> <tr> <td>Unspent muni</td> <td>\$35,925</td> </tr> <tr> <td>Total</td> <td>\$71,850</td> </tr> </table>	Unspent grant	\$35,925	Unspent muni	\$35,925	Total	\$71,850	(65,294)		(6,556)	(71,850)		
Unspent grant	\$35,925													
Unspent muni	\$35,925													
Total	\$71,850													
	300154.1606 300154.4222	P11876 - Renovation Fremantle Netball Club <table border="1"> <tr> <td>Grant 20-21</td> <td>\$18,690</td> </tr> <tr> <td>Total</td> <td>\$18,690</td> </tr> </table>	Grant 20-21	\$18,690	Total	\$18,690	0		(18,690)	(18,690)				
Grant 20-21	\$18,690													
Total	\$18,690													
3.3	<p><u>Multiyear Projects – Kings Square</u> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> P-10297 Construct-Walyalup Civic Centre and Library P-10295 Design and construct - Newman Court public realm P-11680 Design and construct - Kings Sq playspace 													
	300000.1606 300000.3923 300000.3914	P-10297 Construct-Walyalup Civic Centre and Library <table border="1"> <tr> <td>Unspent Loan</td> <td>\$591,826</td> </tr> <tr> <td>Investment Reserve</td> <td>\$18,154,064</td> </tr> <tr> <td>Total</td> <td>\$18,745,890</td> </tr> </table>	Unspent Loan	\$591,826	Investment Reserve	\$18,154,064	Total	\$18,745,890	(14,000,000)		(4,745,890)	(18,745,890)		
Unspent Loan	\$591,826													
Investment Reserve	\$18,154,064													
Total	\$18,745,890													
	300085.1606 300085.3923	P-10295 Design and construct - Newman Court public realm <table border="1"> <tr> <td>Investment Reserve</td> <td>\$1,508,359</td> </tr> <tr> <td>Total</td> <td>\$1,508,359</td> </tr> </table>	Investment Reserve	\$1,508,359	Total	\$1,508,359	(1,498,029)		(10,330)	(1,508,359)				
Investment Reserve	\$1,508,359													
Total	\$1,508,359													
	300051.1606 300051.3915 300051.4223	P-11680 Design and construct - Kings Sq playspace <table border="1"> <tr> <td>Grant 20-21</td> <td>\$342,000</td> </tr> <tr> <td>Unspent Muni</td> <td>\$71,385</td> </tr> <tr> <td>Muni 20-21</td> <td>\$258,000</td> </tr> <tr> <td>Total</td> <td>\$671,385</td> </tr> </table>	Grant 20-21	\$342,000	Unspent Muni	\$71,385	Muni 20-21	\$258,000	Total	\$671,385	(671,403)		18	(671,385)
Grant 20-21	\$342,000													
Unspent Muni	\$71,385													
Muni 20-21	\$258,000													
Total	\$671,385													

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget				
3.4	<p><u>Reserve Funded Projects</u></p> <p>Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> • P-11843 Design and construct- Markets Building Services • P-11670 Design and construct-Leisure Centre Pool Roof 									
	300121.1606 300121.3923	<p>P-11843 Design and construct- Markets Building Services</p> <table border="1"> <tr> <td>Fremantle Market Conservation Reserve</td> <td>\$223,800</td> </tr> <tr> <td>Total</td> <td>\$223,800</td> </tr> </table>	Fremantle Market Conservation Reserve	\$223,800	Total	\$223,800	(222,600)		(1,200)	(223,800)
Fremantle Market Conservation Reserve	\$223,800									
Total	\$223,800									
	300123.1606 300123.3923	<p>P-11670 Design and construct-Leisure Centre Pool Roof</p> <table border="1"> <tr> <td>Leisure Centre Upgrade Reserve</td> <td>\$57,600</td> </tr> <tr> <td>Total</td> <td>\$57,600</td> </tr> </table>	Leisure Centre Upgrade Reserve	\$57,600	Total	\$57,600	(19,535)		(38,065)	(57,600)
Leisure Centre Upgrade Reserve	\$57,600									
Total	\$57,600									
4.0	<p>Budget amendment to release quarantined base operating expenditure</p> <p>Release \$15,000 of the quarantined amount for the sponsorship of the Fremantle Chamber of Commerce Business Awards base operating expenditure (IP Account 100096), in the adopted 2020/2021 budget.</p>									

Carried en bloc: 7/0

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

COUNCIL DECISION ITEM FPOL2009-9

(Officer recommended amendment to Committee Recommendation)

Amend the committee recommendation to include an additional budget amendment item numbered 1.2, for the WAFL Grand Final (shown in green italics), to read as follows:

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve the required budget amendments to the adopted budget for 2020/2021 as outlined below:

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
1.1	Additional Grant funding received for Federal Domestic Violence to fund junior solicitor and upgrade IT software at Fremantle Legal Centre.					
	100553.4321	Provide Legal Aid - Family + Domestic Violence	127,643	108,274		235,917
	100553.7111	Provide Legal Aid - Family + Domestic Violence	(84,152)		(60,334)	(144,486)
	100553.7143	Provide Legal Aid - Family + Domestic Violence	(9,407)		(8,740)	(18,147)
	100553.7144	Provide Legal Aid - Family + Domestic Violence	(1,866)		(600)	(2,466)
	100553.6823	Provide Legal Aid - Family + Domestic Violence	(400)		(18,600)	(19,000)
	200xxx.6823	P - Upgrade IT software Fremantle Legal Centre	0		(20,000)	(20,000)
1.2	The City of Fremantle was successful in its bid to host the WAFL Grand Final at Fremantle Oval on the 4th October. This budget amendment is to increase budget of \$34,000 for the event, this will be funded from Muni surplus of 20/21(\$6,417) and Muni surplus carried forward from 19/20 FY (\$27,583). This includes \$6,000 for the CoF Function.					
	<i>200790.6823</i>	<i>WAFL Grand Final - Freo Fan Deck - Esplanade Live Site Activities - Fan march</i>	<i>0</i>		<i>(26,500)</i>	<i>(26,500)</i>
	<i>200790.6822</i>	<i>WAFL Grand Final - MC</i>	<i>0</i>		<i>(2,000)</i>	<i>(2,000)</i>
	<i>200790.6881</i>	<i>WAFL Grand Final - Hospitality</i>	<i>0</i>		<i>(5,000)</i>	<i>(5,000)</i>

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
	200790.6311	WAFI Grand Final - Promotional collateral printing	0		(500)	(500)
	200790.3911	Muni surplus – 20/21 FY P11948	0	6,417		6,417
	200790.3915	Muni surplus – 19/20 FY P11948	0	27,583		27,583
2.1	The City of Fremantle, together with Town of Mosman Park and in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to continue the coastal monitoring program for Port, Leighton and Mosman beaches. Implementing the coastal monitoring program was recommended in the Coastal Adaptation Plan adopted by Council in 2017, and will provide critical data for use in the coastal adaptation design and implementation for Port Beach. This budget adjustment will enable the City to match partner contributions and meet the conditions of grant and allow the City to accept the grant.					
	200466.6824	P-11708 Plan – Coastal monitoring			(37,500)	(37,500)
	200466.4313	P-11708 Plan – Coastal monitoring		11,932		11,932
	200466.3915	P-11708 Plan – Coastal monitoring - Muni Surplus 19/20		135		135
	200467.3911	P-11708 Plan – Coastal monitoring - Muni Surplus 20/21		6,683		6,683
	200466.4327	P-11708 Plan – Coastal monitoring		18,750		18,750
2.2	As requested by Council in December 2019, the City of Fremantle, in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to complete the design component of the Port Beach Coastal Adaptation Option. This budget adjustment will enable the City to match partner contributions and meet the conditions of the grant and allow the City to accept the grant.					
	300110.1606	P-11823 Design and construct-Port Beach coastal adaptation	(29,564)	0	(25,484)	(55,048)
	300110.3915	P-11823 Design and construct-Port Beach coastal adaptation	25,000	0	0	25,000
	300110.4226	P-11823 Design and construct-Port Beach coastal adaptation	0	13,384	0	13,384

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
	300110.4299	P-11823 Design and construct-Port Beach coastal adaptation	4,564	0	0	4,564								
	300110.4313	P-11823 Design and construct-Port Beach coastal adaptation	0	6,050	0	6,050								
	300110.3911	P-11823 Design and construct-Port Beach coastal adaptation - Muni contribution -20/21	0	6,050	0	6,050								
3.1	<p>Unspent Municipal Fund Projects Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>The carry forward projects with an adjustment to unspent municipal funds for 20-21 are: P-11842 Design and construct-Westgate Mall courtyard P-11884 Design and Construct -Recycle Shop P-11867 Design-Booyeembara Part-Mountain Bike Trail</p>													
	300119.1606	P-11842 Design and construct-Westgate Mall courtyard	(34,703)		(2,077)	(36,780)								
	300119.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$36,780</td> </tr> <tr> <td>Total</td> <td>\$36,780</td> </tr> </table>					Unspent muni	\$36,780	Total	\$36,780				
Unspent muni	\$36,780													
Total	\$36,780													
	300160.1606	P11884 Design and Construct -Recycle Shop	(6,000)		120	(5,880)								
	300160.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$5,880</td> </tr> <tr> <td>Total</td> <td>\$5,880</td> </tr> </table>					Unspent muni	\$5,880	Total	\$5,880				
Unspent muni	\$5,880													
Total	\$5,880													
	200782.1606	P-11867 Design-Booyeembara Part-Mountain Bike Trail	(5,930)		4,091	(1,839)								
	200782.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$1,839</td> </tr> <tr> <td>Total</td> <td>\$1,839</td> </tr> </table>					Unspent muni	\$1,839	Total	\$1,839				
Unspent muni	\$1,839													
Total	\$1,839													
3.2	<p>Unspent Grant Fund Projects Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>Carry forward projects with an adjustment to unspent grant funds for 20-21 are: Operate volunteering program P-11879 -Design and construct -Rockwall Port Beach</p> <p>Carry forward projects with further grant funds to be received in 20-21 are: P11876 - Renovation Fremantle Netball Club</p>													
	100474.6823	Operate volunteering program	(38,125)		(1,240)	(39,365)								
	100474.4399	<table border="1"> <tr> <td>Grant 20/21</td> <td>\$34,836</td> </tr> <tr> <td>Muni 20/21</td> <td>\$3,289</td> </tr> <tr> <td>Unspent grant</td> <td>\$1,240</td> </tr> <tr> <td>Total</td> <td>\$39,365</td> </tr> </table>					Grant 20/21	\$34,836	Muni 20/21	\$3,289	Unspent grant	\$1,240	Total	\$39,365
Grant 20/21	\$34,836													
Muni 20/21	\$3,289													
Unspent grant	\$1,240													
Total	\$39,365													
	100474.4328													
	300163.1606	P-11879 -Design and construct -	(65,294)		(6,556)	(71,850)								

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
	300163.4299 300163.3915	Rockwall Port Beach Unspent grant \$35,925 Unspent muni \$35,925 Total \$71,850				
	300154.1606 300154.4222	P11876 - Renovation Fremantle Netball Club Grant 20-21 \$18,690 Total \$18,690	0		(18,690)	(18,690)
3.3	<p>Multiyear Projects – Kings Square Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are: P-10297 Construct-Walyalup Civic Centre and Library P-10295 Design and construct - Newman Court public realm P-11680 Design and construct - Kings Sq playspace</p>					
	300000.1606 300000.3923 300000.3914	P-10297 Construct-Walyalup Civic Centre and Library Unspent Loan \$591,826 Investment Reserve \$18,154,064 Total \$18,745,890	(14,000,000)		(4,745,890)	(18,745,890)
	300085.1606 300085.3923	P-10295 Design and construct - Newman Court public realm Investment Reserve \$1,508,359 Total \$1,508,359	(1,498,029)		(10,330)	(1,508,359)
	300051.1606 300051.3915 300051.4223	P-11680 Design and construct - Kings Sq playspace Grant 20-21 \$342,000 Unspent Muni \$71,385 Muni 20-21 \$258,000 Total \$671,385	(671,403)		18	(671,385)
3.4	<p>Reserve Funded Projects Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are: P-11843 Design and construct- Markets Building Services P-11670 Design and construct-Leisure Centre Pool Roof</p>					
	300121.1606 300121.3923	P-11843 Design and construct- Markets Building Services Fremantle Market Conservation Reserve \$223,800	(222,600)		(1,200)	(223,800)

Item	Account #	Account Details		2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
		Total	\$223,800				
	300123.1606 300123.3923	P-11670 Design and construct-Leisure Centre Pool Roof		(19,535)		(38,065)	(57,600)
		Leisure Centre Upgrade Reserve	\$57,600				
		Total	\$57,600				
4.0	<p>Budget amendment to release quarantined base operating expenditure</p> <p>Release \$15,000 of the quarantined amount for the sponsorship of the Fremantle Chamber of Commerce Business Awards base operating expenditure (IP Account 100096), in the adopted 2020/2021 budget.</p>						

Carried by absolute majority: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

Cr Bryn Jones left the meeting at 6.42 and returned at 6.44 prior to voting.

FPOL2009-10 STAN REILLY SITE – REVOCATION OF EXISTING MANAGEMENT ORDER

Meeting date:	9 TH September 2020
Responsible officer:	Manager City Design
Decision making authority:	Council
Agenda attachments:	1. Plan of Stan Reilly Site 2. WAPOL Building Concept 3. City's Preferred Plan for Stan Reilly 4. Proposed area within Oval Reserve to be removed from Crown Grant in Trust conditions

SUMMARY

Following the recent State Government announcement that a new West Australian Police Headquarters will be constructed on the Stan Reilly site, the Department of Planning, Lands and Heritage has now written to the City seeking comment on the required revocation of the City's Management Order over the land.

This provides an opportunity for the City to reinforce aspects of the recent Council resolution, in particular:

- the need for a public road to enable/access future development within the Oval and Hospital precinct;
- the need for the City and State to continue to work collaboratively on progressing the overall plans for the oval and hospital precinct.

In addition, under the Land Administration Act, an opportunity exists to seek compensation towards improvements that have been made to Crown land that is subject to a management order, in this case, the construction of the public carpark on the Stan Reilly site.

This report recommends that Council provides advice to Government in support of revocation of the management order, subject to key conditions around future road access, compensation and progressing with the vision for the Oval Redevelopment.

BACKGROUND

At its meeting on **26th August 2020** the Council resolved to:

1. *Confirms its commitment to a planned redevelopment of the broader Fremantle oval, hospital and police precinct. and formally requests a site meeting with WA Police, Department of Health, Development WA and the City to discuss planning and design of the WA Police development in context of the desired outcomes for the broader precinct.*

2. *Adopts the Key Principles Diagram to guide planning and design of the precinct and to inform advocacy and consultation with other stakeholders, subject to the following adjustments:*
 - a. *Amend principle 1, second dot point, to read: Resolve the disconnection between the oval and Victoria Pavilion that diminishes the grandstands functionality as a spectator stand”;*
 - b. *Amend the Key Principles Diagram to add a third ‘entry point’, indicated using the yellow circle, to coincide with the southern gateway at the south end of the Stan Reilly site and including the northern curtilage at A-Block within the hospital precinct;*
 - c. *Amend the Key Principles Diagram to add an “Other Heritage Elements” category, and use this to identify the location of the South Terrace State School, the Ron Doig ward, and the Laundry/Boiler room on the diagram;*
 - d. *Amend principle 6 to read: “Concentrate future development in an arc around the western and southern sides of the oval, to include the areas associated with the Victoria Pavilion and Doig Pavilion. Significant or large development shall be away from the prison, scarp and ramp”.*
3. *Highlights in its advice to government, the critical importance of providing for a new access road from South Terrace to the oval land along the southern boundary of the Stan Reilly site to facilitate long-term redevelopment of the precinct.*
4. *Informs the State Government and WAPOL of its intention to retain in the public interest the southern portion of the Stan Reilly site (i.e. a portion of Local Reserve LR3158/534) to include a frontage to South Terrace measuring between 18 - 24 metres, and all of the land within or adjacent to the oval that has a set back from South Terrace of more than approximately 44 metres , being a land area of approximately 1660 to 1925 square metres, for the purpose of maintaining and enhancing reasonable access, urban connectivity, emergency routes and amenity for the southern portion of Fremantle Oval and the land locked re-development areas located within the Fremantle Hospital precinct.*
5. *Requests the City to finalise as a matter of urgency, and in collaboration with the South Fremantle Football Club; Fremantle Football Club; the Western Australian Football Commission; and other potential partners, the proposal for a football hub of excellence at Fremantle Oval. The proposal shall form part of a submission to the State Government to include the opportunity for mutually beneficial integration of the WAPOL building within the greater oval/hospital precinct.*
6. *Notes the significant deleterious impacts that excising the Stan Reilly site from the oval precinct will have on Council's redevelopment plans for Fremantle Oval. Council invites the State Government and WAPOL to assist in the mitigation of these impacts by working with the City and its existing/potential football tenants to explore mutually beneficial site planning, land tenure, servicing and design options. As an integral part of delivering a mutually agreeable outcome, Council agrees to actively and reasonably consider relinquishing all of the land in the northern portion of the Stan Reilly site not covered by condition 4.*

FINANCIAL IMPLICATIONS

There are no direct Financial Implications on the current budget by this Report. Refer to discussion in Officer Comment regarding the broader impacts associated with the proposed development of the Police Head Quarters on the Stan Reilly site.

LEGAL IMPLICATIONS

The current management order over the Stan Reilly site gives the City of Fremantle 'Care, Control and Management' of this portion of Crown Land, as prescribed under the **Land Administration Act, 1997**. There are two components of the Act that are particularly relevant here:

Revocation of Management Order

The key part of the Act that applies here is Section 50, which allows the Minister for Lands to revoke an existing management order under two scenarios:

- by mutual agreement (in this instance between City and State); or
- if considered to be 'in the public interest'.

It is anticipated that the State Government will argue that revoking the existing management order to build a new Police Head Quarters in Fremantle is in the public interest. However, it is also argued in this Report that the retention of a reasonable amount of land to be set aside for critical access to the future redevelopment of the oval and Hospital precinct is also very much in the public interest.

Compensation under the Act

On the matter of compensation, Clause 50(3) states:

"On the revocation of a management order ... the former management body may claim compensation under Part 10 for any improvement made on the relevant reserve in accordance with the management order ..."

It is understood that compensation associated with a management order revocation has limitations. However, there is a clear opportunity here to seek reasonable compensation from the government for the depreciated asset value of the Stan Reilly Carpark – a recent major investment by the City to provide a public facility.

The land parcels that constitute the Stan Reilly site are illustrated on **Attachment 1**.

OFFICER COMMENT

Whilst the Stan Reilly site presents various challenges regarding the design integration of a large government building in inner-city Fremantle, the overall infrastructure investment in a new Police Head Quarters, together with the function and activities it will bring, is seen as a positive for the Port City.

The concept planning for the police development is well underway (refer **Attachment 2**) and currently locates the building towards the southern end of the site. This creates:

- an 18m wide vacant lot to the north of the site (that could have a new management order on it for the City to control); and

- no land set aside at the southern end for a future road / public access to enable redevelopment at the southern end of the oval.

As part of the advice back to the Department of Planning, Lands and Heritage regarding the revocation of the management order, there are three components that have clear relevance here:

1. The need for a future public road to serve the wider precinct;
2. The need for compensation associated with the City's capital investment in creating a public carpark on the Stan Reilly site;
3. The need to ensure that the vision and future planning around the oval redevelopment progresses.

1. The Need for A Road

At its meeting in August 2020 the Council was very clear that making provision for a future road/public accessway was critical to the future planning and redevelopment within the oval and hospital precinct. This future project – that has been discussed with State Government for many years now – has the potential to bring considerable economic, social and cultural benefits to the people of Fremantle as well as the broader community in the Perth metropolitan area. The recent Council resolution called for a road reserve width of 18-24 metres. Recent advice from Government would indicate that a road width of 12 metres might be achievable. (This would be consistent with informal advice from the State's land development agency, Development WA, that suggested a minimum road width of 12m would be required as part of the Oval and Hospital future projects.)

As part of the advice back to Government regarding the revocation of the management order, it is suggested that the City request future provision for a public access road of minimum 18m. The justification for this is:

- An 18m wide reserve at the southern end would be the same width as the currently proposed vacant lot at the northern end;
- It is too early to establish the full transport requirements of the future road and therefore a conservative approach at this stage would help to avoid the risk that the road reserve ends up too narrow to adequately perform its future role.
- The average and predominant width of neighbouring streets widths is 20m wide.

In addition to the road connecting South Terrace to the Oval precinct, the Council sees this as an opportunity to adjust existing boundaries between the Stan Reilly site and the Oval in the south east corner to:

- tidy up what would otherwise be odd shaped and undevelopable lots;
- provide flexibility for a potential future laneway around the rear of football facilities, as part of broader plans for the precinct.

It is proposed that land set aside for future roads/public access is placed in City of Fremantle ownership as freehold lots.

2. The Need for Compensation for the Carpark

The City should advise the Government that it will be seeking cash compensation under Clause 50(3) of the Lands Administration Act, 1997, for the recent investment it has made in the Stan Reilly site to create a public carpark. The capital works were undertaken very recently and the depreciation on assets is minor. The City will need to commence a detailed document that clearly demonstrates relevant costs involved as part of the compensation application.

In addition, the City should seek a contribution from the Government for the projected loss of income associated with the Cappuccino Strip Carpark, on the basis that it will take a minimum of 2 years to find and develop an alternative site to replace all the existing public parking at this popular carpark.

3. The Need to Progress the Long-Term Vision for the Oval

The City and the State Government need to ensure that the vision for the precinct does not become lost in the current focus for a new Police Headquarters. Further planning is required to better articulate the vision and move the project towards a masterplan which can be implemented on an incremental basis.

To progress the broader plans, the City is currently active in the planning space and appears to have a greater appetite to lead the planning process. The City is actively working with key stakeholders around future needs for sporting facilities as well as continuing a dialogue with South Metro Health Services regarding a coordinated approach to the wider precinct.

To assist the City with advancing the plans for the Oval precinct, it is recommended that in advice to Government regarding the Stan Reilly site, it includes a request to remove current conditions that are attached to the City's management of the Oval, which is Crown Grant in Trust. This should focus on the western and southern end of the reserve where the City will need to resolve complex land tenure matters and future development opportunities.

The City's Proposals – Advice to Government

The City has prepared a plan that indicates the portions of land on the Stan Reilly site that should be excluded from development as part of the Police Headquarters. Refer to **Attachment 3**.

In additional, a plan of the oval has been marked up that indicates the areas that the City believes need to be removed from current conditions, under the Crown Grant in Trust tenure, to assist with progressing the broader plans for the Oval. Refer to **Attachment 4**.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council

1. Advises the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), on condition that:
 - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public access road, to the Oval and Hospital redevelopment precinct;
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;
 - b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;
 - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;
 - d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;
 - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.
 - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;
2. Authorises the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

Amend part 1 a. (i), to include the words shown in green italics and remove the word 'road' shown in red strikethrough, as follows:

- a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public *connectivity, vehicle access and emergency access* ~~road~~, to the Oval and Hospital redevelopment precinct;
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;

Amendment carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

AMENDMENT 2

Moved: Cr Andrew Sullivan

Seconded: Cr Hannah Fitzhardinge

Amend part 1 to include an additional part g, to read as follows:

- g. The timing of the revocation be subject to the commitment by the State to proceed with construction of a regional police station on this site, demonstrated through the award of tender for construction or submission of building licence.*

Amendment carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

Reason for change:

The recommendation was amended to ensure the former Stan Reilly site is retained for use by the City until it is needed by WA Police.

COMMITTEE RECOMMENDATION ITEM FPOL2009-10
(Officer's recommendation, as amended)

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council

1. Advises the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), on condition that:
 - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public *connectivity, vehicle access and emergency* access, to the Oval and Hospital redevelopment precinct;
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;
 - b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;
 - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;
 - d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;
 - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.
 - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;
 - g. *The timing of the revocation be subject to the commitment by the State to proceed with construction of a regional police station on this site, demonstrated through the award of tender for construction or submission of building licence.*
2. Authorises the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.

Carried: 7/0

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

ADDITIONAL OFFICER COMMENT

At the Finance, Policy, Operations and Legislation Committee (FPOL) meeting on 9 September 2020, an amendment to the original officer's recommendation was carried to include an additional point g. to part 1 of the recommendation. The intent of the amendment was to link revocation of the existing management order to a commitment by the State to proceed with the development of a regional police complex on the site and avoid a potential situation whereby the City relinquishes its management control over the land and subsequently the police development does not proceed and/or the State decides to use the land for another purpose.

Since the time of the FPOL Committee meeting, officers have reviewed the wording of the committee resolution and believe that the intent of the committee on this matter could be more clearly expressed by introducing additional wording into the beginning of part 1 of the recommendation in place of the wording in point g. as resolved by the committee. An amended officer's recommendation proposing this change is provided below.

OFFICER RECOMMENDED AMENDMENT TO COMMITTEE RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

1. Advises the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), **exclusively for the purpose of developing a regional police complex on the site and for no other purpose**, on condition that:
 - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public *connectivity, vehicle access and emergency* access, to the Oval and Hospital redevelopment precinct;
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;
 - b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;
 - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;

- d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;
 - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.
 - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;
 - ~~g. The timing of the revocation be subject to the commitment by the State to proceed with construction of a regional police station on this site, demonstrated through the award of tender for construction or submission of building licence.~~
2. Authorises the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.

PRESIDING MEMBER DETERMINATION

The Presiding Member determined he would allow a proposed amendment by Cr Andrew Sullivan be moved as the amendment was considered to be minor.

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

To add a new Part 1g as follows:

- g. Retention of the public carpark until such time as works are ready to commence on site.**

Amendment carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

COUNCIL DECISION ITEM FPOL2009-10

(Officer recommended amendment to committee recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

- 1. Advises the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), *exclusively for the purpose of developing a regional police complex on the site and for no other purpose*, on condition that:
 - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public *connectivity, vehicle access and emergency access*, to the Oval and Hospital redevelopment precinct;**
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;****
 - b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;**
 - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;**
 - d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;**
 - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.**
 - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;**
 - g. *Retention of the public carpark until such time as works are ready to commence on site.*****

- 2. Authorises the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.**

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

Mayor, Brad Pettitt brought forward the following item of Urgent Business and it has been numbered accordingly:

C2009-5 SWAN RIVER CROSSING

There are numerous groups with wide ranging agendas all calling for a pause in the Main Roads WA process to replace the Fremantle Traffic Bridge, to enable meaningful conversations to happen. The campaign from the two main groups, the NFCA and the Better Bridges group, is a unified one calling for a pause in the process. Elected members have argued that this battle can only be won by a community-led campaign and that our role is to support what our community calls for. The community campaign is now clearly focussed on the call to 'Pause the Bridge' and so that is what we must now support. There is also widespread condemnation of the community engagement process.

There are grounds for urgency. The Council resolution (Ordinary Meeting of Council held on 24 June 2020), assumed there would be consultation and was establishing some principles to follow. Now it appears the consultation is not happening. The whole "consultation" thing could be over by next month and MRWA may go ahead with design.

OFFICER COMMENT

Consideration of urgent business without notice is permissible under the Meeting Procedures Policy in the following circumstances:

"cases of extreme urgency or other special circumstances that

- (a) have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by council before the next meeting; and
- (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant adverse effect (financially or otherwise) on the City; or
 - (ii) result in a contravention of a written law."

A motion to consider this urgent motion is required to be carried to enable this matter to be considered.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Bryn Jones

That the motion below be supported as urgent business and be considered at this meeting.

Carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

COUNCIL DECISION ITEM C2009-5
(Elected member motion)

Moved: Cr Bryn Jones

Seconded: Cr Doug Thompson

Council supports the community calls for a pause in the current Main Roads WA design and procurement process to enable a proper and meaningful community engagement process on a range of options for the Swan River Crossings Project by State Government.

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

**FPOL2009-11 NOTICE OF MOTION - GREEN WASTE RECOVERY – SUBMITTED
BY CR SAM WAINWRIGHT**

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

ELECTED MEMBER SUMMARY

The City is a member of the Southern Metropolitan Regional Council (SMRC) and as such, the City's green waste is transported to and processed through the Regional Resource Recovery Centre (RRRC) at Canning Vale. The Green Waste processing creates mulch from the clean green waste gathered.

The RRRC facility is open to the public 7 days a week, 8.00am to 4.00pm and accepts Green Waste for processing from residents and commercial operators brought to the facility on trailers – fees do apply.

The City of Cockburn and Town of East Fremantle provide their residents with (up to 3) tip / trailer passes so that they can use the RRRC facility with up to 1.5 cubic metres of green waste per pass. The City of Fremantle does not currently offer this service to its residents for green waste.

The City does currently accept green waste at the Montreal Street Recycling Centre, this service is well used and popular with the community.

The City's recycling centre's current opening hours are Fridays from 12pm to 4pm and Saturdays and Sundays 8am to 4pm, this unfortunately means that no free green waste recovery service is available to City of Fremantle residents Monday to Thursdays.

REASON FOR MOTION

To provide the City's residents with an improved service option and increased (7 days a week) access to a green waste recovery service.

OFFICER COMMENT

Officers are supportive of this proposal; the service has been discussed with the SMRC and a can be provided on a similar basis to that already provided to the City of Cockburn and Town of East Fremantle.

Current passes for the recycling centre (bulk waste) have already been distributed to residents; to commence this service mid-year, officers would propose to develop and provide new green waste passes for City of Fremantle residents – these could be made available for collection at the City's Administration office.

Should the service be viable and well received the process can be streamlined for the 2021/22 financial year with the passes included in the normal mailing / distribution process.

The current fee for green waste at SMRC's Regional Resource Recovery Centre at Canning Vale is \$30 per trailer load (with up to 1.5 cubic metres of green waste) and the City will be required to cover this cost.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM FPOL2009-11 **(Committee recommendation)**

Moved: Cr Sam Wainwright

Seconded: Cr Su Groome

Council request officers establish a service for City of Fremantle residents to have access to green waste passes (with up to 1.5 cubic metres of green waste per pass) for the green waste recovery facility at the SMRC's Regional Resource Recovery Centre at Canning Vale. The new service to provide 3 free passes per annum and be available prior to November 2020.

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

11.3 Strategic Planning and Transport Committee 16 September 2020

SPT2009-3 PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS

Meeting date:	16 September 2020
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Agenda attachments:	1. Revised draft – Local Planning Policy 1.7
Additional information:	1. Extract – draft Planning and Development (Local Planning Scheme) Regulations 2015 Amendments - Proposed Change of Use Exemptions
	2. Fact Sheet – Planning Reform (LPS Regulations Cutting Red Tape)
	3. Fact Sheet – Planning Reform (LPS Regulations Improved Consultation Practices)
	4. Fact Sheet – Planning Reform (LPS Regulations Streamlined Approval Processes).

SUMMARY

On 26 August 2020, Council considered a report outlining potential refinements to the planning framework to support economic recovery from COVID-19. Amongst other things, Council resolved to amend its Local Planning Policy 1.7 to extend exemptions from requiring development approval for certain changes of use and minor works.

Also in August 2020 (following completion of the abovementioned report), the state government released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* aimed at further streamlining the planning system, and incorporating additional development approval exemptions to apply across the state.

This report recommends that Council:

1. Note the further changes being proposed to the ‘Deemed Provisions’ of the planning scheme through the state government reform project; and
2. Endorse for public consultation revisions to ‘Local Planning Policy 1.7 ‘Development Exempt from Approval under Local Planning Scheme No. 4’ to introduce additional exemptions, in accordance with its previous resolution.

BACKGROUND

On 26 August 2020, Council considered a report outlining potential refinements to the local planning framework to complement state-lead initiatives to support economic recovery from COVID-19. Amongst other things, Council resolved to:

1. *Approve the preparation of an amendment to Local Planning Policy 1.7 ‘Development exempt from planning approval under Local Planning Scheme No. 4’ to expand the range of land uses and minor development works exempted from requiring approval, for further consideration and formal adoption by*

Council. Types of development to be considered for exemption in the policy amendment shall include the following:

- a. *Development prescribed in exemptions 1.2, 1.3, 6.1 and 6.1 of the Planning & Development (Local Planning Schemes) Regulations - State of Emergency Clause 78H Notice of Exemption dated 30 April 2020 shall also be exempt on land within a Heritage Area designated under Local Planning Scheme No. 4.*
- b. *Changes in the use of an existing building in the City Centre zone to any of the following uses (in addition to uses already listed for this zone in Local Planning Policy 1.7):*
 - (i) *Child Care Premises*
 - (ii) *Health Studio*
 - (iii) *Medical Centre*
- c. *Changes in the use of an existing building in the Local Centre zone to any of the following uses (in addition to uses already listed for this zone in Local Planning Policy 1.7):*
 - (i) *Consulting Rooms*
 - (ii) *Shops with a net lettable area not exceeding 400 sq m*
 - (iii) *Office*
- d. *Minor internal works to non-residential heritage listed places (excluding places on the State Register) subject to the same limitations as already apply to internal works to buildings in residential use under clause 9 of Local Planning Policy 1.7.... "(SPT2008-4).*

The purpose of this report is to consider revisions to Local Planning Policy 1.7 (LPP1.7) responding to this.

The proposed policy revisions respond to the Council's strategic objectives to welcome investment and become an attractive destination for high-quality development, and to one of the priority initiatives identified in the COVID-19 Community Recovery Plan also adopted by Council on 26 August 2020.

OFFICER COMMENT

Concurrent with Council's resolution on this, the state government released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* which incorporate "30 proposals designed to streamline development assessment processes and reduce unnecessary red tape" (Dept. Planning, Lands & Heritage website). Amongst other things, the amendments propose to:

1. Replace the minimum consultation periods applicable to planning documents with exact periods (except with the approval of the WAPC);
2. Remove the requirement for hard copy documents subject to consultation to be put on display (allowing greater dependence on digital communication).
3. Introduced standardized consultation signage requirements for complex development applications.
4. Specify the exemption of single houses and grouped dwellings, extensions and other minor works which meet the 'deemed to comply' provisions of the R-Codes and introduce a requirement for local governments to confirm application (or not) of the exemption to property owners at their request.

5. Introduce restrictions on the extension of timeframes available to local government to grant referral agencies, following which no objection is to be assumed.
6. Introduce exemption of various changes of land use, primarily in commercial, centre or mixed use zones, including:
 - a. Shop (up to 400m²)
 - b. Restaurant / café
 - c. Convenience store (not selling petrol)
 - d. Consulting room (with open frontage)
 - e. Office (located above ground floor)
 - f. Liquor store – small (within the Perth Peel metropolitan area)
 - g. Small bar (within the Perth Peel metropolitan area and not abutting a residential zone)
 - h. Hotel or Tavern (up to 400m², within the Perth Peel metropolitan area and not abutting a residential zone)
 - i. Recreation Private (up to 400m², within the Perth Peel metropolitan area and not located on the ground floor)
(refer Additional Information attachment 1 for additional detail).
7. Introduce additional exemptions to parking shortfalls where the change in use is exempt or reasonable efforts have been made to provide the parking on site and parking is expected to meet demand, taking into account available off-site parking and / or other parking infrastructure.
8. Introduce standard requirements for cash in lieu of parking including a requirement that it be spent within 10 years of receipt, in accordance with an approved parking plan.
9. Introduce standard provisions for shared parking arrangements.
10. Introduce provision for a Precinct Structure Plan (as opposed to a traditional structure plan) which has capacity to incorporate built form provisions.
11. Increase in the consultation period for structure plans from a minimum of 28 days to 42 days.

A further summary of the amendments is provided in Additional Information attachment 2, 3 and 4.

Whilst the City is not proposing to make a formal submission on the amendments, Council should note the proposed changes. Several of them are very beneficial (including the proposal to make provision for precinct structure plans). Others raise some mild concerns (particularly in relation to interpretation) however are not very significant and appear likely to proceed in any event.

Should the proposed amendments be finalised, the introduction of additional exemptions via 'Deemed Provisions' in the Regulations remove the need for the City to introduce them via local planning policy. Given the alignment of the recommended modifications with previously established planning reform direction, and the rapidity with which previous Recovery reforms have been put in place, this seems likely to occur. It is open to Council to defer modification to its own Exempted Development policy until these changes are effected through gazettal of amendments to the Regulations, so that the revised policy can integrate with these changes. However, given the rate of change and the priority being given to recovery initiatives, pursuit of the proposed updates to the City's policy is recommended to proceed now, noting that further changes are likely to be necessary in the future. A revised policy incorporating the additional exemptions

resolved by Council is consequently attached for Council's endorsement (agenda attachment 1).

Given the increasing complexity in relation to when approval is or is not required, the preparation of an information sheet on this matter is in train, for publication on the City's website.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Local Planning Policies are prepared and adopted under the clauses 3 and 4 of the Deemed Provisions of the scheme, as specified in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Community consultation is required on the preparation and amendment of local planning policies under the Deemed Provisions specified in the *Planning and Development (Local Planning Schemes) Regulations 2015* except where the modification is considered minor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COUNCIL DECISION ITEM SPT2009-3 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council:

- 1. Endorse the revised draft Local Planning Policy 1.7 'Development Exempt from Approval under Local Planning Scheme No. 4' provided in Attachment 1 for the purposes of consultation.**
- 2. Adopt the revised draft Local Planning Policy 1.7 'Development Exempt from Approval under Local Planning Scheme No. 4' provided in Attachment 1 following consultation, providing there are no objections received during the consultation period.**
- 3. Request that the policy be referred back to Council for further consideration in the event that any objections are received.**

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

SPT2009-4 CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES

Meeting date:	16 September 2020
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Agenda attachments:	1. Nil
Additional information:	1. CAT Bus Routes

SUMMARY

On 10 June 2020, Council approved a temporary reduction in the Central Area Transit (CAT) service due to the economic impacts of COVID-19 and the significant drop in patronage then being experienced. The reduction involved temporary (up to 12 months) cessation of the Red CAT service and reduced frequency of the Blue CAT service by 50% (20 minute frequency instead of 10 minute frequency).

Council also resolved to conduct an internal review of the CAT bus service in the 2020/2021 financial year, with nine items listed for consideration, including state government/ministerial discussions, review of different models, routes and funding arrangements, and community and stakeholder engagement as to the future options for the service.

The purpose of this report is to provide an update on the work on the review undertaken to date, outline the project approach for remaining stages of work and define the key objectives of the CAT service to guide further investigation and stakeholder discussions.

This report recommends that Council:

1. Notes the progress of the CAT review to date and proposed project approach.
2. Endorses the key objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality.
Secondary objectives are to:
 - Reduce traffic congestion in the Fremantle City Centre;
 - Increase use of public transport;
 - Support a peripheral car parking model;
 - Provide more equitable access to key destinations and services within the City Centre.

BACKGROUND

A Central Area Transit (CAT) bus service (or variation of it) has operated in Fremantle since 2000. The service has been periodically reviewed and has evolved over time to the current two CAT routes shown in Additional Information attachment 1. The service operates under a contractual agreement between the City of Fremantle and the Public Transport Authority (PTA), which expires on 31 October 2022.

The City has reviewed the efficacy of the service and alternative models on several occasions since its introduction, considering the multiple transport, economic, community and other objectives to which it does (or could potentially) contribute. The most recent analysis of the service was completed in September 2016 and presented to elected members in an informal briefing session. The review identified strengths, weaknesses and financial implications of both the current service and other options (including a free transit zone model) but no changes were made.

In response to the significant social and economic disruption of the COVID-19 pandemic on the CAT service and City income, Council considered a temporary reduction of the CAT bus service and in June 2020 resolved as follows.

1. *Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:*
 - a. *Cease operation of the Red CAT service; and*
 - b. *Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes) for a period of up to 12 months, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) as a matter of urgency.*
2. *Council acknowledges the high level of patronage the Fremantle CAT buses have enjoyed and the importance of the service to a broad cross-section of the community. Subject to a more equitable and sustainable funding model, the Council would prefer the services to be retained in some form.*
3. *Council requires the Chief Executive Officer (CEO) to conduct an internal review of the CAT bus service during the 2020/21 financial year, in consultation with the service providers, the Chamber of Commerce, the Destination Marketing Working Group, major local attractions and the State Government, to consider appropriate level of service or alternative operational and funding models. The review is to include consideration of the following matters and actions with relevant stakeholder input and community consultation:*
 - a. *request the State government to look more favourably at funding the bulk of the Fremantle CAT services.*
 - b. *request the Minister for Transport to agree to a variation to the funding split.*
 - c. *request the Minister for Tourism to seek State assistance to provide this essential service to tourists.*
 - d. *request the Minister for Education and UNDA to work with the City to explore funding mechanisms that will enable the service to be available to their students.*
 - e. *prioritise parking investigations in areas serviced by the CATs with the aim of generating additional funding mechanisms for these services.*
 - f. *explore modifying the routes so the service is more cost effective, and to increase the catchments served.*

- g. liaise with the PTA to explore the option of converting the Fremantle CAT services to a low-cost, high frequency shuttle service;*
- h. investigate alternative funding models to generate revenues for area specific services, including the option to establish special area rates.*
- i. consider appropriate level of service or alternative operational and funding models, including a free transit zone. (C2006-8)*

In accordance with Part 1 of Council's resolution, a variation of the Fremantle CAT service agreement was executed between the PTA and the City on 10 July 2020 and the reduced service came into operation on 16 August. The variation agreement states that unless otherwise agreed by the City and the PTA, from 16 August 2021 the Red CAT route will be reinstated and the Blue CAT route service frequency shall revert to a ten minute service under funding arrangements commensurate with those prevailing prior to 16 August 2020.

The purpose of this report is to provide an update on the work undertaken to date on the internal review referred to in Part 3 of Council's resolution, outline the project approach and define the key objectives of the CAT service to guide further investigation and stakeholder discussions.

OFFICER COMMENT

The CAT review began in June, following the Council resolution, with background research, data consolidation and methodology development.

Overview

A CAT service typically serves a central urban area, often in a loop, and is designed to be simple, legible and frequent. They connect activity areas, higher density residential and other public transport nodes and, by focussing on a central area, tend to have relatively short routes. Their simplicity, frequency and (usually) relatively low cost seek to achieve widespread and enduring usage within the area of their operation. They are often introduced in areas where it is either unfeasible or undesirable to meet high localised transport demand by other modes.

CAT services can be either free, subsidised or full fare paying. Various funding models exist across Perth and globally including:

1. Fully government funded;
2. Parking taxes/levy-funded (e.g. Perth CAT);
3. Private sector-funded (e.g. shopping centre 'shuttles', university routes);
4. Combination funded (e.g. Joondalup CAT with ECU).

City of Fremantle finances most of its CAT service (60%), with the state paying the balance 40% which is unique in the Perth context. The two services cost (pre-COVID-19) \$1.1million a year which, based on 3 year average patronage rates, equates to approximately \$1.25 per trip (total cost) with the City of Fremantle meeting 75c of the cost of each of these. Because of the lower patronage of the Red CAT, the cost per ride for this service is proportionally higher than the more popular Blue CAT.

Like its Perth forerunner, the Fremantle CAT service has been popular, enjoying high levels of patronage and satisfaction overall, but detailed user statistics remain anecdotal:

high levels of student usage and relatively low levels of tourist use have been reported but never methodically verified. Similarly, the popularity of the service with many local residents is acknowledged but the extent to which it forms a vital service to them is unknown. As such, informed assumptions of the variety of users on existing and potential routes will need to form part of the analysis.

Project Approach

The table below summarises the proposed project approach and staging (noting some stages can progress concurrently). In essence, it revolves around a multi-criteria analysis factoring in the effectiveness of different routes and service options in meeting the defined objectives of the service, and funding options for these.

Stage	Description	Status
1	Previous CAT and public transport investigations and background	Complete
2	CAT service benchmarking	Complete
3	Route assessment and opportunities/constraints, funding models	Underway
4	Preliminary key stakeholder engagement	Partially commenced
5	Alternative transport models (e.g. shuttle, Free Transit Zone). Peripheral parking assessment.	Underway
6	Multi – criteria analysis: framework development	Underway
7	Multi – criteria analysis: route assessment	Not commenced
8	Collation of route and funding model results	Not commenced
9	Present findings, shortlist and recommendations to Council	Not commenced
10	Broader engagement on options and recommendations	Not commenced
11	Present outcomes of engagement and final recommendation to Council	Not commenced

Stakeholder and community engagement is proposed to occur following confirmation of the key objectives of the service to assist in shortlisting options. In particular, liaison with the stakeholders and government ministers listed in resolution 3 above is proposed to commence before the end of 2020 to ensure that funding opportunities are fully explored before shortlisting. Broader community engagement can then occur in the context of a firmer understanding of the feasibility of different alternatives.

Engagement with the PTA has already commenced.

Before proceeding further, Council confirmation of the key objectives of the CAT service is sought in order to ensure these are clearly defined as the base reference point for assessment of different options. This will also ensure effective communication and discussion with stakeholders and the community as the project progresses. This also builds on the Council resolution that the Council “*would prefer the services to be retained in some form*” in the future.

Objectives of the CAT Service

A challenge with past reviews of the CAT service relates to the absence of clearly defined objectives. The service is acknowledged to have multiple benefits, which different routes, arrangements and funding options contribute differently to. These include:

- Economic:
 - Providing an additional access option to central Fremantle and associated service areas (thereby support trade)
 - Supporting tourist access in and around Fremantle
 - Reducing traffic congestion and delay (particularly in the city centre)
 - Increased amenity through reduced traffic and parking
- Transport:
 - Providing additional choice
 - Reducing traffic congestion and delay
 - Increased efficiency of parking management through connection of peripheral parking nodes (reducing long term demand in city centre)
- Environmental:
 - Providing a lower emissions trip option
 - Reducing dependence on private car ownership
 - Increased amenity through lower emissions and congestion.
- Social
 - Increased equity of access for those serviced by the CAT
 - Reduced need for car ownership for those serviced by the CAT
 - Aged, disabled and youth-friendly transport mode.

Whilst a multi-criteria analysis allows multiple factors to be considered, in developing a short list of options and assessing the cost benefit of these, clarity on the primary objectives (versus secondary and tertiary benefits) of the service is important. Based on review of various CAT services as part of the research and benchmarking, the following key objective is suggested by officers:

The primary objective of the CAT services is to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality. Secondary objectives are to:

- *Reduce traffic congestion in the Fremantle City Centre;*
- *Increase use of public transport;*
- *Support a peripheral car parking model which allows consolidated and long stay parking stations on the edge of the City Centre;*
- *Provide more equitable access to key destinations and services within the City Centre.*

The criteria listed in the multi-criteria analysis might extend beyond these, however definition of the primary and secondary objectives will assist in shortlisting and would be expected to be more heavily weighted in the analysis.

Provision of a service to residents along the route is obviously also desirable however this is not the core business of local government and is not typically funded (or fundable) by rates alone. It is for this reason that this is not listed as key objective.

Different funding models might increase the emphasis placed on objectives or destinations. For example, a model focussed on tourist access and connecting tourist attractions might expect a greater proportion of state funding, whilst a model focussed on access for students to the university might expect contribution from the benefitting university. Specified area rate contribution might support extension of the service to through peripheral areas. These scenarios will be explored as part of the process however definition of the primary *raison d'être* for the service is necessary to provide an anchor from which to explore.

Development of the full set of assessment criteria, along with documentation of background and the preparation of options, will occur in due course.

FINANCIAL IMPLICATIONS

Nil for review project, however future funding model options and route/s will have financial implications. These will be explored and reported as the review progresses.

LEGAL IMPLICATIONS

Nil for review project. Future operational agreements will require contractual arrangements which will be explained and report as the review progresses.

CONSULTATION

Discussion with PTA has commenced. Engagement with other stakeholders will commence following definition of the service objectives, including in relation to the current funding model, explore future funding options and to gain feedback on how they view the CAT bus service (e.g. positives and negatives). This is in addition to, and to help inform any advocacy/discussion with state government and ministers for service support and/or changes in the future.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Moved: Cr Sam Wainwright Seconded: Cr Geoff Graham

Council

1. Notes the progress of the CAT review and proposed project approach.
2. Endorses the primary objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality. Secondary objectives are to:
 - Reduce traffic congestion in the Fremantle City Centre;
 - Increase use of public transport;
 - Support a peripheral car parking model;
 - Provide more equitable access to key destinations and services within the City Centre.

AMENDMENT

PRESIDING MEMBER DETERMINATION

The presiding member put the following amendment to Part 2 of the officer's recommendation to be voted on in two parts. Amendments in red strikethrough and green text as shown below:

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

1. To amend part 2, and add part 2a as follows:

Council:

2. Endorses ~~the primary objective of the CAT service as being to provide central area transit to maximise access to key destinations in and around the Fremantle City Centre to support its economic vitality and functionality~~ concurrent investigation of two distinct types of service options as set out below in the next stage of the review process:
- a. A service broadly based on the features of the current CAT service focused on maximising access to residents and visitors to key destinations and services in Fremantle. Secondary objectives are to:
 - o To support the economic vitality and functionality of Fremantle businesses.
 - o Reduce traffic congestion in the Fremantle City Centre.
 - o ~~Increase~~ Encourage use of public transport.
 - o Support a peripheral car parking model.
 - o ~~Provide more equitable access to key destinations and services within the City Centre.~~

Amendment carried: 7/0

Mayor Brad Pettitt, Cr Sam Wainwright, Cr Geoff Graham,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Marija Vujcic, Cr Jenny Archibald

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

2. To add Part 2b as follows:

- b. A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary.

Amendment carried: 5/2

For:

Mayor Brad Pettitt, Cr Sam Wainwright,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Jenny Archibald

Against:

Cr Marija Vujcic, Cr Geoff Graham

COMMITTEE RECOMMENDATION SPT2009-4
(Amended officer's recommendation)

PRESIDING MEMBER DETERMINATION

The presiding member put the committee recommendation to the vote in two parts, as shown below:

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council:

1. Notes the progress of the CAT review and proposed project approach.
2. Endorses *concurrent investigation of two distinct types of service options as set out below in the next stage of the review process:*
 - a. *A service broadly based on the features of the current CAT service focused on maximising access to residents and visitors to key destinations and services in Fremantle. Secondary objectives are to:*
 - *To support the economic vitality and functionality of Fremantle businesses.*
 - *Reduce traffic congestion in the Fremantle City Centre.*
 - *Encourage use of public transport.*
 - *Support a peripheral car parking model.*

Carried: 11/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Rachel Pemberton

Against

Cr Andrew Sullivan

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

- 2b. *A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary.*

Carried: 8/4

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Rachel Pemberton

Against

Cr Su Groome, Cr Geoff Graham, Cr Marija Vujcic, Cr Andrew Sullivan

COUNCIL DECISION ITEM SPT2009-4
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council:

1. Notes the progress of the CAT review and proposed project approach.
2. Endorses *concurrent investigation of two distinct types of service options as set out below in the next stage of the review process:*
 - a. *A service broadly based on the features of the current CAT service focused on maximising access to residents and visitors to key destinations and services in Fremantle. Secondary objectives are to:*
 - *To support the economic vitality and functionality of Fremantle businesses.*
 - *Reduce traffic congestion in the Fremantle City Centre.*
 - *Encourage use of public transport.*
 - *Support a peripheral car parking model.*
 - b. *A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary.*

Part 1 and Part 2a - Carried: 11/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Rachel Pemberton

Against

Cr Andrew Sullivan

Part 2b - Carried: 8/4

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Rachel Pemberton

Against

Cr Su Groome, Cr Geoff Graham, Cr Marija Vujcic, Cr Andrew Sullivan

12. Reports and recommendations from officers

C2009-1 MONTHLY FINANCIAL REPORT - AUGUST 2020

Meeting date:	23 September 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	1. Monthly Financial Report – 31 August 2020
Additional information:	Nil

SUMMARY

The Monthly Financial Report for the period ending 31 August 2020 has been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

This report provides an analysis of financial performance for August 2020 based on the following statements:

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

BACKGROUND

The following table provides a high level summary of Council's year to date financial performance as at 31 August 2020.

Description	YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance % %	+/-
Opening Surplus	1.39	4.00	2.61	187.34%	
OPERATING					
Rate Revenue	46.85	46.87	0.02	0.05%	
Revenue	4.31	4.85	0.54	12.46%	
Expenses	(10.30)	(7.42)	2.88	27.98%	
Non-Cash Adj.	1.19	0.00	(1.18)		
	42.05	44.30	2.26	5.28%	
CAPITAL					
Revenue	0.01	0.01	0.00	0.00%	
Expenses	(1.91)	(1.81)	0.10	5.21%	
Financing	(0.40)	(0.40)	0.00	0.00%	
Reserve Transfers	1.73	1.62	(0.11)	(6.35%)	
	(0.57)	(0.58)	(0.01)	1.75%	
Closing Surplus	42.87	47.72	4.86	11.32%	

As detailed in the Statement of Comprehensive Income by Nature and Type operating income and expenses have mainly varied to the anticipated budget in the following categories:

Income	Variance	
Fees and Charges	884,789	
Operating Grants	(336,908)	
Reimbursement Income	(42,209)	
Other Operating Income Items	53,721	
Total Operating Income	559,393	
Expenses	Variance	
Employee Costs	515,837	
Materials and Contracts	998,814	
Depreciation	1,186,348	
Other Operating Expense Items	180,108	
Total Operating Expenses	2,881,107	

Further explanation of material variances are included under officers comments.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 31 August 2020 resulted in an additional \$4,854,324 surplus being identified in the year to date position than anticipated, which is mainly as a result of :-

Reduction in anticipated year to date position

- Decreased net transfer to/from reserve of \$109,785

Increase in anticipated year to date position



- Increased carried forward surplus from 2019/20 of \$2,607,670;
- Increased general rates income of \$22,603
- Increased operating revenue (excluding general rates) of \$536,770
- Underspensing of operating expenditure to date of \$2,881,107


It should be noted that processing of 30 June 2020 is still occurring as part of finalising end of financial year which will change the end of year surplus for 2019-20 financial year.

Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2020-2021 for reporting material variances as 10% or \$100,000, whichever is greater (Item SC2007-2 refers Council meeting on 8 July 2020).

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

<i>Description</i>	<i>Variance Amount</i>	<i>Comment</i>
Operating Grants, Subsidies and Contributions	(336,908)	(26%) 
Major Variances:		
P-11729 Program-Reveal Aboriginal Artist 2020	(174,427)	Budget phasing required for unspent grant funds
P-10848 Program-In Cahoots art exhibition	(112,009)	Budget phasing required for unspent grant funds
Monitor city insurances (excluding workers compensation)	(77,304)	Budget phasing required for contributions credit on 2nd instalment
Fees and Charges	884,789	36% 
Major Variances:		
Operate on street paid parking	165,723	Parking revenue ahead budget at this stage and annual budget to be reviewed at budget review. Budget phasing required.
Operate car park 11 Esplanade Fremantle	27,224	
Operate Fremantle leisure centre health club	45,493	Revenue ahead of budget, recovery from Covid-19 earlier than expected.
Issue parking infringements	121,500	Parking infringement revenue ahead of budget at this stage and annual budget to be reviewed at budget review. Budget phasing required
Lease Union Store 41-47 High Street Fremantle - Tenant Recov	58,411	The budget of fees and charges has been prepared in recognition of the impacts of COVID-19. The actual performance will be closely monitored, and variance will be submitted for consideration of budget amendment at budget review.
Lease Evan Davies Building 13 South Terrace Fremantle - Tena	122,864	
Lease Port Beach Restaurant 42 Port Beach Road North Fremantle	30,742	
Lease Investment Trust Old Fire Station 20 Phillimore Street	25,000	
Materials and Contracts	998,814	
Major Variances:		
Dispose of MSW at Regional Resource Recovery Centre (RRRC)	315,745	Waiting receipt of for July invoices.
Collect waste - domestic	120,582	
Collect & dispose recycled waste - domestic	56,882	
Maintain & operate public toilets	40,744	

Maintain trees - road reserves and carparks	37,205	
Maintain Medians, Verges And Street Gardens	35,719	
Refer unpaid fines to fines enforcement	69,665	Budget phasing required for the unpaid fines to be referred to FER.
Maintain internet cloud and other hosted technologies	43,536	Adjustment to be made. Credit note received in 20/21 FY for an invoice paid for in 19/20 FY.
Depreciation on Non Current Assets	1,186,348	100% 
		Assets register hasn't been closed as EOY processing of 30 June 2020 is still occurring. Depreciation will be run after the final audit is finished.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2009-1 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 31 August 2020.

Carried: 11/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton**

Against

Cr Marija Vujcic

C2009-2 STATEMENT OF INVESTMENTS – AUGUST 2020

Meeting date:	23 September 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	Investment Report – 31 August 2020
Additional information:	Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 August 2020 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 31 August 2020.

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

- **Portfolio details as at August 2020;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

BACKGROUND

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

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

The City has committed to carbon neutrality, and will review and manage its investment portfolio to identify financial institutions which support fossil fuel companies (either directly or indirectly) and has limited these investments to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$76,109 against a year to date budget of \$77,072 which represents a negative variance of \$963.

Future interest earnings will be determined by the cash flows of the City's surplus cash and the movements in interest rates on term deposits. The Reserve Bank of Australia has decided to maintain the current policy settings, including the targets for the cash rate and the yield on 3-year Australian Government bonds of 25 basis points at its meeting on 1st September. The Australian economy is going through a very difficult period and is experiencing the biggest contraction since the 1930's. Reserve Bank is committed to do what it can to support jobs, incomes and businesses in Australia. Its actions are keeping funding costs low and assisting with the supply of credit to households and businesses. This accommodative approach will be maintained as long as it is required.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.65% for the month of 31 August. The City's actual portfolio return in the last 12 months is 1.36%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.66% (refer report point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 August 2020 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 31 August 2020

At month end the City's investment portfolio totalled \$67.62m. The market value was \$67.71m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments(<= 3 months)	\$28.14m
Term Deposits (> 3 months)	\$39.48m
TOTAL	\$67.62m

Of which:

Unrestricted cash	\$38.69m
Restricted cash (Reserve Funds)	\$27.60m
Restricted cash (Trust Funds)	\$ 1.33m
TOTAL	\$67.62m

The current amount of \$38.69m held as unrestricted cash represents 54.31% of the total adopted budget for operating revenue (\$71.24m)

2. Portfolio counterparty credit framework (as at 31 August 2020)

The City’s Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. The adopted counterparty credit framework is as below:

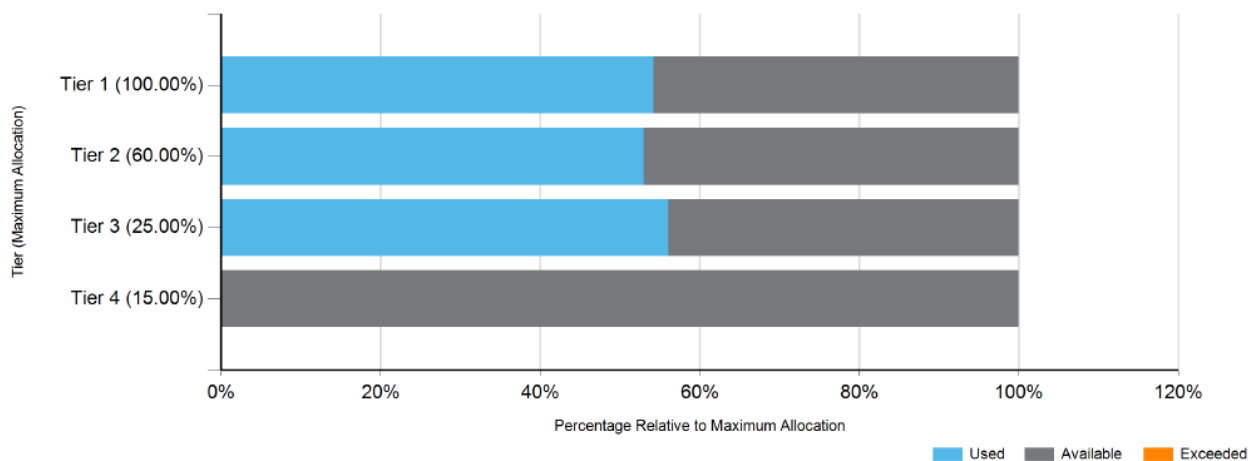
Counterparty credit framework

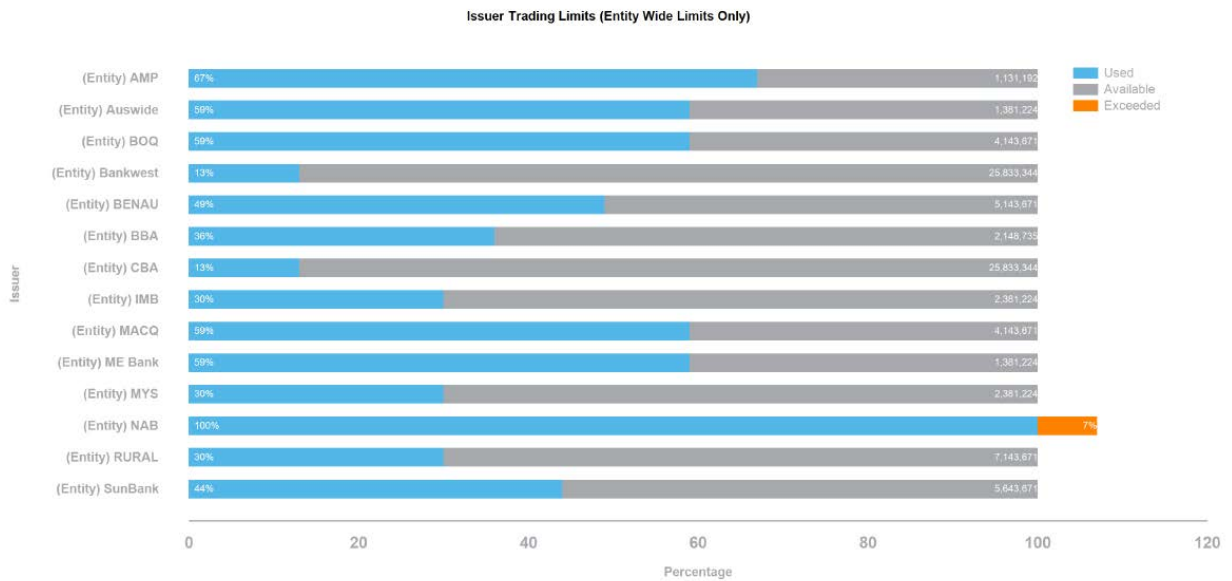
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government)	45%
Tier 2	15%
Tier 3	5%
Tier 4	(\$1m)

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

Portfolio Credit Framework Amounts Relative to Maximum Allocations





As reported in the above graph at the end of August 2020 all investments of the portfolio were compliant except funds invested at National Australia Bank Ltd (NAB). NAB cash at call and investment holdings are over the investment policy allowable threshold by 7% (\$2.2m).

The slight over investment occurred due to rates payments received at the end of August (due date was 28 August). Payments of more than \$5.5m net cash inflow were received on the last two working days and more than \$2.5m million was received on 31 August. As NAB is the City’s operating bank it received this increased cashflow into the at call account which resulted in exceeding the limits.

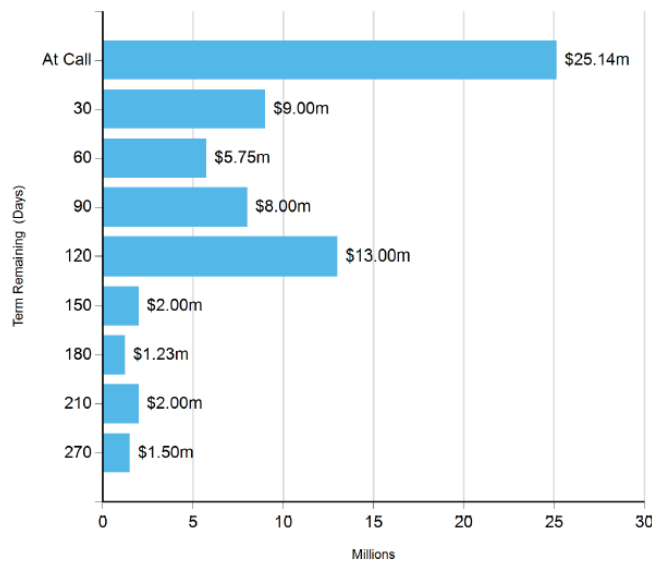
Investments have been since made from the NAB at call to various banks on 3 September to achieve maximum investment return within investment policy thresholds.

3. Portfolio Liquidity Indicator (as at 31 August 2020)

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

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

Face Value by Term Remaining

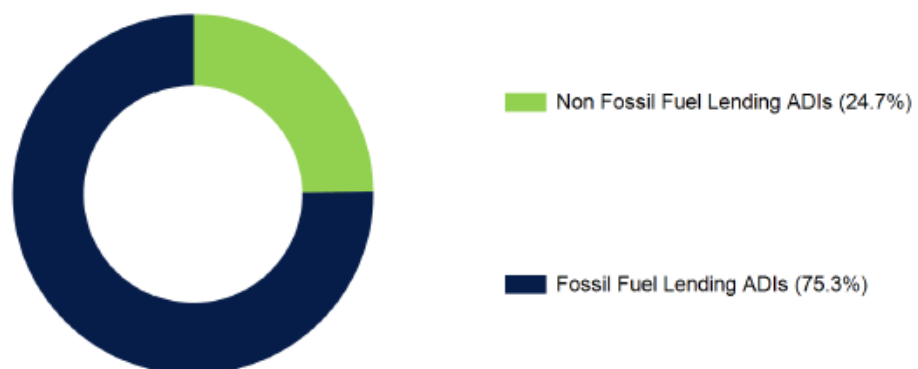


4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 31 August 2020)

At the end of this month \$16.73m (24.7%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non Fossil Fuel lending ADI’s).

The current investing conditions and the institution limits in the City’s investment policy are affecting the City’s ability to invest in non-fossil fuel institutions. Presently a large number of banks and in particular the small non-fossil fuel lending banks are not issuing new term deposits given high liquidity. The others are at their maximum limit for investment.

Fossil Fuel vs Non Fossil Fuel Lending ADI



5. Interest Income for Matured Investments (For 1 August 2020 to 31 August 2020)

During this month \$10,854 in interest was earned from matured investments.

6. Investing Activities (For 1 August 2020 to 31 August 2020)

During this month 2 term deposits of \$6m and a new cash at call investment of \$5m at MACQ Bank was acquired with a total value of \$11m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council receive the Investment Report for the month ending 31 August 2020.

PRESIDING MEMBER DETERMINATION

The Presiding Member determined he would allow a proposed amendment by himself as the amendment was considered to be minor.

AMENDMENT

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

To add a part 2 to the officer's recommendation as follows:

2. Write to the National Australia Bank as the City's primary bank asking them to go fossil fuel free.

The mover and seconder agreed to amend the wording of the amendment as shown in italics below:

To add a part 2 to the officer's recommendation as follows:

2. Write to the National Australia Bank as the City's primary bank asking them to *adopt a fossil fuel free investment policy.*

Amendment carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

COUNCIL DECISION ITEM C2009-2
(Amended officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

- 1. Council receive the Investment Report for the month ending 31 August 2020.**
- 2. *Write to the National Australia Bank as the City's primary bank asking them to adopt a fossil fuel free investment policy.***

Carried: 12/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

C2009-3 SCHEDULE OF PAYMENTS AUGUST 2020

Meeting date:	23 September 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	Schedule of payments and listing Purchase Card Transactions <i>Attachments viewed electronically</i>
Additional information:	Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending August 2020, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of August 2020, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,808,371.01 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

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

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

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending August 2020 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$4,914,831.40
Purchase card transactions	\$34,065.11
Salary / Wages / Superannuation	\$1,859,474.50
Other payments <i>(as outlined in Attachment 1)</i>	\$0.00
Total	\$6,808,371.01

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending August 2020.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2009-3 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$6,808,371.01 for the month ending August 2020, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending August 2020, as contained within Attachment 2.**

Carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

13. Motions of which previous notice has been given

Nil

14. Urgent business

Urgent Business Item - **Swan River Crossing** was moved forward by the Presiding Member and considered earlier in the meeting.

15. Late items

Nil

16. Confidential business

Cr Bryn Jones left the meeting at 7.55.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That the meeting be moved behind closed doors to consider the confidential item on the agenda.

Carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton**

At 7.55 the Presiding Member asked that all employees except the Director People and Culture leave the meeting. There were no members of the public present.

Cr Bryn Jones returned to the meeting at 7.57.

**C2009-4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW AUGUST
2020 - CONFIDENTIAL REPORT**

Meeting date: 23 September 2020
Responsible officer: Director People and Culture
Decision making authority: Council
Agenda attachments: 1. CEO Performance Committee Minutes – August 2020
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

- (a) a matter affecting an employee or employees

COUNCIL DECISION ITEM C2009-4

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Receive the minutes of the Chief Executive Officer Performance Review Committee meeting dated 12 August 2020, including the Assessing CEO Performance document, provided in Attachment 1.
2. The CEO Performance Review Committee completes the assessment of the 19/20 KPIs with the CEO and finalises the 20/21 KPIs to make them more measurable.

Carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That the meeting come out from behind closed doors.

Carried: 12/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

17. Closure

The Presiding Member declared the meeting closed at 8.44.